
BACKGROUND INFORMATION

DOCUMENT

FOR

SECTION 24(G) NEMA
APPLICATION
FOR THE UNLAWFUL
COMMENCEMENT OF ACTIVITIES
ON HOLDING 105 AND 106 OF
BLUE HILLS AGRICULTURAL
HOLDINGS UNDER THE
JURISDICTION OF CITY OF
JOHANNESBURG METROPOLITAN
MUNICIPALITY

GENV REF NO: S24G/03/24-25/0703

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1 PURPOSE OF THIS DOCUMENT

The purpose of this Background Information Document (BID) is to provide information to Interested and/or Affected Parties (I&APs) about the Section 24(G) NEMA Application for the Unlawful commencement of activities on Holding 105 and 106 of Blue Hills Agricultural Holdings under the jurisdiction of City of Johannesburg Metropolitan Municipality in Gauteng Province, South Africa.

This Background Information Document (BID) also aims to detail the Public Participation Process (PPP) that is prescribed by the Environmental Impact Assessment (EIA) Regulations, 2014 as amended published under the National Environmental Management Act, 1998 (NEMA) (Act No. 107 of 1998), which invites all Interested and Affected Parties (I&APs) to comment on issues and concerns related to the project.

Lastly, to provides I&APs with the opportunity to:

- Duly register as an Interested and Affected Parties (I&APs) in the public participation process.
- Understand the purpose of the Section 24G NEMA Application in order to participate effectively.
- Raise issues of concern and/or submit suggestions to enhance the proposed project, and
- Contribute local knowledge.

2 INTRODUCTION & PROJECT BACKGROUND

Omeida Trading was granted an Environmental Authorisation (EA) (Ref No: **Gaut002/18-19/E0036**) for the proposed Medium-Density Development on 30 August 2018 and the construction activities related to the approved EA commenced in July 2022,

However, during the construction phase, additional listed activities in terms of the EIA Regulations, 2014 (as amended), which were not authorised under the granted Environmental Authorisation (EA), were undertaken. These activities occurred within sensitive areas as prescribed in the EIA Regulations, 2014 (as amended). As such, these activities were undertaken illegally which constituted to a Section 24G Application under the National Environmental Management Act (NEMA).

Section 24G application was submitted to Gauteng Department of Environment (GDEnv) on 04 February 2025 and acknowledged on 20/02/2025. A directive was further issued on 23 March 2026 and the purpose of the directive was to regulate unlawful/ illegal activities that commenced without environmental authorisation, by ensuring that the applicant takes responsibility for commencing with unauthorised activities illegally which also includes the payment of an administrative fine that may not exceed Ten Million Rand (R10,000,000.00) or to imprisonment for a period not exceeding 10 years.

The Section 24G application addresses the unlawful/ illegal activities that occurred in an environmentally sensitive and legally protected areas. The activities include:

- Construction of a Boundary wall inside the wetland

- The placement of five manholes within its buffer zone
- A storm-water pipeline, together with its discharge outlets, was also installed directly within the wetland
- Construction of a 1-meter culvert was positioned along the wetland's buffer area.
- Construction of a Parking area within Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs).

3 PROJECT LOCATION

The project site located is situated in Ward 112 within the City of Johannesburg Metropolitan Municipality in Midrand Township. The proposed study area covers an extent of 5.73 hectares and can be accessed via Acacia and Mimosa Roads, Midrand, City of Johannesburg Metropolitan Municipality.



Figure 1: Locality Map

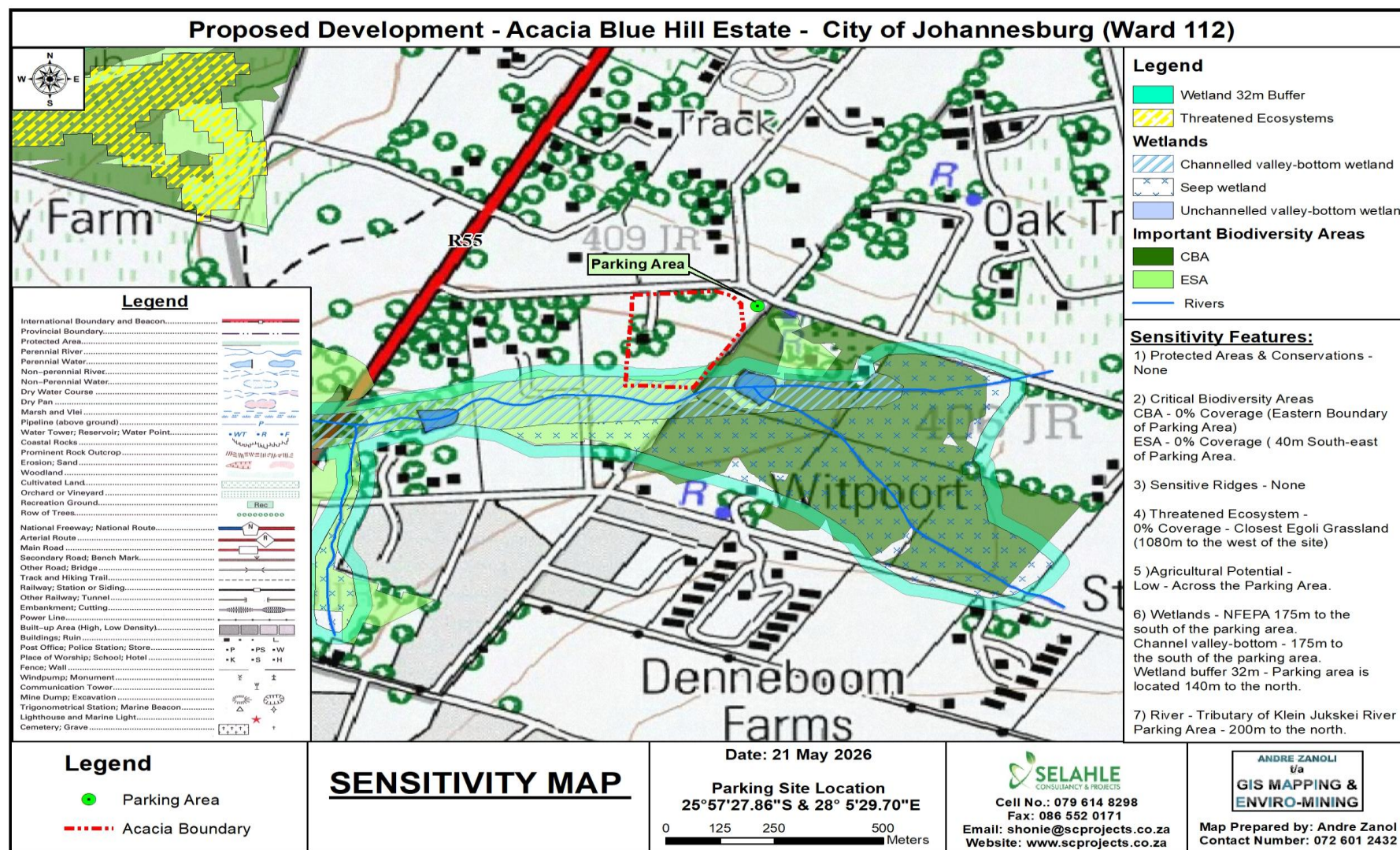


Figure 2: Conservation Map

4 SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 APPLICATION PROCESS

4.1 What is a Section 24G of the National Environmental Management Act, 1998?

Section 24G of the National Environmental Management Act (NEMA) provides a legal framework for rectifying unauthorised activities that have commenced without the necessary environmental authorisations. This section allows individuals or entities that have undertaken listed activities without prior environmental authorisation to apply for rectification process.

The applicant must appoint an Environmental Assessment Practitioner (EAP) to undertake the Section 24G Process on their behalf which includes the submission of the application to the Gauteng Department of Environment (GDEnv). The processes to be undertaken by the EAP will include: 1) public participation, 2) specialist studies, and an 3) evaluation of post environmental impacts. At the same time, the applicant is required to pay an administrative fine (that may not exceed ten million Rand R10,000,000.00 or to imprisonment for a period not exceeding 10 years). This fine is not a penalty that clears wrongdoing, but rather a consequence of non-compliance.

Importantly, Section 24G does not legalise the unlawful activity automatically. The Gauteng Department of Environment (GDEnv) still evaluates whether the activity is environmentally acceptable. After reviewing all submitted information, the authority may:

- Grant environmental authorisation with conditions (e.g. mitigation measures, monitoring, or rehabilitation requirements),
- Refuse authorisation, which could require the activity to stop or even be removed and the environment rehabilitated.

The flow chart below illustrates the process followed when undertaking a section 24G Application.

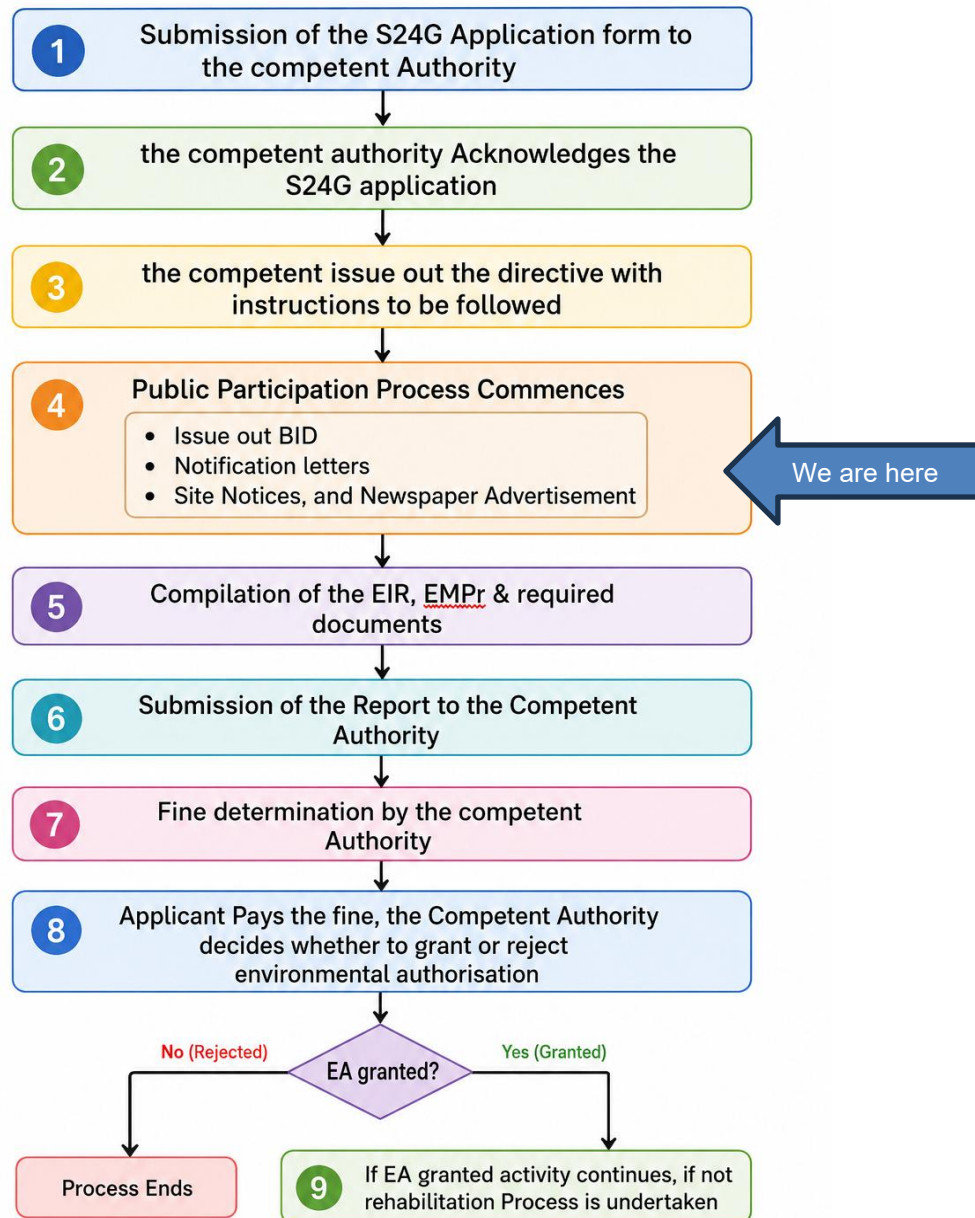


Figure 2: NEMA Section 24G Application Process

5 LISTED ACTIVITIES IN TERMS OF THE EIA REGULATIONS, 2014 AS AMENDED AND NWA (ACT 36 OF 1998)

In terms of Section 24 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), a legal framework is provided for the regulation of activities that may have a significant impact on the environment. This framework mandates that such activities must be assessed and authorised through an Environmental Impact Assessment (EIA) process before they may commence. These activities are referred to as "listed activities" and require an Environmental Authorisation (EA) from the relevant

competent authority, Gauteng Department of Environment (GDEnv). The listed activities are detailed in Government Notices 327 (Listing Notice 1), 325 (Listing Notice 2), and 324 (Listing Notice 3).

Below are the Listed Activities that the unlawful/ illegal activities triggered in terms of the EIA Regulations, 2014 as amended, promulgated under the National Environmental Management Act, 1998.

Table 1: Triggered Activities in terms of the EIA regulations, 2014 as amended

Triggered Activity	Description of the Activity	Unlawful/ illegal Activity
Government Notice No. 327 of 2017(as amended)		
Listing Notice 1 Activity 19	The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 10 cubic meters from – i. A watercourse	- Construction of a Boundary wall inside the wetland - The placement of five manholes within the buffer zone of the wetland - Installation of a storm-water pipeline, together with its discharge outlets, was also installed directly within the wetland. - Construction of a 1-meter culvert was positioned along the wetland's buffer area.
Government Notice No. 324 of 2017(as amended)		
Listing Notice 3 Activity 12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. C. Gauteng (i). Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; (ii) Within Critical Biodiversity Areas or Ecological Support Areas identified in the Gauteng Conservation Plan or bioregional plans; or (iii) On land, where, at the time of the	- Construction of a Parking area within Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs).

Triggered Activity	Description of the Activity	Unlawful/ illegal Activity
	coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning	

6 PUBLIC PARTICIPATION PROCESS

The Public Participation Process (PPP) undertaken during the Section 24G Application Process will ensure that all Interested and Affected Parties (I&APs), Stakeholders and Organs of states are informed about the unlawful activity that has already taken place and are given an opportunity to comment on its environmental impacts. The steps undertaken for public participation process are outlined below:

- Letters of invitation accompanied by this BID and comment sheet will be distributed to adjacent landowners within a 500m radius from the area of the proposed development and alongside or in proximity of the route, key individuals and organisations, announcing the project and inviting their comments.
- Placing an advertisement in the local newspaper (Midrand Reporter) announcing the unlawful/ illegal activities undertaken and providing an opportunity to comment.
- Site notices will be erected at strategic places along the property in accordance with the requirements of the Regulations, to announce the Illegal/ unlawful activities.
- Key stakeholders in the area will be informed by telephone, e-mail or facsimile.
- All issues received from stakeholders will be captured in the Comments and Response Report (CRR), which will be used to screen and prioritise issues for evaluation.

6.1 How to become involved

- Respond (by phone or e-mail) to our invitation for your participation, which has been advertised in the printed media.
- WhatsApp, Fax, or E-mail the attached Registration and Comment Form to Selahle CP.
- Contact us telephonically should you have a query, comment or require further project information.
- For more information about the project, scan the QR code below.

6.2 Comments are important

Comments will ensure that all relevant issues are evaluated in relation to the S24G application. You are requested to complete the enclosed registration form and comment sheet. Use the contact details below in this document to make any comments or raise issues.

By completing and submitting the accompanying registration and comment form, you automatically register yourself as an I&AP for this project, ensuring that your comments and/or concerns raised

regarding the unlawful /illegal activities will be noted. The public participation consultants will respond to all comments and queries received during the course of the application.

Interested and Affected parties should register on or before **Friday, 8 June 2026** to raise issues about the unlawful/ illegal activities. The next step is the compilation and Submission of reports and supporting documents as per the directive issued by the Department of Environment. The Copies of the report will be available upon request.

If you wish to raise any initial issues or concerns regarding the proposed project, or if you would like to register as an I&AP, please contact the Public Participation office as detailed below.

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