

## **CONVEYANCER'S CERTIFICATE**

I, the undersigned, **STEFANUS GIDEON MALHERBE**, in my capacity as Conveyancer, do hereby certify that I have inspected the records of the Deeds Registry in Cape Town in respect of the following property:

**ERF 18354 BRACKENFELL**

**SITUATED IN THE IN THE CITY OF CAPE TOWN,**

**STELLENBOSCH DIVISION,**

**PROVINCE OF THE WESTERN CAPE**

**IN EXTENT: 10.9240 (TEN COMMA NINE TWO FOUR ZERO) HECTARES**

**HELD BY: CERTIFICATE OF REGISTERED TITEL NO. T45336/2006** (attached hereto as Annexure "A").

I have been advised that application will be made for the rezoning of the abovementioned property to allow the development thereon of a mixed-use industrial development. Simultaneously, application will be made for the removal of any conditions from the Title Deed which would restrict such rezoning (insofar as it concerns use, building lines and the like).

**I have found the following conditions which may restrict the intended use of the property:**

**1. Condition V (on page 4):**

- A. "SUBJECT to the services servitude imposed by the City of Cape Town in its favour in terms of section 42(1) of the Land Use Planning Ordinance No 15/1985 when approving in terms of Section 25 of the said Ordinance the subdivision of which this erf forms a part, which servitude is indicated by the figure X.A.B.Z.A1.B1.C1.D1.E1.F1.P.G1.H1.J1.R.S.T.U. V.Y on said Plan No 7281/2005."

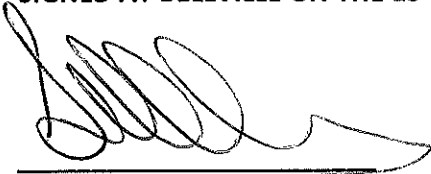


**2. Condition V (on page 5):**

B. "SUBJECT to the following condition imposed by the City of Cape Town in its favour in terms of section 42(1) of the Land Use Planning Ordinance when approving in terms of Section 25 of the said Ordinance the subdivision of which this erf forms a part, namely:

"This erf will not be sold by Duro Brick Company (Proprietary) Limited to third parties without the permission of the Local Authority. The site shall not be utilized for any other purpose other than the containment of asbestos waste disposal in line with all relevant environmental legislation."

**SIGNED AT BELLVILLE ON THE 15<sup>TH</sup> DAY OF SEPTEMBER 2020.**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

**CONVEYANCER**

**S G MALHERBE**

11/11

144  
SMUTS KEMP & SMAL  
Attorneys  
BELLVILLE

Prepared by me  
AL.  
CONVEYANCER  
AJ SMUTS

FEE  
R. 957.00

T000045336 / 2006

### CERTIFICATE OF REGISTERED TITLE

Issued under the provisions of Section Forty-Three of the Deeds Registries Act 1937 (no. 47 of 1937)

06 JUL 2006

Whereas

**DURO BRICK COMPANY (PROPRIETARY) LIMITED**  
No 1929/001280/07

Has applied for the issue to it of a Certificate of Registered Title under the provisions of the Deeds Registries Act 47 of 1937, and whereas it is the registered owner of the undermentioned land held by it under the Certificate of Consolidated Title No T 45332/06 to be registered herewith..

07 JUL 2006  
MURIE L

Δ1.

Now, therefore, pursuant of the provisions of the said Act, I, the Registrar of Deeds at Cape Town do hereby certify that the said

**DURO BRICK COMPANY (PROPRIETARY) LIMITED**  
**No 1929/001280/07**

its successors in title or assigns

Is the registered owner of:

**ERF 18354 PORTION OF ERF 18328 BRACKENFELL**  
Situat in the City of Cape Town  
Stellenbosch Division, Western Cape Province

**IN EXTENT: 10,9240 (One Nil comma Nine Two Four Nil)**  
hectare

**AS WILL APPEAR** from Plan SG No 7281/2005 and HELD by Certificate of Consolidated Title No. T ~~000045332 / 2005~~ <sup>000045332 / 2006</sup>.

**I. AS REGARDS THE FIGURE A.B.a.g.d.E.F.m.n.L.M.P.q.p.S.T.U.V.W ON SAID PLAN NO 7281/2005:**

A. **SUBJECT** to such conditions as are referred to in Certificate of Consolidated Title No T ~~000045332 / 2005~~ <sup>000045332 / 2006</sup>.

B. **ENTITLED** by Notarial Deed No K786/1999S dated 26 July 1999 and endorsed on Certificate of Consolidated Title No T80632/1996 to:

1. a dam servitude for the storage of water, defined by the figure **J.K.L.M** on Diagram SG No 4444/1997;
2. a services servitude 3,0 metres wide along a route to be determined;

Handwritten marks on the left side of the page, including two checkmarks and a circular scribble.

3. a stormwater servitude 3,0 metres wide along a route to be determined;

over Erf 11297 Brackenfell measuring 9,0506 (Nine comma Nought Five Nought Six) Hectare held by T 62443/1999. As will more fully appear from said Notarial Deed and Diagram SS4444/1997 annexed thereto.

**II. AS REGARDS THE FIGURE a.C.D.d.g ON SAID PLAN NO 7281/2005:**

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No 14816 dated 19<sup>th</sup> October 1920.

- B. **ENTITLED** by Notarial Deed No K786/1999S dated 26 July 1999 and endorsed on Certificate of Consolidated Title No T80632/1996 to:

1. a dam servitude for the storage of water, defined by the figure J.K.L.M on Diagram SG No 4444/1997;
2. a services servitude 3,0 metres wide along a route to be determined;
3. a stormwater servitude 3,0 metres wide along a route to be determined;

over Erf 11297 Brackenfell measuring 9,0506 (Nine comma Nought Five Nought Six) Hectare held by T 62443/1999. As will more fully appear from said Notarial Deed and Diagram SS4444/1997 annexed thereto.

**III. AS REGARDS THE FIGURE r.m.G.H.J ON SAID PLAN NO 7281/2005**

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No 12255 dated 28<sup>th</sup> August 1920.

B. ENTITLED by Notarial Deed No K786/1999S dated 26 July 1999 and endorsed on Certificate of Consolidated Title No T80632/1996 to:

- 1. a dam servitude for the storage of water, defined by the figure J.K.L.M on Diagram SG No 4444/1997;
- 2. a services servitude 3,0 metres wide along a route to be determined;
- 3. a stormwater servitude 3,0 metres wide along a route to be determined;

over Erf 11297 Brackenfell measuring 9,0506 (Nine comma Nought Five Nought Six) Hectare held by T 62443/1999. As will more fully appear from said Notarial Deed and Diagram SS4444/1997 annexed thereto.

IV. AS REGARDS THE FIGURES F1.u.M and L.p.q.r.J.K ON SAID PLAN NO 7281/2005:

A. SUBJECT to the conditions referred to in Deed of Transfer No 12255 dated 28<sup>th</sup> August 1920.

V. AS REGARDS THE ENTIRE PROPERTY HEREBY TRANSFERRED:

A. SUBJECT to a services servitude imposed by the City of Cape Town in its favour in terms of Section 42(1) of the Land Use Planning Ordinance No 15/1985 when approving in terms of Section 25 of the said Ordinance the subdivision of which this erf forms a part, which servitude is indicated by the figure X.A.B.Z.A1.B1.C1.D1.E1.F1.P.G1.H1.J1.R.S.T.U.V.Y on said Plan No 7281/2005.

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- B. **SUBJECT** to the following condition imposed by the City of Cape Town in its favour in terms of Section 42(1) of the Land Use Planning Ordinance when approving in terms of Section 25 of the said Ordinance the subdivision of which this erf forms a part, namely:

"This erf will not be sold by Duro Brick Company (Proprietary) Limited to third parties without the permission of the Local Authority. The site shall not be utilized for any other purpose other than the containment of asbestos waste disposal in line with all relevant environmental legislation."

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And that by virtue of these presents the said Duro brick Company (Proprietary) Limited is now and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

**THUS DONE AND EXECUTED** at the Office of the Registrar of Deeds at CAPE TOWN on this 23<sup>rd</sup> day of JUNE 2006.

  
REGISTRAR OF DEEDS





## CONVEYANCER'S CERTIFICATE

I/we, **MARCELLE STRYDOM** (conveyancer's name)

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town for restrictive conditions affecting the development of the following property(ies) (including title deeds and pivot deeds):

**ERF 18354 BRACKENFELL**

**1. CERTIFICATE TYPE** (please select only one option) (erf number/s and description/s as it appear in the title deed)

The information provided below is a certified record of all restrictive conditions affecting development on the above stated property(ies).

The information provided below is a certified record of all applicable restrictive conditions relating to a specific plan or proposed application of the above stated property(ies). (complete plan no., date and application type below).

Plan no. [ ] Date [ D D M M Y Y Y Y ] Application type [ ]

**2. SCHEDULE OF TITLE DEEDS APPLICABLE** (List title deed number in full and attach a complete set of copies)

CERTIFICATE OF REGISTERED TITLE NUMBER T45336/2006

**3. LIST OF RESTRICTIVE TITLE CONDITIONS** Please note: If any clause is selected, Addendum A needs to be completed for each property.

Categories	Title deed and clause number of restrictive conditions. Conveyancer to provide details of any necessary interpretation of conditions.		
	Title deed number	Clause number	Interpretation
Use of Land			
Building lines			
Height			
Number of dwellings			
Bulk floor area			
Coverage / built upon area			
Subdivision			
Servitudes that may be registered over or in favour of the property	CRT 45336/2006	V. A. page 4	SUBJECT TO A SERVICES SERVITUDE IN FAVOUR OF THE CITY OF CAPE TOWN
Other restrictive conditions limiting development	CRT 45336/2006	V. B. page 5	RESTRICTION ON SALE OF PROPERTY WITHOUT CONSENT OF LOCAL AUTHORITY AND RESTRICTION ON USE OF PROPERTY OTHER THAN CONTAINMENT OF ASBESTOS WASTE DISPOSAL.

Signed at **BELLVILLE** on this **19** day of **OCTOBER** 20**20**

Company name **MHI ATTORNEYS**

Postal address **295 DURBAN ROAD, BELLVILLE**

Tel **0861 919 070**

Email **marcelle@mhilaw.co.za**

**MARCELLE STRYDOM**  
KOMMISSARIS VAN OED / COMMISSIONER OF OATHS  
FRANSTISIERENDE PROKUREUR / PRACTISING ATTORNEY  
AKTEBESORGER / CONVEYANCER  
NOTARIS PUBLIEK / NOTARY PUBLIC  
**MHI PROKUREURS / ATTORNEYS**

Property reference

Allotment

ADDENDUM A

	APPLICABLE LEGISLATION OR TYPE OF CONDITIONS	APPLICATION NECESSARY TO CITY OF CAPE TOWN	AFFECTED CONDITION FOR PROPOSED DEVELOPMENT ON PROPERTY		BENEFICIARY IDENTIFICATION TO BE SUPPLIED BY CONVEYANCER	BENEFICIARIES (If insufficient space is provided in each block, then please attach a separate document or file)
			Title deed no.	Clause no.		
RESTRICTIVE CONDITIONS IMPOSED AT TIME OF TOWNSHIP ESTABLISHMENT	Municipal Planning By-law 2015	Mandatory			* All properties in affected Township (attach a copy of approved general plan) * Specified state departments	
	33/34 or LUPO or any other legislation repealed in terms of LUPA (see section 77)	Mandatory			* All properties in affected Township (attach a copy of approved general plan) * Specified state departments	
	Prior to 33/34	Voluntary			* Properties or individuals affected by the condition * Specified state departments	
	Developer	Voluntary			* Developer (if still alive) * Company (if not deregistered) * Properties or individuals affected by decision on application * Specified state departments	
	Praedial (multiple affected parties)	<i>No provision in MPBL for application to be made to the City at this time</i>			* Persons whose rights are affected * Specified state departments	
TRADITIONAL CONDITIONS IMPOSED AFTER TOWNSHIP ESTABLISHMENT	Personal (individual party)	<i>No provision in MPBL for application to be made to the City at this time</i>			* Individual named * Specified state departments	

It is acknowledged that the information on beneficiaries supplied will be relied upon by the City as being correct for Public Participation purposes.

Amended on: 16/01/2019



DEPARTEMENT VAN WATERWESE EN BOSBOU  
 DEPARTMENT OF WATER AFFAIRS AND FORESTRY  
 REPUBLIEK VAN SUID-AFRIKA • REPUBLIC OF SOUTH AFRICA

Kabinet

WATERWESE • WATER AFFAIRS

RESIDENSIEBOU • BUILDING, SCHOEMANSTRAAT 183 SCHOEMAN STREET  
 PRIVAATSAK • PRIVATE BAG N313, PRETORIA, 0001

Teleks • Telex: 32-2107      Telegram: DAMWATER

Faksimile • Facsimile: (012) 326-1780    (012) 323-1172

Navraag  
 Enquiries  
 Telefoon  
 Telephone  
 Verwysing  
 Reference

W.C. TWORECK

021 457330

B33/2/720/154

PERMIT NUMBER:                    B33/2/720/154/P19  
 TYPE:                                    ASBESTOS  
 WASTE DISPOSAL SITE:            EVERITE WORKS DISPOSAL SITE  
 LOCATION:                            PORTIONS OF ERVEN 2987/2988 - BRACKENFELL,  
    DIVISION OF BRACKENFELL  
 PERMIT HOLDER:                    EVERITE LTD - BRACKENFELL  
 ADDRESS:                              P.O. BOX 26, BRACKENFELL, 7560

PERMIT IN TERMS OF SECTION 20 OF THE ENVIRONMENT CONSERVATION ACT,  
 1989 (ACT 73 OF 1989)

By virtue of the powers delegated to me by the Minister of Water Affairs and Forestry (hereinafter referred to as "the Minister"), I, Wouter van der Merwe, in my capacity as Manager: Scientific Services of the Department of Water Affairs and Forestry, hereby, in terms of section 20(1) of the Environment Conservation Act, 1989 (Act 73 of 1989), authorise the abovementioned Permit Holder to operate the abovementioned waste disposal site, subject to the conditions specified herein.

PERMIT CONDITIONS

In this Permit, "Regional Director" means the Regional Director: Western Cape of the Department of Water Affairs and Forestry who may be contacted at the address below:

Regional Director: Western Cape  
 Department of Water Affairs and Forestry  
 Private Bag X9075  
 CAPE TOWN  
 8000

1. LOCATION

This Permit authorises the further development and operation of a waste disposal site on portions of erven 2987/2988 Brackenfell, Division of Brackenfell (hereinafter referred to as "the Site"). The boundaries of the Site shall be as indicated on plan number 720/154/2 dated 18 February 1991, submitted by the Permit Holder.



## 2. PERMISSIBLE WASTE

The Site shall only be used for the disposal of asbestos-cement waste of the factory.

## 3 CONSTRUCTION

- 3.1 The Site or any portion thereof may only be used for the disposal of permissible waste if the Site or any such portion is constructed or developed according to condition 3 of this Permit.
- 3.2 Should the Site be extended, the Permit Holder shall notify the Regional Director of such an extension prior to the disposal of waste thereon. If the Regional Director is satisfied with the construction of that extension and has given written permission thereto, the Permit Holder may use that extension for the further disposal of waste.
- 3.3 Extension of the Site shall be done under the supervision of the factory engineer proposed by the Permit Holder and approved by the Regional Director.
- 3.4 Works shall be constructed and maintained on a continuous basis by the Permit Holder to divert and drain from the Site in a legal manner, all runoff water arising on land adjacent to the Site, which could be expected as a result of the estimated maximum precipitation during a period of 24 hours with an average frequency of once in fifty years (hereinafter referred to as the "estimated maximum precipitation"). Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- 3.5 Works shall be constructed and maintained on a continuous basis by the Permit Holder to divert and drain from the working face of the Site, all runoff water arising on the Site, which could be expected as a result of the estimated maximum precipitation and to prevent such runoff water from coming into contact with leachate from the Site. Such works shall, under the said rainfall event, maintain a freeboard of half a metre.
- 3.6 Runoff water referred to in condition 3.5 shall comply with the quality requirements of the General Standard, prescribed in terms of section 21(4)(a) of the Water Act, 1956 as published in Government Notice 991 of 18 May 1984 or with such relaxed quality requirements as may from time to time be determined by the Minister and shall be drained from the Site in a legal manner.
- 3.7 Runoff water referred to in condition 3.5 which does not comply with the quality requirements applicable in terms of condition 3.6 and all leachate from the Site shall, by means of works which shall be constructed and maintained on a continuous basis by the Permit Holder be treated to comply with the aforementioned standard and discharged in a legal manner.
- 3.8 Works constructed in compliance with condition 3.7 shall be of a capacity to accommodate all runoff and leachate which could be expected as a result of the estimated maximum precipitation. Such works shall, under the said rainfall event, maintain a freeboard of half a metre.

- 3.9 The Site shall be constructed in accordance with recognised civil engineering practice to ensure that the Site remains stable.
- 3.10 The maximum height of the Site above ground level shall not exceed 10 metres.
- 3.11 The slope of the sides of the Site shall not be steeper than a gradient of one in three and shall be constructed in such a manner that little or no erosion occurs.

#### 4. ACCESS CONTROL

- 4.1 Weatherproof, durable and legible notices in both official languages shall be displayed at each entrance to the Site. These notices shall prohibit unauthorised entry and state the hours of operation, the name, address and telephone number of the Permit Holder and the person responsible for the operation of the Site.
- 4.2 The Site shall be fenced to a minimum height of 1,8 metres, with gates of the same height at all entrances, to reasonably prevent unauthorised entry.
- 4.3 The Permit Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 4.4 The Permit Holder shall ensure effective access control.
- 4.5 The Permit Holder shall take all reasonable steps to prevent the disposal of waste for which the Site has not been approved.

#### 5. OPERATION

- 5.1 Waste disposed of on the Site shall be covered on a daily basis with a minimum of 150 millimetres of soil or other material approved by the Regional Director.
- 5.2 The Permit Holder shall take all reasonable steps to ensure that the Site is operated in a manner that shall prevent the creation of nuisance conditions or health hazards.
- 5.3 Waste disposed of on the Site may not be reclaimed.

#### 6. REPORTING

The site specific information required in Annexure I shall be submitted to the Regional Director within a period of one year from the date of issuing of this Permit and annually thereafter.

#### 7. REHABILITATION AND CLOSURE OF THE SITE

- 7.1 The Permit Holder shall, at least 60 days prior to the intended closure of the Site, notify the Regional Director by registered mail of such closure and submit final rehabilitation plans for his approval.
- 7.2 Immediately following the cessation of operations with the intention to close the Site, the surface of the Site shall be covered in such a way that -

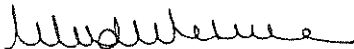
- 7.2.1 the formation of pools due to rain is prevented;
  - 7.2.2 free surface runoff of rain water is ensured; and
  - 7.2.3 no objects or materials which may hamper the rehabilitation of the Site are present.
- 7.3 The Permit Holder shall rehabilitate the Site to the satisfaction of the Regional Director.

#### 8. LEASING AND ALIENATION OF THE SITE

Should the Permit Holder want to alienate or lease the Site, he shall notify the Regional Director of such an intention in writing at least 60 days prior to the said transaction.

#### 9. GENERAL

- 9.1 This Permit shall not be transferable without the written approval and subject to the conditions specified by the Minister.
- 9.2 This Permit shall not be construed as exempting the Permit Holder from compliance with the provisions of the Health Act, 1977 (Act 63 of 1977), the Water Act, 1956 (Act 54 of 1956), the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983) or any other applicable act, ordinance, regulation or by-law.
- 9.3 The Minister shall have the power to amend or withdraw this Permit.



MANAGER: SCIENTIFIC SERVICES  
p.p. MINISTER OF WATER AFFAIRS AND FORESTRY

DATE: 1992.08.12



4.(a) Indicate the method of disposal of waste (\*). Landbuilding  Landfilling

(b) Indicate the present dimensions of the site in metres.

Height/depth .....  
 Length .....  
 Breadth .....

5. Indicate the applicable waste types and quantities salvaged during the year (\*)

No salvaging undertaken

Type	Quantity (m <sup>3</sup> )	Type	Quantity (m <sup>3</sup> )
<input type="checkbox"/> Paper/wood fibre	.....	<input type="checkbox"/> Rubber	.....
<input type="checkbox"/> Plastics	.....	<input type="checkbox"/> Textiles	.....
<input type="checkbox"/> Glass	.....	<input type="checkbox"/> Iron	.....
<input type="checkbox"/> Copper	.....	<input type="checkbox"/> Aluminium	.....
<input type="checkbox"/> Zinc	.....	<input type="checkbox"/> Lead	.....
<input type="checkbox"/> Phosphogypsum	.....	<input type="checkbox"/> Fly-ash	.....
<input type="checkbox"/> Waste for composting	.....	<input type="checkbox"/> Food residues	.....
<input type="checkbox"/> Flammable gases	.....	<input type="checkbox"/> Other	.....
Other .....	.....	Other .....	.....
Other .....	.....	Other .....	.....

6. Indicate the types, sources and approximate quantities of available covering material (\*).

Type	Sources	Quantity m <sup>3</sup>
<input type="checkbox"/> Soil	.....	.....
<input type="checkbox"/> Sand	.....	.....
<input type="checkbox"/> Ash	.....	.....
<input type="checkbox"/> Gravel	.....	.....
<input type="checkbox"/> Clay	.....	.....
<input type="checkbox"/> Building rubble	.....	.....
Other (specify)	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

\* Indicate with an X

Signature .....

Capacity.....

Place..... Date.....