

DEPARTMENT OF AGRICULTURE

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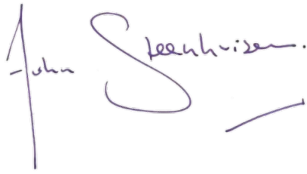
2025

PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND ACT, 2024
(ACT NO. 39 OF 2024)

REGULATIONS IN TERMS OF THE PRESERVATION AND DEVELOPMENT OF
AGRICULTURAL LAND ACT, 2024

The Minister of Agriculture intends, in terms of section 35 of the Preservation and Development of Agricultural Land Act, 2024 (Act No. 39 of 2024), to make the regulations in the Schedule.

Interested persons are invited to send written comments on the proposed regulations within 60 days from the date of publication of this notice to the Minister, using the following Email: pdala@nda.gov.za

A handwritten signature in blue ink that reads "John Steenhuisen". The signature is written in a cursive style with a large initial 'S'.

.....
MR JOHN STEENHUISEN, MP
MINISTER OF AGRICULTURE

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context indicates otherwise-

“Act” means the Preservation and Development of Agricultural Land Act, 2024 (Act No. 39 of 2024).

Criteria for development and compilation of provincial agricultural sector plans

2. In developing provincial agricultural sector plans, the MEC must-
 - (a) define the identified strategic initiatives;
 - (b) define action steps envisaged;
 - (c) identify those responsible for implementation;
 - (d) identify other entities that need to be involved and their manner of participation or consultation;
 - (e) identify resources and sources required including financial resources;
 - (fj) specify timelines for implementation;

- (g) define the coordinating / management structure to support all entities involved; and
 - (h) specify the reporting framework for monitoring and evaluation of the programmes and projects.
3. In compiling provincial agricultural sector plans, the MEC must / shall take the following into account:
- (a) Coordination among various entities from the public and private sectors *as well as* voluntary organizations involved in the implementation of the plans;
 - (b) goal orientation among entities contemplated in paragraph (a) to achieve universal benefits and not only sectoral interests;
 - (c) capacity building at all levels relating to advanced scientific knowledge and greater participation in project implementation;
 - (d) proper definition of the implementation process;
 - (e) proper sequencing of implementation actions with necessary support actions; and
 - (f) properly structured monitoring and evaluation system.

Structure of Provincial Agricultural Sector Plan

4. The structure of a provincial agricultural sector plan must be as follows:
- (a) Executive summary
 - (b) Chapter 1: Introduction
 - (c) Chapter 2: Legislative and Policy Framework
 - (d) Chapter 3: Agro-ecosystems, Resources and Socio-economic Assessments
 - (e) Chapter 4: Current Agricultural Performance and Trends
 - (f) Chapter 5: Strategic Framework for Agricultural Development
 - (g) Chapter 6: Institutional Arrangements and Governance

- (h) Chapter 7: Financial Framework and Investment Plan
- (i) Chapter 8: Implementation Plan
- (j) Chapter 9: Monitoring and Evaluation

Applications for agro-ecosystem authorizations

5. (1) An application for agro-ecosystem authorization in respect of listed activity within a national protected agricultural area must be made to the Director-General. Email: pdala@nda.gov.za or hand delivered with all the required supporting documents to Room MGF-01, Agriplace Building, 20 Steve Biko Road, Department of Agriculture, PRETORIA 0001.
- (2) An application for agro-ecosystem authorization in respect of listed activity within an area of a province falling outside a national protected agricultural area must be made to the HoD or hand delivered with all required supporting documents to the designated provincial office of the province in which the land is located.
- (3) Applications contemplated in subregulations (1) and (2) shall be accompanied by an application fee as determined by the Minister by notice in the Gazette.
- (4) Applications in this regulation must include the following information:
- (a) whether the listed activity falls under the jurisdiction of or impacts on one or more organs of state;
 - (b) the potential impact of a listed activity and its significance;
 - (c) findings and recommendations, if any, on the potential impact of a listed activity;
 - (d) the general objectives of agro-ecosystem management laid down in the Act;
 - (e) public information and participation procedures providing interested parties including organs of state with a reasonable opportunity to participate in those procedures; and
 - (f) any information and maps compiled in terms of section 16(4) of the Act.

Requirements for applications for agro-ecosystem authorisations

6. (1) Before an application for agro-ecosystem authorization is made, the applicant must be aware of and have information on:
 - (i) activities which may not commence without an agro-ecosystem authorization from competent authorities;
 - (ii) agricultural areas in which listed activities may not commence without an agro-ecosystem authorization from the competent authority;
 - (iii) agricultural areas in which listed activities may be excluded from agro-ecosystem authorization by the competent authority; and
 - (iv) activities which *may* commence without an agro-ecosystem authorization.
- (2) The application must include the following information on any procedure relating to public consultation and information gathering:
 - (a) how interested and affected parties were invited to participate and how they participated;
 - (b) how organs of state were consulted; and
 - (c) the reasonable opportunity given to parties to participate in the process of consultation.
- (3) The application must include the following information relating to applicable provincial agricultural sector plan:
 - (a) the plan's priority programmes;
 - (b) its coordination of various entities involved;
 - (c) its actions plans; and
 - (d) how authorization will contribute to the above.
- (4) The application for authorization must include any other information-

- (a) as may be required by the competent authority during the consideration of an application; and
 - (b) which must be furnished within the timeframes indicated by the competent authority.
- (5) The applicant must furnish any report as may be required by a competent authority.

Contents of reports to be submitted with agro-ecosystem authorization application

7. The agro-ecosystem report to be submitted with an application for agro-ecosystem authorization must include the following information additional to information contemplated in regulation 6:
- (a) socio-economic information on-
 - (i) demographics relating to the population and poverty status;
 - (ii) agricultural products relating to production, markets, commercial or industrial.
 - (b) water information and maps on water resources such as rivers, estuaries, dams, wetlands, boreholes and pans, allocated water rights, water yield and water quality;
 - (c) climatic information and maps on mean annual rainfall and mean annual temperatures, frost hazard and heatwave hazard;
 - (d) soil and geological information and maps including soil classification, soil degradation, and related soil assessment information;
 - (e) vegetation information and maps including vegetable types, species composition, vegetation condition and degradation inclusive of alien and invasive plants and bush encroachment;
 - (f) topographies information and maps on elevation, slope and terrain.
 - (g) agricultural and nonagricultural land use, current and past land use for the last five years;
 - (h) infrastructure information and maps including agricultural infrastructure as well as general infrastructure such as roads, electrical and health posts;

- (i) market information;
- (j) farming systems information such as rainfed, irrigation, conservation agriculture and organic farming ;
- (k) key challenges and opportunities;
- (l) impact of and the monitoring and management of consequences for and impacts on the agro-ecosystem functionality and agricultural production potential;
- (m) the assessment of the effectiveness of arrangements contemplated in paragraph (j) after their implementation; and
- (n) any agro-ecosystem attributes identified in the information and maps contemplated in section 16(4) of the Act ;
- (o) Locality description and coordinates of affected area; and
- (p) site development map indicating development footprints.

Activities that may be commenced without agro ecosystem authorisations

8. The activities that may be commenced without agro-ecosystem authorization will be published by the Minister of Agriculture in the Government Gazette.

Period within which specified agro-ecosystem authorization applications may be considered

9. (1) Where an application for agro-ecosystem authorization lacks required supporting information, 30 days from the date the information is called upon by competent authority.
- (2) Where information is not furnished within time frame indicated in the request notice, application will be deemed to have been closed within 3 months from date of request for information.

Information to be contained in a national agro-eco information system

10. The following information must be contained in a national agro-eco information system:

- (a) information on preservation, development, use and management of agricultural land;
- (b) information on implementation, management and administration of the Act; and
- (c) all information contemplated in section 26 of the Act.

Appeals against decisions on applications for authorisations

11. (1) An appeal against a decision on an application for agro-ecosystem authorization must be in the form of a written notice to the Minister.
- (2) The appeal must be lodged within 30 days from the date on which the applicant was notified of the decision made.
- (3) The notice of appeal contemplated in subregulation (1) must-
- (a) be submitted to the office of the Director-General; Agriculture Place, 20 Steve Biko (formerly Beatrix) Road, Arcadia, Pretoria, 0001. The postal address is Private Bag X250, PRETORIA, 0001.
 - (b) be accompanied by a fee as determined by the Minister by notice in the Gazette; and
 - (c) clearly state the grounds on which the appeal is based in addition to any supporting document/s.
- (4) If the Minister appoints an advisory appeal panel as contemplated in section 8 of the Act, the notice of appeal must also be submitted to the advisory appeal panel by the Minister.

The manner in which an appeal by an advisory appeal panel is heard

12. (1) If the appeal is heard by an advisory appeal panel-
- (a) the appeal must be heard by all members of the advisory appeal panel;
 - (b) the person lodging the appeal may be represented by a legal practitioner;

- (c) the advisory appeal panel may subpoena and question any person who may be able to give information relevant to the subject matter of the appeal;
 - (d) the advisory appeal panel may administer oath or accept an affirmation from any person called to give evidence;
 - (e) the majority decision of the advisory appeal panel is the decision of the advisory appeal panel;
 - (f) the advisory appeal panel must give its decision and the reasons thereof in writing, and such decision constitutes a recommendation to the Minister on the appeal; and
 - (g) the advisory appeal panel must keep minutes containing a summary of the proceedings of every hearing.
- (2) If the Minister does not appoint an advisory appeal panel-
- (a) the appeal is heard by the Minister in terms of section 30(1) of the Act; and
 - (b) the appeal must be considered on paper by the parties making written submissions and a decision made in respect thereof,

Fees refunded to appellant who succeeds on appeal to the Minister

13. If an appeal succeeds-
- (a) and the decision appealed against is wholly set aside, the appellant must be refunded the entire fee paid in respect of the appeal;
 - (b) but the decision is varied, only a part of the fee as determined by the Minister shall be refunded to the appellant; and
 - (c) Refund application must be submitted to the Directorate responsible for the administration of the Act.

Use of technology for compliance inspection

14. Technological tools such as remote sensing, drone surveillance, geographic information system and others may also be used for monitoring compliance of agroecosystem land use from the distance.

Appointment of external specialist to perform compliance inspection

15. (1) External specialist may be appointed by Department to assist inspectors in the performance of their compliance inspection functions if there is suspicion of contravention.

(2) Contravention report must be submitted by inspector who may be assisted by an external specialist to Department after execution of compliance inspections within specified form and time frame.

Designation or appointment of inspectors

16. A written designation or appointment of an inspector as contemplated in section 31(1)(b) of the Act must-
 - (a) be in the form of a letter or card, both confirming such designation or appointment; and
 - (b) be always carried during the carrying out of duties by an inspector.

Delivery of contravention notice

17. A directive issued in terms of section 32(3)(d) of the Act may also be issued by means of an electronic mail system and the electronic mail system must be accompanied by a short message service on phone number provided in the application for authorization.

Compliance inspection report

18. A compliance inspection report must include the following information:
 - (a) Status of compliance;
 - (b) The nature of the contravention;
 - (c) The legal provisions being contravened;
 - (d) The remedial actions required;
 - (e) Deadline required for rectifying contravention;

(fj) Evidence of contravention; and

(g) Enforcement action

Monitoring compliance with agro-ecosystems authorisations

19. (1) An application for agro-ecosystem authorization must include an agricultural compliance statement prepared by soil scientist or agricultural specialist duly registered with a regulatory professional body.
- (2) An agricultural compliance statement must contain the following information:
- (a) contact details and relevant experience of as well as registration number of the soil scientist or agricultural specialist preparing the statement;
 - (b) a signed statement of independence;
 - (c) a map showing the proposed development footprint with a 50m buffered development envelope;
 - (d) confirmation from the specialist that all reasonable measures have been taken through micro-siting to avoid or minimize fragmentation and disturbance of agricultural activities;
 - (e) a substantiated statement from the soil scientist or agricultural specialist on the acceptability or not of the proposed development and a recommendation on the approval, or not, of the proposed development;
 - (fj) Monitoring compliance by competent authorities; and
 - (g) Other expertise additional to soils scientists.

Efficient administration and fair decision making

20. The following principles apply to the administration and fair decision making on applications for agro-ecosystem authorisations:
- (a) applications must be processed within prescribed timeframes;

- (b) if an application is refused, the applicant must be promptly informed of the reasons for the decision; and
- (c) the applicant may be required to invite comments from affected parties and submit all responses received together with the application.

Functions to be performed by professionals

21. (1) The following functions must be performed by agricultural and related professionals in relation to processing of agro- ecosystem authorizations:
- (a) site sensitivity verification to be undertaken by an environmental assessment practitioner or a specialist;
 - (b) the activity impact on agricultural resource by a soil or agricultural scientist;
 - (c) agricultural agro-ecosystem assessment by a soil or agricultural scientist;
 - (d) change in productivity for agricultural activities and change in employment figures by an agricultural economist;
 - (e) confirmation that all reasonable measures have been considered in the micro-siting of the proposed development by soil scientist or agricultural specialist.
- (2) Other professionals performing functions include:
- (a) agricultural development professionals;
 - (b) agricultural economists;
 - (c) agricultural scientists;
 - (d) environmental management professionals;
 - (e) spatial information professionals;
 - (f) lawyers;
 - (g) town planners land surveyers; and
 - (h) Agricultural Engineers

Fees

22. The Minister may by notice in the Gazette, determine fees in respect of the following:
- (b) review of documents, processes and procedures by specialists on behalf of competent authorities; or
 - (c) consideration and processing of appeals.

Norms and standards for compliance with objects of the Act

23. In determining the listing of activities in terms of section 16 of the Act, the Minister must take the following into account:
- (a) any alternatives to the listed activity and the significance of such alternatives' potential consequences;
 - (b) other options, including not to perform the listed activity;
 - (c) mitigation measures to keep adverse consequences or impacts to a minimum;
 - (d) any gaps in knowledge regarding the potential consequences and impacts of the listed activity and alternatives to the listed activity; and
 - (e) any uncertainties encountered in compiling the required information on the listed activity.

National Agro-eco Information System

24. (1) The national agro-eco information system may include but is not limited to documents and records relating to authorisations, compliance, and contravention directives issued under the Act.
- (2) The national agro-eco information system may include the data layers in the table below:

Dataset	Update Frequency	Scale
Agricultural Land	Yearly	Local Municipality
Vegetation Types	5 years	Local Municipality
Grazing Capacity	5 years	Local Municipality
Spatial Development frameworks	5 years	Local municipality

Agroecosystems	5 years	Local Municipality
Agricultural Areas	1 years	Local Municipality
Protected Agricultural Areas	1 years	Local Municipality
Land Cover	1 years	Local Municipality
Cadastral Data	1 years	Local Municipality
Environmental Protected Areas	5 years	Local Municipality
Demographic Information	5 years	Local Municipality
Infrastructure	5 years	Local Municipality
Agricultural Infrastructure & Supporting Services	5 years	Local Municipality
Administrative Boundaries	5 years	Local Municipality
Water Governance	5 years	Local Municipality
Land Use Schemes	5 years	Local Municipality
National Wetland Map	5 years	Local Municipality

- (3) The agro-eco information system may include the following datasets:
- (a) **Geo-referenced (Spatial) Data:** All maps must be geo-referenced to the national standard spatial coordinate system, (WGS 84) ensuring interoperability with other data platforms.
 - (b) **Administrative Boundaries:** Legal or cadastral boundaries will be the primary demarcation wherever possible for precision and regulatory clarity (e.g., farm boundaries, district/municipal borders).
 - (c) **Temporal Updates:** Historical as well as current datasets will be maintained to enable tracking of changes and trends (e.g., agricultural land loss or new developments).
 - (d) **Accessibility:** Datasets should be published through interactive web viewers, downloadable spatial datasets (e.g., SHP, PDF), and be user-friendly for varied stakeholders.
 - (e) **Integration with National Systems:** Dataset shall be compatibility with the South African Spatial Data Infrastructure Act requirements and other official government systems.
 - (f) **Supporting Metadata:** Every map and spatial dataset must be accompanied by metadata compliant with ISO / SANS 19115 standards

including data sources, date of generation, methods, accuracy, and applicable standards and include a Creative Commons license.

Short title and commencement

28. These regulations shall be called the Regulations made in terms of the Preservation and Development of Agricultural Land Act, 2024 and come into operation on their date of publication in the Gazette.