



**MINISTRY: ENVIRONMENTAL AFFAIRS AND TOURISM
REPUBLIC OF SOUTH AFRICA**

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Ref: MC 14347A

Ms. Maria Ramos
Group Chief Executive
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Dear Ms. Ramos

**RECORD OF DECISION FOR THE PROPOSED EXPANSION OF THE CONTAINER TERMINAL
STACKING AREA IN THE PORT OF CAPE TOWN, WESTERN CAPE**


This is to inform you that I have today authorised the expansion of the container terminal stacking area in the Port of Cape Town, after considering various alternatives. The alternative approved was to permit the reconfiguration of the container terminal whilst staying within the existing container terminal boundaries.

The Record of Decision is enclosed for your information.

Kind regards


MARTHINUS VAN SCHALKWYK, MP
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

21 SEP 2007

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Office of the Chairman and the Group Chief Executive
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RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/459, THE PROPOSED EXPANSION OF THE CONTAINER TERMINAL STACKING AREA IN THE PORT OF CAPE TOWN: WESTERN CAPE

By virtue of the power vested in me in terms of section 33(1) of the Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise the **National Ports Authority of South Africa, Port of Cape Town**, to undertake the activity specified/ detailed below subject to the conditions indicated in this Record of Decision (ROD).

1. DESCRIPTION OF THE ACTIVITY

The National Ports authority applied for the expansion of the container terminal at the Port of Cape Town. Various alternatives were considered. The alternative approved to achieve the above mentioned expansion would entail reconfiguration which involves maximizing the potential stack capacity within the Cape Town Container Terminal (CTCT) while staying within the existing container terminal boundaries. This will also include the demolition of the non-essential existing infrastructure and buildings and resurfacing of this area to increase the stack capacity. The reconfiguration comprises of the following:

- 1.1 The conversion to a Rubber Tyred Gantry operation;
- 1.2 The relocation of the reefers to the long jetty (behind Berths 600 to 604);
- 1.3 The conversion of areas currently occupied by SACD and SAPO to increase stack area alongside Duncan Road;
- 1.4 Increase in reefer points to approximately 5 000;
- 1.5 Upgrading of the electrical reticulation system and power supply (including the substation);
- 1.6 The conversion of the terminal marshalling yard to a port security and terminal staging area;
- 1.7 Minor amendments to the rail lines to maintain continuity to the rest of the port, the main connection to the port is through Paarden Eiland;
- 1.8 The relocation of the entrance and exit gates (including the building);
- 1.9 The demolition of a part of the existing T-bridge structure;
- 1.10 The demolition of existing Transnet (NPA and SAPO) buildings, including the NPA Engineering building, the NPA and SAPO workshops; the existing terminal gate structures and other smaller NPA and SAPO offices and buildings;
- 1.11 The implementation of new communication and operating systems;
- 1.12 The alteration to the existing and the addition of a new stormwater drainage, sewer and pump stations;
- 1.13 The provision of new and relocation of existing high mast lighting;
- 1.14 The provision of new reefer steel access platforms;
- 1.15 The existing road access from Marine Drive will be maintained.

The proposed activity is captured as listed activity 1 (e) in terms of the Environment Conservation Act (Act No 73 of 1989) as follows:

1. *The construction and upgrading of:*
 - (e) *marinas, harbours, and all structures below the high-water mark of the sea; (Marinas, harbours and all structures below the high-water mark of the sea*

means any facility where vessels arrive, depart from, handling cargo or receive services)

2. LOCATION

The proposed activity will take place at the Cape Town container terminal (berths 601-604) which forms part of Cape Town harbour in the Western Cape Province. The site in which the proposed activity is located falls within the boundaries of the City of Cape Town Metropolitan Municipality.

3. APPLICANT

National Ports Authority of South Africa, Port of Cape Town
Private Bag x4
Gallo Manor
2052

Contact person: Mr Rudy Basson
Fax no: (011) 239 5826

4. CONSULTANT

CSIR Environmentek
P.O. Box 320
STELLENBOSCH
7599

Contact person: Henry Fortuin
Fax: (021) 888 2693

5. KEY DECISION-MAKING FACTORS

5.1 INFORMATION CONSIDERED:

In reaching my decision in respect of this application I have, *inter alia*, taken the following information into consideration:

- 5.1.1 The final environmental impact report;
- 5.1.2 The concerns raised by appellants, particularly with regard to beach erosion and the impacts of beach nourishment on nearby communities;
- 5.1.3 The CSIR's response to the appeals;
- 5.1.4 The departments' response to the appeals;
- 5.1.5 The specialist report by external experts, Mr Willem Botes and Mr Pieter Badenhorst, commissioned by the Minister; and
- 5.1.6 The alternative option study investigating the inland port and harbour redesign options: summary report, in response to my initial appeal decision.

5.2 FINDINGS

In reviewing the information referred to above, I have made the following observations:

- 5.2.1 The National Ports Authority (NPA) has clearly demonstrated the need to increase the capacity of the container terminal. The NPAs' calculations have adequately shown the economic feasibility of expanding the container terminal in order to deal with the current and future container import and export needs;
- 5.2.2 There was a public participation process undertaken by the CSIR and they have satisfied the requirements as prescribed in the EIA regulations;
- 5.2.3 The option of utilizing other ports such as Saldanha is not feasible.

5.3 ALTERNATIVES

The National Ports Authority initially explored the following six alternatives:

- a) The expansion of the existing stacking yard through reclamation of an area 300m wide, parallel to and seawards of the existing container terminal to increase the container terminal size by about 47.5ha;
- b) Locations within the inland of port of Cape Town with a minimum extent of 70ha including the:
 - Culemborg site (East of Church Street)
 - Culemborg site (West of Church Street)
 - Port Industrial Park site
 - Transnet land near Century City
 - Belcon Intermodal Facility on the Cape Flats;
- c) Reconfiguration of the existing container terminal and the clearing and development of the onshore areas of the container terminal to make provision for stacking areas;
- d) Remote stacking areas with a minimum extent of 47.5ha;
- e) The complete relocation of the container terminal to Duncan Dock which requires infilling of Duncan Dock and relocation of Duncan Dock facilities to Ben Schoeman Dock;
- f) The infilling of Eastern Mole to create new berths on the Ben Schoeman Dock side and relocation of existing facilities on Eastern Mole to an alternative location.

5.4 FEASIBLE ALTERNATIVES

Three potentially feasible alternatives were identified out of the six alternatives discussed above and these were investigated and compared in detail. These were:

- The expansion of the existing stacking yard through reclamation of an 300m wide area parallel to and seawards of the existing container terminal to increase the container terminal size by about 47.5ha;

- The reconfiguration of the existing container terminal and the clearing and development of the onshore areas of the container terminal to make provision for stacking areas; and
- The development of an inland port at Belcon Intermodal Facility on the Cape Flats.

The detailed comparative analysis has shown that the development of the inland port at the Belcon Intermodal Facility on the Cape Flats is a feasible option, but that it will have major impacts on the working culture; it has the highest cost (Net Present Value) in terms of port operations, the logistics of transporting goods between the port and Belcon will be complex, and that the disruptions to the flow of goods between the Cape Town Container Terminal and Belcon would have major impacts on the ability of the port to handle the required throughput.

The expansion of the existing stacking yard through reclamation of an area 300m wide parallel to and seawards of the existing container terminal to increase the container terminal size by about 47.5ha is the best option for improving operational efficiency. However, this would have an impact on the wave climate and the coastal processes. This finding is based on the indications from the investigations that were undertaken for exploring this option. This option has an alternative borrow site for sourcing reclamation fill that has far less negative impacts than the original borrow site identified in the Environmental Impact Report. Notwithstanding its lessened impact, this option is not recommended.

The reconfiguration of the existing container terminal and the clearing and development of the onshore areas of the container terminal to make provision for stacking areas is recommended, although it is not the preferred option with regard to the efficiency in operations. Nonetheless, it is possible to make it operationally viable and it is considerably cheaper when compared to inland port and reclamation alternatives. The most compelling reasons for recommendation of this option is that it has limited environmental impact as it eliminates the need for reclamation and other marine construction activities as well as the fact that it is an existing brown field site used for purposes similar to the proposed development that does not require additional land beyond the existing terminal boundaries. The required land for this option belongs to NPA and this limits the need for additional land negotiations.

5.5 CONCLUSION

Based on the above, I have concluded that this development, as authorised according to the provisions and conditions stipulated in Section 6 of this record of decision, will not lead to substantial detrimental impact on the environment, that potential negative impacts resulting from this development can be mitigated to acceptable levels and that the principles of section 2 of National Environmental Management Act (Act no. 107 of 1998) can be upheld.

I have accordingly decided to grant **National Ports Authority of South Africa, Port of Cape Town** authorisation in terms of regulations under Government Notice No. R. 1183 (as amended) promulgated under section 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions stipulated in Section 6 of this record of decision.

6. CONDITIONS

6.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorization applies in respect of the reconfiguration of the existing container terminal together with the clearing and development of the onshore areas of the container terminal to make provision for stacking areas as further described in Paragraph 1 of this record of decision (RoD).

6.2 GENERAL CONDITIONS

- 6.2.1 This authorisation is granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 6.2.2 One week's notice, in writing, must be given to this department before commencement of the construction activity. Such notice shall make clear reference to the site location details and reference number given above.
- 6.2.3 The applicant must, within 7 calendar days of receipt of this record of decision inform all interested and affected parties of the following that the authorisation has been issued to the applicant to proceed with the construction and operation of the activity. If requested, provide copies of this record of decision.
- 6.2.4 The applicant must notify this department, in writing, within 48 hours therefore if any condition of the authorisation is not complied with.
- 6.2.5 A copy of the authorisation should be made available on site during construction and all staff, contractors and sub-constructors should be familiar with or be made familiar of the contents of this authorisation. In addition the applicant must take measures necessary to bind such persons to comply with the contents of this authorisation.
- 6.2.6 Records relating to the compliance and non-compliance with the conditions of this authorisation must be kept in good order. Such records shall be made available to this department within seven days of receipt of a written request by the department for such records.
- 6.2.7 Changes in the project resulting in significant environmental impacts are only permissible if approved in writing by this department.
- 6.2.8 This department may add to, change and or amend any of the conditions in this authorisation if, in the opinion of the department, the addition, change or amendments are environmentally justified.
- 6.2.9 This department must be notified, within 30 days thereof, of any change of ownership and or project developer. Conditions imposed in this authorisation must be made known to the new owner and/or developer and are binding to them.
- 6.2.10 This department must be notified of any change of address of the applicant within 48 hours.
- 6.2.11 If any conditions imposed in terms of this authorisation are not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4) of the Environment Conservation Act (Act No. 73 of 1989).

- 6.2.12 Failure to comply with any of these conditions shall be regarded as an offence and may be dealt with in terms of sections 29,30,31 and 31A of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 6.2.13 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 6.2.14 Any complaint from the public during the construction and operation of the development must be attended to as soon as possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be produced upon request.
- 6.2.15 Any changes to or deviations from the project description set out in this authorisation must be approved, in writing, by the department before such changes or deviations may be affected. In evaluating such changes, the department may request such information as it deems necessary to evaluate the significance and impacts of such changes.

6.3 SPECIFIC CONDITIONS

- 6.3.1 The NPA must appoint or designate an official (environmental control officer) whose duty will be to ensure that the conditions stipulated in this record of decision are implemented. The name of such an environmental control officer shall be made available to the authorities for communication purposes.
- 6.3.2 An integrated waste management approach that is based on best practice that incorporates reduction, recycling, re-uses and disposal should be used. Any solid waste must be disposed of at a landfill, licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 6.3.3 All provisions of the Occupational Health and Safety Act, 85 of 1993 and any other applicable legislation must be adhered to by the holder of this authorisation.
- 6.3.4 Mitigation measures stipulated in the environmental impact report become part of this authorization. Non-compliance with any of these mitigation measures constitutes non-compliance with this record of decision.

7 SITE VISITS

Site visits were undertaken on different occasions by:

Mr V Matubane -National Department of Environmental Affairs and Tourism
 Mr Fezile Ndema -National Ports Authority of South Africa
 Ms Mareelize Oosthuisen -Department of Environmental Affairs and Development Planning

And again consequent upon the appeal process by:

Mrs L McCourt - National Department of Environmental Affairs and Tourism
 Mr W Fourie - National Department of Environmental Affairs and Tourism
 Mr R Basson - National Ports Authority

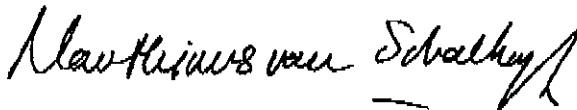
8 DURATION AND DATE OF EXPIRY

If the activity authorised by this record of decision does not commence within a period of 5 (five) years from the date of signature of this record of decision, the authorisation will lapse and the applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

9 CONSEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this record of decision. Failure to comply with any of the above conditions may result in, inter alia, the department withdrawing the authorisation, issuing directives to address the non-compliance including an order to cease the activity as well as instituting criminal and or civil proceedings to enforce compliance.

Please note that this revised record of decision is issued as part of the Minister's decision on the appeals lodged in terms of Section 35 (3) of the Act against the authorisation granted by the Department of Environmental Affairs and Tourism on 12 November 2004.



MARTHINUS VAN SCHALKWYK, MP
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

Date: 21/10/07