



planning, monitoring & evaluation

Department:
Planning, Monitoring and Evaluation
REPUBLIC OF SOUTH AFRICA

SOCIO-ECONOMIC IMPACT ASSESSMENT SYSTEM (SEIAS)

FINAL IMPACT ASSESSMENT TEMPLATE (PHASE 2)

October 2020

ACRONYMS

ARC	Agricultural Research Council
CARA	Conservation of Agricultural Resources Act
CoGTA	Cooperative Governance and Traditional Affairs
DAFF	Department of Agriculture, Forestry and Fisheries
DEA	Department of Environmental Affairs
DMR	Department of Mineral Resources
DPW	Department of Public Works
DRDLR	Department of Rural Development and Land Reform
DWS	Department of Water and Sanitation
GDP	Gross Domestic Product
IDP	Integrated Development Plan
LED	Local Economic Development
LUMS	Land Use Management Schemes
MSA	Municipal Systems Act
NDP	National Development Plan
NEMA	National Environmental Management Act
PDA	Provincial Department of Agriculture
PDALB	Preservation and Development of Agricultural Land Bill
SAACPP	South African Association of Consulting Professional Planners
SAGI	South African Geomatics
SALGA	South African Local Government Association
SANBI	South African National Biodiversity Institute
SAPOA	South African Property Owners Association
SASA	South African Sugar Association
SAWEA	South African Wind Energy Association
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land Use Management Act
TAU SA	Transvaal Agricultural Union of South Africa

The Final Impact Assessment: Preservation and Development of Agricultural Land Bill

The Final Impact Assessment provides a more detailed assessment of the ultimately legislative proposal. In addition, it identifies **(a)** mechanisms for monitoring, evaluation and modification as required; and **(b)** a system for managing appeals that could emerge around the implementation process.

1. The problem Statement/ Theory of Change

1.1.

Summary Background of the proposed Bill

The Department is currently administering the Subdivision of Agricultural Land (SALA), 1970 (Act No. 70 of 1970). This Act has the object to control the subdivision of agricultural land and the use thereof. The Act is administered by the National department only and as such does not conform to the constitutional requirements - National/Provincial/Local spheres of government and co-operative governance. The Act is only applicable to privately owned land and thus DAFF cannot protect high agricultural land owned by the State, statutory bodies, communal and traditional lands. The portions created in terms of the Agricultural Land Holdings Act are also exempted from the provisions of this Act. This Act lacks pro-active planning and spatial development guidelines, and no longer effective and efficient in the current legislative and developmental planning trajectory.

The Agricultural Research Council (ARC) was appointed by Department of Agriculture, Forestry and Fisheries (DAFF) to conduct a study for the protection of agricultural land in South Africa in partnership with DAFF and provincial departments of agriculture (PDAs).

The following five policy options were made available to DAFF and the PDAs:

1. Maintaining the status quo. This will, however, result in the continued deterioration of agricultural land (i.e. its fragmentation, changes in its use and degradation) and consequently lead to a (further) loss of agricultural land and a decrease in agricultural production and therefore in long-term food, feed, fibre, fodder and timber security.

2. Amending SALA to align it with the constitutional provisions relating to the three spheres of government. The geographical areas that are currently excluded from SALA will remain excluded (e.g. State land). This approach does not take into account the role of legislation administered by other departments and envisaged legislation, such as the Spatial Planning and Land Use Management Bill. In addition, the role of district and local municipalities is not factored in.

3. Amending SALA to apply to all land in South Africa. However, there are currently no structures in place to administer the amended SALA on a country-wide basis. This option will

not address current legislative and implementation issues, including the fact that other current SALA exclusions will not be addressed (e.g. state land and private land acquired by organs of state).

4. Amending SALA to address (2) and (3) above. This will result in a continued lack of certainty in relation to other land-based legislation administered by government departments (e.g. Department of Mineral Resources, Department of Rural Development and Land Reform, Department of Water and Sanitation, and the Department of Environmental Affairs). There will also be a lack of synchronisation, alignment and cooperative government.

5. Developing a new policy, legislative and implementation framework as well as regulations for the subdivision, change in land use, and protection of agricultural land in South Africa.

The study concluded that a new policy, legislative and implementation framework for the subdivision, change in land use, and protection and preservation of agricultural land must be developed

The first draft Bill was produced which was published for public consultation in March 2015. After consolidation of the comments received, a current version of the draft Bill was produced.

The draft framework Bill intend to protect and preserve agricultural land and its productive use in order to ensure that sufficient land is available for food production to support national and household food security. The Bill will also promote a balanced approach to the use of agricultural land in South Africa which is not currently the case with regards to the current administered legislation, Subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970).

Agricultural land is a scarce natural resource which cannot be replaced if lost to other non-agricultural uses. There is higher competition of non-agricultural uses on agricultural land resulting in the reduction of agricultural land and this have negative impact on agricultural land if no major steps are taken at an earlier stage. Mining and urbanisation, as well as renewable energy projects, are seen as major threat to agricultural land resulting in such agricultural land being lost permanently. The Bill therefore intends to harmonise the need for use of agricultural land for agricultural purpose and the non-agricultural use needs in line with spatial planning by various local authorities.

a) Problem/s and root causes that the proposal is trying to address

Identified Problem	Root causes
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<p>Continuous loss of agricultural land to other land uses undermines the role and legislative mandate of the department in ensuring secured ecologically sustainable development of agricultural land as a natural resource and the use thereof for food production and security purposes informed and derived in terms of Section 24 (b) (iii) and Section 27 (1) (b) of the Constitution of the republic of South Africa, impacting negatively on the agricultural sector</p>	<ul style="list-style-type: none"> ▪ Fragmented legislation and gaps in current legislation (e.g. SPLUMA, SALA, CARA and NEMA). ▪ Overlapping mandates amongst departments (e.g. DRDLR and DAFF). ▪ Inefficient inter-governmental relations between spheres of government. ▪ Agricultural land not effectively preserved, protected and developed ▪ Competing demand for land uses (human settlement, mining, etc.) ▪ Ineffective and outdated agricultural legislation, regulations and policies ▪ Non-harmonised land use legislation and policies ▪ Negative impact of surrounding land uses on agricultural production (impact in the “right to farm”) ▪ Fragmentation of agricultural land (Subdividing of farms into non-viable units)
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1.2. Describe the intended outcomes of the proposal

Long term sustainability of agricultural land through:

- Classification – physical capability of agricultural land is determined where various land classes are assigned
- Preservation – agricultural land is demarcated and set aside for agricultural purposes
- Development – sustainable development patterns on agricultural land which will lead to growth in the agricultural sector

To classify, zone, preserve, and develop agricultural land for productive agricultural use in order to ensure long-term and sustained food security.

To provide for effective and efficient strategic leadership, governance, administration of agricultural land; enhance sustainable agrarian development; create enabling environment for food security; and enhanced agricultural production, employment and economic growth in the agricultural sector.

1.3. Describe the groups that will benefit from the proposal, and the groups that will face the cost. These groups could be described by their role in the economy or in society. As a minimum, consider if there will be specific benefits or costs for the poorest households

(earning R 7000 a month or less); for black people, youth or women; for small and emerging enterprise; and /or for rural development. Add more rows if required

Groups that will benefit	How will they benefit?
<ul style="list-style-type: none"> ▪ Community/ traditional authority 	<ul style="list-style-type: none"> ▪ Retain existing employments and develop employment opportunities within the sector. Household will be able to effectively produce food ▪ Clearly demarcated agricultural land and suitability of agricultural land will assist households to improve livelihoods and wellbeing
<ul style="list-style-type: none"> ▪ Farmers/ Land owner/ land user 	<ul style="list-style-type: none"> ▪ Agricultural land will be protected from other uses ▪ Suitable land use management for sustainable income ▪ Increased agricultural production and contribution of agriculture to the GDP (Economic development)
<ul style="list-style-type: none"> ▪ Prospective farmers 	<ul style="list-style-type: none"> ▪ Access to agricultural land and assistance from financial institutions due to clearly defined land classifications and crop suitability ▪ Informed decision making process based on the agricultural sector plans
<ul style="list-style-type: none"> ▪ Government 	<ul style="list-style-type: none"> ▪ Improved agricultural land management ▪ Establishment of various committees and forums will lead to improved intergovernmental relations in all spheres of government ▪ Integrated information system on agricultural land for all role players ▪ Implementation of an improved and effective tool for the preservation of agricultural land ▪ Contribution to the fulfilment of government obligation of ensuring national food security ▪ Availability of land for agricultural purposes will enhance creation of jobs ▪

<ul style="list-style-type: none"> ▪ Land reform beneficiaries 	<ul style="list-style-type: none"> ▪ Informed decision making guided by information contained within the agricultural land register within the Bill, e.g. land capability and crop suitability ▪ Food security, income generation and economic growth due to agricultural land clearly demarcated according to its capability
<ul style="list-style-type: none"> ▪ Investors 	<ul style="list-style-type: none"> ▪ The proposed legislation will create certainty with regards to land uses and entice more farmers to the industry ▪ Investment opportunities due to availability of agricultural land
<ul style="list-style-type: none"> ▪ Research institutions 	<ul style="list-style-type: none"> ▪ Research opportunities due to increased interest in farming ▪ Adaptive research to support effective agricultural land use management
<ul style="list-style-type: none"> ▪ Planners 	<ul style="list-style-type: none"> ▪ Informed decision making approach based on identification of suitable land use options

Groups that will bear the cost or lose	How will they incur the costs or lose?
DAFF	<p>Human Resources Costs</p> <ul style="list-style-type: none"> • DAFF will potentially need: <ul style="list-style-type: none"> ○ to employ more people to implement the Bill, e.g. Registrar and supporting human resources, etc. ○ more funding for training and capacity development for existing and new officials, <p>Governance Structures</p> <ul style="list-style-type: none"> • The DAFF will incur costs to establish and maintain new structures, such as the Appeal and Review unit. <p>Infrastructure Development</p> <ul style="list-style-type: none"> • The DAFF will incur costs to develop and declare agricultural protected areas <p>Ongoing Administration Costs</p>

	<ul style="list-style-type: none"> • The DAFF will incur costs for ongoing administrative costs (transitional arrangements communications, education and awareness campaigns, road shows). • Development of Regulations <p>Other Costs</p> <ul style="list-style-type: none"> • The DAFF will incur costs for developing the new agricultural sector plans.
Provincial Departments of Agriculture	<ul style="list-style-type: none"> • Provincial Departments of Agriculture (PDA) will potentially need to increase human resource capacity for administration of the proposed legislation and the development of agricultural sector plans.
Land owners	<ul style="list-style-type: none"> • They will incur costs for the processing of authorisations in terms of the proposed Act, e.g. agro-ecosystem report supporting applications
National Treasury	<ul style="list-style-type: none"> • The National Treasury might need to provide more funding to DAFF in order to fully administer and implement the Act.
Municipalities	<ul style="list-style-type: none"> • Municipalities will potentially need to increase human resource capacity for administration of the proposed Act.
Property developers	<ul style="list-style-type: none"> • Levies imposed due to change in the use of agricultural land to other non-agricultural uses • Expenses to acquire the specialist study and report

1.4. Describe the behaviour that must be changed, main mechanisms to achieve the necessary changes. These mechanisms may include modifications in decision making process systems; changes in procedures; educational work; sanctions; and or incentives. Also identify groups inside or outside government whose behaviour will have to change to implement the proposal. Add more rows if required.

Groups inside government	Behaviour that must be changed (Current Behaviour)	Main mechanism to achieve the necessary changes
Inside Government		
<p>Relevant National Departments (especially DEA, the DMR, DAFF, DWS, DPW, DRDLR, CoGTA, National Treasury)</p>	<ul style="list-style-type: none"> ▪ Ineffective (delayed or no consultation) interdepartmental and intradepartmental consultative process ▪ Lack of acknowledgement of the mandate and legislative jurisdiction of the Minister of Agriculture pertaining to land use decisions on agricultural land 	<ul style="list-style-type: none"> ▪ Introduce new and improve the existing intra-departmental and inter-departmental authorisations ▪ Introduce new and Improve the existing interdepartmental and intradepartmental forums or committees ▪ Collaboration, joint planning and implementation of regulatory frameworks ▪ On-going training and workshops on the Bill ▪ Strengthening cooperation through memorandum of understanding on service level agreement (e.g. considering land capability data and declared protected areas) ▪ Establishment and alignment of regulations ▪ Aligned decision making processes ▪ Development and implementation of planning tools, parameters, and regulations through an all-inclusive process

Groups inside government	Behaviour that must be changed (Current Behaviour)	Main mechanism to achieve the necessary changes
<ul style="list-style-type: none"> ▪ Municipalities 	<ul style="list-style-type: none"> ▪ Some municipalities not incorporating agriculture in IDPs (SDFs and LEDs). ▪ Compromise agricultural development in favour of non-agricultural developments. 	<ul style="list-style-type: none"> ▪ Incorporate the agriculture sector plans into the IDPs, SDFs, LUMS and LEDs. ▪ Development and implementation of planning tools, parameters, and regulations through an all-inclusive process
<ul style="list-style-type: none"> ▪ Relevant provincial departments (especially departments of agriculture) 	<ul style="list-style-type: none"> ▪ Issuance of unlawful comments 	<ul style="list-style-type: none"> ▪ Streamline the decision making processes through structures established in the proposed legislation

Groups outside Government	Behaviour that must be changed (Current Behaviour)	Main mechanism to achieve the necessary changes
Planners/ developers/ investors	Profit driven developments with no regard to agricultural land use management principles	<ul style="list-style-type: none"> ▪ Establishment of protected agricultural area and demarcate ▪ Establishment of enforcement measures for contraventions

1.5 Report on consultations on the proposal with the affected government agencies, business and other groupings. What do they see as the main benefits, costs and risks? Do they support or oppose the proposal? What amendments do they propose? And have these amendments been incorporated in your proposal?

Table on consultations:

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
1. Previously exempted institutions				
State owned entities like ESKOM, Chamber of Mines, Anglo Gold Ashanti, Ingonyama Trust,	<p>Benefits: New Bill will establish the Agricultural Sector Plans, Agricultural Protected Areas and Land register which will guide the developments and decision making process</p> <p>Costs:</p> <ul style="list-style-type: none"> • Additional costs (Tariffs) linked to parallel applications in terms of 	Support with condition that Daff should amend the PDALB to exempt the mining from the provisions	<ul style="list-style-type: none"> • Land for agriculture and mining to have equal entitlement • Amend definitions and delete the definitions that do not appear in the Bill 	<ul style="list-style-type: none"> • No. It will contradict the purpose of the Bill. Agricultural land is continuously lost due to other activities • Yes, section 1 - some definitions amended and some deleted

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	<p>this Bill and other related legislations.</p> <p>Risks:</p> <ul style="list-style-type: none"> • Time consuming, • overregulation/restrictions 		<ul style="list-style-type: none"> • Propose to be exempted from the provisions of the Bill Section 16(2)(b) add potential interested parties to the list • Add an appeal process for declaration of protected agricultural areas • Propose to add a section dealing with exemptions • Section 19(2) propose to add “interested party with the owner’s knowledge” to be 	<p>No, the definition of agricultural land clarifies this</p> <p>Yes, section 15(2)(c) (iv)</p> <ul style="list-style-type: none"> • Yes, section 33 • No, section 20 covers any permitted developments • Yes, section 21(2) covers the proposal

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<p>able to apply for subdivision</p> <ul style="list-style-type: none"> • Delete sub-section 19(3) and 20(1) • Section 20(1) – propose to add agricultural land” to replace “land” • Propose to align application process with existing processes in other departments • Section 26(1) – propose to add “save where safety is a consideration....” 	<ul style="list-style-type: none"> • No, the Minister is mandated to regulate the actions on agricultural land • Section deleted • To be done in terms of Memorandum of Understanding • Yes, amended in section 27(1)

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<ul style="list-style-type: none"> • Suggest that taxation strategies not affect essential services • Section 63(1) – propose to add subsection exempting existing projects 	<ul style="list-style-type: none"> • Yes, section 19 inserted • Yes, section 60 covers this proposal
2. Local Government				
Municipalities and SALGA; COGTA(KZN)	<p>Benefits: New Bill will establish the Agricultural Sector Plans, Agricultural Protected Areas and Land register which will assist on decision making process</p> <p>Costs: Restrictions on the release of agricultural land</p> <p>Risks: Negative impact to local planning</p>	Support	<ul style="list-style-type: none"> • Amend definitions in section 1 to avoid confusion of definitions used in planning legislations, • Delete definitions not used in the Bill • Section4 (1), amend the section to comply to section146 of the constitution. 	<ul style="list-style-type: none"> • The planning terminology has been amended, section 1. • Yes, deleted. • Yes, section 38 to section 41 addresses

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	<ul style="list-style-type: none"> property disownment, 		<ul style="list-style-type: none"> Section 5(1), high value agricultural land must include agricultural land in the communal areas, Section 5 (3) (c) must be amended to reflect the National and Provincial departments of agriculture as the competent authority to ensure viable farming units. Section 9 (2) to be amended as Agriculture is not a 	<p>disputes resolution mechanisms.</p> <ul style="list-style-type: none"> Yes, The Bill covers all land as defined in "agricultural land". Yes, subsection deleted. Yes, Sector Plans will be done by the

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<p>municipality competence.</p> <ul style="list-style-type: none"> • Section 19(1) proposes simultaneous applications in terms of any other law that deals with developments applications. • Section 19(3) should be amended as it gives effect to amend other legislations. • Section 20(2) and 24(1), application for subdivision must simultaneously be 	<p>Provincial Departments of Agriculture</p> <ul style="list-style-type: none"> • Yes, addressed in section 21(4). • Yes , section amended and added subsection (4). • Addressed in section 21(4)

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			submitted to the relevant municipality. <ul style="list-style-type: none"> Section 30 (1) should be revised so as not to impede the ability of municipalities to exercise their constitutional powers. Section 11(a) (ii) replaced "environment" with "agriculture". 	<ul style="list-style-type: none"> Yes, addressed in section 10(3). Yes amended, section 9(a)(ii).
3. Environmental organisations				
SANBI, Kwanalu,, Biowatch; Environmental Wildlife Trust, Ezemvelo KZN	Benefits: <ul style="list-style-type: none"> Protection of environment/ agricultural land. Costs: <ul style="list-style-type: none"> Rehabilitation costs 	In general - support	<ul style="list-style-type: none"> To be stronger on environmental management and protection. 	<ul style="list-style-type: none"> Most comments incorporated and concerns addressed by amending the wording in section 1 and section 45

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
Wildlife; Centre for Environmental Rights	<ul style="list-style-type: none"> • Cross purpose legislation result in fruitless and wasteful expenditure by government <p>Risks:</p> <ul style="list-style-type: none"> • Loss of biodiversity network and ability of SA to fulfil its constitutional and international mandate to ensure the persistence and viability of biodiversity • Possible conflict with protected environmental area 			
4. Organised agriculture				
AGRI SA, TAU SA; SASA	<p>Benefits:</p> <ul style="list-style-type: none"> • Promoting the development of the agricultural sector 	Support	<ul style="list-style-type: none"> • Some definitions • Replace “all people” with “all 	<ul style="list-style-type: none"> • Yes, section 1 • Yes, section 2

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	<ul style="list-style-type: none"> • Access to information from the National Agricultural Land Register <p>Costs: Minimal if any Risks: Minimal if any</p>		<p>spheres of government”</p> <ul style="list-style-type: none"> • Criteria of determining the strategic cropping or rangeland areas • Addition of restricted activities • Criteria for declining applications • Agro-ecosystem system report to be replaced with an environmental impact assessment report • Appeal board to include a member 	<ul style="list-style-type: none"> • To be outlined in the regulations • Yes, section 21 • Yes, section 22 • No, the agro-ecosystem report is more relevant to the Bill than an environmental impact assessment report • Yes, section 36 as the composition of the appeal board

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<p>from Organised Agriculture.</p> <ul style="list-style-type: none"> • Criminal liability should ensue once the directive is not complied with • Taxation should be in the regulations. 	<p>consist of non-government employees</p> <ul style="list-style-type: none"> • Yes, section 44 • Yes, section 56.
5. Academic institutions				
Free State University; University of Western Cape	<p>Benefits: funding for research</p> <p>Costs: Minimal if any</p> <p>Risks: Minimal if any</p>	<ul style="list-style-type: none"> • Not affected by the Bill. 	<ul style="list-style-type: none"> • Definition of agricultural land. • Amend the application of the Bill. 	<ul style="list-style-type: none"> • Yes, section 1. • No, in terms of the Constitution, section 156(3) a bi-law cannot prevail over

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
				a national or provincial legislation.
6. Business (Developers/Planners)				
<p>Subsolar Energy; South African Wind Energy Association; The Bank Association of South Africa SAGI, SAWEA; SAACPP; SAPOA; Plankonsult KZN, PC Claassen; Henk Wolmarans LSB Group; Tongaat</p>	<p>Benefits: Establishment of National Agricultural Land Register will provide for information to guide the developments</p> <p>Costs: Costs for acquiring agro- ecosystem report and application fee.</p> <p>Risks: None</p>	<p>Support with reservations</p>	<ul style="list-style-type: none"> • Additions of more definitions • Definition of agricultural land to be defined as currently in Act 70 of 1970. • Exclude terms not used in the Bill • Amendment to some definitions 	<p>Yes, necessary definitions were added, section 1.</p> <ul style="list-style-type: none"> • Noted and removed in the Bill. • Yes, section 1 • Yes, both deleted • Yes, removed.

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
Hulleys; Maximum Planning Solutions			<ul style="list-style-type: none"> • Section 4(1)(c) and 4(2)(c) must be rephrased • Remove section 4 (3) • Section 5(2)(f) “...compatible with the primary agric...” • Sector plan must be the responsibility of the Provincial Department of Agriculture. • 7 days turnaround time for consolidation. • Section 19 and 24 must be merged. • Duplication of section 47(1)(c) duplicates (a) and (b). 	<ul style="list-style-type: none"> • Yes, amended. • Yes, amended in section 10 • Yes, amended ON 10(4). • To be outlined into the regulations. • Yes, merged to make section 21. • Yes, entire section was redrafted, refer to section 46.

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<ul style="list-style-type: none"> • Section 36, time frame for decision should be included in the Bill. • Section 9(2) amendment of timeframes from 5 years to 10 years. • Section 15, Notices proclaiming protected agricultural areas must be published in the local news papers 	<ul style="list-style-type: none"> • Noted and will be covered in the Regulations. • No, 5 years aligned to SPLUMA process and prescripts. • Yes, amended to include one newspaper and local radio station.
7. Government departments				
Surveyor- General: Western Cape	Benefits: Access to agricultural related data Costs: None	<ul style="list-style-type: none"> • Support 	<ul style="list-style-type: none"> • Section 13(1) and 16(2) Surveyor- General should be 	<ul style="list-style-type: none"> • Yes, to be done through

Affected Stakeholders	What do they see as main <u>benefits, costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	Risks: None		<p>notified when the agricultural sector plans protected agricultural areas are gazetted</p> <ul style="list-style-type: none"> • There should be exemptions for minor applications 	<p>Memorandum of Understanding</p> <ul style="list-style-type: none"> • Yes, catered under section 20 and 21(1)(c) &(d)

1.6 Describe possible disputes arising out of the implementation of the proposal, and system for settling and appealing them. How onerous will it likely be for members of the public to lodge a complaint and how burdensome and expeditious is the proposed dispute-settlement procedure?

Disputes	Settling mechanisms
<ul style="list-style-type: none"> ▪ Issuance, or refusal thereof, of authorisations in terms of the proposed legislation. ▪ Applications granted or not granted by the delegate of the Minister. ▪ Dispute in the interpretation of various reports. 	Chapter 3 Part 4 of the proposed legislation makes provision for any person who feels aggrieved by any decision or action by an officer or employee in respect of which a power has been delegated to in terms of the proposed legislation may appeal in the prescribed manner to the Minister against such decision or action.
<ul style="list-style-type: none"> ▪ Conflicting legislation priorities on agricultural land. 	Chapter 3 Part 5 of the proposed legislation makes provision for settlement of disputes amongst all organs of state without resorting to judicial proceedings which is in line with the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)

2. Impact Assessment

2.1. Describe the costs and benefits of implementing the proposal to the groups identified in point 1.5 above, using the following chart. Add more rows if required

Group	Implementation Costs	Costs of changing behaviour	Costs/Benefits from achieving desired outcome	Comments
DAFF	<ul style="list-style-type: none"> • Establishment of posts/new structure 	<ul style="list-style-type: none"> • Training and workshops/sector plans • Promoting compliance 	Benefit: Improved compliance to the provisions of the Bill leading to the protection of agricultural land	There will be a higher benefit to the Department due to the improved

Group	Implementation Costs	Costs of changing behaviour	Costs/Benefits from achieving desired outcome	Comments
		(awareness, training and workshops) <ul style="list-style-type: none"> • Development of guidelines, policies and strategies 	for use in agricultural production	levels of compliance
DEA, DRDLR, CoGTA and Municipalities	<ul style="list-style-type: none"> ▪ Cost related to completing the functions of assigned resources 	<ul style="list-style-type: none"> ▪ The assigned Organ of State will incur costs of capacity building ▪ Development of sector plan and alignment of LUMS/IDP 	Benefits: The Department will benefit in terms of capacity challenges Cost: the organs of state will incur cost to capacitate staff to be able to discharge the provisions of the Act.	The department will benefit
State Owned Entities, Organised agriculture and Private companies	Need for specialised capacity to develop agro-ecosystem report	<ul style="list-style-type: none"> ▪ Cost for agro-ecosystem report 	Cost: the other organisations will incur cost through agro-ecological reports	The Department will benefit

2.2. Describe the changes required in budgets and staffing in government in order to implement the proposal. Identify where additional resources would be required for implementation. It is assumed that existing staff are fully employed and cannot simply absorb extra work without relinquishing other tasks.(information regarding the establishment of the new directorate/ other resources including information that the municipality will do

More budget to be allocated to the directorate from National Treasury in order to accommodate the new structure within DAFF. The provincial Department of Agriculture and Municipalities to have new structure or staff in order to accommodate the extra work as some powers will be given to them.

- a) Describe how the proposal minimises implementation and compliance costs.(different groups identified and has to implement the proposal, will the groups afford the costs for changing behaviours, how to minimise the costs:
- Clear demarcation will assist other institutions in their development plans.
 - Delegation of powers to officials in the provinces will distribute the workload and thus minimising the cost and time for processing application.
 - Applicant will be assisted in that it will be clear that before they start with activities on agricultural land they must first get consent in terms of the proposed legislation
 - The role to be played by the other government department minimising duplication of duties and thus less costs incurred by government.
 - SPLUMA and MSA make provision that when municipality develop the SDF's must take cognisance of national policies which may affect their plans. One them is the NDP which makes provision for food security to everyone in the country which this Bill is linked to
 - DAFF must consult the local government in drafting the proposed legislation

3. Managing Risk

- 3.1. Describe the main risks to the achievement of the desired ends of the bill and/ or to the national priorities (aims) that could arise from adoption of the proposal. Also describe the measures taken to manage the identified risks. Add more rows if necessary.

Identified Risk	Mitigation Measures
Conflicting interest between different departments on cross-cutting matters	<ul style="list-style-type: none"> ▪ Chapter 3 Part 5 of the proposed legislation makes provision for settlement of disputes amongst all organs of state without resorting to judicial proceedings which is in line with the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)

Identified Risk	Mitigation Measures
Litigations from applicants to either compel the Minister to take a decision or to have the decision of the Minister reviewed and set aside.	<ul style="list-style-type: none"> ▪ Involvement of legal support and technical specialists throughout the application process
Lack of resources and capacity in administering the Act	<ul style="list-style-type: none"> ▪ Establish new directorate with relevant post structure to implement the proposed legislation ▪ Introduce new structures that will assist in the administration of the proposed legislation ▪ Specialized legal official/representation, monitoring and evaluation ▪ Intradepartmental and interdepartmental training programmes for the officials who are responsible for the implementation of the proposed legislation

Describe the mechanisms **included in your proposal** for monitoring implementation, evaluating the outcomes, and modifying the implementation process if required. Estimate the minimum amount of time it would take from the start of the implementation process to identify a major problem and remedy it.

Chapter 5 of the Bill refers to the Land register. The register will outline the decisions taken pertaining to a specific farm or farm portion and the updated cadastral data to determine the land uses. There will be a joined template with regard to the land register between Department of Agriculture, Forestry and Fisheries (DAFF) and the Department of Rural Development and Land Reform (DRDLR) . The DRDLR implements the decisions taken by the DAFF and as such the two departments will outline the processes relating to the register so that any loopholes can be addressed. There already engagements with the Department of Environmental Affairs (DEA) in which there will be agreements on issues relating to agricultural land. The DAFF will ensure that the activities that are linked with any other department are streamlined to avoid duplication or delay in processes. The DAFF will have Service Level Agreement with each of the affected departments.

4. Summary

4.1. Summarise the impact of the proposal on the main national priorities

National Priority	Impact
1. Social Cohesion	Positive impact - agricultural land preserved for food production will result in the eradication of poverty and the improvement of livelihood. Change of land use from agriculture to other uses result in the loss of land that could be used to produce food. Therefore the Bill, when enacted, will ensure that this land is preserved for food production. This will enable most owners to invest and utilise it for agricultural production which will result in more food being readily available and thus at relative less prices. The preservation of agricultural land in communal areas will encourage the households to produce from their own small units which will allow them to feed themselves and sell the surplus if any.
2. Security (Safety, Financial, Food, Energy and etc.)	Positive impact - agricultural land preserved for food production will result in long term food security
3. Economic Growth	Positive impact- development of agricultural land will result in an increase of agricultural production that will contribute to an increase to the GDP for the agricultural sector and the country as a whole
4. Economic Inclusion (Job Creation and Equality)	Positive impact – increased agricultural production leads to increased job opportunities. If farmers feel secure regarding their investment on the agricultural land, then they will establish sustainable farming units which will require more labour and thus job creation. The more the produce, the more the need for processing such. This leads to more jobs being created throughout the value chain.
5. Environmental Sustainability	Positive impact – preservation of agricultural land will result in sustainable use of agricultural land, therefore the protection of the natural agricultural resources.

4.2. Identify the social and economic groups that would **benefit most** and that would **bear the most cost**. Add more rows if required.

Main Beneficiaries	Main Cost bearers
Citizens of South Africa (people living in South Africa in that there will still be agricultural land available for agricultural production)	DAFF and PDAs
Future generations	Applicant in terms of this Bill
Government	

4.3. In conclusion, summarise what should be done to reduce the costs, maximise the benefits, and mitigate the risks associated with the policy/bill/regulations/other. Note supplementary measures (such as educational campaigns or provision of financing) as well as amendments to the draft itself, if appropriate. Add more lines if required.

- Training, Awareness and Workshops to stakeholders.
- Use more cost effective means of promoting administrative justice (websites or email applications and the use of agri-land system).
- Continuous monitoring and evaluation of the implementation of the Act.
- On-going capacity building and technical support of provincial officials.
- Frequent review of policies, guidelines and regulations to ensure effective implementation of the Act.
- On-going facilitation of cooperative governance with relevant stakeholders.
- Partnerships, both intergovernmental and with farming community
- Advocacy to affected stakeholders

- Please identify areas where additional research would improve understanding of the costs, benefits and/ or risks of the policy/bill/regulations/other (e.g. include more information and trends available, areas to be explored, Change in the agricultural environment in relation to advancement of technologies and socio- economic requirements.
- Change of land use from agriculture to other uses before the Bill is approved.

For the purpose of building SEIAS body of knowledge please complete the following:

Name of Official/s	Ms RL Bosoga and Ms MC Marubini
Designation	Director: Land Use and Soil Management and Deputy Director: Land Use Administration
Unit	Directorate: Land Use and Soil Management

Contact Details	012 319 7686 and 012 319 7619
Email address	<u>LydiaB@daff.gov.za</u> and <u>MashuduMA@daff.gov.za</u>

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