**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 3293**

**INTERNAL QUESTION PAPER [No 36-2022 SIXTH PARLIAMENT]
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**3293. Inkosi R N Cebekhulu (IFP) to ask the Minister of Agriculture, Land Reform and Rural Development:**

1. With regard to the increase in land invasions, more so in rural areas, what measures has her department put in place to ensure the security of land boundaries.
2. whether there have been stricter protective measures for (a) women and (b) persons of colour in the attempts to protect land; if not, why not, in each specified case; if so, what are the relevant details in each specified case;

(3) what are the relevant details of the steps that are being taken by her department to ensure that agricultural land is not compromised for residential developments, and simultaneously attending to the needs of those who seek land for residential purposes? **NW4090E**

**THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:**

1. Where the farms belong to the state, the Department of Agriculture, Land Reform and Rural Development (DALRRD) makes use of the state land available by allocating the land in line with the Beneficiary Selection and Land Allocation Policy to deserving beneficiaries. Furthermore, if the land is invaded, the Department engages the invaders and where there are no agreements, legal processes are taken to legally evict invaders from state farms.
2. No.
3. and (b) There are no stricter measures for women and persons with colour. Measures put in place are applicable to everyone utilizing state farms.
4. DALRRD administers the Subdivision of Agricultural Land Act (SALA), 1970 (Act No. 70 of 1970) to manage and preserve agricultural land for agricultural production.

Section 3(f) of SALA states that no area of jurisdiction, local area, development area, peri-urban area or other area referred to in paragraph (a) or (b) of the definition of 'agricultural land' in section 1, shall be established on, or enlarged so as to include, any land which is agricultural land. As such DALRRD receives and evaluates change of land use applications, assesses the development application based on the agricultural planning factors such as land capability, grazing capacity and crop suitability. Should the proposed residential development lead to direct and cumulative impact on agricultural production, the developer is advised to consider alternative site for balanced utilization of the natural resources.

To strengthen DALRRD’s abilities to preserve agricultural land, DALRRD developed the Preservation and Development of Agricultural land Bill which is currently in the parliamentary process. The Bill calls for the delineation of high potential and unique agricultural land for agricultural protection and for the establishment of agricultural sector plans.

To address the needs of those who seek land for residential development, DALRRD has embarked on a process to delineate areas of high potential agricultural land for cultivation and grazing purposes in order to guide the development based on the land capabilities for optimal use. Areas of low potential are demarcated for uses other than agriculture to accommodate other socio-economic activities.

DALRRD has developed guidelines to guide municipalities when developing land use schemes noting their roles in implementing the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013), specifically section (24) which stipulates that *municipalities must develop a wall-to-wall Land Use Scheme (LUS) aimed to regulate the use of land within a municipal area.*

DALRRD collaborates with municipalities on development of land use schemes to ensure proper zoning regarding the use of high potential agricultural land for agricultural purposes is implemented. DALRRD’s involvement on the land use scheme will aid the municipality to implement a balanced mechanism to cater for developments and agriculture without compromising sustainability.

Finally, the Beneficiary Selection and Land Allocation Policy is meant to allocate land for various purposes including for residential use.