

Preservation and Development of Agricultural Land Act

Act No. 39 of 2024 | PDALA

Including full analysis of the Draft Regulations (November 2025),
critical commentary, and strategic client submissions

March 2026 | Updated Client Briefing | Straughan Incorporated

PART A

The Act

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Part A: The Act

Background, key provisions, SALA comparison and transitional arrangements

PART A · CONTEXT

Why a New Law Was Needed

South Africa has approximately 99.5 million hectares of agricultural land, of which only 12% is considered high-potential arable land under sustained pressure from urbanisation, mining, infrastructure and energy development.

SALA (Act 70 of 1970) was a narrow statute focused only on subdivision and lease consents. It did not cover the full spectrum of land use pressures modern agriculture faces, applied only to privately owned land, and had no classification, provincial planning or information framework.

The Subdivision of Agricultural Land Repeal Act 64 of 1998 was intended to replace SALA but was never brought into operation — leaving South Africa in regulatory limbo for almost 30 years.

12%	of SA land is high-potential arable
54 yrs	SALA governed agricultural land
29 Jan 2025	PDALA signed into law
Not yet	Commencement date TBC by proclamation

PART A ·
COMPARISON

SALA (Act 70 of 1970) – Old Law	PDALA (Act 39 of 2024) – New Law
Narrow scope: subdivision & lease consent only	Broad scope: ALL activities impacting agricultural land
Privately owned land only	ALL agricultural land: private, state, communal, traditional
No classification or evaluation system	Mandatory evaluation by capability, potential, suitability
No protected agricultural areas	Minister may declare Protected Agricultural Areas (PAAs)
No provincial sector plans required	Provincial Agricultural Sector Plans compulsory within 5 years
No national information system	National Agro-Eco Information System (GIS-linked)
Ministerial consent for subdivision	Agro-ecosystem authorisation for all listed activities
Does not bind all organs of state	Binds ALL organs of state including municipalities & mining

PART A · DEFINITIONS

Agricultural Land

All land in the Republic, except township-registered land, land already lawfully zoned non-agricultural, and land excluded by SALA notice or Ministerial gazette.

Agro-Ecosystem

A spatially and functionally coherent unit of agricultural activity including interactions between living and non-living components within larger landscapes.

Listed Activity

Any activity designated by the Minister that may not be carried out on agricultural land without an Agro-Ecosystem Authorisation.

Agro-Ecosystem Authorisation

The formal permit required to commence a listed activity — the PDALA equivalent of the old SALA ministerial consent.

Protected Agricultural Area

A declared area preserved to protect high-value agricultural land (above-moderate capability/potential, unique or irrigated land) against non-agricultural uses.

Viable Farming Unit

The minimum agricultural land area needed for a farming unit practising sustainable agriculture to cover all production costs, family expenses and capital replacement.

PART A ·
CLASSIFICATION

Land Evaluation & Classification (s 5)

The Minister, in consultation with MECs, establishes evaluation systems to appraise land based on:

- Agricultural land capability (most intensive rain-fed use by climate, soil, terrain)
- Agricultural potential (maximum productivity per unit area)
- Agricultural suitability (fitness for a defined agricultural purpose)
- Agricultural use (current actual use)

These classifications feed directly into the National Agro-Eco Information System and inform all authorisation decisions.

Protected Agricultural Areas (ss 11–13)

National PAA

Declared by the Minister: above-moderate capability/potential, unique land or irrigated land.

Provincial PAA

Declared by MEC with Ministerial approval for significant provincial agricultural land outside national PAAs.

Deeds Registration

PAA declarations must be noted by the Registrar of Deeds against title deeds — visible in the deeds registry.

5-Year Review

All PAA declarations reviewed at least every 5 years.

PART A · SECTOR
PLANS

Minister

Prescribes criteria for PASPs — science-based, sustainable, participatory. Regulations 2–4 give detailed effect to these criteria.

MEC

Must publish PASP within 5 years of commencement, updated at max 5-year intervals. Must consider adjacent provinces' plans.

Public

30-day public comment period required. All representations must be considered before publication.

Municipalities

Must take PASPs into account when preparing/amending SDFs, IDPs and land use schemes (SPLUMA ss 20, 35).

Monitoring

Annual compliance reports by MEC to the Minister. Municipalities face governance consequences for non-compliance.

PART A
AUTHORISATIONS

What Will Require Authorisation? (ss 15–16)

- Any activity that could change, deteriorate or cause loss of agricultural potential, capability, suitability or use
- Subdivision of agricultural land
- Long-term leases over portions of agricultural land (if listed)
- Non-agricultural developments (residential, commercial, industrial)
- Mining and quarrying activities
- Renewable energy projects (solar, wind farms)
- Infrastructure development (roads, pipelines, power lines)
- Any change of land use from agricultural to non-agricultural

Authorisation Process (s 15 + Regs 5–6)

1. Competent Authority

National PAA → Director-General (Pretoria). Outside national PAA → Provincial HoD.

2. Application

Prescribed form + agro-ecosystem report + public participation record + fee.

3. Assessment

Site-specific and cumulative agro-ecosystem impact assessment. Public participation.

4. Decision

Authorisation granted / refused / conditional. Report to Minister.

5. Other consents

PDALA auth does NOT replace NEMA, SPLUMA, municipal zoning, mineral rights.

PART A
ENFORCEMENT

Inspectors (ss 30–32 + Regs 14–18)

- Appointed by Minister with powers of entry and investigation.
- May use remote sensing, drone surveillance and GIS monitoring (Reg 14).
- External specialists may be appointed if contravention suspected (Reg 15).
- Contravention directives may be issued — by email + SMS to applicant (Reg 17).

Offences & Penalties (s 34)

- Commencing a listed activity without authorisation: criminal offence.
- Providing false information: criminal offence.
- Courts may impose fines and/or imprisonment.
- Restoration of agricultural land to former condition may be ordered.

Appeals (ss 28–29 + Regs 11–13)

- Written notice of appeal within 30 days of decision.
- Lodged with Director-General, Agriplace Building, Pretoria.
- Heard by Advisory Appeal Panel (all members present; legal representation allowed).
- If appeal fully succeeds: full fee refund. Partial success: partial refund.

⚠ PDALA authorisation does NOT replace NEMA environmental authorisation, mineral rights, SPLUMA land use approval, or municipal rezoning. All must be obtained concurrently.

PART A ·
TRANSITIONAL

Not Yet In Force

PDALA has not yet commenced. A commencement date will be fixed by Presidential proclamation. SALA continues to operate in full.

Pending SALA Applications

All applications submitted under SALA before PDALA commences must be processed as if SALA has not been repealed.

Existing SALA Consents

Consents granted under SALA remain valid for the period specified, or — if no period is specified — for 5 years from PDALA commencement.

Sector Plans Timeline

MECs must publish PASPs within 5 years of commencement. Until published, significant regulatory uncertainty exists in some provinces.

Repeal Act Amendments

PDALA amends the Subdivision of Agricultural Land Repeal Act 64 of 1998 to facilitate the legislative transition.

Tridevco Judgment (SCA Dec 2025)

Reaffirmed SALA's broad definition of 'agricultural land'. SALA remains critical for pending matters. Minister's refusal was set aside for failure to consult municipality.

PART A · SECTION
SUMMARY

Ch 1 · s 1	Definitions	Defines all key terms: 'agricultural land', 'agro-ecosystem', 'listed activity', 'PAA', 'viable farming unit', 'optimal agricultural use'.
Ch 1 · s 2	Objects	Six core objects: preservation; evaluation systems; protected areas; coordinated national framework; mitigation measures; national information system.
Ch 1 · s 3	Application	Applies to all agricultural land. Binds all organs of state and the private sector.
Ch 2 · s 4	Principles	Six principles: agro-ecosystem management; productivity; stability; resiliency; viability; equitability. Apply to ALL decisions under the Act.
Ch 2 · s 5	Classification	Minister establishes land evaluation and classification systems. Minister may exclude land from 'agricultural land' by Gazette notice.
Ch 2 · ss 6-10	Sector Plans	MECs must prepare PASPs within 5 years. Plans bind municipalities and organs of state in planning decisions.
Ch 2 · ss 11-13	Protected Areas	National and provincial PAAs. Registrar of Deeds must note PAAs on title. 5-year review cycle.
Ch 3 · ss 14-19	Agro-Ecosystem Mgmt	Authorisation required for all listed activities. Competent authority assesses site-specific and cumulative impacts.

PART A · SECTION
SUMMARY

Ch 4 · ss 20–22	Committees	National and Provincial Advisory Committees with agricultural, legal and scientific expertise advise on authorisations and sector plans.
Ch 4 · s 23	Performance	Performance assessment framework to evaluate implementation effectiveness by all organs of state.
Ch 5 · s 24	Info System	Director-General establishes National Agro-Eco Information System — geo-referenced database of all agricultural land data.
Ch 6 · ss 25–27	Delegation	Minister may delegate powers. Norms and standards prescribed. Regulations made in respective spheres.
Ch 6 · ss 28–29	Appeals	Appeal via independent Advisory Appeal Panel. Decisions subject to judicial review under PAJA.
Ch 7 · ss 30–32	Inspectors	Appointed inspectors: powers of entry, investigation, data collection. Contravention directives.
Ch 7 · s 33	Delegation	Minister may delegate functions and powers to DG, provincial officials or municipalities.
Ch 7 · ss 34–38	Offences & General	Offences: operating without authorisation, providing false information. Transitional provisions and commencement.

Part B: The Draft Regulations

Clause-by-clause analysis of the Draft Regulations published November 2025 for public comment. Signed by Minister John Steenhuisen.

PART B · REGS 1–4

Reg 1 — Definitions

All words defined in the Act carry the same meaning in the Regulations. The Regulations themselves do not introduce any new definitions — a significant gap discussed in Part C.

Regs 2–3 — Criteria for Developing and Compiling PASPs

Regulation 2 requires that in developing PASPs, MECs must: define strategic initiatives and action steps; identify those responsible for implementation; identify participating entities and financial resources; specify timelines; define the coordinating/management structure; and specify the monitoring and evaluation reporting framework.

Regulation 3 adds that MECs must take into account: multi-sector coordination (public, private and voluntary); goal orientation toward universal (not merely sectoral) benefits; capacity building; proper sequencing of implementation actions; and a structured monitoring and evaluation system.

Reg 4 — Required Structure of PASPs

PASPs must contain: Executive Summary; Ch 1 Introduction; Ch 2 Legislative/Policy Framework; Ch 3 Agro-ecosystems, Resources & Socio-economic Assessments; Ch 4 Agricultural Performance & Trends; Ch 5 Strategic Framework for Agricultural Development; Ch 6 Institutional Arrangements & Governance; Ch 7 Financial Framework & Investment Plan; Ch 8 Implementation Plan; Ch 9 Monitoring & Evaluation.

PART B · REGS 5–7

Reg 5 — Where and How to Apply

Applications for activities within a national PAA → Director-General, Department of Agriculture, Agriplace, 20 Steve Biko Road, Pretoria (pdala@nda.gov.za). For activities outside a national PAA → Provincial HoD at designated provincial office. Application fee payable as determined by the Minister by Gazette notice. Applications must include: impact of the listed activity; significance; objectives of agro-ecosystem management; public participation procedures; and maps required under s 16(4).

Reg 6 — Pre-Application Awareness & Application Content

Before applying, applicants must know: which activities require authorisation; which agricultural areas trigger authorisation; which areas are excluded; and which activities may proceed without authorisation (Reg 6(1)). The application must detail: how interested and affected parties were invited and participated; how organs of state were consulted; and the reasonable opportunity afforded. The application must also show how the relevant PASP's priority programmes, coordination plans and action plans are addressed and how authorisation contributes to them.

Reg 7 — Contents of the Agro-Ecosystem Report (16 items)

The agro-ecosystem report is a comprehensive technical document required with every application. It must include socio-economic data (demographics, poverty, agricultural markets); water resources (rivers, dams, wetlands, water rights, quality); climate data (rainfall, temperature, frost, heatwave); soil and geology (classification, degradation); vegetation (types, condition, invasive plants); topography (elevation, slope, terrain); agricultural and non-agricultural land use for the past 5 years; infrastructure; market information; farming systems; challenges and opportunities; impact on agro-ecosystem functionality and production potential; monitoring arrangements; agro-ecosystem attributes from s 16(4) maps; locality description and GPS coordinates; and a site development map showing development footprints.

Draft Regulations: Regs 8–13 — Unlisted Activities, Timeframes & Appeals

PART B · REGS 8–13

Reg 8 Unlisted Activities

Activities that may commence without agro-ecosystem authorisation will be published by the Minister of Agriculture in the Government Gazette. These have NOT yet been published — a major gap leaving applicants without guidance on what is exempt.

Reg 9 Timeframes

If application lacks required information: 30 days from request to provide it. If information not provided within the timeframe: application deemed closed within 3 months of the request notice. No express timeframe prescribed for the competent authority to decide — only a deemed closure provision for incomplete applications.

Reg 10 Info System

The national agro-eco information system must contain: information on preservation, development, use and management of agricultural land; information on implementation and administration of the Act; and all information required by section 26 of the Act. See Reg 24 for detailed datasets.

Reg 11 Appeals — How

Written appeal within 30 days of notification of decision. Lodge with Director-General, Agriplace, 20 Steve Biko Road, Pretoria. Must state grounds clearly and attach supporting documents. Fee payable as determined by the Minister.

Reg 12 Appeal Hearing

All panel members must be present. Appellant may be represented by a legal practitioner. Panel may subpoena witnesses and administer oaths. Majority decision is panel's decision. Written decision with reasons = recommendation to the Minister.

Reg 13 Fee Refunds

Full fee refund if appeal fully succeeds (decision wholly set aside). Partial refund if decision varied. Refund application to Directorate responsible for administration of the Act.

PART B · REGS 14–21

Enforcement & Compliance (Regs 14–20)

Reg 14: Remote sensing, drone surveillance, GIS and other technology permitted for compliance monitoring.

Reg 15: External specialists may be appointed to assist inspectors where contravention is suspected. Contravention report must be submitted within a specified timeframe.

Reg 16: Inspectors must carry written designation (letter or card) at all times when performing duties.

Reg 17: Contravention directives may be issued by email, accompanied by an SMS to the phone number provided in the application.

Reg 18: Compliance inspection report must include: status of compliance; nature of contravention; legal provisions contravened; remedial actions required; deadline for rectification; evidence; and enforcement action.

Reg 19: Every application must include an agricultural compliance statement by a registered soil scientist or agricultural specialist, including: specialist's qualifications and registration number; statement of independence; development footprint map with 50m buffer; confirmation of micro-siting to minimise fragmentation; and recommendation on approval or not.

Reg 20: Efficient administration principles: applications processed within prescribed timeframes; reasons for refusal promptly given; applicant may be required to invite comments from affected parties.

Professional Functions (Reg 21)

Regulation 21 prescribes specific professional roles:

Site sensitivity verification

Environmental assessment
practitioner or specialist

Activity impact on agricultural resources

Soil or agricultural scientist

Agro-ecosystem assessment

Soil or agricultural scientist

Change in productivity & employment

Agricultural economist

Micro-siting confirmation

Soil scientist or agricultural
specialist

Other professionals listed: agricultural development professionals; agricultural economists; agricultural scientists; environmental management professionals; spatial information professionals; lawyers; town planners; land surveyors; agricultural engineers.

PART B · REGS 22–28

Reg 22 — Fees

The Minister may by Gazette notice determine fees for: review of documents and processes by specialists on behalf of competent authorities; and consideration and processing of appeals. Notably, no fee schedule has yet been published.

Reg 23 — Norms and Standards for Listing of Activities

When determining what activities to list under s 16, the Minister must consider: alternatives to the listed activity; the option of not performing it; mitigation measures; gaps in knowledge regarding impacts; and uncertainties in the information compiled.

Reg 24 — National Agro-Eco Information System (Data Layers)

The system must include authorisation records, compliance records and contravention directives. The required data layers (at local municipality scale) include:

Data Layer	Update	Data Layer	Update
Agricultural Land	Yearly	Land Cover	1 year
Vegetation Types	5 years	Cadastral Data	1 year
Grazing Capacity	5 years	Wetland Map	5 years
Agro-ecosystems	5 years	Land Use Schemes	5 years
Agricultural Areas	1 year	Demographic Info	5 years
Protected Ag. Areas	1 year	Infrastructure	5 years

Reg 28 — Commencement: Regulations come into force on date of publication in the Government Gazette.

Part C: Critical Analysis

A frank assessment of the quality of drafting of both the Act and the Regulations — what works, what is missing, and what is problematic

PART C · ACT
ANALYSIS

✓ Strengths

- Broad scope captures what SALA missed: all agricultural land, all organs of state, state and communal land.
- Modern agro-ecosystem framework is scientifically sound and internationally aligned.
- PAA declarations with deeds registry notation is a powerful protective mechanism.
- Six-principle framework (s 4) provides a coherent value system for decision-making.
- National information system finally establishes an evidential base for policy.

X Deficiencies & Gaps

- No commencement date: the Act has been in limbo since January 2025. No timeline given.
- Listed activities NOT prescribed: the Act defers the critical list entirely to the Minister. No baseline certainty for landowners or developers.
- No timeframe for competent authorities to decide applications — a significant due process deficit.
- No fee schedule: applicants have no way to budget for applications or appeals.
- Definition of 'agricultural land' creates transition overlap with existing zoning — could catch lawfully zoned properties.
- s 3(2) binding all organs of state may conflict with provincial competence in terms of s 146 of the Constitution.

⚠ Structural Concerns

- Overreliance on Ministerial discretion: too many fundamental aspects delegated to regulations and gazette notices.
- Interaction with SPLUMA, NEMA and municipal planning not clearly resolved — risk of conflicting authorisations.
- No deemed approval provision: applicants can be left in indefinite uncertainty.
- No provision for consolidation of agro-ecosystem authorisation with other statutory processes.

PART C · REGS
ANALYSIS

Critical Drafting Deficiencies

1. The Listed Activities are not prescribed (Reg 8). This is the single most critical omission. Without knowing what activities are listed, the entire regulatory framework is inoperable. Reg 8 merely says the list 'will be published by the Minister' — without a timeline.
2. No decision timeframes for competent authorities. Regs only address when an incomplete application is deemed closed. There is no obligation on the competent authority to decide within any period. This creates indefinite uncertainty and is incompatible with the administrative justice principle of timely decisions under PAJA.
3. No fee schedule prescribed. Reg 22 empowers the Minister to set fees by Gazette — but none have been published. Applicants cannot budget.
4. 'Must/shall' inconsistency in Reg 3(a) — poor drafting that could generate interpretive disputes.
5. Reg 9's deemed closure provision is harsh. A 3-month administrative closure without any internal warning or escalation mechanism is draconian and does not allow for practical project planning timelines.

Structural & Quality Issues

6. PASP criteria (Regs 2–4) are process-heavy but content-light. The structural requirements are good, but the regulations say nothing about the substantive thresholds or standards a PASP must meet to be adequate.
7. Agro-ecosystem report requirements (Reg 7) are extremely detailed and onerous — 16 categories of information including comprehensive mapping. For smaller developments, this is disproportionate to the risk. No provision for a tiered or proportional approach based on scale or agricultural significance of the land.
8. Reg 19's agricultural compliance statement requirement is positive but duplicates elements of Reg 7 without integration.
9. Reg 21's professional functions list is sensible, but the regulation does not specify how disputes between professionals are resolved.
10. No provision for exemptions or blanket authorisations for low-impact activities or specific geographic areas — e.g. small outbuildings on a farm.

PART C · CONFLICTS

Timing of Regulations

The Act creates the PDALA framework but has not yet commenced. The Draft Regulations purport to come into force on date of publication (Reg 28) — yet there is no operative Act under which they can function. This sequencing anomaly needs resolution.

Appeal Procedure — s 28 vs Reg 11

Section 28 of the Act refers to the Minister appointing an advisory appeal panel. Regulation 11 requires the notice of appeal to be submitted to the Director-General's office, not to the Minister. Regulation 12(2) addresses the case where no panel is appointed. The interplay between Ministerial discretion and the DG's office as receiving point is not clearly resolved.

Section 16(4) Maps — Reg 7(n)

Regulation 7(n) requires the agro-ecosystem report to reference maps compiled in terms of s 16(4) of the Act — but the s 16(4) maps (the prescribed agro-ecosystem attribute maps) have not yet been published. Applicants cannot comply with Reg 7(n) until these maps are available.

Norms and Standards — Reg 23 vs the Act

Reg 23 sets criteria for the Minister to consider when listing activities. Section 16 empowers the Minister to list activities but does not require these specific considerations. Reg 23 narrows the Minister's discretion in a way that arguably goes beyond what the section 35 regulation-making power supports.

Exemptions (Reg 8) — Circular Reference

Regulation 8 says unlisted (exempt) activities 'will be published by the Minister in the Government Gazette.' This is simply a restatement of s 16(1)(d) of the Act. The regulation adds no value and defers the critical question entirely — arguably ultra vires as a non-regulation.

Part D: Strategic Client Submissions

Protecting the interests of property developers and farmers in the public comment process.
Comments must be submitted within 60 days to pdala@nda.gov.za

Submission 1: Listed Activities — Threshold, Proportionality & Exemptions

PART D · SUBMISSION 1

The single most important input we can make for developer and farmer clients:

The listed activities must be published simultaneously with or before commencement

It is constitutionally impermissible to bring an Act of this magnitude into force without the public knowing which activities trigger authorisation. Submit that Reg 8 must be finalised and published as part of the same package as commencement.

Introduce meaningful thresholds to exclude small-scale activities

The Act and Regulations contain no proportionality principle. A farmer erecting a new shed, or a developer building a single dwelling on a small portion, should not face the same 16-category Reg 7 report as a 500ha solar farm. Submit for a tiered system: Basic Notification (minor ancillary structures); Standard Application (moderate activity); Full Agro-Ecosystem Report (major/significant activity).

Exempt established urban edge land and township-pending properties

Properties on which township establishment applications are already lodged and advancing through SPLUMA should be specifically exempted or fast-tracked. PDALA should not be a blocking mechanism for lawful urban expansion processes already underway.

Exempt activities already subject to NEMA EIA

Where a full NEMA environmental impact assessment already incorporates agricultural land assessment, the agro-ecosystem authorisation should be deemed satisfied or consolidated. Duplicate processes create cost and delay without benefit.

Define clear exemption criteria for bonafide agricultural development

All structures, buildings and infrastructure reasonably necessary for or incidental to farming operations should be categorically exempt. The Act definition of 'agricultural purposes' provides the basis; regulations should give this full operational effect.

PART D · SUBMISSION 2

Mandatory decision timeframes for competent authorities

Regs are silent on how long competent authorities have to decide. This is contrary to the Promotion of Administrative Justice Act and creates indefinite project uncertainty. Propose: 60 days for standard applications; 90 days for applications requiring an agro-ecosystem report; 30 days for notifications; with a deemed-approval provision if no decision is made in time (subject to objector standing).

Introduce a deemed-approval mechanism

Where a competent authority fails to decide within the prescribed period, the application should be deemed approved — subject to standard conditions — unless a specific extension is granted and communicated in writing to the applicant before the deadline expires.

Prescribe a reasonable fee structure

Fees must be prescribed before the Act commences. Fees should be proportionate to the scale and nature of the activity. Excessively high fees would constitute a barrier to lawful land use and raise constitutional access-to-courts concerns. Propose: fee tariffs linked to development size and activity type, with an exemption for genuine farming infrastructure.

Replace the harsh 3-month deemed closure with a stepped process

Regulation 9's deemed-closure-in-3-months provision does not allow for realistic project timelines. Propose: initial deficiency notice (30 days); first extension on application (30 days); second extension on good cause (30 days); deemed closure only after all steps exhausted.

Allow electronic submission and tracking

All applications should be submittable electronically (email/portal). The national agro-eco information system should include a live application tracking portal. Reg 17's provision for email contravention notices suggests electronic infrastructure is contemplated — this should be extended to applications.

PART D · SUBMISSION 3

For Property Developers

PAA declarations must give existing rights holders notice and compensation:

Where a PAA declaration extinguishes or materially impairs the development potential of land on which a developer or owner has a legitimate expectation or existing approval, this should constitute a compensable restriction (s 25 Constitution). Submit that regulations should provide for an objection process and compensation assessment protocol where PAA designation imposes disproportionate burden on individual owners.

5-year review window must be accessible:

The 5-year review of PAAs (s 13) must be open to applications by affected landowners, not only initiated by the Minister. Submit that landowners must have standing to petition for review and withdrawal.

Consolidate all development approvals:

Submit for a one-stop-shop mechanism where a PDALA authorisation, NEMA authorisation, and SPLUMA development approval can be processed concurrently by a coordinated inter-departmental committee. This is necessary to prevent triple-process delay for large-scale developments.

For Farmers

Protect the 'agricultural purposes' carve-out:

The Act definition of 'agricultural purposes' includes structures and buildings 'reasonably necessary for or related to the agricultural use of land.' Submit that regulations must confirm that no agro-ecosystem authorisation is required for any development that falls within this definition.

Leases must be clearly addressed:

PDALA does not explicitly require authorisation for long-term leases. Submit that leases for agricultural purposes (e.g. cropping, grazing, agro-processing on-farm) should be expressly exempted from listed activity status, so that ordinary agricultural business transactions are not impeded.

Renewable energy on farms — permit dual use:

Farmers wishing to host solar or wind installations to supplement farm income should not face prohibitive agro-ecosystem requirements where the footprint is limited and the land remains predominantly agricultural. Submit for a size-limited concurrent-use approval process.

PASP must consult farmers:

Provincial sector plans will fundamentally shape what farmers can and cannot do. Submit that farming community representative bodies must have formal participation in the PASP compilation process.

PART D · SUBMISSION

1

Publish listed activities NOW

No commencement without the listed activities being finalised and published. Reg 8 is unacceptable as a deferral mechanism.

2

Introduce proportional tiered approach

Three-tier system: Basic Notification / Standard Application / Full Agro-Ecosystem Report. Scale requirements to risk and land significance.

3

Mandatory decision timeframes

60/90-day timeframes for competent authorities. Deemed approval on expiry. Failure to comply = reviewable administrative conduct.

4

Prescribe fees before commencement

Fees must be published with commencement. Fee structure must be proportionate and not a development barrier.

5

Consolidate with NEMA/SPLUMA

One-stop-shop process for concurrent authorisations. Avoid triple-process for single development.

6

Exempt bonafide agricultural activities

All activities falling within the Act's definition of 'agricultural purposes' must be categorically exempt.

7

Protect developer legitimate expectations

PAA declarations must not destroy existing development rights without objection process and just compensation.

8

Farm lease/dual-use exemptions

Agricultural leases and limited-footprint dual-use (e.g. farm solar) should be exempted or have a fast-track process.

9

Fix drafting deficiencies

Address must/shall inconsistency (Reg 3); Reg 8's circularity; lack of s 16(4) maps; define proportionality for Reg 7 reports.

10

Submit to: pdala@nda.gov.za

Written comments within 60 days of publication. All submissions must clearly state grounds, proposed amendments and supporting evidence.

How Straughan Incorporated Can Assist

SALA Compliance & Transition

Advise on pending SALA applications, existing consents and protecting your SALA position during the transition to PDALA.

Due Diligence

Agricultural land due diligence for buyers and developers: classification status, PAA risks, SALA consent history and PDALA readiness assessments.

Public Comment Submissions

Prepare and submit formal comments on the Draft Regulations on behalf of clients — both individually and as part of industry coalitions.

Conveyancing & Title

Registration of PAA notations, SALA consent endorsements, and agricultural land transfers under both the current and new regime.

Agro-Ecosystem Authorisations

Guide clients through the full authorisation process once PDALA commences, including Reg 7 report coordination and competent authority submissions.

Development & Rezoning

Coordinated advice on agro-ecosystem, SPLUMA, NEMA and municipal approvals for developers working on agricultural land.

Practice Areas

Property & Conveyancing · Agricultural Law · Business Law · Family Law · Litigation · Notarial Services

Public Comment Deadline

Submit comments within 60 days of publication of the Draft Regulations to pdala@nda.gov.za

Disclaimer

This presentation is a general client briefing. It does not constitute legal advice. For advice specific to your circumstances, please contact our offices for a consultation.