



South African Photovoltaic Industry Association

Registration No: 129-644-NPO

Eastgate Office Park, Block A

South Boulevard Road, Bruma Johannesburg, 2198

Tel: +27 11 56 8460/61

Date: 13 July 2025

Re: Draft Submission to DMRE on the Draft Mineral Resources Development Bill

Dear DMRE Colleagues,

As the solar PV industry in South Africa, we appreciate the opportunity to provide input on the Draft Mineral Resources Development Bill. SAPVIA represents over 700 members across the solar PV value chain, including project developers, Independent Power Producers (IPPs), financiers, manufacturers, and service providers.

Our members are directly impacted by legislative frameworks governing land use, permitting, and inter-agency coordination, which are critical to the success of renewable energy projects.

This submission is informed by feedback from SAPVIA members, including concerns raised regarding the Bill's implications for renewable energy development, land use, and inter-agency coordination. We aim to ensure that the Bill supports South Africa's energy transition while addressing practical challenges faced by developers.

Key Themes and Recommendations

1. Section 53 – Use of Land Surface for Non-Mining Purposes

Concern:

The revised Bill proposes that DMRE will provide comments rather than formal consent under Section 53. This raises uncertainty about whether the absence of ministerial consent transfers legal authority to the existing rights holder, and how that affects the approval process.

Recommendation:

Clarify whether DMRE will still issue a form of consent following comments and specify the legal standing of rights holder input in this modified process.

Introduce a statutory reply period (e.g., 30 business days). In cases of no response, treat silence as deemed consent.

Concern:

There is no requirement for DMRE to consult PASA or other authorities before making a decision. Current DMRE records are often incomplete, and PAIA requests have failed to identify all existing rights, resulting in post-approval conflicts.

Recommendation:

Mandate formal consultation between DMRE, PASA, and other relevant bodies before decisions.

Create and maintain an up-to-date, centralized rights database to be checked for every application.



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2. Section 5 – Minister’s Functions

Concern:

While the Minister’s powers are listed, there is no explicit duty to coordinate across departments, meaning rights overlaps can go undetected.

Recommendation:

Insert a requirement for proactive inter-agency data sharing and mandatory use of a centralized rights database prior to decision-making.

3. Section 102 – Amendments to Rights/Permits

Concern:

The Bill does not clarify how conflicts between mining rights and Section 53 land use approvals will be resolved, leaving investors uncertain.

Recommendation:

Specify the hierarchy of rights and confirm whether a duly processed Section 53 approval remains binding in the face of subsequent objections.

4. Section 54 – Disputes Between Landowners and Right Holders

Concern:

While a process exists, there are no firm timelines. Without deadlines, a rights holder can indefinitely block development or use this as leverage, effectively sterilizing land.

Recommendation:

Introduce fixed timeframes (e.g., 60 days) for dispute resolution, with provision for interim activities to continue where they do not conflict with rights holder activities.

5. Definitions – “Consultation”

Concern:

The Bill leaves “consultation” undefined, allowing minimal or token engagement to be deemed sufficient.

Recommendation:

Define consultation as meaningful, documented engagement that allows for responses and is supported by proof of delivery.



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6. Section 53(1) – Integration with Other Legislation

Concern:

The Bill lacks integration mechanisms with environmental, agricultural, or land rights legislation, increasing the risk of conflicting authorisations.

Recommendation:

Include provisions for alignment and sequencing of approvals across all relevant legislative frameworks.

7. Section 53(3) – Consultation Standards

Concern:

No detail on what constitutes sufficient consultation (e.g., methods, language accessibility, frequency of meetings). This could lead to inadequate engagement.

Recommendation:

Set minimum consultation standards, referencing NEMA principles on accessibility and inclusivity.

8. Section 53(2) – Sequencing of Approvals

Concern:

Uncertainty on whether consultation must be finalised before other approvals (EA, WUL, etc.) may cause duplication or delays.

Recommendation:

Provide a clear sequence for when consultation should be completed in relation to other authorisations.

9. Section 53(3)(b) – Evidence of Engagement

Concern:

No guidance on acceptable evidence to demonstrate that engagement was meaningful.

Recommendation:

Specify the form and content of evidence required to prove compliance with consultation duties.

10. Section 53(5) – Dispute Resolution

Concern:

No independent dispute resolution process is provided before granting approval when a landowner/occupier objects to consultation outcomes.

Recommendation:

Include an impartial mediation or arbitration process to resolve objections prior to approval.



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11. Section 53 – Timelines

Concern:

The section has no deadlines for either consultation or ministerial decision-making, creating uncertainty for planning and investment.

Recommendation:

Establish statutory timeframes for all key stages of the Section 53 process.

12. General Implementation

Concern:

Provincial DMRE offices are under-resourced, resulting in extended processing times for applications.

Recommendation:

Allocate additional resources and staffing to provincial offices to improve application turnaround times.

Conclusion

SAPVIA urges DMRE to adopt a transparent and inclusive approach to the Draft Mineral Resources Development Bill. By addressing the concerns and recommendations outlined above, the Bill can better support South Africa's renewable energy goals while ensuring clarity, fairness, and efficiency in its implementation.

We look forward to continued engagement with DMRE to refine the Bill and ensure its alignment with national energy and development priorities.

Kind Regards,

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