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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 425

14 May 2021

CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT NO. 43 OF 1983)

EXTENSION OF COMMENT PERIOD FOR THE PROPOSED FARM PLANNING REGULATION

I, Angela Thokozile Didiza, Minister for Agriculture, Land Reform and Rural Development acting under powers vested in me by Section 29 (1) (e) and 2 which reads with Section 6 (4) of the Conservation of Agricultural Resources Act, Act no. 43 of 1983 (CARA), hereby extend the comment period on the proposed regulation on farm planning with some amendments as set out in the schedule below.

All interested and affected departments, institutions, organizations and individuals are hereby invited to submit written comments and inputs within 30 days from the date of publication of this Notice to the attention of:

Ms. Lydia Bosoga or Ms. Mpume Ntlokwana
Directorate: Land and Soil Management
130 Union Street
Riviera
PRETORIA
0001

E-mail: L_diaB@dalrrd.gov.za / M_umeN@dalrrd.gov.za

Tel No.: 012 319 7686/ 012 319 7567



MRS A.T. DIDIZA, MP

MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

Definitions

1. These definitions shall be read together with definitions provided in the Act, Act 43 of 1983 (CARA). Any word or expression in this scheme to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

drainage work means a soil conservation work classified in terms of section 6 (2) as a drainage work;

drought relief work means a soil conservation work classified in terms of section 6 (4) as a drought relief work;

excessive soil loss means the loss of soil through erosion that in the opinion of the executive officer exceeds the norm which he deems tolerable in a given situation with due regard to the relevant natural factors and farming practices;

executive officer means the executive officer appointed in terms of section 4 of the Act

extension office means an office of the department established with a view to the rendering of agricultural extension services;

farm plan means a farm plan referred to in section 7;

farm unit for the purpose of these regulations means one or more pieces of land, each of which is registered separately in a deeds office, and which is framed as a single unit; and-

in communally owned land any land that is clearly demarcated as a project area for the purpose of a government program

protection work means a soil conservation work classified in terms of section 6 (1) as a protection work;

the Act means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder;

veld means land which is not being or has not been cultivated and on which indigenous vegetation, or other vegetation which in the opinion of the executive officer is or can be utilised as grazing for animals, occurs;

veld utilisation work means a soil conservation work classified in terms of section 6 (3) as a veld utilisation work; and

waterway means an artificial flow path constructed on land in order to carry away run-off water without causing excessive soil loss.

Name of regulations

2. This regulation shall be known as the Farm Planning Regulation.

Objects of this Regulation

3. The objects of this regulation shall be to promote farm planning in support of sustainable management of agricultural land with a view to maintaining the production potential of land and to combating or preventing degradation of natural agricultural resources as already specified in CARA.

Application of this regulation

4. This regulation shall apply to land currently and in future will be used for agricultural production except land specified in section 2 (1) of the Act.
- 4.1 The following categories of agricultural land are prioritized-
- (a) land under government funded programs
 - (b) land under direction in terms of Section 7 of the Act
 - (c) land subject to degradation in contravention of the objects of the Act

Acts in respect of which subsidies may be paid

5. This regulation do not provide for subsidies to be paid in addition to other schemes or programs

Classification of soil conservation works

- 6.(1) A soil conservation work may for the purposes of these regulations be classified as a protection work if the executive officer is satisfied that it is-
- (a) a weir that has as its object to stabilise a water course;
 - (b) a donga barrier or embankment that has as its object to stabilise a donga or to cause it to silt up;
 - (c) a drop-inlet, chute or training bank that has as its object to stabilise a donga head;
 - (d) a barrier that has as its object to prevent the scouring of a donga embankment;
 - (e) an embankment, storm-water furrow, inverted contour bank or a spreader bank that has as its object to reclaim denuded or eroded land;
 - (f) a storm-water furrow, contour bank or waterway that has as its object to protect cultivated land against excessive soil loss;
 - (g) a work that has as its object to reclaim drift sand by covering it with suitable material or establishing a cover crop thereon; or
 - (h) a fence around an area where excessive soil loss due to erosion through water or wind occurs or which is vulnerable thereto that has its object to fence off that area in order to withdraw it from cultivation or grazing with a view to the reclamation thereof.
- (2) A soil conservation work may for the purposes of these regulations be classified as a drainage work if the executive officer is satisfied that it is an open drainage furrow or

underground drainage passage that has as its object to prevent, by means of the drainage and safe disposal of excess surface or underground water, the waterlogging or salination of land.

- (3) A soil conservation work may for the purposes of these regulations be classified as a veld utilisation work if the executive officer is satisfied that it is -
 - (a) a camp fence that has as its object to separate the veld of a farm unit into morphological units or to divide such morphological units in order that such veld may be alternately grazed and rested according to the physiological requirements of the vegetation thereon; or
 - (b) a stock watering system that has as its object to provide drinking water for animals when a particular morphological unit or a division thereof is grazed.
- (4) A soil conservation work may for the purposes of these regulations be classified as a drought relief work if the executive officer is satisfied that it is -
 - (a) a storage facility for fodder; or
 - (b) a feedlot or feed paddock equipped with feeding troughs and a stock watering system, that has as its object to create feeding facilities on a farm unit for animals that are to be withdrawn from the veld of that farm unit during a severe drought.

Farm plan

- 7.(1) A farm plan shall be requested from a local Provincial Agricultural Office by the land user in terms of section 10 of the Act for use by him in connection with the utilisation and conservation of the natural agricultural resources.
- (2) Such a farm plan shall consist of -
 - (a) a map of the farm unit concerned on which the approximate positions of all existing and proposed soil conservation works, as well as of all roads, railway lines, watercourses, permanent fountains, boreholes, buildings, other prominent land marks and such other particulars as are deemed necessary for the purposes of the Act or a scheme are indicated;
 - (b) a list of the soil conservation works that -
 - (i) are recommended for construction on the farm unit concerned,
 - (ii) have already been constructed on the farm unit concerned, irrespective of whether subsidies were previously paid in respect thereof in terms of any scheme or government program
 - (c) a management programme or plan with regard to the utilisation and conservation of the natural agricultural resources on the farm unit concerned, in so far as it relates to:
 - (i) the management of the veld and lands of that farm unit;
 - (ii) the maximum number of each kind, type or breed of animal that should be kept on that farm unit;
 - (iii) the size and composition of the herds that should be kept on that farm unit; and
 - (iv) such other matters as may be deemed expedient in a particular case; and

- (d) such further documents as may be deemed necessary in particular case.
- (3) A document as referred to in CARA that -
 - (a) consists of a map referred to in subsection (2) (a) and a list referred to in subsection (2) (b);
 - (b) has been provided to the current owner of a farm unit prior to the date of commencement of this scheme; and
 - (c) is still in force on such date of commencement,

shall be deemed to be a farm plan referred to in subsection (1): **Provided that such a farm plan shall be supplemented with a management programme referred to in subsection (2) (c) on the first occasion that such map or list is amended, supplement or substituted in terms of subsection (4).**
- (4) The executive officer may at any time, either of his own accord or at the request of the owner of a farm unit, amend, supplement, substitute or, subject to the provisions of subsection (5), withdraw the farm plan for that farm unit.
- (5) If any assistance has been rendered in regard to land under a scheme or any subsidy or grant has been paid or made in regard to the land the farm plan for that farm unit shall not be withdrawn in terms of subsection (4) unless-
 - (a) another farm plan is issued for it;
- (6) The executive officer will provide a farm planning guideline to support the implementation of these regulations; such guidelines may be-
 - (1) Amended by the executive officer
 - (2) Supplemented by additional technical manuals approved by the executive officer

Farm plan register

- 8. The executive officer shall maintain a Farm Plan Register of all farm plans generated or amended under these regulations
 - (1) Such register shall be on a prescribed format containing obligatory information
 - (2) Obligatory information relevant referred to in subsection (1) in regard to-
 - (a) locality: province, district municipality, local municipality, GPS coordinates
 - (b) property description: farm name, farm number, registration division where applicable, farm portion number
 - (c) extent of property
 - (d) program applicable to the farm plan

- (e) project name in the case of a government program or community project
 - (f) Theme of project: veld management; conservation agriculture; erosion control;
- (3) Information referred to under subsection (1) shall be provided to the executive officer at intervals determined by the executive officer by authorities providing farm plans as per subsection 4(4)-
- (a) authorities responsible for implementation of government programs as per
 - (b) division responsible for directions under section 7 of the Act
 - (c) extension office responsible for farm planning of degraded land

Commencement

9. This regulation shall come into operation on the date that will be published by the Minister.