

# **NORTHGATE**

NC/FR/SOL/01.2007

## **BIODIVERSITY OFFSET AGREEMENT**

between

**Rapitrade 555 (Pty) Ltd  
t/a Northern Cape Property Investment Holdings  
(Portion 16 , 42 & 30 of the Farm Roode Pan 70)  
("The Developer")**

and

**Trevor Datnow  
(On behalf of Biodiversity Off-set Property,  
Portion 1 of the Farm Vaalpan 118)  
(Consisting of 942.2052 hectares)  
("Property Owner")**

and

**Flamingo Conservation Trust  
("PBO to be formed")  
Represented by S. Mitha  
("PBO")**

1. Rapitrade 555 (Pty) Ltd t/a NCPIH has applied for environmental authorisation to develop Portion 16 MIDDLE CAMP of the farm Roodepan no. 70, in extent 241,2917 hectares, Portion 42 of the farm Roodepan no. 70, in extent 123,3406 hectares, Remainder of portion 30 of the farm Roodepan no. 70, 17,5275 hectares in extent and Portion 62, Portion of Portion 30 of the farm Roodepan no. 70, in extent 1,8997 hectares.
2. This environmental application was registered in January 2007 and assigned the project number NC/FR/SOL/01.2007 by DTEC.
3. The project is broken down into the following phases:

Phase 1 (Triangle Mall & Estate): Triangle Mall  
630 Apartments  
Public open space  
Total area: 17.9 Ha

Phase 2 (Central Park Estate): 2024 Single Residential Erven  
Four Educational Erven  
Two General Residential Erven  
Two Places of Worship  
One Local Authority Erf  
Public open space  
Total area: 97.2 Ha

Phase 3 (Flamingo Estate): 545 Single Residential Erven  
One Educational Erf  
One General Residential Erf  
One Place of Worship Erf  
Public open space  
Total area: 32.6 Ha

Phase 4 (Lakeview Estate): 412 Single Residential Erven  
One Educational Erf  
One Erf – Flamingo Education Centre  
Public open space  
Total area: 37.7 Ha

Phase 5 (Northgate Estate & Community Centre):  
Two Suburban Business Erf  
Six General Residential Erven  
Two Local Authority Erven  
Public open space  
Total area: 85.7 Ha

Phase 6 (Valleyview Estate): 521 Single Residential Erven  
One Educational Erf  
One Suburban Business Erf  
Public open space  
Total area: 36.8 Ha

Phase 7 (Camel Thorne Estate): 409 Single Residential Erven  
Four General Residential Erven  
One Educational Erf  
One Place of Worship Erven  
Public open space  
Total area: 50.0 Ha

Phase 8 (Kamfersdam Commercial Estate):  
83 Commercial Erven  
Public open space  
Total area: 25.8 Ha

4. The Environmental Assessment for the Northgate Property Development has been undertaken in accordance with the Environmental Impact Assessment (EIA) Regulations, published in Government Notice R1182 to R1184 of 5 September 1997, in terms of Section 21 of the Environmental Conservation Act (No 73 of 1989), as well as the National Environmental Management Act (No 107 of 1998) with particular reference to Government Notices R385, R386, R387 of 21 April 2006
5. In terms of the legislation above, the Northern Cape Department of Tourism, Environment and Conservation is the authority which will decide whether or not to approve the Environmental Authorisation.
6. The amended final environmental impact assessment was submitted by Mr Peter Roux of Turgis Consulting (the EAP) and received by DTEC on 21 July 2008.
7. In terms of chapter 8 of this final amended EIA, entitled "Biodiversity Offsets", "the developer" , will make the following development offsets , which form part of this agreement with "the property owner" and "PBO" :
8. Conservation Area (Biodiversity Off-set Area)  
(Portion 1 of the Farm Vaalpan 118)

In this agreement between NCPIH (Rapitrade 555 (Pty) Ltd)("the developer") and Mr Trevor Datnow ("property owner") of , a biodiversity off-set area will be created on Portion 1 of the Farm Vaalpan 118 (consisting of 942 hectares) , which will be referred herein as the "biodiversity off-set property" on which both Greater and Lesser Flamingos have on numerous occasions been observed. This will be

exclusively for the conservation of Lesser and Greater Flamingos consisting of 400 hectares , which will include the existing endorpeic pan area. This agreement will include the following points :

- Access to the pan and flamingos will be granted to “DTEC” and Dept. of Conservation at all reasonable times and by appointment.
- Access to the property and the pan will be granted to registered tourist guides and tourist groups, by means of appointment and by a reasonable gate fee payable on entrance.
- It has been agreed by Mr Trevor Datnow (“property owner”) that no development will take place within 500 meters of the “high water” mark of the pan.
- It has been agreed by Mr Trevor Datnow (“property owner”) that if any development occurs on the property it will not exceed 80 residential units or tourist lodging facilities which will be classified as an tourist /eco estate , for which the EIA is currently being performed and an R.o.D is awaited.
- This conservation area will be jointly managed by Mr Trevor Datnow (“property owner”) and the Flamingo Conservation Trust (“PBO”) , with regards to the conservation and protection of the Greater and Lesser flamingos only and the financial requirements required for this task.

#### 9. Construction of Water Pipeline

NCPIH (Rapitrade 555 (Pty) Ltd (“the developer”) will , as part of the infrastructure contract for Phase 1 of the Northgate Development , construct a pipeline from the development area (Northgate) to the “biodiversity off-set property” (“pan”) , for the transportation of treated waste water from the “Lilliput” domestic sewage waste water plant in order to hydrate the pan.

Budgeted Cost Estimate: R 1 900 000.00

#### 10.Re-routing of Power lines

NCPIH (Rapitrade 555 (Pty) Ltd) (“the developer”) will , as part of the infrastructure contract for Phase 1 of the Northgate Development , facilitate and pay for the re-routing of existing power lines which run through the existing pan area on the “biodiversity off-set property”.

Budget Cost Estimate: R 250 000.00

#### 11. Construction of Breeding Islands

NCPIH (Rapitrade 555 (Pty) Ltd) ("the developer") will, as part of the earthworks contract of Phase 1 of the Northgate Development, construct a minimum of 1 (one) flamingo breeding islands on the "biodiversity off-set property" under the same or similar specifications to which the island was constructed in Kamfersdam.

Budgeted Cost Estimate: R 620 000.00

#### 12. Construction of Tourist and Viewing Facilities

Upon the registration in the name of the buyer (end user) of every residential unit transferred in Phases 2 to 8, the conveyancing attorneys will be instructed to transfer R495.00 (four hundred and ninety five Rand) per unit to the Flamingo Conservation Trust ("PBO"), who will be mandated to utilize these funds for the construction of Roads, Tourist Facilities and Viewing Facilities on the "biodiversity off-set property".

Budgeted Donation: R 2 675 970.00

#### 13. Contributions to the Flamingo Conservation Trust (PBO)

Upon the registration in the name of the buyer (end user) of every residential unit transferred in Phases 2 to 8, the conveyancing attorneys will be instructed to transfer R700.00 (seven hundred Rand) per unit transferred to an attorneys trust account from where it will be transferred to the Flamingo Conservation Trust ("PBO") for the use by the PBO for operational costs, the construction and operational costs of a education / eco-centre, education programmes, promote tourism and the protection and conservation of the Lesser and Greater Flamingo in Kamfers Dam and the "biodiversity off-set property".

Budgeted Donation: R 3 784 200.00

14.Contributions to a maintenance Trust Account

Upon the registration in the name of the buyer (end user) of every residential unit transferred in Phases 2 to 8, the conveyancing attorneys will be instructed to transfer R250.00 (two hundred and fifty Rand) per unit transferred to an interest bearing attorneys trust account from where the interest will be utilised for the maintenance of the perimeter security wall and camera system.

Budgeted Donation: R 1 351 500.00

15.Perimeter Security Wall

Prior to the commencement of internal services on Phases 2 to 8 the developer commits to a perimeter security wall measuring 2900 linear meters with an approximate height of 2,100 meters as designed by our architects and engineers to be constructed in a suitable manner to ensure the security and access control to the Kamfersdam site and Northgate.

Budgeted Allowance: R1 624 000.00

16.Electric Fence

Prior to the occupation and transfer of any houses in Phases 2 to 8 the developer commits to install an electric fence system onto the existing Perimeter Security Wall measuring 2900 linear meters as designed by our engineers.

Budgeted Allowance: R580 000.00

17.Security Camera Monitoring System

Prior to the occupation and transfer of any houses in Phases 2 to 8, a security camera monitoring system will be installed as a commitment by the developer, to monitor the perimeter security wall and parts of the Kamfersdam heritage site.

Budgeted Allowance: R520 000.00

Signed

For Rapitrade 555 (Pty) Ltd "the developer" (duly authorized)	Date

Mr Trevor Datnow "property owner" Portion 1 of the Farm Vaalpan118 (duly authorised)	Date

Ms. Seyathie Mitha for Flamingo Conservation Trust ("PBO") (duly authorised)	Date