

FINALISATION OF THE AMENDMENT OF THE PLANNING PROFESSION ACT (ACT NO. 36 OF 2002) AND DEVELOPMENT OF REGULATIONS

PROJECT OVERVIEW:

Consultation with the South African Geomatics Council

Chief Directorate Planning Facilitation

Date: 01 April 2025



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PRESENTATION CONTENT

INTRODUCTION

BACKGROUND TO THE PROJECT

RATIONALE FOR AMENDMENTS

CONSULTATION PROCESSES (PREVIOUS AND CURRENT)

NEXT STEPS

WAY FORWARD



INTRODUCTION

- ❑ The Department of Land Reform and Rural Development (DALRRD) in the Branch: Spatial Planning and Land Use Management (SPLUM) is in the process of **finalising the Amendment** of the Planning Profession Act, 2002 (Act 36 of 2002) (hereafter referred to as 'the PPA') and Regulations.
- ❑ The review/amendment of the PPA is based on the need to **respond to current contemporary planning challenges and issues in South Africa**, the need to **'take care' of planners and related interests in the planning discipline** and, to be relevant based on other recent planning legislation developments.
- ❑ The PPA Amendments and development of Regulations is a **collaborative** effort between the Department and the **South African Council for Planners (SACPLAN)**, in consultation with other relevant bodies having interest in the planning discipline.
- ❑ Through the PPA Amendments and the development of Regulations, the Department shall **improve its support to the SACPLAN to implement its legislative mandate** and objectives and in turn, provide the necessary support to planners and registered persons.
- ❑ **MABUYI Development Planners is the appointed Service Provider to this project:**
 - Ms. Zintle Lushaba
 - Ms. Marie Le Roux
 - Mr. Peter Dacomb
 - Legal and Admin Support Team Members



RATIONALE FOR PPA REVIEW AND AMENDMENT

- The **PPA was enacted almost 22 years** ago and there is a need to reflect on its current applicability and effectiveness.
- **Policy and Legislative Developments** that underpin the rationale/ need to review the PPA:
 - National Development Plan (**NDP**) in 2011
 - **SPLUMA & SPLUM Regulations**
- Development of **Competencies and Standards** by SACPLAN:
 - Development of a Continuous Professional Development (**CPD**) policy and procedure
 - Development of a Recognition of Prior Learning (**RPL**) policy and procedure
- **Change of Professional Designations** (as approved by the SACPLAN Council at its meeting of 12 November 2010)
- The need for the **planning profession to remain relevant** within a dynamic and changing planning context in order to guide development.
- Geopolitics, globalisation & the fast rate of **technology development** influencing the planning environment
- The **views, opinions and inputs of Planners and Interested Persons** in the Planning Discipline
- Legislation governing the planning profession to support **high standards through professional conduct & integrity**



OBJECTIVES OF THE PROPOSED AMENDMENTS

OBJECTIVES

- Alignment with SPLUMA and SPLUM Regulations
- Ensuring that planning education remains relevant and dynamic
- PPA Monitoring and compliance by SACPLAN and the Department
- Transformation of the planning sector
- Development of Competencies and Standards by SACPLAN covering aspects such as:
 - Development of a Continuous Professional Development (CPD) policy and procedure,
 - Development of a Recognition of Prior Learning (RPL) policy and procedure,
 - Development of an Examination System(s) as part of the registration process of planners in terms of the Planning Profession Act, 2002,
 - Change of Professional Designation (as approved by The Council on its meeting of 12 November 2010), and
 - Interim Policy for Facilitating Registration with Foreign Qualifications.

CHANGES TO IMPROVE PPA

- Expanding, in greater detail, aspects relating to professional misconduct
- Reviewing the reservation of work section and updating it in line with changes and shifts in planning
- Reviewing of Categories of Registration
- Reviewing the DALRRD and SACPLAN arrangements with innovative and 'tried-and-tested' mechanisms to implement proper compliance with the PPA
- Reviewing the mandate, duty, and objects of the Institute (SACPLAN)
- Professional misconduct and disciplinary processes
- Definitions



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OVERVIEW OF THE PPA

Objectives of the PPA

Provide for the establishment of the SACPLAN as a juristic person

Provide different categories of planners' registrations

Authorize the identification of areas of work for planners

Recognize certain voluntary associations

Protect the public from unethical planning practices

Maintain high standards of conduct & integrity

Establish disciplinary mechanisms

Provide for incidental matters

- The Act establishes **mechanisms for quality control** through registration requirements

The Act provides **professional accountability** through ethical standards and planning profession principles



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DOCUMENTING PREVIOUS CONSULTATIONS

- There has been a substantial amount of **work done in regard to the proposed review of the PPA**, which is well-documented and provides guidance on the areas that indeed require extensive review (however not limited thereto).
- The Department had **previously undertaken a process of consultation with various stakeholders** to better reflect and effect the necessary amendments to the Act.
- The previous consultations on the PPA were held between 9 – 20 November **2015** and between September – October **2018**.

Cluster/Province	Workshop Date	Audience
Gauteng, North West, Western Cape, Mpumalanga & Limpopo	09 November 2015	Professional Councils, Voluntary Associations & Stakeholders CBE, CESA, CSIR, RCSA, HSRC, LSSA, PLATO, RICS, SAACPP, SACAPSA, SACPLAN, SACPVP, SAGI, SALGA, SAPI & SAPOA.
Free State & Northern Cape	12 November 2015	Government All the 3 Spheres of Government
KwaZulu Natal	16 November 2015	Planners Private and Public Sector Planners
Gauteng, North West, Western Cape, Limpopo, KwaZulu-Natal, Northern Cape, Free State, Eastern Cape, Mpumalanga	7 September 2018 – 8 October 2018	Consultation with planners



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OVERALL INPUTS FROM PREVIOUS CONSULTATIONS- PPA

- Key topical matters from the historical consultations and work have been considered in the proposed framework of Amendments to the PPA, which include proposals on the:

Definitions

Constitution of the SACPLAN Council

Registration Categories of Planners

Identification of Planning Profession Work

Identification of Planning Profession Work and Work shared with Land Surveyors (considering SACPLAN+SAGC 2022 discussions)

Disciplinary Matters

Transitional Provisions (with persons that have obtained Btech Degrees)



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TOWARDS DEVELOPMENT OF REGULATIONS

☐ Key topical matters for consideration here include:

- To provide **for identification of work of Planners/ Registered Persons** as per PPA
- To add **technical definitions** which are not contained in PPA – to facilitate proper interpretation of regulations
- To align terminology with **SPLUMA** descriptions

☐ Consideration of other professions

- Land Surveyors
- Attorneys
- Architects

☐ Consideration of main aspects

- Strategic Planning / Spatial Planning responsibilities
- SACPLAN certification for certain areas of work: Certain Land Development Applications / parts of Land Development Applications

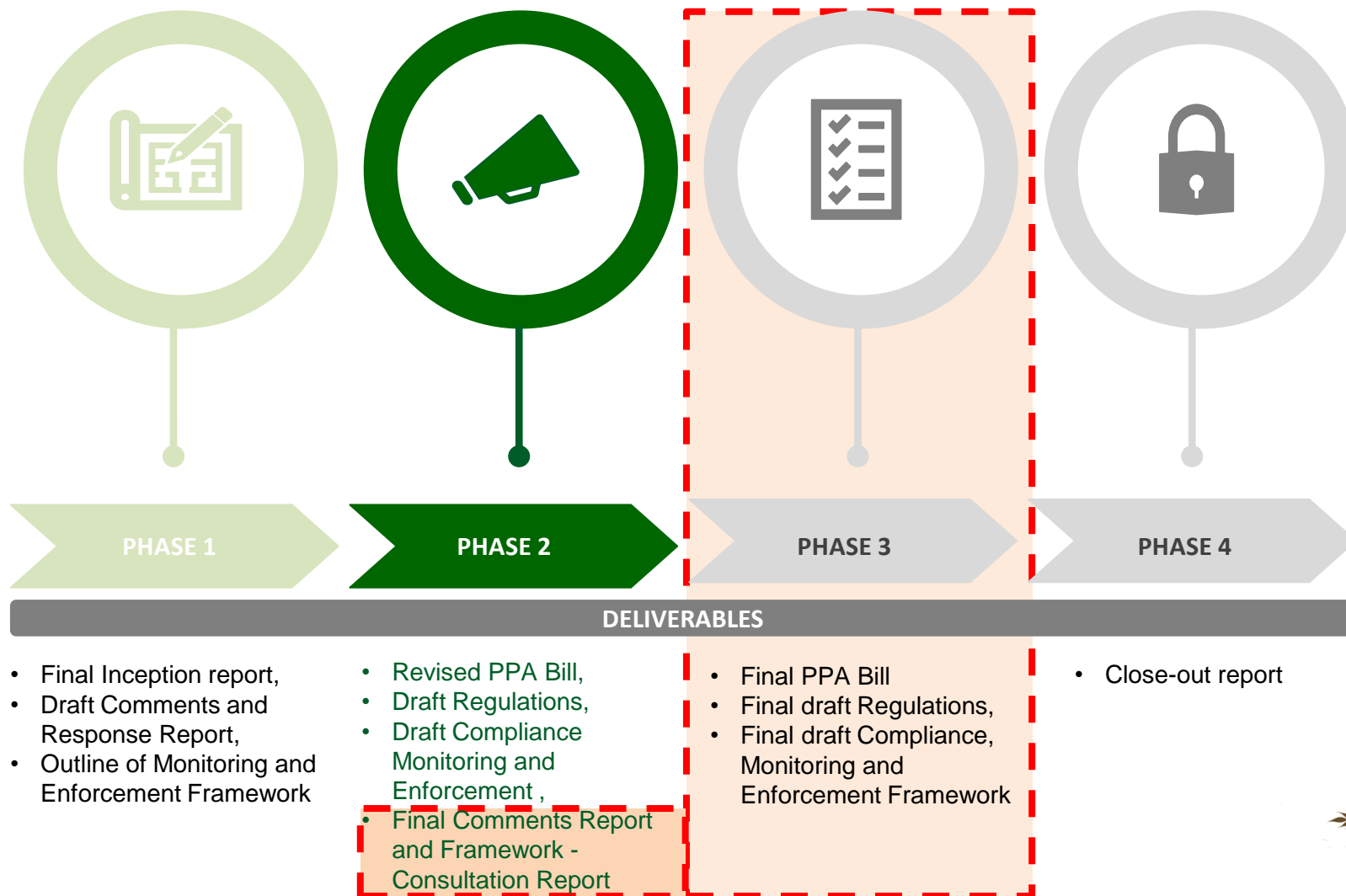


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CURRENT PROJECT PHASING - PPA AMENDMENTS



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CONSULTATIONS AND ENGAGEMENTS

❑ Department + SACPLAN Role

- Project lead: DLRRD (National and Provincial Offices: Land Reform and Rural Development)
- SACPLAN (as Partner / co-Chair)

❑ Key stakeholders for Consultation

- **National Level/ Departments:** DCoG, MDB, SACN, MISA, DPME, DFFE, DHS, DPWI, DoT, National Treasury, DWS, DEA, DLRRD (SG, DEEDS, Land Use and Soil Management)
- **Provincial Departments and Local Municipalities:** CoGTA, OTP, SALGA, Local Municipalities
- **Professional Councils, Voluntary Associations and Others:** SALGA, SACPLAN, CSIR, SAACPP, CBE, CESA, PLATO, LSSA, SACAPSA, SACPVP, SAGC, SAGI, SAPI, SAPOA, Academia, Planners (Public and Private Sector)

❑ Timeframe for consultations

- October - December 2024 (Provincial Consultations: Sector Departments/ Municipalities)
- March – April 2025 (Key Sector Departments and Stakeholders)



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CONSULTATIONS AND ENGAGEMENTS

- ❑ Consultations with Provinces took place from **16 October 2024 – 6 December 2024** in collaboration with the South African Council for Planners (SACPLAN)

PPA AND PPA REGULATIONS: PROVINCIAL CONSULTATIONS

	Province	Date	Method	Location
Completed	Gauteng	16 October 2024	Online (MS Teams)	
Completed	Free State	17 October 2024	Online (MS Teams)	
Completed	Eastern Cape	23 October 2024	Online (MS Teams)	
Completed	Mpumalanga	5 November 2024	Online (MS Teams)	
Completed	Kwa-Zulu Natal	12 November 2024	Online (MS Teams)	
Completed	Limpopo	19 November 2024	Physical	Polokwane
Completed	Northern Cape	21 November 2024	Online (MS Teams)	
Completed	Western Cape	26 November 2024	Physical	Stellenbosch
Completed	North West	6 December 2024	Physical	Rustenburg



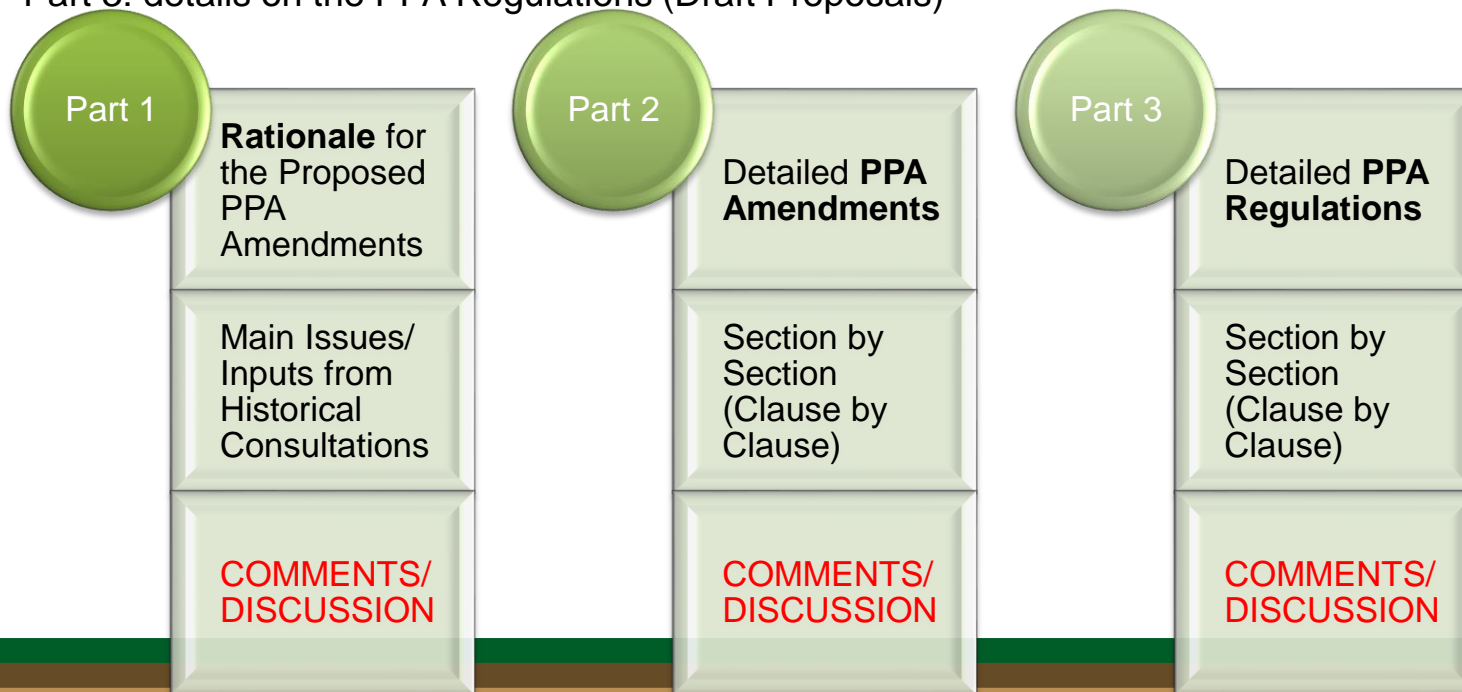
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CONSULTATION PROGRAMMING

- ❑ The Service Provider Team presented the proposals for the PPA Amendments and the Draft Regulations (both Drafts)
 - Part 1: Background and rationale to the proposed Amendments (including some insights into the historical consultations and inputs thereof)
 - Part 2: details on the PPA (Act) Amendments (Draft Proposals / also comparison of Current VS. Proposed clauses)
 - Part 3: details on the PPA Regulations (Draft Proposals)



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OVERARCHING THEMES ARISING FROM CONSULTATIONS



IDENTIFICATION OF THE PLANNING PROFESSION

INTRODUCING OTHER PROFESSIONAL DISCIPLINES TO PARTICIPATE IN THE PLANNING PROFESSION

PROTECTION OF THE PLANNING PROFESSION

COURSE WORK MASTERS DEGREES BASED ON NON-PLANNING UNDER GRADUATE QUALIFICATIONS

RECOGNITION OF PRIOR LEARNING

PROFESSIONALISATION



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CURRENT AND NEXT STEPS ON CONSULTATIONS

- ❑ **CONSULTATIONS:** Provincial and Municipal Planning Officials/ Interested Persons in the Planning Discipline
- ❑ **ENGAGING KEY STAKEHOLDERS (Bi-LATERAL ENGAGEMENTS):** e.g. SACPLAN + SAGC, SAGI
NB: Done collaboratively with SACPLAN as Co-Chair/ Partner
- ❑ **ENGAGING GOVERNMENT (NATIONAL SECTOR DEPARTMENTS)**
As may be deemed necessary (Departments relevant to the Planning Discipline)
NB: Done collaboratively with SACPLAN as Co-Chair/ Partner



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NEXT STEPS ON LEGISLATIVE AMENDMENTS

- ❑ **GAZETTE NOTICE/ PUBLICATIONS:** In finalising both the PPA Amendments and the development of the Final Regulations, draft amended versions will be published in the Gazette together with a notice calling on interested persons or voluntary associations to comment in writing within a period not less than 30 days from the date of publication of the notice

NB: this step will be done once amendments are finalised in the first half of 2025/2026 FY)

- ❑ **PPA (ACT) AMENDMENTS APPROVAL PROCESS:** The Amendment Bill will require approval via the Parliamentary Process

NB: this step is projected to start around August / September 2025)

- ❑ **PPA REGULATIONS APPROVAL PROCESS:** The approval of the Minister will be required.

NB: this step will coincide with the PPA Amendments process (but enroute to the Minister for decision)

- ❑ **SUMMARY OF ROUTES**

- Final Amendment Bills (to Parliament)
- Final Regulations (to Minister)



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RECOMMENDATION

❑ It is recommended that:

- *the South African Geomatics Council (SAGC) engages on the proposals and, submits written comments towards the Final Draft PPA Amendments and Regulations*
- *a timeframe be agreed for final written comments to be submitted (preferably 7 days from meeting)*
- *the Discussions and Comments focus specifically on proposals relevant to the SAGC)*

WRITTEN COMMENTS - TIMEFRAMES	
Consultation Date	7 days from consultation
18 March 2025	25 March 2025
Verbal Inputs/ Comments/ Discussions	Written Comments



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NGIYATHOKOZA DANKIE KE A LEBOGA
NGIYABONGA
NDIYABULELA
INKOMU NDI KHOU
LIVHUHA

Thank you



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