

DEPARTMENT OF TRANSPORT**NOTICE 3318 OF 2025**

The Minister of Transport publishes for information, Guidelines 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.

**MS BD CREECY, MP****MINISTER OF TRANSPORT****DATE:** 25/5/2025

GUIDING PRINCIPLES ON THE PROCLAMATION PROCESS

RULES OF PROCEDURE TO BE FOLLOWED FOR THE PROCLAMATION OF THE PORT LIMITS 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 Guidelines are 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 THE PROCLAMATION OF THE AMENDED OR NEW PORT LIMITS

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

2.1.1 A business case with clear needs analysis on the use of land to be considered by the Minister must be included in the viability report to support the promulgation application;

2.1.2 A viability study to indicate the contribution of this land on the economic

and financial portfolio of the port and the local municipality;

2.1.3 A viability study to demonstrate a clear value proposition for the port regarding flow of traffic and efficiency of operations;

2.1.4 An approved Strategic Environmental Assessment report where necessary from the Department of Fisheries, Forestry and Environment;

2.1.5 A simulation exercise to demonstrate effective complementarity of activity between the port and the city without hindering the functioning of the city;

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 within (12) months after the submission of an application. Port land whether new or old exist within a municipal boundary and must therefore conform to the zoning regulations governing a particular local municipality. The proposed promulgation applications must be presented to the Port Consultative Committees

3. PROCEDURE ON STAKEHOLDERS CONSULTATION

3.1 The Minister of Transport shall advertise in the Government Gazette the consultative process on the application by the Authority as well as in the open media;

3.2 The Government 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 45 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 local 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 a regulatory department	Manage the proclamation of the port limits
National Port Consultative Committee	To provide comments that support or object to the process	To ensure port users are in synch with the process
General Public, Interested and Affected parties	To provide comments	To request inputs from affected or interested communities
Transport Economic Regulator	To deal with dispute resolution mechanism	To manage disputes that may arise from the application process

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 a SEIA report related to the above.
- 4.3 The Authority must provide a Strategic Environmental Impact Assessment report and viability study in support of 2.1.2 and 2.1.3.
- 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	60 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.