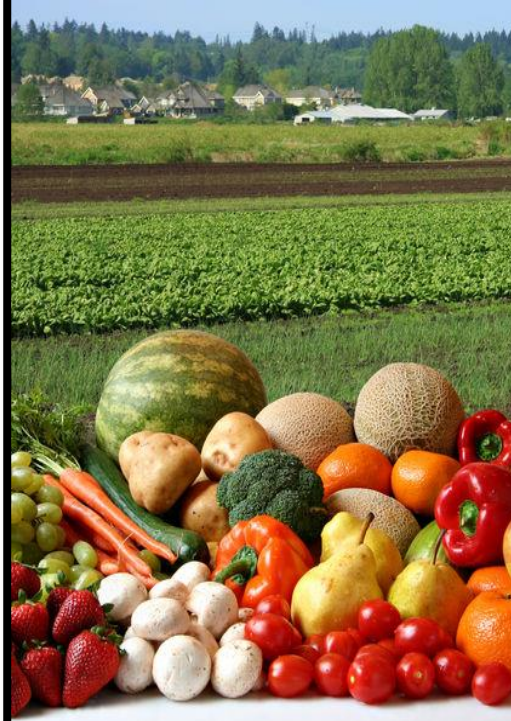


APPROACH FOR ADDRESSING ACT 70 OF 70-DAFF PESPECTIVES

25 AUGUST 2017



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

OUTLINE OF THE PRESENTATION

- **PURPOSE**
- **CONCURRENT CONSTITUTIONAL MANDATE FOR DAFF**
- **POLICY & LEGISLATIVE CONTEXT FOR AGRICULTURAL
NATURAL RESOURCES**
- **CHALLENGES AHEAD**
- **APPROACH USED BY DAFF**
- **DEMARCATIION PROCESS AND REQUIREMENTS**
- **RECOMMENDATIONS AND WAY FORWARD**



PURPOSE

- To share DAFF 's approach in addressing the provisions of the Subdivision of Agricultural Land Act, Act 70 of 1970 in order to assist other spheres of government in executing their responsibilities, specifically focusing on the demarcation of agricultural land as well as the proposed Protected Agricultural Areas.



CONCURRENT CONSTITUTIONAL MANDATE FOR AGRICULTURE, FORESTRY AND FISHERIES

According to the Constitution:

Section 27 (b) - Everyone has the right to sufficient food and water.

Section 24 (b) - An environment that is not harmful to their health or well being & have the environment protected for the benefit of present and future generations, through ***reasonable legislative*** and other measures that:

- Prevent pollution and ecological degradation
- Promote conservation and secure ecological sustainable development and use of natural resources while promoting justifiable economic and social development



POLICY & LEGISLATIVE CONTEXT FOR AGRICULTURAL NATURAL RESOURCES

- **Subdivision of Agricultural Land Act, Act 70 of 1970 (SALA).**
 - ✓ The objective is to control the subdivision of agricultural land and the use thereof.
- **Conservation of Agricultural Resources Act, 1983 (Act No.43 of 1983) (CARA)**
 - ✓ To provide for the control over the utilization of the natural agricultural resources of the Republic in order to promote the conservation of the soil, the water resources and the vegetation and the combating of weeds and invader plants and for matters connected therewith.



POLICY & LEGISLATIVE CONTEXT FOR AGRICULTURAL NATURAL RESOURCES

- **Fencing Act , Act 31 of 1963**
 - ✓ To consolidate the laws relating to fences and the fencing of farms and other holdings and matters incidental thereto.



DRAFT CONSERVATION AGRICULTURE POLICY

- The **objective** is to promote & establish ecologically and economically sustainable agricultural practices that will increase food security levels & address associated national security risks.
 - ✓ *Conservation Agriculture envisaged to transform South African land use systems towards a sustainable food production system, adopted by the majority of farmers, that will increase the food security status of South Africa and its citizens, whilst reducing vulnerability to food scarcity and the related risk to national security.*



DRAFT PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL

- Promote the preservation and sustainable development of agricultural land; demarcate protected agricultural areas to promote long-term agricultural production and development of norms, standards to regulate a uniform approach to the protection of high potential agricultural land for the purposes of food security.
 - ✓ *A balanced and uniform approach to the use of agricultural land in South Africa.*
 - ✓ *Sustainable development of the agricultural sector.*
 - ✓ *Increase in agricultural production and the contribution of agriculture to the Gross Domestic Product (GDP).*

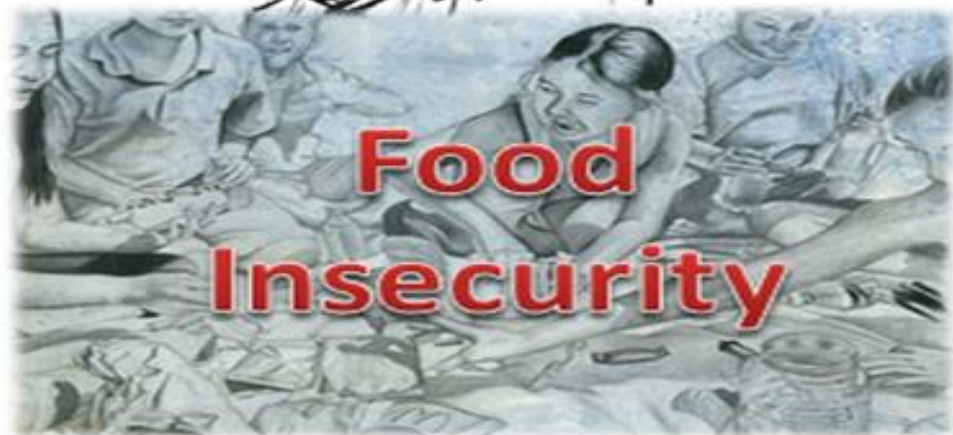


LANDCARE PROGRAMME AS A STRATEGY FOR GRASSROOTS LAND RESTORATION

- LandCare is a community based initiative underpinned by the goal of optimising productivity and sustainable use of natural resources.
- The purpose of the programme is to enhance the sustainable use of natural resources through community participatory based and led approach, to create job opportunities through EPWP model (EPWP), to improve food security and better life for all.



CHALLENGES AHEAD



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APPROACH USED BY DAFF

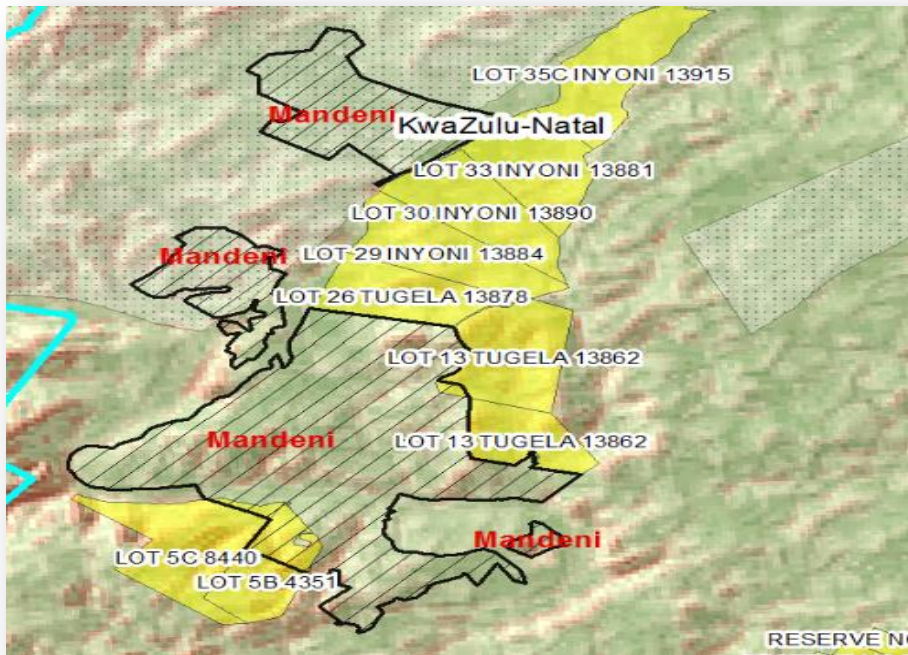
- As part of the innovative approach to conserve agricultural land, DAFF embarked on a process to demarcate agricultural land and protected agricultural areas.
- Considering the competition over natural resources by spheres of government whilst having a similar goal of a sustainable country, this approach requires the participation of the Municipalities.
- The demarcation process will ensure alignment of approvals and improve service delivery in terms of application processes as there are various legislations that govern the land use or manage the natural resources.



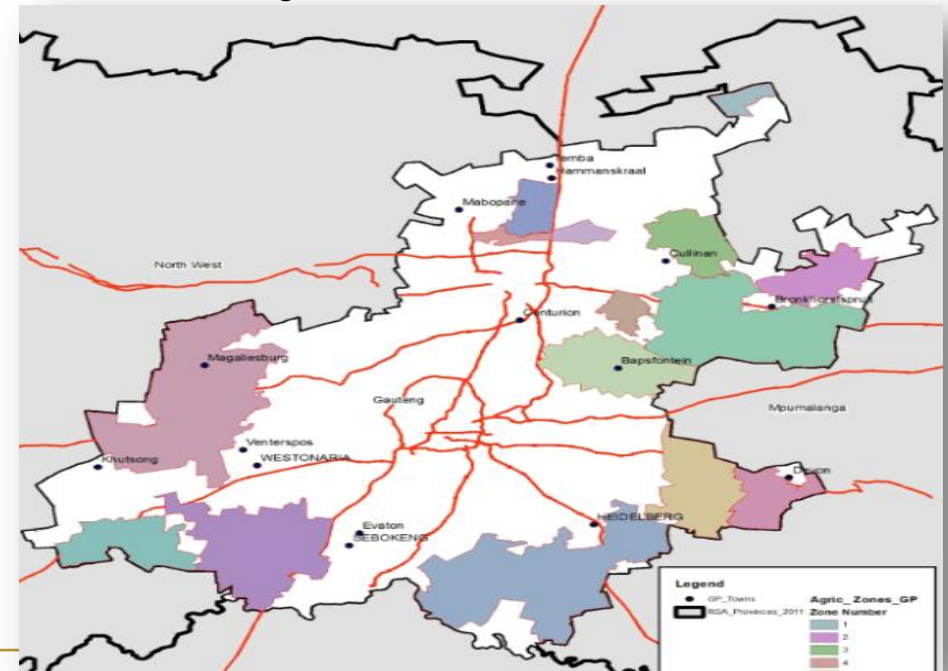
APPROACH USED BY DAFF CONTINUES....

- Furthermore, the demarcation of high value agricultural areas through the demarcation of the proposed Protected Agricultural Areas will guide municipalities on the core focus areas pertaining to agricultural production.

Example: Act 70 demarcation



Example: Protected Agricultural Areas



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APPROACH USED BY DAFF CONTINUES

- As such land users together with sphere of government are requested to comply to all legislations. The requirement of separate approvals required in different pieces of legislation is established in the Maccsand matter (*Maccsand (Pty) Ltd v The City of Cape town and others [2012] ZACC7*).
- Furthermore, the demarcation of agricultural land will affirm the protected agricultural areas which will be used only for agricultural production to grow the agricultural sector.



DEMARCATATION PROCESS AND REQUIREMENTS

- DAFF vs Municipality approach.
 - DAFF do recommendations based on available data.
- Municipality vs DAFF approach
 - Application for exclusion of properties or comments on the LUMS/SDF.
- Municipality to collaborate with DAFF in this process to meet DAFF targets.
- Required information should be sent in shape-file format.



RECOMMENDATION AND WAY FORWARD

- Sectors have different targets such as LUMS development targets, socio-economic development target but have a similar bottom line - “how to take the country forward”.
- Municipality to categorise agricultural zone land in accordance with DAFF’s agricultural land classification.
- Improve collaboration within spheres of government and establish a good working relationship.
- Consideration of sustainable development inclusive to food security as of national interest.



THANK YOU



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