Policy for the Integration of Environmental Planning into Land Reform and Rural Development Projects
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Abbreviations

ABP  Area Based Plan
CBO  Community Based Organisation
CRDP  Comprehensive Rural Development Programme
DRDLR  Department of Rural Development and Land Reform
EIA  Environmental Impact Assessment
EMF  Environmental Management Framework
EMP  Environmental Management Plan
EPSU  Environmental Planning Support Unit
ESA  Environmental Sustainability Assessment Guidelines for Land Reform
IDP  Integrated Development Plan
ISRDP  Integrated Sustainable Rural Development Programme
IWMP  Integrated Waste Management Plan
LUMS  Land Use Management System
MEC  Member of the Executive Council
NEM:BA  National Environmental Management: Biodiversity Act (Act 10 of 2004)
NEM:PAA  National Environmental Management: Protected Areas Act (Act 57 of 2003)
NGO  Non-Governmental Organisation
RECAP  Recapitalisation and Development Programme
RID  Rural Infrastructure Development
SARVA  South African Risk and Vulnerability Atlas
SDF  Spatial Development Framework
SEA  Strategic Environmental Assessment
SEMA  Specific Environmental Management Act
SPLUMB  Spatial Planning and Land Use Management Bill
STRIF  Social, Technical, Rural Livelihoods and Institutional Facilitation
URP  Urban Renewal Programme
1 SUBJECT

A Policy for the Integration of Environmental Planning into the Land Reform Process was adopted in 2001 by the (then) Department of Land Affairs. Since 2001, various Land Reform and Rural Development projects saw the light of day – with acknowledged mixed results. In the mean time, the regulatory and policy environments evolved to place much more emphasis on the drive for integrated rural planning and development, and a significantly more complex regulatory system for environmental management. The time is therefore ripe for a revisit of the original policy, based on the lessons learnt from implementation projects from the past decade, and with an eye on the future of rural development and land reform matters in South Africa.

The Department of Rural Development and Land Reform (DRDLR) is obliged in terms of the Constitution of the Republic of South Africa, National Environmental Management Act No 107 of 1998 (NEMA), the White Paper on South African Land Policy, the White Paper on Spatial Planning and Land Use Management and other policies and pieces legislation, to integrate environmental planning into its projects. The main objectives of this project is to review and strengthen the existing Guidelines for the Integration of Environmental Planning into the Land Reform and Land Development by incorporating issues related to Rural Development and to propose areas of alignment of the policy with Provincial and Local Government planning regime where necessary.

This document serves as the Department of Rural Development and Land Reform’s Policy on the Integration of Environmental Planning into Rural Development and Land Reform Processes. The revised policy intends to build on the initial framework provided by the 2001 policy, with a focus on the key values of rural development and land reform, especially the values that relate to sustainable utilisation and management of renewable natural resources.

2 OBJECTIVE

The objective is to outline the fundamental principles of how the conservation of a functional natural system can serve the needs of rural communities, and provide guidance on the process of both complying with, and benefit from, a complex regulatory context.

3 ENVIRONMENTAL CONTEXT FOR RURAL DEVELOPMENT & LAND REFORM

Rural development and land reform initiatives are, by nature, closely tied to natural or semi-natural environments. This is a result of the strong link between rural communities and the goods and services provided by the natural environment that they rely on - for water, sanitation, waste disposal, energy, and the exploitation of renewable natural resources for livelihoods. The coupling often leads to human activities severely impacting on the natural environment because of unsustainable resource use, or changes in the resource base sparking a negative feedback that ultimately results in complete destruction of the environment. It is therefore imperative to ensure that formal Rural Development and Land Reform projects lead by example and place both the receiving environments and beneficiary communities on the path to sustainability. Acknowledgement of the importance of forward planning and appropriate management of existing natural resources in order to secure sustainable livelihood from the land is not new, and was at the heart of the integration of environmental planning policy of 2001. The key is to ensure adequate implementation of projects that promote socio-economic wellbeing without compromising important ecological goods and services.

Examples of how environmental management of land and natural resources supports rural development and land reform include:

- The preservation of resource values for non-extractive activities such as tourism
- The preservation of ecosystem services through appropriate uses or non-use
- Job opportunities in the ‘green’ sector generated through both the Comprehensive Rural Development and Expanded Public Works Programmes
- Job creation and food security through community level land care projects
- Sustainable livelihoods through land management

Without adequate understanding of how rural landscapes, communities, individuals and development projects need to work together as an integrated whole, sustainable rural development and successful land reform will remain unattainable. The understanding of the linkages between different scales (national, provincial, regional,
local, site etc.) would require integration of rural development and land reform needs with environmental planning at the municipal and provincial scale. The focus of individual projects also needs to be on the needs of the particular community it is to benefit as well as the condition of, and potential impact on, the receiving environment. The development of the Nelson Mandela Legacy Bridge at Mvezo in the Eastern Cape stands as a prime example – the bridge will reduce travel time and improve access for locals, but stimulate tourism and economic investment at a regional scale.

The need for the integration of rural development and land reform needs with environmental planning can be seen in cases when land claims are made on land that holds significant value. Examples of such claims include land of high agricultural value, on forestry land, or on land with well-developed tourism enterprises, for example citrus estates and game reserves in Limpopo, tourist lodges in Mpumalanga, sugarcane plantations in KwaZulu-Natal and tea estates in the Eastern Cape (Walker, 2003). This relationship between environmental features and social pressure can also be found in the reverse situation – such as in the Northern Cape or along the West Coast where the need for agricultural extension needs to be balanced with the need for water conservation, protection of fragile indigenous ecological support systems, and high competition for productive soils. While the economic and environmental value of this land cannot be ignored, nor the rights of land claims, the opportunity for integration of rural development programmes for the benefit of local communities may be possible in some cases.

4 POLICY IMPERATIVE

With a decade or so of land reform and rural development practice to look back on, it becomes possible to identify aspects that either contributed to the success of development projects, or detracted from it. Although, it is difficult to match outcomes to specific programmatic interventions, but instead broad trends can be identified. The main challenges present in rural development and land reform projects were summarised by the Minister of Rural Development and Land Reform, Mr G Nkwinti¹, in his budget speech of 2010:

- Land reform programmes implemented to date have not been sustainable and have not provided the anticipated benefits to the recipients of the programme.
- Approximately 6 million hectares of land has been transferred through restitution and redistribution but much of this land is not productive and has not created any economic benefit for many of the new owners.
- The emphasis has been on providing hectares of land, at the expense of development and food security. This has resulted in declining productivity on farms, a decrease in employment in the agricultural sector, and, deepening poverty in the countryside.
- “Leak-out” of the redistributed land is present as a result of recipients failing to honour debts with the Land Bank and other Commercial Banks.

From these points, it is clear that an appropriate pro-active position on land management and sustainable land use can further the objectives of both land reform and rural development projects. These aspects are outlined further in context of rural development, land reform and environmental management, separately in the subsections that follow.

4.1 Rural Development

Rural Development manifests in South Africa under the banner of the Comprehensive Rural Development Programme (CRDP). The CRDP, in turn, finds application through two programmes of the DRDLR, namely the Social, Technical, Rural Livelihoods and Institutional Facilitation (STRIF) and Rural Infrastructure Development (RID). Under these two programmes, rural development must be stimulated to provide support to rural residents and communities, stimulate local economic development and improve rural livelihoods.

Because of the close link between rural development and the natural resource base, programmatic development efforts have the responsibility to ensure that the natural environment is taken care of in a sustainable manner. In practice though, rural development faces a problem of translating technical environmental management concepts into practical development projects. For example, a policy that advocates reliance on fine-scale ecosystem services might not have much relevance to a project official tasked with the roll-out of basic bulk infrastructure. It can also not be expected that emergent concepts such as climate change be easily and widely incorporated into project designs.

The carrying capacity of the natural resource base, in conjunction with the climatic context, needs to play a much higher role in development project conceptualisation, design and implementation. This is evident from the failure of projects to adequately resolve the disjuncture between water availability and agricultural development (and other) proposals. In many rural areas, agriculture cannot thrive without the continued import of water for irrigation purposes, which tends to make agricultural development inherently unsustainable. This is particularly observable in dry regions such as the Northern Cape, or in remote areas that are located far from existing water supply networks. Even where water is tapped from boreholes, the supply might not be guaranteed, or the abstraction could result in unanticipated effects on the natural ecological systems. Sufficient attention must therefore be paid to the planning of environmental resource inputs into development projects in order to ensure that solutions are cost-effective and sustainable.

Rural development must also be cautious of confusing agrarian transformation with rural upliftment, as is often the case. While agriculture is an important factor in livelihood strategies for subsistence and commercial purposes, it is not the core solution to rural development. In many cases rural communities are in desperate need of infrastructure and skills development. This may be coupled with agriculture to further facilitate rural development of the community, with farmers training and support wherever necessary.

Project design is also criticised for not creating the necessary institutional and socio-economic systems to ensure sustainability and local economic development. This could be due to the failure to adequately account for local knowledge and resources, or by not creating economic systems that focus on local system drivers and multipliers. It is often found that quantity is favoured over quality, which then inappropriately focuses on commercial resource utilisation that is unsustainable, foreign to local communities and reliant on external markets rather than designed for internal sustainability.

4.2 Land Reform

Land Reform consists of two broad components—Restitution and Redistribution. Restitution revolves around cases of forced removals that took place after 1913, and is the responsibility of the Land Claims Court and Commission. Redistribution addresses land tenure issues such as tenure security and tenure diversity in order to correct historic racial inequalities and to provide land access to disadvantaged or poor persons (including urban and rural poor, labour tenants, farm workers and new entrants to agriculture).

Both these programmes have to facilitate local economic development and the protection of rural livelihoods, which links closely with Rural Development, but challenges particular to Land Reform relate to how established systems, practices and patterns can be transformed in the various Land Reform projects. This implies that non-traditional or counter historical activities have to be pursued in order to change spatial differentiations between social groups, provide preferential support to groups or individuals previously excluded from rural or agricultural economic activities, and bring about a marked change in the demographics of land ownership. It also means that serious attention needs to be given to how natural resources can be used to support new forms of rural development, or how restoration of environmental services can rectify land degradation associated with an unequal social history.

In terms of successes, the provision of basic services and equipment to rural beneficiaries is a particular facet of Land Reform projects that has become important as a foundation for successful development. In most reported instances, access to basic services represents the first step towards an improvement in the quality of life of the rural poor. It is therefore important to maintain this as a feature in future development projects.

Closely linked to the need to supply basic services and equipment to rural communities is the concept of gender equality. There is lack of clear guidance on gender equity in land reform which is hindering its implementation in projects. Clear definition needs to be presented on what ‘gender’ and ‘women’ references are, and its implementation in planning. According to one KwaZulu-Natal official, ‘Gender always operates at a theoretical level. Nobody has made the shift to how to do this practically’. A senior official in the national office concurred: ‘The debate around issues of gender and land reform does not identify the right problem. It is not a policy problem. The focus should be on how to strengthen women in a practical way so that they can make use of the opportunities’. The need for this can be seen in projects where focus is placed on what would be classified as practical gender interests for both men and women (e.g. water supply for irrigation or domestic consumption, fencing, and improved road access to the newly acquired land). This overlooks the need that women have identified, for example that prioritising the supply of domestic over irrigation water could improve women’s capacity to engage in community affairs and enhance their status, and is therefore in conflict with the empowerment of women. The very process of debate about competing ‘practical’ needs may shift how gender relations are perceived in different communities.
Of particular concern in most projects is the persistent shortage of pre- and post-settlement farmer support, especially where resource utilisation projects are present that rely on imported rather than local knowledge and skills, or high levels of capital investment and project maintenance.

It is widely acknowledged that security of tenure is a pre-requisite for effective land development in disadvantaged communities. In many rural areas though, ownership and authority can be complex issues. In Kwa-Zulu-Natal, for example, the Ingonyama Trust holds the communal lands in trust for the tribal authorities, which makes the Trust an important decision-maker when it comes to land development. However, on an individual basis, beneficiaries of the Ingonyama land development projects must have the necessary assurance that their improvements to the land will translate into personal long-term social and financial benefits rather than merely an increase in land value for the Trust.

The absence of a formal Land Reform framework also means that Land Reform performance and success is hard to measure and quantify. This problem runs quite deep, as it has been said that despite the promulgation of policies and guidelines, it remains difficult to define who the actual beneficiaries of rural development and land reform projects are – i.e. is it aimed at the public in general or subsistence farmers? In addition to environmental opportunities/constraints, it is also imperative that projects take into account the community history in the area and cultural sensitivities. If all of these factors are not aligned it could greatly influence the success of the project depending. A Land Reform framework and guidelines will need to guide the process in a manner that eliminates these flaws, and does not allow claims to continue to a point where they no longer meet the intended outcomes of the specific project (e.g. claims on land with high agricultural value and the need to supply 30% of this land to black farmers).

5 CONTEXTUAL CHANGES

5.1 Future conditions

Planning for a sustainable future needs to be conscious of the macro conditions that determine the direction of future development. By implication, a policy that aims to steer rural development and land reform needs to anticipate the future developmental conditions that will manifest in Southern Africa. If, for example, economic collapse is anticipated, then a policy needs to focus on creating self-sufficient resilience that can ensure survival during hard times. Future conditions should, therefore, be seen as factors that will affect the efficiency and effectiveness of policy. There is consequently a need to understand what the future holds in store for South and Southern Africa.

In general, the social, economic and political outlook for South Africa's future seems to look more positive than negative. Nevertheless, according to the National Planning Commission\(^2\), the country still needs to overcome nine challenges if the gains made since 1994 are to be sustained:

1. Too few people work
2. The standard of education for most black learners is of poor quality
3. Infrastructure is poorly located, under-maintained and insufficient to foster higher growth
4. Spatial patterns exclude the poor from the fruits of development
5. The economy is overly and unsustainably resource intensive
6. A widespread disease burden is compounded by a failing public health system
7. Public services are uneven and often of poor quality
8. Corruption is widespread
9. South Africa remains a divided society

This, it is argued, requires policy and actions that aim to:

- Create jobs and livelihoods
- Expand infrastructure
- Transition to a low-carbon economy
- Transform urban and rural spaces
- Improve education and training
- Provide quality health care
- Build a capable state
- Fight corruption and enhancing accountability

Transform society and uniting the nation

Regrettably, from an environmental perspective, the future looks more uncertain. Climate Change is recognised as a significant determinant of the future availability of basic natural resources such as water, and of the form and shape of international relations tied to energy and resources. Poor and rural communities are considered to be at highest risk from the negative consequences and impacts of climate change.

For the purposes of a policy that marries the ideals of Environmental Management, Rural Development and Land Reform the following therefore needs to be taken into account:

**TABLE 1: LIKELY FUTURE CONDITIONS TO TAKE INTO ACCOUNT IN POLICY FORMULATION**

<table>
<thead>
<tr>
<th>Sector</th>
<th>Conditions</th>
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| Environmental management | ● Continued pressure on natural resources and environmental quality  
● Opportunities in green technology, renewable fuels  
● Adjustment in attitudes towards natural resource conservation and utilisation  
● Increased variance in weather patterns and increased pressure on natural resources due to climate change  
● Long terms cost savings and improved social resilience associated with the optimisation of natural environmental services (water purification, pollination, storm protection etc.)  
● Increased focus on water resources – access to water, and increased occurrence of droughts and flooding. |
| Rural Development | ● Focus on food security and disaster management  
● Opportunities in green technology  
● Internal focus on food security, improved agricultural productivity and secondary industries rather than dependence on volatile export markets  
● Expanding the reach of social services and functions  
● Investment in rural infrastructure and connectivity  
● Creation of sustainable employment  
● Protecting soil productivity in the face of climate change impacts |
| Land Reform      | ● Continued demand for security of tenure and concomitant decrease in communal land ownership and management (although cultural preferences experienced in KZN might be an exception)  
● Cultural sensitivity  
● Continued fragmentation of land with little adjustment of property ownership in the direction of consolidation for extensive farming  
● Potential lacklustre guidance and management of land reform leaving beneficiaries still in need of assistance  
● Emergence of strong best practice projects as ‘pockets of excellence’  
● Spatial planning needs to address inequalities in land distribution without compromising food security. |

5.2 Strategic spatial planning

5.2.1 Draft Green Paper on Development and Planning

The draft Green Paper on Development and Planning was published in 1999 by the National Planning and Commission to articulate a spatial planning system for both rural and urban areas. The process involved conducting a thorough review of South Africa’s disjointed planning system to propose a unitary system that could be adopted to help the country march to a shared goal of ensuring sustainable development. Such a system would be based on the ethos of protecting human rights and the environment, as well as ensuring sustainable utilisation of natural resources.

In summary, some of the goals of the Green Paper, which have to a degree been encapsulated in the SPLUMB, are the following:

● Rationalising the legal planning framework through the creation of a single piece of planning legislation;
Policy for the Integration of Environmental Planning into Land Reform and Rural Development Projects

- Recognising and giving centrality to SDFs as the a common planning platform to be adopted by all organs of state;
- Decentralising decision making on spatial planning and land use management to Local Authorities, which are at the coal-face of development activities;
- Facilitating the setting up of forums to improve co-ordination and integration of land development decisions;
- The need to speed up land development approvals

The SPLUMB thus represents the long-desired single, unitary planning platform that must be adopted by all organs of state who are charged with spatial planning and whose functions interface with the natural environment.

5.2.2 Integrated Sustainable Rural Development Programme

The National Spatial Development Perspective (NSDP) was developed by The Presidency during 2006. The NSDP provides a framework for focused intervention by government at a national and strategic level for equitable and sustainable development. It further identifies areas within South Africa whose growth and development is crucial for the country as a whole to meet its development targets. These nodes consist of the 22 poorest areas of South Africa (15 rural and 7 urban), where some 10 million people live.

The Urban Renewal Programme (URP) and Integrated Sustainable Rural Development Programme (ISRDP) aim to address underdevelopment in the Presidential poverty nodes, and were introduced in 2001 and aim to promote and support more rapid and equitable rural development. The vision of the ISRDS and URP is to attain “socially cohesive and stable communities with viable institutions, sustainable economies and universal access to social amenities, able to attract skilled and knowledgeable people, equipped to contribute to their own and the nation’s growth and development.” The strategy is aimed at benefiting the poor generally, and particular efforts are being made to target women, youth and the disabled. (DPLG, IDT: 2004)

The ISRPD therefore seeks to develop poor areas into “economically viable and socially stable areas that make a significant contribution to the nation’s GDP”.

5.2.3 National Development Plan: Vision for 2030

More recently, the National Planning Commission released the National Development Plan (NDP) which charts the vision for South Africa by “attacking the blight of poverty and exclusion, and nurturing economic growth at the same time; creating a virtuous cycle of expanding opportunities, building capabilities, reducing poverty, involving communities in their own development, all leading to rising living standards” (NPC, 2011).

The plan specifically aims at an inclusive and integrated rural economy, where “rural communities should have greater opportunities to participate fully in the economic, social and political life of the country” (NPC, 2011). It further states that these opportunities will need to be underpinned by good quality education, health care, transport and other basic services. Successful land reform, job creation and rising agricultural production are key pillars to creating an inclusive rural economy as these areas are characterised by unusually high levels of poverty and unemployment (NPC, 2011).

The plan proposes a multi-pronged approach, the first of which is “to create a million jobs through agricultural development based on effective land reform, and the growth of irrigated agriculture and land production. Second, basic services that enable people to develop the capabilities they need to take advantage of economic opportunities throughout the country and so contribute to the development of their communities through remittances and the transfer of skills. This includes ensuring food security and the empowerment of farm workers. Last, industries such as agro-processing, tourism, fisheries and small enterprises should be developed where potential exists” (NPC, 2011).

The NDP stipulates the following targets:

- An additional 643 000 direct jobs and 326 000 indirect jobs in the agriculture, agro-processing and related sectors by 2030;
- Maintain a positive trade balance for primary and processed agricultural products;

Actions are as follows:

- Rural economies will be activated through improved infrastructure and service delivery, a review of land tenure, services to small and micro farmers, a review of mining industry commitments to social investment, and tourism investment;
- Substantially increase investment in irrigation infrastructure in Makatini Flats and Umzimvubu River Basin;
- Create tenure security for commercial farmers, especially women. Investigate different forms of financing and vesting of private property rights to land reform beneficiaries that does not hamper beneficiaries with a high debt burden.

5.2.4 Area Based Plans

The CRDP is premised on “a proactive participatory community-based planning approach rather than an interventionist approach to rural development”, which reflects a new and innovative approach to rural development. The initial step in the CRDP process is to establish baseline information about the community and site, through household and community profiling methods. The community issues and development needs are determined which inform planning, project and intervention development, and programme designs.

The community profile will generally comprise:

- The major patterns of resource use in the community, illustrated by maps;
- The settlement patterns of the community;
- The major livelihood patterns of the community and which groups of households are engaged in those patterns, illustrated by maps, rankings and seasonal calendars;
- The main visible, formal and traditional institutions presented in the community;
- The importance and accessibility of services in the community, illustrated by a Venn diagram; and
- A historical profile of the community, different groups within the community and resources and resource use over time, illustrated by timelines.

The process then culminates in the preparation of a spatial Area Based Plan for the CRDP site, such as the example of Vreedesvallei below. Any spatial plans prepared as part of the CRDP should be incorporated as a sector plan into the Municipal SDF to ensure sustainability of rural areas. Further improvement in this alignment of spatial plans at a local level is required.

![Draft Spatial Plan - Vreedesvallei](image)

**FIGURE 1: DRAFT SPATIAL PLAN - VREEDESVALLEI**

The preparation of Area Based Plans (ABPs) is the means of aligning with municipal planning, specifically SDFs and IDPs. Previously, the ABPs focused on land reform issues (restitution and redistribution) but with the department’s additional mandate to address rural development the Terms of Reference for ABPs has
been expanded to deal with rural development aspects as well. The ABPs are now referred to as Rural Development and Land Reform Plans. These plans address the feasibility and practicality of the proposed intervention by looking at economic viability, access to markets, economies of scale, climatic conditions, agricultural yield, areas with agricultural potential, etc. The preparation of these plans has progressed well with many District Municipalities completed.

Currently the professional team that prepares such a plan does not include environmental practitioners, and comprises engineers, economists, agricultural specialists and urban planners. It is proposed that in future environmental practitioners be a requirement on the professional teams.

Furthermore, integration with other sector departments, such as education and transport, has been limited. For land reform and rural development projects to be sustainable and successful, a more integrated approach to planning and implementation across sector departments is required.

5.3 Rural Development and Land Reform

5.3.1 Comprehensive Rural Development Programme

A key success factor in the implementation of rural development programmes lies in the integration of environmental planning into spatial planning processes. This integration should start at a national level to address strategic issues such as climate change, but also to inform the location of specific projects to avoid environmentally sensitive areas and unsustainable outcomes.

Consideration and application of national strategic plans, such as the National Development Plan, early in the implementation of the CRDP will assist in the selection of sustainable and viable rural development sites.

Various tools are available to assist in this strategic planning process of CRDP implementation at a regional and local scale, including biodiversity planning tools (specifically the National Biodiversity Framework), as well as spatial planning processes contained in Environmental Management Frameworks and Strategic Environmental Assessments. These tools can assist in the initial project feasibility stages to ensure that the spatial location of CRDP projects is not in conflict with environmental sensitivities, and to identify the relevant environmental impacts. Significant impacts could result in difficulties and delays with environmental authorisation at a later stage. A more proactive approach is required to prevent the reactive usage of Environmental Impact Assessments through the avoidance of detrimental environmental impacts while promoting sustainable CRDP projects.

5.3.2 Rural Development Action Plan

The July 2011 Cabinet Lekgotla Cabinet adopted 12 implementation plans for immediate action by government in order to achieve the aims of government. In the case of rural development, the key priority for Action Plan 6 is “scaling up rural development programmes including investment in rural areas and the revitalisation of smaller towns”. The objectives are twofold, namely to facilitate employment creation and economic growth in the rural areas, and to accelerate service delivery in the 22 identified District Municipalities.

These improvements are to be implemented within 22 prioritised district municipalities as indicated in the table below, which were selected based on their lack of access to basic services and low income and employment levels.

TABLE 2: PRIORITISED DISTRICT MUNICIPALITIES

<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>DISTRICT MUNICIPALITY</th>
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<tbody>
<tr>
<td>Eastern Cape</td>
<td>Alfred Nzo</td>
</tr>
<tr>
<td></td>
<td>OR Tambo</td>
</tr>
<tr>
<td></td>
<td>Chris Hani</td>
</tr>
<tr>
<td></td>
<td>Joe Gqabi</td>
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<td></td>
<td>Amathole</td>
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<tr>
<td>Northern Cape</td>
<td>John Taolo Gaetsewe</td>
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<td>Limpopo</td>
<td>Greater Sekhukhune</td>
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<td>Capricorn</td>
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<td>Mopani</td>
</tr>
<tr>
<td>North West</td>
<td>Ngaka Modiri Molema</td>
</tr>
<tr>
<td></td>
<td>Dr Ruth Segomotsi Mompati</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>Zululand</td>
</tr>
</tbody>
</table>
The implementation programme focuses on scaling up existing rural development programmes through 4 key interventions:

- **Expanding agricultural production by small-scale farmers** in order to develop their potential to become involved in the formal economy. The programme will identify areas of highest potential that can contribute to enterprise development, employment creation, agro-processing and income generation.

- **To extend core infrastructure to rural areas** where DRDLR will work with District Municipalities to identify high impact and at times inter-municipality projects that have multiple spin-offs, such as social impact (access to infrastructure and services), and economic impact including employment creation, skills development and access to economic activity. Core infrastructure priorities include water, sanitation, energy, roads, and animal and veld management (fencing and other agricultural infrastructure).

- **Increasing jobs and skills of communities** through the identification of the economic opportunities in these municipalities and in the proximity, including the creation of the data base of the unemployed (unemployed graduates, youth with matric), will be developed.

- **To revitalise rural towns** in order to make them economic hubs (including university towns such as Alice) and develop sustainable human settlements. The programme intends to finalise the spatial development plans of the 22 identified District Municipalities where they do not exists so as to identify areas with potential. This work will be linked, amongst others, with the areas identified for expanding agricultural production by small-scale farmers.

DRDLR and The Presidency are the lead agents for the implementation with support from The Department of Agriculture, Forestry and Fisheries, the Department of Co-operative Governance and Traditional Affairs and Economic Development Department. Monitoring will be done against government delivery agreements, specifically Output 1, 3 and 4 of Outcome 7 which aims at establishing vibrant, equitable and sustainable rural communities and food security for all.

Rural Development will also proceed in concert with the “War on Poverty”, one of the governmental Apex Priorities. The War on Poverty is an effort to co-ordinate activities related to poverty alleviation on a national scale but at ward and site level, and according to a specific programme of actions. It therefore combines contributions from the DRDLR, Department of Housing, Department of Social Development etc. in order to make a real difference in the prevalence of poverty.

Figure 2 spatially depicts the CRDP and War on Poverty sites in relation to the 22 priority District Municipalities.
5.3.3 Land Reform

Similarly, strategic environmental planning tools such as Environmental Management Frameworks and Strategic Environmental Assessments can assist with a more detailed understanding of the broader environmental processes and ecosystem functioning. These tools can then inform the macro screening of environmental considerations that are fundamental to the success of land reform projects (including hydrological conditions, soil potential, climatic conditions) and protection of sensitive environments.

Challenges in land reform projects lie in post-settlement and aligning the planning for and infrastructure provision of these communities with municipal planning. Land reform needs to be included as a sector plan in municipal planning, specifically IDPs. The Area Based Planning process is the means of aligning and integrating with municipal planning.

Environmental resources that can be transformed into support for economic development need to be identified in restitution projects, especially where traditional/conventional agricultural practices are marginal in terms of securing livelihoods. Similarly, opportunities in ‘green’ technology can be pursued when considering the redesign of spatial development patterns and the resource networks surrounding development nodes. For example, in remote locations off-grid electrification can be considered rather than networked electrification in order to reduce the costs and improve the reliability of the infrastructure.

5.4 Regulatory and legislative context

Significant legislative reform has taken place since the publication of the original policy document. Although some of the changes have been incorporated into the supportive “Guidelines for the Integration of Environmental Planning into Land Reform and Land Development” (2001) and the subsequent “Environmental Sustainability Assessment (ESA) Guidelines for Land Reform” (2008), the contextual changes must be reflected in full in the revised policy.

The applicable regulatory and legislative documentation for rural development, land reform and environmental management is elaborated on separately in the sub-sections that follow.

5.4.1 Spatial Planning

The roll out of the Comprehensive Rural Development Programme (CRDP) remains the overarching framework for Rural Development. However, further refinement of the concept of Rural Development has
taken place, and significant work has gone into reconceptualisation and alignment of spatial and development planning processes. In particular, municipal planning has benefitted from the increased focus on incorporating environmental planning into spatial planning processes and the development of environmental planning tools.

a) The Spatial Planning and Land Use Management Bill 2011

The Bill aims to bring uniformity to land use management and land development, and incorporates sustainability principles such as protecting the natural resource base and high potential agricultural land. Spatial Development Frameworks (SDF) has been identified as a central tenet for planning by all spheres of government. SDFs represent a strategic planning tool that addresses all environmental issues (biophysical, socio-economic and built environment) in an area. By extension, SDFs or their extensions can guide and inform development activities in CRDP projects sites.

The end products of SDF processes are spatial plans and frameworks highlighting environmental sensitivity of sites, and development zones and corridors in an area. Spatial plans that are prepared for CRDP projects follow a similar methodology as used in the SDF process. The Spatial Plans prepared for CRDP will eventually become sector plans to be included in IDPs of municipalities in the same way as SDFs are a component of IDPs.

The creation of a uniform Land Use Management System (LUMS) linked to the SDF is also proposed, as well as norms and standards for the preparation of such plans. The Spatial Planning and Land Use Management Bill (SPLUMB) will eventually replace the plethora of legislation on land use management in the country. The Act will give effect to the SDF and Integrated Development Plan (IDP) processes and will decentralise power to local authorities.

b) White paper on spatial planning and land use management

The White Paper on Spatial Planning and Land use Management gave effect to the SPLUMB, and was itself given impetus to by Chapter 10 of Agenda 21, which sought to facilitate the allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition to a sustainable and integrated management of land resources. The White Paper drew on the work prepared by the National Planning Commission (as detailed in the Green Paper) and emphasises the importance of decentralisation of planning and decision-making to municipalities. Some of the overriding principles which must guide spatial planning and land use decision-making are:

- Sustainability
- Equality
- Efficiency
- Integration
- Fair and good governance.

In order to operationalize the principles, the White Paper proposed that municipalities must be provided with sufficient capacity to implement and review the success of their operations. The White paper advocates that municipalities must:

- Have the capacity to authorise EIA and land development applications;
- Be able to prepare SDFs that incorporate Strategic Environmental Assessments;
- Establish committees to deal with EIA and land use decisions;
- Set up tribunals which would adjudicate and make decisions on cross-municipality development activities.

According to the White Paper, decisions on spatial planning and land use management must ensure that all possible land use options are equally considered. Municipalities are identified as the most relevant land use regulators and decisions they make must be consistent with applicable norms and standards. A uniform set of procedures for the whole country is proposed, with SDFs and Land Use Management Schemes given impetus. The White Paper on Spatial Planning and Land use Management has been given effect to by the SPLUMB.

c) Guidelines for preparing SDF

A SDF is a tool that achieves the desired spatial form of the Municipality by incorporating the economic, sectoral, spatial, social, institutional, and environmental elements/vision of a Municipality. As part of a Municipality’s Integrated Development Plan (IDP), an SDF is prepared to facilitate the alignment of the spatial components of various municipal sector plans such as disaster management, transport, health, infrastructure, Integrated Waste Management Plan (IWMP), Environmental Management Plan (EMP), etc. An SDF ought to
be aligned with tools such as the Environmental Management Framework (EMF), or any applicable bioregional plans (if available). Any spatial plans prepared as part of the CRDP will logically be incorporated as a sector plan into the Municipal SDF to ensure sustainability of rural areas. An SDF provides guidance on the Land Use Management System (LUMS) for a Municipality.

SDFs form a spatial expression of the IDP and outline priorities from a biophysical and socio-economic perspective on a map displaying the desired spatial layout of the municipality. If correctly implemented, SDFs are a successful tool that would guide sustainable development and environmental sustainability in municipalities and their respective wards.

Sectoral Plans for CRDP wards or sites are prepared and incorporated into Municipal SDFs. The Sector Plans would highlight the spatial priorities and layout of wards in terms of areas in need of protection, development nodes, corridors, areas suitable for settlement, as well as any agricultural areas or areas suitable for business development. In the same way as an EMF, which SDFs ought to be aligned to, the following features are highlighted:

- Biophysical features;
- Socio-economic parameters; and
- Built environmental factors that are relevant in an area.

The key stages in the preparation of an SDF according to the SDF guidelines that have been prepared by the Department of Rural Development and Land Reform can be summarised as follows:

- Start-up and SDF initiation phase;
- Identifying issues and clarifying the vision for a Municipality;
- Spatial analysis and synthesis phase
- Draft SDF
- Obtaining support for the draft SDF
- Finalisation of SDF and obtaining political approval
- Implementation

### 5.4.2 Land Reform

From a Land Reform perspective, the most significant developments have been the publication of a Land Reform Green Paper and the initiation of the Recapitalisation and Development Programme.

#### a) Green Paper on Land Reform

The Land Reform programme has changed focus to place more emphasis on the sustainability and economic feasibility of land reform projects. A green paper on land reform has recently been tabled to address some of the pressing challenges confronting the land reform programme such as shortage of skills and appropriate capitalisation, which are keys to the success of the programme.

Land is at the centre of rural development and agrarian reform initiatives. Land reform is thus seen as a catalyst in the government’s attempt to reverse distorted land ownership patterns in the country, hence the green paper on land reform. In summary, the green paper on land reform seeks to ensure:

- A four-tier system of land tenure which will ensure that rural blacks have reasonable access to land with secure rights;
- Effective land use planning and regulatory systems to promote optimal utilisation; and
- Clearly defined property rights and secure long term land tenure for non-citizens.

#### b) Recapitalisation and Development Programme (RECAP)

Broadly speaking, the recapitalisation and development programme focuses on improved production of farms and the creation of decent employment opportunities within the agricultural sector, with the programme underpinned by mentorship, co-management and share equity. The majority of land reform projects have failed to achieve all the intended outcomes, prompting government to place emphasis on recapitalisation of projects as failure threatens the very objectives that the land reform programme was set up to accomplish in the first place, i.e. overcoming poverty and creating sustainable rural livelihoods through ensuring food security, job creation, market access, financing, etc. The recapitalisation programme explores innovative ways such as the state entering into arrangements with strategic partners (e.g. established commercial farmers), who will provide mentorship to emerging farmers, with funding to be provided by the state and other funding agencies as necessary.
5.4.3 Environmental Management

Environmental management has seen significant theoretical development in the past decade, and progressively diversified in an attempt to adequately deal with emerging fields of practice such as climate change, sustainable design, integrated environmental management, and strategic environmental planning.

The most pressing current environmental concerns are captured in the Government Delivery Outcomes process (Outcome 10), as four critical problems:

1. Water is used unsustainably and the quality and quantity of water resources is in decline;
2. We have to reduce greenhouse gas emissions, prepare strategies to cope with projected climate change impacts and reverse the rising trend in relation to the release of pollutants into the atmosphere;
3. There is a need for proper and better management of our environment; and
4. Protection of our biodiversity must improve.

The DRDLR specifically has responsibilities in this regards in terms of climate change adaptation, sustainable land use management and the growth of the ‘green’ economy.

Significant additions to the environmental management legislative framework include the promulgation of the so-called ‘specific environmental management acts’ (SEMAs), namely the Biodiversity Act, Protected Areas Act, Waste Act, Air Quality Act and Integrated Coastal Management Act. These are all published under the auspices of the National Environmental Management Act, 1998, and pre-empt the publication of sector specific regulations. Importantly, the Environmental Impact Assessment (EIA) Regulations have evolved into a complex set of regulations, procedures and lists of activities, whose procedural requirements need to be taken into account in development projects. Environmental regulatory compliance enforcement has also become firmly established, which makes it all the more important to ensure awareness of, and compliance with, environmental regulatory requirements.

a) National Environmental Management Act

Several amendments to the National Environmental Management Act, 1998 (NEMA) have been published subsequent to its original promulgation, with the latest amendment dating from 2009 and a 2011 amendment Bill currently undergoing a stakeholder participation process. The amendments correct errors in the Act, or alter certain provisions to facilitate the promulgation of, and alignment with, other statutes.

b) Specific Environmental Management Acts

In order to refine and provide further substance to environmental management within the different fields of the sector, specific environmental management acts were promulgated. The SEMAs make provision for specific management and regulation of activities and resources within particular fields, and to date the following have been completed:

- National Environmental Management: Protected Areas Act (Act 57 of 2003) (NEM:PAA)

Importantly, the overarching NEMA is viewed as being on the same tier as the SEMAs, and therefore not necessarily the dominant act in case of a conflict. Each of the SEMAs is also set up in a way that facilitates the publication of relevant regulations and notices. Such regulations typically rely on the institutions and implementation controls provided for in the main Act, but specify more detailed controls over sector specific activities. Regulations of particular relevance to rural development and land reform include:

- NEM:BA Draft Lists of Alien and Invasive Plants in terms of Section 70 (to replace similar regulations under Act 70 of 1970)
- NEM:WA List of Waste Management Activities (Notice 718 of 2009)
Policy for the Integration of Environmental Planning into Land Reform and Rural Development Projects


c) EIA Regulations

The environmental permitting process with the most general application and widest ranging scope is the Environmental Impact Assessment Authorisation process. It is defined under the EIA Regulations, of which the last major revision was released in 2010 (Regulations R.543 to R.546 of 18 June 2010; and subsequent correction notices Government Gazette notice 33411: No. R. 660 of 30 July 2010 and notice 33842: No. R. 1159 of 10 December 2010). The regulations are published under the auspices of Section 24 of National Environmental Management Act, 1998, and specify which development activities require environmental authorisation as well as the processes required to assess environmental impacts for the purposes of authorisation.

All the activities listed in the three schedules of the Regulations must obtain EIA approvals before they may commence. Listing notices 1 and 3 contain activities for which a Basic Assessment (BA) must be undertaken. Listing notice 2 contains the schedule of activities for which a full EIA must be undertaken. Both Bas and EIAs must also include an Environmental Management Programme (EMP), referred to as an Environmental Management Plan prior to the 2010 NEMA amendment, to mitigate the negative residual impacts of a development.

The regulations also make provision for compliance and enforcement actions and penalties.

d) Policies and Guidelines

A significant amount of information, knowledge and guidance can be found in the various environmental policies and guidelines published during the past decade. These guidance documents are intended to facilitate better understanding of environmental management matters, and related issues. They also clarify specific concepts, and set standards for the implementation of responsible environmental management in particular situations or with regards to specific features.

Unfortunately, many such documents end up never making contact with an audience or practitioners outside of the institutions that created them. In the Environmental Management field, environmental policies and guidelines commonly only gets used by individuals within the sector, rather than those people or institutions outside the field that have control over the ‘actioning’ of the recommendations and controls. For example, it is an open question whether the recent South African Risk and Vulnerability Atlas (SARVA) drafted by the Department of Science and Technology will be seen and used by rural development practitioners who, understandably, view climate change as something that the ‘environmentalists’ need to deal with, not knowing that it directly affects the feasibility of farming and biodiversity management.

6 PRINCIPLES

6.1 Policy Principles

It is important for any policy to stand firm on principles underwriting its basic premises, its aspirations and its objectives. The principles act in unison as a rudder for the implementation of the policy, ensuring that decisions that are informed by the policy work together towards the same ultimate outcome. Policy principles therefore need to answer questions of interpretation, and offer guidance in cases where uncertainty about a way forward is present.

It is consequently important to ensure that the principles for the Environmental Integration Policy are relevant, and that it aligns with related policies. In particular, the principles should not conflict with the intended outcomes of other policy directives.

A revised set of principles is therefore derived by retaining relevant points from the existing policy, and amending or adding further principles based on the current environmental management, rural development and land reform contexts. Consolidation of policy principles from the Government Outcomes process, national development strategies and recent Rural Development and Land Reform policies, and the findings of the assessment of Land Reform and Rural Development projects provided (in the section above), is used to inform a list of aspects that need reinforcement at a high level.

These are:

- Self-sufficiency and sustainability in land reform projects
- Appropriate and functional operational and institutional mechanisms
Protection of human rights, including environmental rights

The Constitution guarantees the protection of human rights for all citizens of South Africa. One of the rights that need to be upheld along with other social and economic rights, is the right to a healthy liveable environment. This is given substance in the National Environmental Management Act, 1998, which defines a number of key principles of environmental management. Of particular relevance is Principle 1 which equates environmental rights with social and economic rights, and places the responsibility for implementation of the rest of the principles on each and every organ of state.

Principle 2 points out that environmental management must serve to supply human needs, but in the same breath Principles 3 and 4 explain that the provision of human need can not take place in an unsustainable, environmentally degrading, short-sighted or inequitable manner.

Strategic environmental assessment of all projects

Strategic Environmental Assessment (SEA) refers to a specific form of environmental investigation that guides the integration of sustainability considerations into the formulation, assessment and implementation of policies, plans and programmes. SEA not only aims at supporting an environmentally sound and sustainable development, it also attempts to strengthen strategic processes, improving good governance and building public trust and confidence in strategic decision making. Ultimately, SEA can lead to saving time and money by avoiding costly mistakes, aligning processes and improving the overall long term payoffs of projects.

Such assessments are, in fact, already required as part of Spatial Development Frameworks, and find further implementation in the form of Environmental Management Frameworks. As such, SEA is slowly being introduced as a central component of spatial planning processes. However, the use of SEA within the policy development realm is not incentivised or mandatory yet in South Africa. International best practice is moving towards the full implementation of SEA in policy and planning though, with a good example of a regulatory structure for SEA in the European Union.

Optimisation of environmental resources – including sustainable design, renewable energy and materials, as well as recycling of resources. Community resilience matched to appropriate levels of resource use should be the safety net, not subsidies and government grants.

Land Reform and Rural Development both need to be sensitive towards the ability of the land and the natural resources local to a development project to sustain economic activities or livelihoods. This must be considered from two perspectives – resources relevant to coherent intensive or extensive production or exploitation, and resources with relevance to individual livelihoods and food security. Environmental resources must be incorporated in a manner that will optimise the values that can be derived from them whilst at the same time preventing unanticipated and unnecessary resource degradation.

Failure to adequately manage biodiversity issues can lead to increased liabilities, increased costs, higher residual social resistance, reduced access to land and water resources, as well as compromised access to finance and insurance. On the other hand, designs and technology that harness renewable resources or improve the efficiency of resource use will have long term benefits that increase local resilience and sustainability at lower environmental costs. A fundamental shift in thinking is required that will view environmental sustainability as the project safety net rather than continued support from project funders or government entities.

Compliance with environmental regulations

Legal compliance in terms of the environmental regulatory regime is not negotiable. As an organ of state, the DRDLR has the responsibility to lead by example, and to implement the statutory requirements imposed throughout the country. Legal compliance must therefore be ensured for all rural development and land reform projects. This extends to the full complement of environmental legislation, including regulations related to water uses, waste management and disposal, emissions and air quality, biodiversity protection, coastal management, mining, agricultural activities, energy use and land use planning. Where triggered, the
necessary Environmental Impact Assessment procedures need to be followed. Importantly, EIA investigations must take into account the full range of possible climate outcomes.

- **RD/LR should take guidance from other sector departments with regards to the optimisation of environmental goods and services**

Just as other sector departments need to rely on the DRDLR for advice and guidance on matters relating to Rural Development and Land Affairs, so should the Department make use of the expertise and advice that can be gained from other sectors, and in particular the various environmental management departments. It should be understood that environmental guidance for development projects will not have any effect if it does not find its way out of the environmental sector. Implementation agents, such as the DRDLR, and not the environmental entities will be driving projects, and therefore need to act as the implementers of environmental guidance. The taking and application of advice can then initiate a learning process that will feed valuable information back to the environmental sector in order to provide reciprocal assistance and advice on how to improve the environmental policies.

Guidance in this respect can be taken from the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005)(IGRFA). Apart from joint participation in projects, different sector departments should be in communication with each other through committees, forums, work teams etc. The ideal is for systematic or structured interaction to be complimented through ad hoc interaction. For example, as a key initial coordination effort, a Memorandum of Understanding between DEA and DRDLR could be used to ensure the DRDLR benefits from structured environmental support from DEA. At the same time DRDLR environmental officers could then maintain close links with DEA officials to ensure constant regeneration and stimulation, but on an ad hoc consultation and interaction basis.

- **The integration of environmental planning into spatial planning processes must be streamlined in order to reduce cost and polarisation**

One of the main obstacles to increased incorporation of environmental considerations into spatial planning processes is the cost of conducting parallel environmental planning. The ideal scenario is one where the environmental planning forms part of a single consolidated planning process where resources are shared, stakeholders are jointly engaged and planning sees a holistic picture.

Duplication between the two complementary processes must be avoided. A large amount if inefficiency will be removed if the two processes can be aligned in a way that prevents the generation and processing of near identical sets of environmental information. This implies that mutually compatible information standards need to be developed, and an appropriate sequence for information collection and approval application defined. Potentially, such an integrated process will also serve to resolve some spatial or land use conflicts that arise because of differentiated planning and approval systems.

- **Projects must be outcomes based**

Instead of taking a view that projects should merely avoid or prevent serious harm to people or the environment, rural development and land reform should use sustainable development principles to achieve an improvement in the quality of the living environment. This means that projects should be positive in design (i.e. how can they improve on the status quo) rather than negative (i.e. how can they avoid risk). Ultimately, a sustainable outcome should be pursued rather than mere regulatory compliance.

The environmental principles outlined in the Constitution and NEMA imply that such outcomes must be couched in the concept of sustainability. In order to create an outcomes-based land use and development planning system, project proponents, technical teams and government officials will need to be capacitated to understand what sustainability means in a practical context, and a decision-support system will need to be set up that encourages an appropriate strategic rather than myopic view.

- **Land uses must be suited to the resource base**

The selection and design of land uses and activities must be based on a rigorous process of identifying resource values, carrying capacities, replenishment cycles etc., in order to match the scale and intensity of the land uses to the availability of resources. Inappropriate activities will rapidly deplete the resource supply, leading to a failure to attain sustainability in development projects. This approach will mean that in many cases different resource values will have to be weighed up against each other, and resolution found on a trade off between them in the interest of securing the most sustainable rural livelihoods.

The process of selecting the most appropriate land capabilities to exploit must be executed with circumspect and a particularly strong focus on sustainability over the lifetime of a particular development project. Often, different capabilities or resource values will be present on the same land, and the different values will need to be related to local and regional needs, sustainability over time, and impact on livelihoods and food security.
• Project design must consider the use of environmental management tools such as offsets, Clean Development Mechanism, carbon trading schemes, Community Based Natural Resource Management, conservation agriculture etc.

In the wake of growing interest in global warming, climate change and developmental issues, a range of environmental tools have become available for use in development initiatives. In many cases, sustainable practices can be offset against funding or investment, and therefore need not burden the development project itself with additional costs. It might be necessary though to gain knowledge of, and access to, these tools via other sector departments or institutions. Consultation between organs of state and developmental entities is therefore crucial.

One of the greatest obstacles to the successful use of best practice, innovations and customised tools is the lack of awareness of the tools amongst practitioners or simply a fear of using unfamiliar tools and methods. To counter this, a consistent and broad based effort is required to create better awareness – whether through information sharing, improved interaction between specialists or formal capacitation and training.

• Rural development and land reform must improve social-ecological resilience in parallel to creating conditions for further development

Resilience refers to the ability of a system to resist disturbance or shock, or to return to a state of equilibrium after disruption. In terms of social and ecological outcomes, resilience will be evident in the ability of communities to withstand environmental change and economic instability through appropriate use or protection of local resources and the establishment of self-reliant local economic systems. This must, however, be matched by a parallel process of creating conditions conducive to further development rather than stagnation.

Social-ecological resilience or equilibrium need not be seen as maintaining status quo conditions. Rather, it must be recognised that with developmental intervention, different states of equilibrium or sustainability might be possible. The aim should be to establish those self-sustaining social and economic systems that are not eroding social, economic and environmental resource capital at the detriment of long term sustainability. Such systems might be based on much higher resource flows or completely different socio-economic safety nets, but overall robustness must not be compromised or artificially maintained.

• Rural development and land reform must be underpinned by good governance

Corruption, poor service delivery, undue bureaucracy, incompetence, maladministration and failure to integrate and align processes are all elements that will not further the cause of rural communities. Good leadership must be shown, and the administration of development projects dealt with in a swift, non-wasteful manner.

As highlighted in the National Development Plan, 2011, some of the foundations for the successful development of the country are an effective and capable government, collaboration between the public and private sector and leadership from all sectors of society. Particular emphasis is placed on creating a capable state, which: “...requires leadership, sound policies, skilled managers and workers, clear lines of accountability, appropriate systems, and consistent and fair application of rules.

• Rural development and land reform must view interventions as parts of a wider spatial and social structure

Although interventions inevitably have a narrow focus, they should be designed in consideration of a wider context within which they are located. Just as any individual component of an ecosystem is immeasurably connected to the web of linkages that surrounds it, so too are particular social artefacts connected to other elements in the surrounding socio-economic context. By implication, impacts on the development context in terms of space (wards etc.) and community (surrounding villages/towns etc.) must be considered when planning the location and nature of infrastructural and services upgrades.

An approach that can fully appreciate the strategic context should therefore be taken not only on an environmental level, but also in terms of social assessment and design. Social impact assessments, participatory rural appraisals and multi-stakeholder engagement, for example, can assist in painting a more holistic picture of the social environment. The results of the assessments can be used to tailor developmental interventions to the specific needs, aspirations, capabilities and skills of the locals.

6.2 Issues of project and conceptual alignment

The broad nature of both the concept of rural development /land reform and environmental management, makes it difficult to form a policy that relates to a host of other policies, programmes and mandates within government. The most obvious areas of linkage include:
Policy for the Integration of Environmental Planning into Land Reform and Rural Development Projects

- Spatial planning
- Traditional affairs and communal lands
- Infrastructure development
- Social welfare
- Education – for both youths and adults
- Housing
- Conservation planning
- Conservation Stewardship

The margin of overlap means that there is a risk of conflicting actions or duplication of efforts. However, at the same time this creates opportunities to improve the integration of different government programmes. Land Reform projects already represent significant achievement in this respect – contributions from different government departments are brought together under a single project umbrella. Nevertheless, issues of alignment need to be considered strategically from a number of perspectives that have material impact on the overall nature of this policy. These are:

- The important role that spatial planning plays in final development design
- The overbearing importance of social well-being
- The potential conflict between biodiversity conservation needs and social development imperatives

In many regions information on the receiving environment geared at informing future planning and decision making already exists in the form of Spatial Development Frameworks and Environmental Management Frameworks. These documents contain spatial information on agricultural potential, social-economic and demographic factors, as well as industry, and could be used to inform rural development and land reform projects. Such information, existing or not, should be used to guide projects and the acquisition of land, to ensure more successful and sustainable achievement of the outputs specified for the government service delivery “Outcome 7”, namely Sustainable agrarian reform with a thriving farming sector; Improved access to affordable and diverse food; Improved rural services to support livelihoods; Improved employment and skills development opportunities; And, an enabling institutional environment for sustainable and inclusive growth.

Integration should also be focused on from a bottom-up approach, by assessing the needs of the community and educating them throughout the process. This will improve the support of rural communities of programmes or projects, and aid with skills development and improved rural services to support livelihoods. By understanding the dynamics of communities, many of the problems that are currently being experienced can be avoided. Some examples of this include: individuals with no interest in farming receiving farms, and as a result these land reform projects do not contribute to sustainable agrarian reform and a thriving farming sector. To a large extent the programmes and organisations are already in place for this, e.g. National Rural Youth Service Corps (NARYSEC), but they need to be co-ordinated and inclusive of the intended outcomes to ensure that they are not being implemented in isolation of the other programmes.

In terms of aligning conservation needs and rural development ideals, communication needs to take place between conservation authorities and development planners. Biodiversity planning is a rapidly advancing field, with many provinces well ‘planned’ from conservation needs perspective. Biodiversity planning typically takes stock of the biodiversity resources present in a particular area and then designates areas according to categories such as ‘core’, ‘buffer’ and ‘supportive’. Unfortunately this can easily overlook social realities such as developmental needs and historic planning decisions. It is therefore crucial for biodiversity planning to obtain as much information about social and developmental realities as it is for development planning to recognise the universal value and importance of the conservation of natural resources in terms of developmental sustainability. Progress made in terms of aligning the Biodiversity Stewardship and Protected Area Expansion programmes of the South African National Biodiversity Institute (SANBI) with the DRDLR projects must not be lost – cooperation must continue and lessons from implementation cases applied in more instances.

Ultimately, issues of alignment will only be addressed if 1) communication between governmental functions is present and unimpeded, and 2) if objective positions can be taken with regards to the trade-offs, compromises or mutually beneficial arrangements between different functions.

7 OUTCOMES & INDICATORS

Outcomes and related indicators will be used to measure the success of the rural development and land reform projects undertaken by the DRDLR. The outcomes are related to the principles outlined above, but are also specifically aligned to the service delivery agreements set by and for government in terms of the Medium Term Strategic Framework.
<table>
<thead>
<tr>
<th>Outcome</th>
<th>Indicators</th>
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</thead>
<tbody>
<tr>
<td>Development projects to use recent, innovative, sustainable practices as applicable to each land use activity.</td>
<td>Best practice approaches are adopted – e.g. Conservation Agriculture for farming, renewable energy / micro-generation for housing, etc.</td>
</tr>
<tr>
<td>Development projects are fully compliant with environmental regulations</td>
<td>Formal consultation between rural development practitioners and environmental practitioners. No instances of non-compliance, or alternatively proof of redress where contraventions took place.</td>
</tr>
<tr>
<td>Land uses appropriate to the resource base</td>
<td>There must be a positive relationship between land uses and resource sustainability – i.e. resource availability must remain constant or improve over time and the amount of degraded land reduces over time. Locally important ecological goods and services must be recognised, valued, and incorporated in development designs</td>
</tr>
<tr>
<td>Sustainable social development is attained</td>
<td>Unemployment, income levels, and health indicators improve and opportunities presented by the green economy are exploited</td>
</tr>
<tr>
<td>Environmental sustainability is ensured</td>
<td>Environmental quality improves over time – as measured by water quality and availability, open space availability, decreasing waste disposal volumes, resource availability and costs to maintain environmental infrastructure</td>
</tr>
<tr>
<td>Environmental planning is integrated into spatial planning processes</td>
<td>Strategic Environmental Assessments must inform all spatial planning in a manner that allows for recommendations to come from the spatial planning fraternity on how environmental planning processes can be improved to ensure better alignment</td>
</tr>
<tr>
<td>Rural resilience is ensured</td>
<td>Disaster preparation and management systems are in place, including preparation for the effects and impacts of climate change.</td>
</tr>
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### 8 IMPLEMENTATION PROCESS

Implementation of the Policy will be universal and immediate, and apply throughout the programmes of both Rural Development and Land Reform.

Details of the implementation process need to be defined through the DRDLR’s internal planning and performance management systems, but will be based on the principles and framework outlined in this policy, as well as the more detailed intervention planning facilitation of the associated implementation guideline and tool. This tool is being developed in conjunction with the policy, but will be completed after the policy, in order to ensure adherence to the prescriptions of the policy.

It is the intention to produce an implementation tool that will offer the same guidance as the original (2001) Guidelines for the Integration of Environmental Planning into Land Reform and Land Development and the later (2008) Environmental Sustainability Assessment Guidelines for Land Reform, but which makes provision for the subsequent legal and regulatory changes, and is customised further according to the structures, capacities and systems within the current Rural Development and Land Reform scheme. The tool will therefore represent the ‘action plans’ of this policy, detailing how environmental planning needs to be integrated into land development processes. It is likely to contain both updated information and guidance on environmental matters, and a specific systematic procedure for more environmentally responsive rural development planning, project design and project implementation.

Internal systems will require adjustment in order to create an appropriate reference framework and associated monitoring system. The departmental strategic plan, along with the differentiated operational plans of the different departmental programmes might therefore have to be updated to reflect the desired outcomes (such as social resilience, adaptation to climate change, or embracing of alternative developmental models). In addition, the performance measurement systems will require adjustment in order to reflect the new outcomes.
This will require a careful overhaul of the current system, since the measurement of strategic social or environmental outcomes are admittedly very difficult and loaded with subjectivity.

The provisions of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) will apply wherever co-operation between government departments is required. Accordingly, the inter-governmental forums, special mechanisms and dispute resolution provisions of the Act apply, especially where development projects need integrated planning and delivery of project components. The DRDLR will also need to incorporate the implementation actions stemming from this policy into other sectoral plans and policies such as those focussing on climate change adaptation, job creation, or housing.

Some differentiation might also be required for implementation in different provinces. Kwa Zulu-Natal is unique in terms of the existence and role of the Ingonyama Trust, as well as land holdings such as Tongaat-Hulett with significant spatial development influence. Gauteng, on the other hand, has significant challenges as a predominantly urbanised province, with severe spatial competition and issues regarding the viability of rural land uses. Developmental goals must therefore be formulated according to appropriate strategic objectives, and environmental integration executed according to the policy principles.

9 MONITORING

Monitoring of the implementation and effect of the policy must take place. This will ensure that the policy remains relevant, and that early warning is given when sustainability outcomes are not being achieved or when flaws or omissions in the policy become evident. Existing monitoring systems must be evaluated for their capacity for monitoring of environmental sustainability outcomes, and if found sufficiently capable, can be used to evaluate project progress and outcomes. However, there is a chance that new systems might have to be created to accommodate specific questions related to sustainability indicators, or because of the specific skills and capacities of environmental specialists as opposed to other project auditors.

The monitoring for this policy is therefore structured in order to give advance warning of the need for policy or process adjustment. Specific indicators are used as threshold triggers. These indicators are specifically chosen to be general in scope, since they apply to a wide range of development projects, and therefore avoid project or site specific detail.

TABLE 4: POLICY MONITORING

<table>
<thead>
<tr>
<th>Threshold</th>
<th>What it means...</th>
<th>What to do?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Practitioners not aware of the policy</td>
<td>The penetration of sustainability thinking is poor and the policy is gathering dust on a shelf somewhere</td>
<td>Identify cause of poor awareness and correct</td>
</tr>
<tr>
<td>The use of ‘green’ technology fails to achieve 10% penetration of infrastructure investment</td>
<td>The path of least resistance remains one of status quo designs and non-innovation</td>
<td>Force structural adjustments in design and procurement processes</td>
</tr>
<tr>
<td>Development projects fail due to collapsing natural systems</td>
<td>Ecological balance was not achieved</td>
<td>Adjust sustainability framework of policy, improve the guidance of the ESA tool, or adjust project design criteria</td>
</tr>
<tr>
<td>Environmental non-compliance takes place</td>
<td>Project design and management decision-chain is unaware of, or ignored the policy and guidelines</td>
<td>The legal and project implications of non-compliance have to be emphasised in the guidance documents</td>
</tr>
<tr>
<td>Social well-being remains static or drops, especially with regards to sustainable employment</td>
<td>Project design fails to achieve sustainable development</td>
<td>Identify cause of the project failing and correct</td>
</tr>
<tr>
<td>Environmental quality deteriorates</td>
<td>Project design or implementation is unbalanced, at the cost of environmental sustainability, or alternatively the project design fails to adequately accommodate climate change (or similar) pressures</td>
<td>Project design to be reassessed to include a correct valuing and reinforcing of natural resources</td>
</tr>
</tbody>
</table>
Thresho

d {} What it means... What to do?

SDFs without environmental components, especially in areas with EMFs in place
Environmental planning remains outside of the spatial planning sphere
More forceful implementation of the SDF guidelines

Inadequate response to natural disasters
Disaster response planning and management not good enough
Adjust policy or disaster response system

10 INSTITUTIONAL REQUIREMENTS
10.1 Environmental Planning Unit

The original policy called for a number of institutional structures and changes in order for the recommendations contained in the policy to be effected. In particular, the policy called for departmental capacity to be dedicated to ensuring sustainability. This capacity was to be created through means of a national environmental support group, a senior environmental official in each provincial office, and environmental sustainability training as a standard component of the departmental training programme.

Capacity has since been created through the establishment of an Environmental Planning Support Unit (EPSU) within the national office of the Spatial Planning and Information Chief Directorate in 2003, and the placement of an environmental official in each provincial office. However, dedicated environmental capacity in other tiers and organs of state remains a constraint. Few districts can claim to have established expertise, and this affect not only the IDP process, but all other spatial and infrastructural planning that could affect the environment.

The intention is for provincial officers to become involved in development projects in their province, and do the required environmental sustainability assessments for the projects. The national office will take charge of the review of final development plans, such as the Rural Development Plans, and the training of provincial and project officials.

A forum tasked with the co-ordination and monitoring of the implementation of the Consolidated Environmental Implementation and Management Plan (CEIMP), has also been established according to recommendations in the CEIMP. This forum is considered as responsible for internal co-ordination and monitoring, but also steers special strategic programmes such as those related to climate change adaptation.

To further generate momentum for the implementation of the Policy, the DRDLR must ensure that the following is put in place:

- Adequate capacity, expertise and resources for the Technical Teams
- Formal and informal communication channels between RDLR and other sector departments
- Vertical integration of spatial planning processes and products

Over-reliance on committee structures with slow decision making structures and no performance agreements or sanctions for poor performance must be avoided. Translated into specific institutional requirements at the different planning and implementation levels, the following is required:

National level
Further capacity within the environmental support groups and structures

Strong linkages between this policy and other policy directives and guidelines

Strategic interaction between the DRDLR and sister departments such as DEA based on the IGRFA guidance and structures. This is required to overcome the polarisation of ideas and knowledge systems.

Strategic and business plans to make provision for the appropriate staffing and resource allocations to the EPSU and provincial representative structures, based on the framework and responsibilities outlined in this policy.
Provincial level  Provincial champions that can customise guidance according to provincial requirements and needs
Adequate capacity and skills to provide the necessary input into technical teams, ensure skills transfer and awareness building, and provide the necessary feedback to the national office in terms of policy implementation and practical experience.
Political leadership that is fully conversant with the outcomes-based approach of the policy

Local level  Capacity building and education of representative structures and implementation agents on the principles and outcomes of the policy
IDP and SDF support and co-ordination that facilitates the incorporation of environmental planning at a strategic level.

Project level  Each project must have a technical representative that is specifically tasked with the implementation of this policy, and with alignment of the project design and implementation with environmental policies and guidelines.
Systems for farmer support and training.

10.2 Roles and Responsibilities

Aspects of sustainable rural development and land reform for which the DRDLR needs to act as lead agent includes:

- Environmental specialists are responsible for ensuring environmental sustainability in projects
- Capacitate rural development practitioners
- Generate policy and create awareness
- Develop and roll out appropriate technologies
- Disaster risk management
- Resource management plans
- Waste management plans
- Ensure environmental integration in SDF
- Contribute to the management of conservation land in development projects
- Construction of infrastructure that complements green infrastructure
- Rehabilitation of degraded resources on project land

Other stakeholders that need to be involved include:

TABLE 5: GOVERNMENTAL STAKEHOLDERS IN RURAL DEVELOPMENT AND LAND REFORM

<table>
<thead>
<tr>
<th>Stakeholder Sector</th>
<th>Entity</th>
<th>Role</th>
</tr>
</thead>
</table>
| Government Departments | Water Affairs (DWA) | - Administration of water use rights
- Water resource planning
- Water quality monitoring and management |
| Agriculture, Forestry and Fisheries (DAFF) | - Development of, and support to the agricultural sector
- Forestry and fisheries resources management and industry planning
- Ecological and biodiversity planning and impact management related to forestry and fisheries |
| Energy (DoE) | - Energy provision planning
- Strategic intervention
- Coordination of intervention tools, funding etc. |
| Transport (DoT) | - Transportation network planning
- Management of modal shifts
- Facilitation of sustainable transportation |
### Stakeholder Sector

<table>
<thead>
<tr>
<th>Entity</th>
<th>Role</th>
</tr>
</thead>
</table>
| **Trade and Industry (DTI)** | - Facilitation and coordination of investment, trade and enterprise development  
- Transformation of the economy  
- Skills development |
| **Public Works (DPW)** | - Holding of state land and assets  
- Co-ordination of the Expanded Public Works Programme |
| **Cooperative Government and Traditional Affairs (DCGTA)** | - Regulate the differential mandates of provinces and municipalities  
- Support to provinces and municipalities in executing their mandate  
- Creating enabling mechanisms for communities to participate in governance |
| **Environmental Affairs (DEA)** | - Ensuring environmental quality and protection  
- Management of the coastal zone  
- Strategic leadership in climate change mitigation and adaptation  
- Biodiversity planning and conservation management |
| **Water Research Commission (WRC)** | - Water-related research and knowledge dissemination |
| **Agricultural Research Council (ARC)** | - Research into agricultural production, sector development, and natural resource conservation |
| **Council for Scientific and Industrial Research (CSIR)** | - Research and advisory services with environmental, commercial, industrial and scientific application |
| **South African National Biodiversity Institute (SANBI)** | - Research, monitoring and reporting on the state of biodiversity in South Africa  
- Planning and policy advice and pilots best-practice biodiversity management models  
- Ecosystem restoration and rehabilitation |
| **South African Local Government Association (SALGA)** | - Represents local governments and liaises with parliament, national government and provinces on their behalf |
| **Conservation agencies** | - Monitoring of biodiversity on provincial scales  
- Protection and conservation of biodiversity assets in provinces |

A key role will be fulfilled by the various forms of technical task teams that need to provide advice to the project design and management processes, as well as Councils of Stakeholders (in CRDP projects). These teams must be fully conversant with the policy and the principles contained therein, and capacitated in terms of human and physical resources in order to provide sufficient support to the project teams. The technical teams need not consist of only officials from DRDRLR, but may draw in specialists from other organs of state etc.

In terms of political direction and leadership, the responsibilities reside first with the Minister of Rural Development and Land Reform, then the Provincial Premier or relevant Member of the Executive Council (MEC), and on local level the different Mayors.

Where CRDP projects are present, Councils of Stakeholders - consisting of Community Based Organisations (CBOs) and forums, civic organisations, government sector departments and other private sector institutions, Non-Governmental Organisations (NGOs) and traditional institutions - should be established to ensure
compliance with relevant standards and principles. They will also be responsible for planning and implementation of projects in conjunction with the actual technical project committees.

Technical committees are the final implementation agents responsible for the execution of decisions from the Council of Stakeholders or other planning processes. They consist of representatives from relevant provincial sector departments and other selected agents as required.

10.3 Inter governmental relations

A key issue is to streamline and integrate across various spheres of government in order to expedite service delivery and sectoral departmental mandates. The environmental authorisation process is one area where specific inter-governmental processes can be improved to facilitate the mandate of the Department of Rural Development and Land Reform. The suggestion of a Memorandum of Understanding (MoU) between DEA and DRDLR would go a long way towards ensuring that DRDLR benefits from the environmental expertise from DEA. It is advisable that DRDLR environmental officers who will be appointed ought to maintain very close links with DEA officials to ensure constant updates on environmental legislation and authorisation processes. The MoU is intended to outline the environmental authorisation process, roles and responsibilities and timeframes in line with NEMA and the EIA Regulations with specific reference to land reform and rural development programmes and projects. A similar process and MoU is proposed with DWA regarding the required process of Water Use Licence Applications (WULAs), and other organs of state where required.

10.4 Capacitation and Empowerment

The regulatory environment in South Africa is complex and continually evolving and as a result there is a need for constant capacitation and empowerment. It is important for environmental officials to be constantly refreshed with the latest environmental legislation and authorisation requirements. Similarly, land reform and rural development officials require regular updates on changing requirements and processes in order to ensure compliance and the application of best practice. A capacitation programme could be established between various sector departments (such as DEA, DAFF and DWA) for DRDLR officials that specifically addresses the project implementation processes for rural development and land reform programmes and projects.

11 KEY RECOMMENDATIONS

Giving substance to a long-established ideal of facilitating environmentally, socially and economically sustainable land reform and rural development is the ultimate objective of this policy. This will be achieved through a systematic adjustment of departmental and programmatic operational principles and procedures that is conscious of the contextual changes that have taken place in the past decade, and which are expected in the immediate future.

The primary reference provided in this Policy for the Integration of Environmental Planning into Land Reform and Rural Development Projects is a set of key principles that will underpin all work done in the sector. The principles highlight the need for an outcomes based approach to planning, design and implementation of development projects, and the central importance of good governance.

Structural adjustment will include:

1. Re-imagining of the intricacies of project level design and alternatives according to an outcomes based approach and sustainability principles
2. The establishment of a monitoring and feedback system that will track progress made towards achieving specified sustainability targets and/or use indicators as early warning systems
3. Alignment of processes and process flows
4. Institutional capacitation

Based on this programme of action, a more detailed support tool will be developed to give practitioners in both office-based and project site contexts a universal guideline on how to implement the policy and its recommendations.
### 12 ANNEXURE: CHANGES TO THE LEGAL AND POLICY CONTEXT

#### 12.1 Acts and Regulations Pertaining to Environmental Management

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>Marine Living Resources Act (Act 18 of 1998) and subsequent regulations over standards and permitting</td>
<td>To provide for the conservation of the marine ecosystem, the long-term sustainable utilisation of marine living resources and the orderly access to exploitation, utilisation and protection of certain marine living resources, etc.</td>
</tr>
<tr>
<td>1983</td>
<td>Conservation of Agricultural Resources Act (Act 43 of 1983)</td>
<td>Empowers the Minister of Agriculture to take steps to protect agricultural natural resources, such as soil and water and to combat invader plants and weeds</td>
</tr>
<tr>
<td>1998</td>
<td>National Water Act (Act No 36 of 1998)</td>
<td>Overhauls and rationalises the legal framework for water, providing for the more equitable and sustainable management of the country’s water resources</td>
</tr>
<tr>
<td>1998</td>
<td>National Forest Act (Act 84 of 1998)</td>
<td>Provides a national framework for managing and using forests in a sustainable manner, including protection for certain categories of tree and forest and facilitating community forestry</td>
</tr>
<tr>
<td>1999</td>
<td>National Heritage Resources Act (Act 25 of 1999)</td>
<td>Protects heritage resources, including land and buildings, that form part of the ‘national estate’ because of their cultural significance</td>
</tr>
<tr>
<td>1999</td>
<td>Provincial Heritage Acts (e.g. Kwa Zulu-Natal)</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>Conservation of Agricultural Resources Act Lists of Weeds and Invasive Species (Regulation No. R.280 of 30 March 2001 published under Section 29 of CARA)</td>
<td>Classifies invasive plants and weeds and prescribes management actions for each class.</td>
</tr>
<tr>
<td>2003</td>
<td>National Environmental Management: Protected Areas Act (Act 57 of 2003)</td>
<td>Consolidates the system of protected areas in South Africa and provides mechanisms for their management.</td>
</tr>
<tr>
<td>2004</td>
<td>National Environmental Management: Biodiversity Act (Act 10 of 2004)</td>
<td>Makes provision for general and specific management of biodiversity on either species or regional basis. Certain activities, known as Restricted Activities, are regulated on listed species using permits by a special set of regulations published under the Act.</td>
</tr>
<tr>
<td>2004</td>
<td>National Environmental Management: Air Quality Act (Act 39 of 2004)</td>
<td>The purpose of the Act is to improve air quality through a number of laws and regulations, to set standards for monitoring, managing and controlling air quality, and set out fines and penalties for people who break the law. Importantly, the NEM: AQA makes air quality the responsibility of local government through air quality management plans, pollution prevention plans, by-laws and other policies.</td>
</tr>
<tr>
<td>Date</td>
<td>Title</td>
<td>Comment</td>
</tr>
<tr>
<td>-------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2001</td>
<td>Regulations on the control of vehicles in the coastal zone, also known as the Off road vehicle Regulations (GN Regulation 1399 of 21 December 2001, amended in 2004)</td>
<td>The regulations centre on imposing a general duty of care on persons using 4x4 vehicles in the coastal zone, as well as a general prohibition on the use of 4x4 vehicles in the coastal zone unless it is a permissible use.</td>
</tr>
<tr>
<td>2004</td>
<td>Regulations on the control of vehicles in the coastal zone, also known as the Off road vehicle Regulations (GN Regulation 1399 of 21 December 2001, amended in 2004)</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>Threatened or Protected Species Regulations (Regulation No. R. 152 of 2007) as amended in 2008, 2009 and 2011</td>
<td>Published lists of threatened species, that determine the applicability of the 'Restricted Activities' under the National Environmental Management: Biodiversity Act</td>
</tr>
<tr>
<td>2008</td>
<td>Bioprospecting, Access and Benefit-Sharing Regulations (Regulation No. 596 of 7 July 2008, amended in 2004)</td>
<td>The regulations relating to Chapter 6 (Bioprospecting, Access and Benefit-sharing) and Chapter 7 (Permit System) of the National Environmental Management: Biodiversity Act came into force on 1 April 2008. These regulations regulate the permit system set out in Chapter 7 of the Biodiversity Act in so far as that system applies to bioprospecting involving any indigenous biological resources; set out the contents of, and the requirements and criteria for benefit-sharing and material transfer agreements; and protect the interest of stakeholders.</td>
</tr>
<tr>
<td>2008</td>
<td>National Environmental Management: Integrated Coastal Management Act (Act 24 of 2008)</td>
<td>Creates a coastal zone for the Republic of South Africa and it establishes new and innovative regulatory instruments to provide for the co-ordinated and integrated management of the coastal zone by all spheres of government in accordance with the principles of co-operative governance.</td>
</tr>
<tr>
<td>2008</td>
<td>National Environmental Management: Waste Act (Act 59 of 2008)</td>
<td>Puts measures in place to protect, avoid, minimize, reduce, reuse, treat and dispose waste in an environmentally sound manner. These measures include remediation of contaminated land, preventing pollution and ecological degradation and most importantly, ensuring effective delivery of waste services.</td>
</tr>
<tr>
<td>2009</td>
<td>NEM:BA Draft Lists of Alien and Invasive Plants in terms of Section 70</td>
<td>Replaces the lists published under the Conservation of Agricultural Resources Act</td>
</tr>
<tr>
<td>2009</td>
<td>NEM:WA List of Waste Management Activities (Notice 718 of 2009)</td>
<td>Determines the activities that require Waste Management Permits under the National Environmental Management: Waste Act</td>
</tr>
<tr>
<td>2010</td>
<td>Environmental Management Framework (EMF) Regulations (Regulation No. R.547 published under sections 24(5) and 44 of NEMA)</td>
<td>Describes the process through which Environmental Management Frameworks must be compiled.</td>
</tr>
<tr>
<td>2011</td>
<td>List of protected tree species (Notice No. 734 published under sections 12(1)(d) and 15(1) of the National Forests Act)</td>
<td>No person may cut, disturb, damage or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree or any forest product derived from a protected tree, except under a licence or exemption granted by the Minister</td>
</tr>
<tr>
<td>2011</td>
<td>Provincial planning laws e.g. Gauteng &amp; KZN</td>
<td>Regulates the planning for land development and land-use by municipalities and provinces and the procedures for changing permissible land-uses and for subdivision and consolidation of land</td>
</tr>
</tbody>
</table>
## 12.2 Policies Pertaining to Environmental Management

### Environmental and Resources Management Policies

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>National Water Resources Strategy (currently being revised)</td>
<td>The water resources strategy provides an overall framework for water use in an attempt to ensure that water is used to &quot;support equitable and sustainable social and economic transformation and development&quot;. The strategy co-ordinates management of resources, and provides the basis for establishing a balance between water use needs and ecological requirements.</td>
</tr>
<tr>
<td>2005</td>
<td>A practical field procedure for identification and delineation of wetlands and riparian areas</td>
<td>The field manual standardises the demarcation of wetlands, and can be used in all applications a spatial demarcation of the extent of wetlands are required.</td>
</tr>
<tr>
<td>2005</td>
<td>National Biodiversity Strategy and Action Plan</td>
<td>The National Biodiversity Strategy and Action Plan uses national scale biodiversity assessment and systematic biodiversity planning techniques to determine the conservation status of ecosystems and to identify national priority areas for conservation action and more detailed planning.</td>
</tr>
<tr>
<td>2007</td>
<td>National Framework for Air Quality Management</td>
<td>The National Framework provides mechanisms, systems and procedures to promote holistic and integrated air quality management through pollution prevention and minimisation at source, and through impact management with respect to the receiving environment from local scale to international issues.</td>
</tr>
<tr>
<td>2007</td>
<td>Policy for the Development of a Sustainable Marine Aquaculture Sector (Notice 1109 of 2007)</td>
<td>Together, these two documents provide the principles of, and mechanisms for the development and regulation of the marine aquaculture sector. The sector realises that it is competing with other economic and social interests that rely on the relatively pristine coastline.</td>
</tr>
<tr>
<td>2009</td>
<td>Water for Growth and Development Framework</td>
<td>Contains a framework to guide actions and decisions that will ensure water security in terms of quantity and of quality to support South Africa’s requirements for economic growth and social development without compromising the ecological sustainability of water resources.</td>
</tr>
<tr>
<td>2010</td>
<td>Climate Change Response Green Paper</td>
<td>The Green Paper is an initial attempt at bringing climate change mitigation and adaptation in a regulated and systematic manner into the mainstream government policy systems and implementation actions.</td>
</tr>
<tr>
<td>2010</td>
<td>South African Risk and Vulnerability Atlas</td>
<td>The Atlas provides information on climate change related risk and vulnerabilities for key sectors in order to support their strategy development</td>
</tr>
<tr>
<td>2010</td>
<td>National Strategy for Sustainable Development</td>
<td>Describes how overall sustainability is to be achieved through sustainable development process. The three pillars are a sustainable development path, changed behaviour and values, and an appropriate governance system.</td>
</tr>
<tr>
<td>2011</td>
<td>Policy for the Provision of Basic Refuse Removal Services to Indigent Households (Notice 143 of 2011)</td>
<td>This policy seeks to provide the framework for guiding municipalities on the provision of free access to refuse removal for poor people as well as for the standardization of the quality of these services.</td>
</tr>
<tr>
<td>2011</td>
<td>National Standards for the Collection of Domestic Waste (Notice 21 of 2011)</td>
<td>The standards aim to set out rules and regulations for how domestic waste should be collected in South Africa, as well as a guide for municipalities on how to provide acceptable, affordable and sustainable waste collection services, addressing waste collection and collection vehicles, drop-off centres for recyclables, health and safety, communication and awareness creation, including complaints handling and customer service standards for kerbside collection. They are based on the waste management hierarchy that requires waste avoidance, reduction, reuse, recycling, recovery and waste treatment, and disposal as a last resort.</td>
</tr>
<tr>
<td>2011</td>
<td>White Paper on Climate Change</td>
<td>Outlines the government strategy for dealing with climate change. Proposes various institutional structures and regulatory mechanisms through which adaptation, mitigation, disaster response and monitoring will take place.</td>
</tr>
<tr>
<td></td>
<td>Spatial Biodiversity Conservation Plans</td>
<td>Provides detailed information on the likely presence of rare, endangered or sensitive species or habitats on various scales, but specifically are designed to identify future habitat protection needs – i.e. those areas that are most critical for the preservation of all current habitat types within a given area or region. In order to maximise the functionality of the habitat fragments in a fragmented landscape,</td>
</tr>
</tbody>
</table>
12.3 Acts and Regulations Pertaining to Rural Development and Land Reform

Rural, Agricultural and Developmental Acts and Regulations

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1937</td>
<td>Deeds Registries Act (Act 47 of 1937)</td>
<td>Provides for the administration of a land registration system and the registration of rights in land</td>
</tr>
<tr>
<td>1947</td>
<td>Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (Act No 36 of 1947)</td>
<td>The Act regulates the acquisition, sale, use and disposal of fertilizers, farm feeds, agricultural remedies and stock remedies, as well as the operation of sterilizing plants and pest control operations</td>
</tr>
<tr>
<td>1961</td>
<td>Kimberley Leasehold Conversion to Freehold Act (40 of 1961)</td>
<td>Converts certain leasehold land in the Northern Cape to freehold</td>
</tr>
<tr>
<td>1970</td>
<td>Subdivision of Agricultural Land Act (Act 70 of 1970)</td>
<td>Controls the subdivision of farms in order to regulate farm sizes</td>
</tr>
<tr>
<td>1975</td>
<td>Expropriation Act (Act 63 of 1975)</td>
<td>Provides for expropriation to be done for a public purpose rather than in the public interest</td>
</tr>
<tr>
<td>1991</td>
<td>Upgrading of Land Tenure Rights Act (Act 112 of 1991)</td>
<td>Empowers the upgrading of various insecure forms of tenure to full ownership, primarily in former homelands and townships</td>
</tr>
<tr>
<td>1993</td>
<td>Provision of Land and Assistance Act (Act 126 of 1993) land and other forms of assistance for redistribution</td>
<td>Empowers the Minister of Land Affairs to acquire land for creating security of tenure</td>
</tr>
<tr>
<td>1993</td>
<td>The Distribution and Transfer of Certain State Land Act (Act 119 of 1993)</td>
<td>Provides for the restitution of land to claimants</td>
</tr>
<tr>
<td>1993</td>
<td>Land Titles Adjustment Act (Act 111 of 1993)</td>
<td>To regulate the allocation of private land where more than one person claims ownership but do not have registered title deeds.</td>
</tr>
<tr>
<td>1994</td>
<td>Restitution of Land Rights Act (Act 22 of 1994)</td>
<td>Empowers the Minister of Land Affairs to compensate people deprived of rights in land as a result of apartheid laws</td>
</tr>
<tr>
<td>1994</td>
<td>The Kwa Zulu-Natal Ingonyama Trust Act (KZN Act 3 of 1994) and Kwa Zulu-Natal Ingonyama Trust Amendment Act (Act 9 of 1997)</td>
<td>Establishes a Trust and mechanisms to manage the land of the former KwaZulu area</td>
</tr>
<tr>
<td>1995</td>
<td>Development Facilitation Act (Act 67 of 1995)</td>
<td>Provides a legislative framework for speedier land development decision making as well as improving the quality of land development. Application of the mechanisms in the Act has been successfully challenged in the constitutional court and it therefore remains valid only as a reference document for land development principles and is likely to be replaced by the Spatial Planning and Land Use Bill.</td>
</tr>
<tr>
<td>1996</td>
<td>Interim Protection of Informal Land</td>
<td>Secures the existing tenure rights of people living in former homeland and South African Development Trust areas (holders of ‘informal rights’) until</td>
</tr>
</tbody>
</table>
### Rural, Agricultural and Developmental Acts and Regulations

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>Rights Act (Act 31 of 1996)</td>
<td>comprehensive new legislation is ready</td>
</tr>
<tr>
<td>1996</td>
<td>Land Reform (Labour Tenants) Act (LTA) – Soon to be replaced by a new Bill of Parliament</td>
<td>Secures the tenure of people living as labour tenants and regulates the eviction of such people in certain circumstances.</td>
</tr>
<tr>
<td>1996</td>
<td>Communal Property Associations Act (Act 28 of 1996)</td>
<td>Establishes communal property associations through which communities can hold and manage communal land</td>
</tr>
<tr>
<td>1997</td>
<td>Water Services Act (Act 108 of 1997)</td>
<td>Provides a national framework for the more efficient, effective and sustainable delivery of water services</td>
</tr>
<tr>
<td>1997</td>
<td>Extension of Security of Tenure Act (Act 62 of 1997)</td>
<td>Secures the tenure of people living on land belonging to others and regulates the eviction of such people in certain circumstances</td>
</tr>
<tr>
<td>1997</td>
<td>Communal Property Associations Act (Act 28 of 1996)</td>
<td>Establishes communal property associations through which communities can hold and manage communal land</td>
</tr>
<tr>
<td>1998</td>
<td>Transformation of Certain Rural Areas Act (Act 94 of 1998)</td>
<td>Provides for the transfer of communally-used land in former ‘coloured rural areas’ to community entities or to municipalities</td>
</tr>
<tr>
<td>2000</td>
<td>Local Government: Municipal Systems Act (Act 32 of 2000)</td>
<td>Provides a uniform set of local government systems, including systems for integrated development planning</td>
</tr>
<tr>
<td>2001</td>
<td>Municipal planning and performance management regulations</td>
<td>Published under the Municipal Systems Act and outlines details re the process of preparing IDP and SDF. Sets out performance regulations tied the successful implementation of both planning tools. Clarifies linkages between the IDP, SDF and principles set out in the Development Facilitation Act.</td>
</tr>
<tr>
<td>2002</td>
<td>Disaster Management Act (Act 57 of 2002)</td>
<td>The Act is aimed at setting up systems for</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) preventing or reducing the risk of disasters;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) mitigating the severity or consequences of disasters;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) emergency preparedness:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) a rapid and effective response to disasters; and 45</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) post-disaster recovery and rehabilitation;</td>
</tr>
<tr>
<td>2004</td>
<td>Communal Land Rights Act (Act 11 of 2004)</td>
<td>The Act deals with the transfer of land title from the state to traditional communities; the registration of individual land rights within ‘communally owned’ areas; and the use of traditional council or modified tribal authority structures to administer the land and represent the ‘community’ as owner.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Has since been declared unconstitutional</td>
</tr>
<tr>
<td>2005</td>
<td>Intergovernmental Relations Framework Act (Act 13 of 2005)</td>
<td>Provides for the regulation of intergovernmental interaction, and creates a framework for the establishment of intergovernmental forums. It also provides mechanisms for cooperation agreements and dispute resolution.</td>
</tr>
</tbody>
</table>

### 12.4 Policies Pertaining to Rural and Land Development

### Rural, Agricultural and Developmental Policies and Guidelines

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>Consolidated Municipal Infrastructure Programme</td>
<td>Provides funding to municipalities to minimise backlogs through the provision of at least basic levels of infrastructure services to low income households. It facilitates the provision of internal bulk and connector infrastructure in support of household infrastructure to needy South Africans in ways that enhance the integration of previously divided areas. This is achieved in part by focusing on the transfer of skills and the promotion of small, medium and micro-sized enterprises (SMMEs), using labour-intensive construction processes and maximising job-creation opportunities.</td>
</tr>
<tr>
<td>1999</td>
<td>Draft Green Paper on</td>
<td>Argues for the need for alignment of planning tools; IDPs and specifically SDFs</td>
</tr>
</tbody>
</table>
### Rural, Agricultural and Developmental Policies and Guidelines

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Development and Planning by the National Planning Commission.</td>
<td>recognized as central planning tools for municipalities; planning to be decentralized to local authorities; National environmental affairs and local authorities have conflicting mandates in terms of land use decision making – need for alignment; Other government departments to issue green papers that address pertinent planning matters highlighted in green paper; centrality of principles in the Development Facilitation Act recognized and need to streamline such principles recognized.</td>
</tr>
<tr>
<td>1999</td>
<td>Managing Water Quality Effects Of Settlements</td>
<td>Outlines the Department of Water Affairs’ approach for managing pollution from densely populated settlements</td>
</tr>
<tr>
<td>1999</td>
<td>LandCare</td>
<td>The overall goal of LandCare is to use a community-based approach to optimise productivity and sustainability of natural resources so as to result in greater productivity, food security, job creation and better quality of life.</td>
</tr>
<tr>
<td>2000</td>
<td>Land Redistribution for Agricultural Development Strategy</td>
<td>A fund set up to assist previously disadvantaged individuals to buy land and agricultural implements for agricultural use.</td>
</tr>
<tr>
<td>2000</td>
<td>Millennium Development Goals</td>
<td>Eight international development goals that all 193 United Nations member states and at least 23 international organizations have agreed to achieve by the year 2015</td>
</tr>
<tr>
<td></td>
<td>To eradicate extreme poverty and hunger</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To achieve universal primary education</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To promote gender equality and empower women</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To reduce child mortality</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To improve maternal health</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To combat HIV/AIDS, malaria and other diseases</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To ensure environmental sustainability</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To develop a global partnership for development</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>Integrated Sustainable Rural Development Strategy (ISRDS)</td>
<td>A strategic objective of the ISRDS is “to ensure that by the year 2010 the rural areas would attain the internal capacity for integrated and sustainable development. Lays out ways and means for rural communities to attain sustainable development characterized by viable institutions, sustainable economies and access to amenities. Addresses skills enhancement to enable rural folk to contribute to growth and development. Rural stakeholders to be encouraged to use the IDP process to select development programmes that address their priorities.</td>
</tr>
<tr>
<td>2001</td>
<td>Policy and Guidelines for the Integration of Environmental Planning into the Land Reform Process</td>
<td>A policy and accompanying procedures guideline that aim to make sound land use planning part of the rural development and land reform process.</td>
</tr>
<tr>
<td>2001</td>
<td>Strategic Plan for South African Agriculture</td>
<td>The plan sets out the framework for the development of action plans, key performance indicators, service delivery standards, monitoring and evaluation systems and time frames to address shortcomings within the agricultural sector, with a focus on good governance, integrated and sustainable rural development, knowledge and innovation, international coordination, and safety and security.</td>
</tr>
<tr>
<td>2004</td>
<td>Breaking New Ground – A Comprehensive Plan for the Development of Sustainable Human Settlements</td>
<td>The ‘BNG’ strategy outlines both the broad plan and individual business plans through which the development of better and more sustainable human settlements can be achieved.</td>
</tr>
<tr>
<td>2006</td>
<td>Proactive Land Acquisition Strategy</td>
<td>Acquisition of land and other property to be held in trust by the State for use by beneficiaries</td>
</tr>
<tr>
<td>2009</td>
<td>Comprehensive Rural Development Strategy</td>
<td>Land reform, agrarian transformation and rural development; need for infrastructure and services in rural areas.</td>
</tr>
<tr>
<td>2009</td>
<td>National Housing Code</td>
<td>Aligns housing policy and programmes with the Comprehensive Plan for the Development of Sustainable Human Settlements (Breaking New Ground)</td>
</tr>
<tr>
<td>2010</td>
<td>Recapitalisation and Development Programme</td>
<td>Support and inputs into unsuccessful land reform projects as a turnaround strategy</td>
</tr>
<tr>
<td>Date</td>
<td>Title</td>
<td>Comment</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------------------------------</td>
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</tr>
</tbody>
</table>
| 2010   | Outcome 7                                        | Vibrant, equitable and sustainable rural communities and food security for all:  
  |        |                                                   |  
  |        |                                                   |   - Sustainable agrarian reform                                      |
  |        |                                                   |   - Improved access to food                                              |
  |        |                                                   |   - Improved rural services to support livelihoods                       |
  |        |                                                   |   - Rural job creation                                                   |
  |        |                                                   |   - An enabling institutional environment                                |
| 2010   | Outcome 4                                        | Decent employment through inclusive growth:                              |
  |        |                                                   |  
  |        |                                                   |   - Faster and sustainable inclusive growth (including focus on green economy, youth unemployment, improved support to small business cooperatives, etc.); |
  |        |                                                   |   - Labour absorption and employment;                                   |
  |        |                                                   |   - GDP growth;                                                         |
  |        |                                                   |   - Diversification of the economy                                      |
| 2010   | Outcome 9                                        | A responsive, accountable, effective and efficient local government system  
  |        |                                                   |  
  |        |                                                   |   - Implement a differentiated approach to municipal financing, planning and support |
  |        |                                                   |   - Improving Access to Basic Services,                                 |
  |        |                                                   |   - Implementation of the Community Work Programme                       |
  |        |                                                   |   - Actions supportive of the human settlement outcomes                  |
  |        |                                                   |   - Deepen democracy through a refined Ward Committee model             |
  |        |                                                   |   - Administrative and financial capability                             |
  |        |                                                   |   - Single Window of Coordination                                        |
| 2010   | Outcome 10                                       | Protect and enhance our environmental assets and natural resources       |
| 2011   | Draft Green Paper on Land Reform                 | Focus is on access and ownership on the one hand, and social cohesion and development on the other. The challenge lies in reversing past wrongs but the capacity in government is limited. |
| 2011   | DRDLR Consolidated Environmental Implementation and Management Plan | Consolidates the Department’s commitments and responsibilities in terms of furthering the principles of sustainable development as it pertains to rural development and land reform projects. |
| 2011   | SDF Guidelines (v.8)                             | Provides assistance to Municipalities to compile credible SDFs of acceptable quality. |
|        |                                                   | Different forms of rural development strategies within specific tiers and organs of state |