

DEPARTMENT OF TRANSPORT

NOTICE 2624 OF 2024

Invitation for Comments: Draft Framework on the Proclamation to Review, Vary or Extend the Boundaries of an Existing Port or to Determine the Development of a New Port in Terms of the National Ports Act 12 of 2005

In South Africa, seaports contribute greatly to the Gross Domestic Product of the country's economy. This then means that poor performance of seaports may lead to a decline in investments in shipping services and as well as inability to compete globally with other seaports around the world. It is important for seaports to always be ready to deal with possible increase in cargo volumes, high container demand and provision of efficient logistic services.

The Comprehensive Maritime Transport Policy strategic objective (a) emphasises the need to develop and grow South Africa to be an international Maritime Centre (IMC) in Africa serving its maritime transport customers in particular and world trade in general. The achievement of the IMC status by the year 2030 may give rise to increased volumes of cargo and high container demand as well as efficient logistic services.

The need for consideration of extending, reviewing or varying the boundaries of the existing seaports or even developing new seaports proves to be inevitable. Guided by Section 10 of the National Ports Act 12 of 2005, which empowers the Minister to review, vary or extend the boundaries of ports, the Department of Transport developed the draft Framework on the proclamation to review, vary or extend the boundaries of an existing port or to determine the development of a new port.

As a result, the Department of Transport invites maritime stakeholders, the public and communities likely to be affected by the initiative, to provide written inputs on the draft Framework on the proclamation to review, vary or extend the boundaries of an existing port or to determine the development of a new port. Written comments may be emailed to: mpahlwaC@dot.gov.za or ntulid@dot.gov.za within 30 days from the date of publication of this notice in the Government Gazette.

DRAFT FRAMEWORK ON THE PROCLAMATION TO REVIEW, VARY, EXTEND THE BOUNDARIES OF AN EXISTING PORT AND TO DETERMINE THE DEVELOPMENT OF A NEW PORT IN TERMS OF SECTION 10 (1) TO (4) READ CONCURRENTLY WITH SECTION 80 (1) (d) OF THE NATIONAL PORTS ACT, 2005 (ACT NO. 12 OF 2005) AND CHAPTER 5 OF THE PORT REGULATIONS OF 2007

GUIDING PRINCIPLES FOR THE FRAMEWORK ON THE PROCLAMATION PROCESS

RULES OF PROCEDURE TO BE FOLLOWED FOR THE FRAMEWORK ON THE PROCLAMATION OF THE PORT LIMITS ARE IN TERMS OF SECTION 10(1) TO (4) READ CONCURRENTLY WITH SECTION 80 (1)(d) OF THE NATIONAL PORTS ACT, (ACT NO. 12 OF 2005) AND CHAPTER 5 OF THE PORT REGULATIONS OF 2007.

The Framework is derived from Section 80 (1) (d) of the Act and Chapter 5 of the Port Regulations of 2007 for the Minister of Transport to consider the National Ports Authority's application on the process of proclamation of port boundaries on the existing or development of a new port. The Framework provides for the procedure to be followed by the Authority in their formal application to the Minister of Transport.

1. APPLICATION PROCEDURE BY THE AUTHORITY

1.1. In terms of Section 10 (1) to (4) read with Section 80 of the National Ports Act, 2005 (Act No. 12 of 2005) ("the Act):

1.1.1 The National Ports Authority must in writing inform the Minister of Transport of its intention to review, vary or extend the boundaries of an existing port or of a new port in terms of Section 10 (1) to (4) read concurrently with Section 80 of the Act.

1.1.2 The Authority must clearly stipulate in its application the coordinates of the land parcels to be considered by the Minister.

2. APPLICATION PROCEDURE TO BE FOLLOWED ON LAND ACQUISITION

2.1 The application to be submitted to the Minister by the Authority must contain the following supporting documents;

- 2.1.1. A comprehensive approved Port Development Framework Plan for the existing ports with Maritime Spatial Land-use plan within its current Port Limits;
- 2.1.2. A Business case with clear needs analysis on the use of land to be considered by the Minister;
- 2.1.3. A viability study to indicate the contribution of this land on the economic and financial portfolio of the port and the municipality;
- 2.1.4. An approved Environmental Impact Assessment report where necessary from the Department of Fisheries, Forestry and Environment;

2.2. These provisions are deemed necessary to be followed by the Authority when developing a new port or extending the boundaries of an existing port. Port land whether new or old exist within a municipal boundary and must therefore conform to the zoning regulations governing a particular municipality.

3. PROCEDURE ON STAKEHOLDERS CONSULTATION

- 3.1 The Minister of Transport shall advertise in the Gazette the consultative process on the application by the Authority as well as in the open media;
- 3.2 The Gazette shall specify the exact coordinates of the land parcels for the stakeholders of the affected municipality;
- 3.3 The period for stakeholders' inputs on the advertised Authority's application shall not exceed 30 working days;
- 3.4 The Port Authority must consult the municipality concerned if such review, variation or extension of a port affects the municipal boundaries; and
- 3.5 The review, variation or extension of a port may not significantly conflict with the Integrated Development Plan (IDP) of a particular municipality where the port is situated.

STAKEHOLDER RESPONSIBILITY IN THE PROCLAMATION PROCESS

STAKEHOLDER COMPOSITION		
MEMBER	FUNCTION	OUTCOME/RESPONSIBILITY
Department of Transport	To lead the consultative process as	Manage the proclamation of the port limits

	a regulatory department	
National Port Consultative Committee	To provide comments that support or object to the process	To ensure port users are in synch with the process
Department of Public Enterprises	Shareholder Compact	Indicator performance as per Shareholder Compact
General Public, Interested and Affected parties	To provide comments	To request inputs from affected or interested communities

4. SUBMISSION OF DOCUMENTS

- 4.1 The submission pack must include the proposed variation and restriction of the existing port boundaries or the newly proposed ports.
- 4.2 It is mandatory to attach an EIAS report related to the above.
- 4.3 The Authority must provide an Environmental Impact Assessment report and viability study in support of 2.1.3 and 2.1.4.
- 4.4 The Authority must also submit detailed timelines in support of the above.
- 4.5 In the case of a new port the Authority must submit the development model for that port.

5. PERIOD AND PROCEDURE OF ADVERTISEMENT

- 5.1 The Department of Transport upon receiving the application will advertise in the Government Gazette and open media for a period of 30 days to receive inputs and comments on the proposed development.
- 5.2 The turnaround time on the approval of the application should not exceed 6 months on existing ports unless stated otherwise and for a new port should at least be 24 months.

TIME FRAMES

ACTIVITY	SUBMISSION	ADVERTISING/COMMUNICATION
Submission of the documents	Letter of request from the Authority	30 days
Consultations	Announcement of dates for consultations	30 days
Submission to Cabinet	Cabinet Memorandum developed	30 days
Communicate Cabinet decision to the Authority	To formally communicate Cabinet's decision to the Authority	Within 30 days
Map of new Port Limits submitted to the Department	Authority submit latest maps to the Department	Within 30 days
New cadastral maps deposited with the Office of the Surveyor General	The Department to deposit new cadastral map at the Office of the Surveyor General	Within 30 days

5.3 The Department of Transport Chairperson of the National Ports Consultative Committee (NPCC) shall advertise dates for the port stakeholder's consultation.

5.4 The Authority shall prepare and submit a presentation to support their application to the stakeholder consultation meeting.

6. CABINET APPROVAL

6.1 The Minister of Transport shall when exercising his/her powers, formally obtain approval from Cabinet;

6.2 The Department of Transport to communicate Cabinet's decision to the Authority on the outcome of the application.