



**MINISTER  
FORESTRY, FISHERIES AND THE ENVIRONMENT  
REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Tel: (012) 399 8743  
Private Bag X9052, Cape Town, 8000, Tel: (021) 469 1500, Fax: (021) 465 3362

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Mr Zwelivelile Mandlesizwe Dalibhunga Mandela, MP  
Chairperson of the Portfolio Committee on Agriculture, Land Reform and Rural Development  
Parliament of the Republic of South Africa  
**CAPE TOWN**  
8000

**Email: [akakaza@parliament.gov.za](mailto:akakaza@parliament.gov.za)/[pnyamza@parliament.gov.za](mailto:pnyamza@parliament.gov.za)**

Dear Honourable Mandela

**COMMENTS ON THE PRESERVATION AND DEVELOPMENT OF THE AGRICULTURAL LAND  
BILL, 2021**

I refer to the above matter.

In 2020, the Department of Forestry, Fisheries and the Environment (DFFE) commented on the Preservation and Development of Agricultural Land Bill (Bill). Areas that require integration and streamlining were identified and brought to the attention of the Minister and the Department of Agriculture, Land Reform and Rural Development (DALRRD) in my letter, dated 3 November 2020, for consideration.

During the Spatial Planning and Land Use Forum meeting held on 21 June 2023, officials of the DALRRD presented the Bill and indicated that public hearings on the Bill are planned. The current version of the Bill presented at the forum was subsequently considered and it was discovered that the comments made were not taken on board. As a result, I deem it necessary to submit to you the following input made for consideration by the Portfolio Committee as it will improve government efficiency and remove duplication in decision-making:

- The identification of agricultural areas is supported as it will afford these important areas the due protection they would require.
- The identification of activities requiring agro-authorisations for persons conducting activities on agricultural land is, however, not supported. The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) currently makes provision for the identification of activities that would have a detrimental impact on the environment, which includes agricultural land and provides for the authorisation of these activities. Activities identified under the Environmental Impact Assessment (EIA) Regulations, 2014, Listing Notices 1 to 3, as amended, already include agricultural activities and activities to be undertaken on sensitive environments, which could include high agricultural potential land. If any further agricultural activities or areas of



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## COMMENTS ON THE PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL, 2021

agricultural sensitivity require listing, the Listing Notices can be amended to incorporate these activities or sensitive environments that would be identified by the DALRRD.

- This desire not to allow for a parallel authorisation system speaks to the attempt to simplify, streamline and avoid the duplication of decision-making processes within government, as required by the National Development Plan. The introduction of a new decision-making process through the Bill, which involves the listing of activities in agro-ecosystems for an agro-ecosystem authorisation, is, therefore, not supported. However, it is also understood that the DALRRD would want to be assured that decisions on agricultural land consider and support the objectives contained in the Bill. In this regard, please note our willingness to explore and set up procedures that would ensure that decisions around developments on agricultural land are made in concurrence with the objectives of the Bill and that they are fully met while avoiding the duplication of authorisation processes.

Furthermore, environmental authorisations are required for activities that are identified in Listing Notices 1-3 of the EIA Regulations, 2014, as amended. As part of the EIA process, certain specialist studies are required, which need to include the specific report content requirements that were identified in the protocols published under Government Notice No. 320 in *Government Gazette* No. 43110 on 20 March 2020, which came into effect on 9 May 2020, with a specific protocol applying to agriculture. For all activities that could impact on very high or high potential agricultural land, an agro-ecosystem specialist assessment, which conforms to the requirements of the Protocol, must be prepared.

The national web-based environmental screening tool (screening tool), as published under Government Notice No. 960 in *Government Gazette* No. 42561 on 5 July 2019, is required by law to be utilised for an application for an EA for development. The screening tool identifies very high, high, medium, and low sensitivity agricultural land. The data provided by the screening tool for agriculture includes the land capability and field crop boundaries and is classified according to the current agricultural land classification, as provided by the officials from DALRRD, which is the most up-to-date data and will be updated as and when data are available.

It is trusted that the above comments will be duly considered by the Portfolio Committee on Agriculture, Land Reform and Rural Development, and the DALRRD. Any questions for clarity on this matter, should be directed to the Director: Legal Support NEMA of the Department of Forestry, Fisheries and the Environment at [avanreenen@dffe.gov.za](mailto:avanreenen@dffe.gov.za) or on 083 280 0730.

Yours sincerely



**MS B D CREECY, MP**  
**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

DATE: 14/10/2023