

THE PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND ACT, 39 OF 2024

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BACKGROUND

- South Africa is a country with **limited resource potential** for agricultural production, due to its arid nature.
- Any negative impact on the **production potential of the resource base** may have a significant impact on the country's ability to produce food.
 - Access to food is a basic human need
- The **pressures** on the natural agricultural resource base has increased significantly due to an increase in population growth, **requiring additional food resources** to adhere to the demand – but still to be produced on the existing resources available.
 - Intensive cultivation:
 - Increased use of fertilizers and pesticides
 - Impacted on soil biodiversity and soil health.
 - Technology enhancement & additional input mediums
 - The use of marginal land for cultivation due to the “improvement” of the soil's productive capability
 - Contributing towards the degradation of soil resources.



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BACKGROUND



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Environment



Forestry



Disaster management



Mining



Spatial planning



Development



BACKGROUND

► Our responsibility:

- To ensure national food security through sustained, optimal production-;
 - Taking cognizance of the capability and potential of the natural resources-;
 - Through the use of regenerative production practices-;
 - To limit any form of degradation.
-
- Sustainable food system is defined as *“one that delivers food security and nutrition for all in such a way that the economic, social and environmental bases to generate food security and nutrition for future generations are not compromised”*
 - To achieve this, an understanding of the interactions between different components of the current food systems to maximize co-benefits and to accelerate such, a system-wide transformation is needed.
 - Business as usual is not an option



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LEGAL FRAMEWORK



According to the Constitution:

- **Section 24 (b)** - An environment that is not harmful to their health or wellbeing & have the environment protected for the benefit of present and future generations, through ***reasonable legislative*** and other measures that:
 - Prevent pollution and ecological degradation
 - Promote conservation and
 - *Secure sustainable development and use of natural resources while promoting justifiable economic and social developments”.*

- Conservation of Agricultural Resources Act, 43 of 1983
- Subdivision of Agricultural Land Act, 70 of 1970 (**Preservation and Development of Agricultural Land Act, 39 of 2024**)
- National Environmental Management Act, 107 of 1998
- National Water Act, 36 of 1998
- Spatial Planning and Land Use Management Act, 16 of 2013
- Spatial Data Infrastructure Act, 54 of 2003



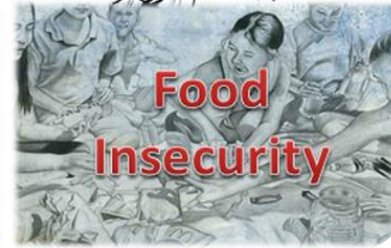
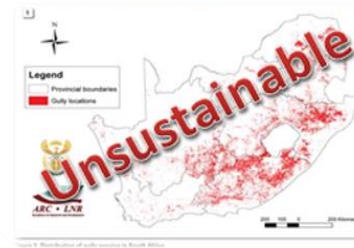
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SUBDIVISION OF AGRICULTURAL LAND ACT, 70 OF 1970

- Subdivision of Agricultural Land Act, 70 of 1970
 - Subdivision of agricultural land
 - Township establishment / Enlargement
 - Long-term lease
 - etc.
- Consenting vs Commenting authority
- Agriculture is a concurrent function
- Limitations towards the protection of agricultural land
- Preservation and Development of Agricultural Land Act, 39 of 2024
 - NDP
 - SDGs
 - Legislative environment of SA



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PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND ACT, 39 OF 2024 (PDALA)

- The Act seeks to entrench regulatory measures for the **preservation** of agricultural land to ensure sufficient land is available for food production to support national and household food security.
- It will ensure the sustainable **development** of the agricultural sector to maintain and increase rural employment, ensure a reduction in poverty levels and sustained improvement in the quality of life of rural and urban populations.
- Furthermore, it will promote a balanced approach to the use of agricultural land in South Africa by introducing **strategic and technical instruments** to preserve agricultural land



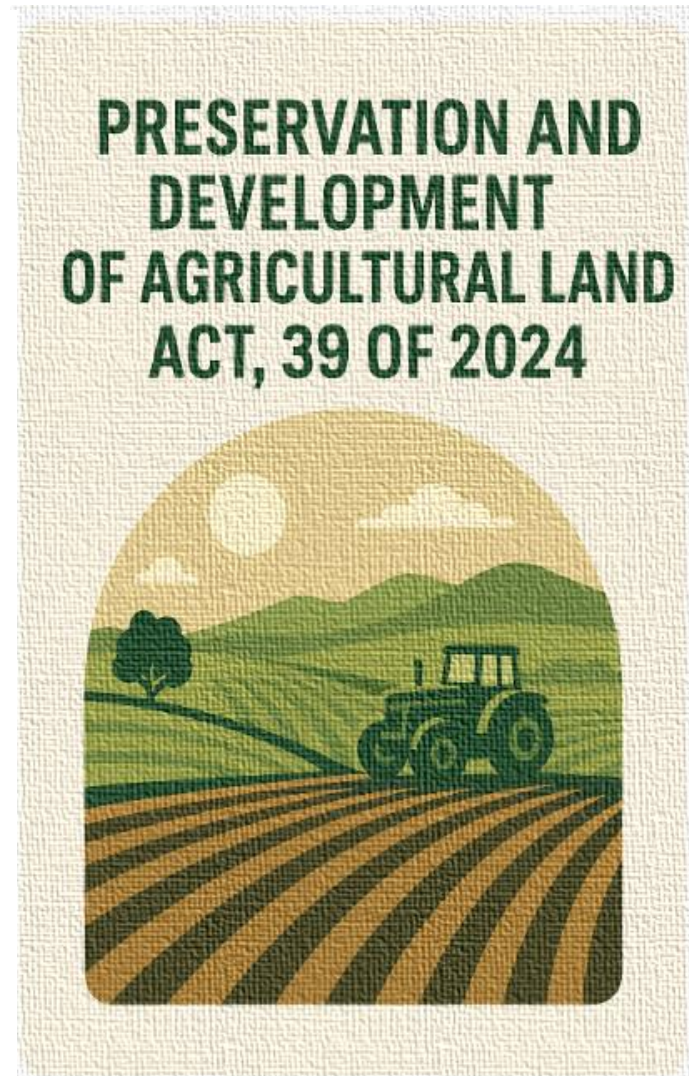
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PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND ACT, 39 OF 2024 (PDALA)

- Promote the preservation and sustainable development of agricultural land through applying agro-ecosystem principles
- Balanced approach to the use of agricultural land in South Africa by introducing strategic and technical instruments to preserve agricultural land
- Establish evaluation and classification systems for agricultural land
- Demarcate Protected Agricultural Areas
- Implement a coordinated national framework, including norms, standards & authorizations for the use of agricultural land
- Provide mitigating measures to counteract the loss of agricultural land
- Establish a national agro-eco information system.



COMPARATIVE ANALYSIS: PDALA VS SALA

Feature / Aspect	Preservation & Development of Agricultural Land Act, 39 of 2024	Subdivision of Agricultural Land Act, 70 of 1970
Purpose / Objective	To provide a scientific, holistic regulatory framework for the preservation (protection), sustainable use, and development of all agricultural land; to prevent fragmentation; to integrate and provide for agro-ecosystem management based on agro-ecological principles, to provide for the declaration of Protected Agricultural Areas and the establishment of a National Agro-Eco Information System.	To control the subdivision and associated use of agricultural land, aiming to prevent undesirable fragmentation of farming units.
Status /	Assented 20 December 2024; published 29 January 2025. It is not yet in force. Development of Regulations, Norms and Standards are in process.	Came into effect on 2 January 1971.
Scope / Coverage	<p>Applies to all agricultural land across the Republic as defined.</p> <p>Creates national, provincial and local regulation, land classification, agro-ecosystem based evaluation informed by determined norms and standards, listing permitted / prohibited activities, protected agricultural areas, and integration with spatial planning.</p>	<p>Applies to land designated as “agricultural land” under its definitions (with certain exclusions, e.g. land within municipal areas, etc.).</p> <p>Focused largely on the act of subdivision, long-term leases, shares (sectional; shareblock; undivided) etc., rather than a broader agricultural sustainability land-management and preservation</p>



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COMPARATIVE ANALYSIS: PDALA VS SALA

Feature / Aspect	Preservation & Development of Agricultural Land Act, 39 of 2024	Subdivision of Agricultural Land Act, 70 of 1970
Regulatory Approach vs Permissive	PDALA is proactive and regulatory: sets principles for management, reservation, development, classification, protected areas, listing of activities, authorisations, monitoring, performance assessments, appeal procedures.	More restrictive in approach: it prohibits subdivision except with ministerial consent, rather than mandating a broader system of agricultural land management, preservation and development
Controls	Seeks to prevent the loss of agricultural land and the fragmentation thereof via a broader set of tools: land evaluation and classification, protected agricultural areas, agro-ecosystem authorisations, norms and standards.	Prohibits subdivision; shares; long-term lease and the expansion of the area of jurisdiction of a municipality unless the Minister consents (or in prescribed exceptions).
Ministerial / State Consent / Authority	The new Act establishes competent authorities (national, provincial) and allows delegation, and doesn't rely only on a Minister's consent. The consenting authority has also been expanded to include the management on agricultural land with specific reference to the preservation of agricultural land for agricultural purposes	Requires Ministerial consent (or an authorised delegate) for subdivision, long leases, etc.



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COMPARATIVE ANALYSIS: PDALA VS SALA

Feature / Aspect	Preservation & Development of Agricultural Land Act, 39 of 2024	Subdivision of Agricultural Land Act, 70 of 1970
Integration with Other Legislation / Land-Use Planning	Explicitly seeks alignment with spatial planning, land-use, environmental laws . It establishes norms & standards, integrated provincial agricultural plans, classification systems, etc.	SALA is more standalone ; it does not provide a framework for integrated land-use planning or linkage with environmental regulation in its own text.
Evaluation / Classification / Zoning / Protected Areas	Introduces an agricultural land evaluation and classification system; allows for declaration of Protected Agricultural Areas and the listing / delisting of activities in agro-ecosystems .	SALA does not contain such mechanisms . It only regulates subdivision etc.
Appeals, Inspection, Monitoring, Enforcement	Provides for appeals, appointment and functions of inspectors, contravention directives, gathering data, delegation, and performance assessment frameworks.	SALA provides for certain remedies, conditions and withdrawal of ministerial consent, but lacks a comprehensive enforcement / monitoring
Flexibility / Adaptability	Is designed to be more adaptable and responsive to changing environmental, economic, social, and land-use pressures . The Act contemplates the listing/delisting of activities, periodic reviews, and norms and standards.	More rigid : fixed prohibitions and thresholds (e.g. the 10-year lease rule) and dependence on ministerial consent make it less flexible in adapting to new land-use challenges such as renewable energy, climate change, etc.



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PDALA KEY TECHNICAL INSTRUMENTS

- **Agro ecosystem approach**
 - *Land evaluation and classification system (capability and potential of agricultural land)*

- **Protected Agricultural Areas**
 - *Demarcation of high value and best available agricultural land*

- **Agro ecosystem management and authorisations**
 - *Listing activities*
 - *Norms and standards*

- **National Agro Eco Information System**
 - *National repository that contain geo-referenced data and information on land capability classification, suitability, current state of and the use of agricultural land.*

- **Agricultural sector plan**
 - *To guide agricultural growth and development in the Republic*



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PDALA LISTED ACTIVITIES

LISTED ACTIVITIES (applied per agro-ecosystem & agricultural area)

- Subdivision
 - Agricultural land uses
 - Non-agricultural land uses
 - *Undivided shares*
 - *Sub-division for township development*
- Change of Land Use
 - Agriculture (Own use; Commercial)
 - Rezoning (Residential; Commercial; Industrial (large & small scale); Mining; Electricity (own vs commercial; RE; Agrivoltaics); Infrastructure development; Recreation (Resorts); Education; Religious; Environmental Protected Areas / Conservation;
 - Sectional title
 - Shareblock scheme
- Long-term lease (agriculture vs non-agricultural land use; entire farm vs footprint)
- Usufruct / Habitatio
- Coupling / Uncoupling

Detailed requirements to be discussed under the Technical Regulations later in the workshop



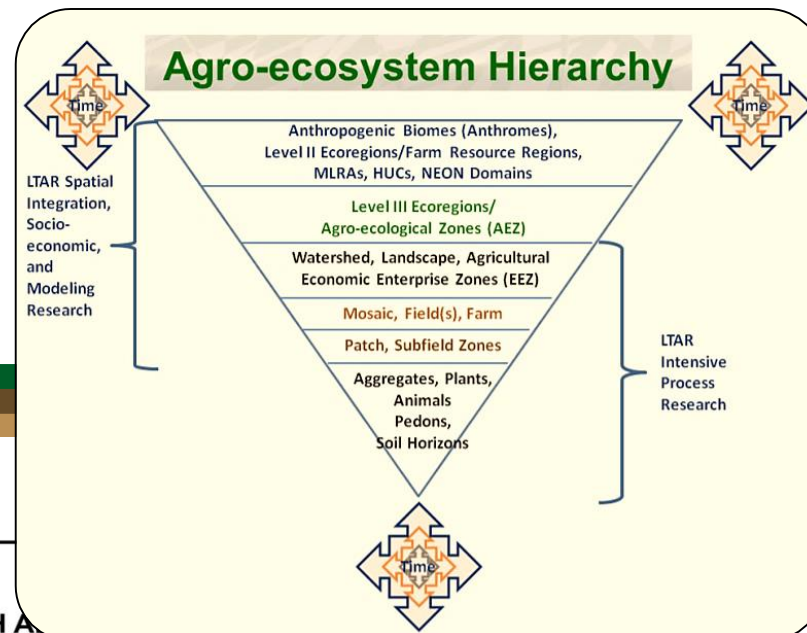
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IN CONCLUSION

- Having an understanding of the **natural resources capital** of a given area as well as **human history** related thereto one will cease to see a *farm as a fragment of a larger system* but...
- Having an understanding of **the farm's context and essence within the agro-ecological-economic systems** will enable it to be an entity much wider than matching crops to landscape only, but will **harmonize** this knowledge with the long-term potential of a place (Level 4 of RF).



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Preservation and Development of Agricultural Land Act, 39 of 2024

Agro-ecosystems Principles



Sustainable Farming

Efficient & Eco-Friendly Practices



Biodiversity Protection

Conserving Wildlife & Habitats



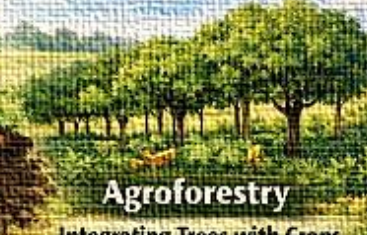
Crop Rotation & Diversification

Mixing Crops & Rotating Fields



Soil Health Improvement

Enhancing Soil Fertility & Structure



Agroforestry

Integrating Trees with Crops



Water Conservation

Efficient Water Use & Protection



Renewable Energy

Solar & Wind Power on Farms



Conversion of Agricultural Land to Non-Agriculture

Authorization required for Change of Land Use to Non-Agriculture



Subdivision of Agricultural Land

Minimum Farm Size Based on Agroecosystem Requirements

Resilient, Productive, and Sustainable Agroecosystems

Thank You...

