

# **EKURHULENI METROPOLITAN MUNICIPALITY**

## **KAS Local Government Conference**

**Strengthening local government legislative authority in South Africa:  
Implementation of By-Laws**

**21 July 2016**

**Kumkani Country Lodge, Potchefstroom**

## **Solid Waste Management**

**The necessary content of enforceable and implementable By-Laws**

**Presentation by:  
Madikana Thenga**





LIMPOPO

NORTH WEST

CITY OF TSHWANE

Nokeng tsa Taemane

METSWEDING

Kungwini

Mogale City

DMA

CITY OF JOHANNESBURG

EKURHULENI

MPUMALANGA

WEST RAND

Randfontein

Merafong City

Weston-aria

Lesedi

SEDIBENG

Emfuleni

Midvaal

FREE STATE



• TEMBISA

• KEMPTON PARK

**EKURHULENI**

• EDENVALE

• BENONI

• BEDFORDVIEW

• BOKSBURG

• GERMISTON

• ALBERTON

• BRAKPAN

• SPRINGS

• KATLEHONG

• VOSLOORUS

• NIGEL

# THE METRO AT A GLANCE

- **EMM established in 2000, Population of 3 178 470, Households of 1 015 465, 9 Towns, 17 Townships and 8000 industries.**
- **Larger & more diverse economy than that of some countries within African continent i.e. Operating budget of around R31.4 billion & Capital budget of around R4.5 billion.**
- **We have the largest concentration of industry in the whole of South Africa (and in Africa), Often referred to as “Africa’s Workshop”**
- **Ekurhuleni is regarded as the transportation hub of the country. It is home to:**
  - **OR Tambo International Airport, the busiest airport in Africa (only Aerotropolis in Africa)**
  - **Germiston – the busiest Southern African Development Community rail interchange in Africa**
  - **The Gillooly’s motor vehicle exchange is the business in the country, making Ekurhuleni the heart of the movement of goods in the country, We are a crisscrossed by the N3,N12,N17,R21,R24 highways**
- **Overall winner in the Greenest Municipalities Competition in 2013, 2<sup>nd</sup> runner up in 2016**
- **DEA Waste Khoro 2016 recognised Ekurhuleni for the Best managed landfill sites in Gauteng**
- **Received Blue Drop Platinum Award for the high quality of tap water for 3 consecutive years.**
- **Received 2 consecutive Clean Audits for the 2013/14 and 2014/15 financial years.**
- **Moody’s placed Ekurhuleni at Aaa.za/Prime-1 National Scale Rating, a four notch upgrade from a previous rating of A1.za/Prime-1. The City also received a global scale rating of Baa2/Prime-2 – This means that we have an “extremely strong” capacity to meet our financial commitments.**

# ENVIRONMENTAL DEVELOPMENT PORTFOLIO



**Environment Resource Management**

**Waste Management Services**

**Parks and Cemeteries**

# The Department

- **One of 27 depts, part of WWE group of revenue generating service delivery depts.**
- **Opex, R1.6 Bill, Capex, R140 Mill, over 1600 staff, 10 service delivery depots.**
- **5 active landfills and 8 inactive landfills, 7 RTS, 30 Public Drop Off's, 2 partnership recycling centres.**
- **Waste Management Services Department renders an important environmental service that supports a constitutional mandate of a Cleaner and a Healthier Environment for the Ekurhuleni Citizens, and Majority of South African Tourists, through the following core service delivery areas which includes amongst others:**
  - Street sweeping (in central business area, industrial areas),
  - Litter picking,
  - Kerbside waste collection (formal households which includes RDP houses),
  - Waste collection in informal settlements, and
  - Operation and Maintenance of a network of Waste Management Facilities i.e. Public Off-Loading, Transfer Stations and Landfill sites).

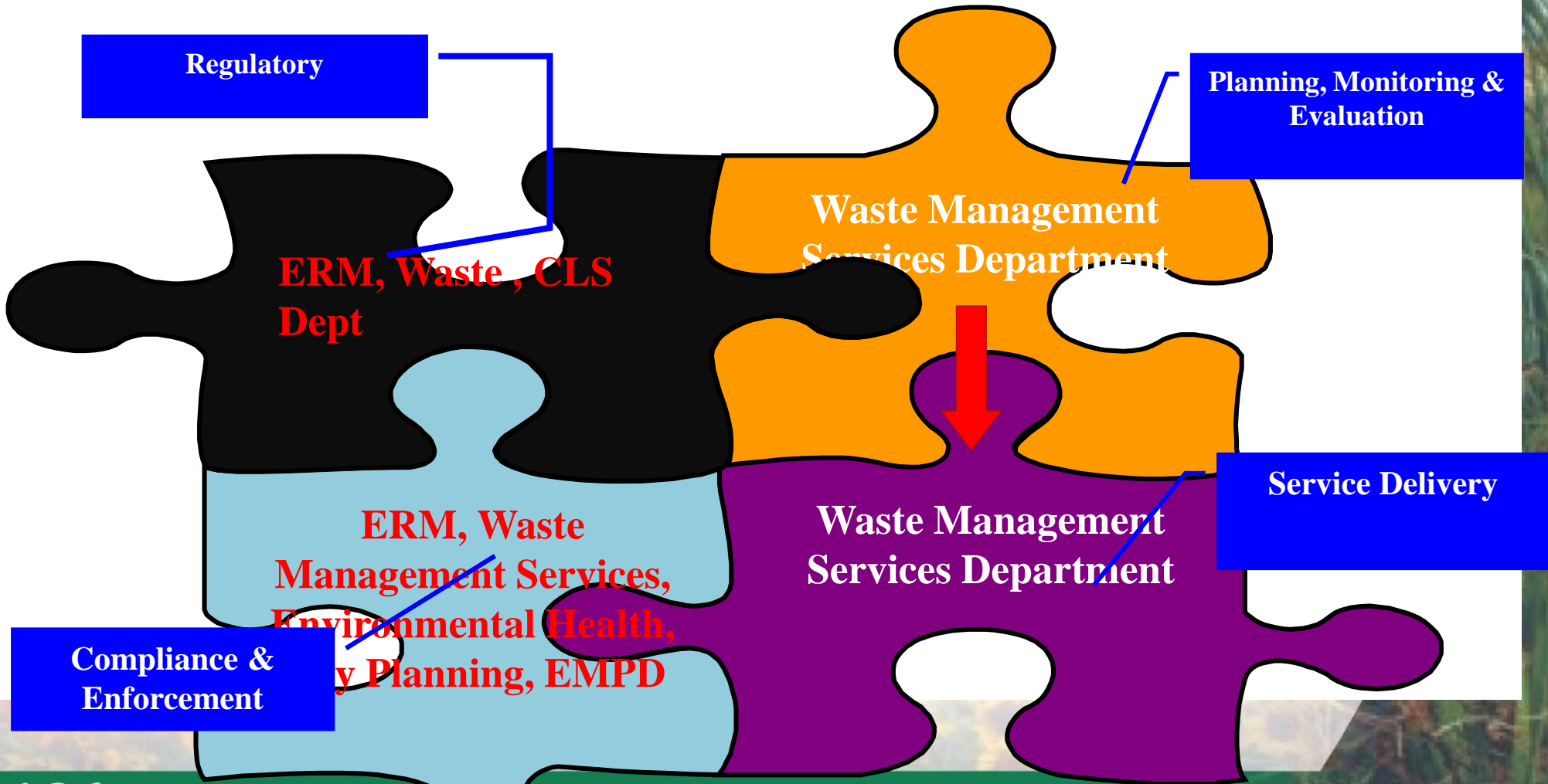
# MANAGEMENT STRUCTURE

## Head of Department





# Institutional Arrangements





# CURRENT STATE OF AFFAIRS





29/12/2015 09:04



28/12/2015 09:24



28/12/2015 08:49





29/01/2016 09:07

# GDARD LEVEL OF CLEANLINESS

**Level 1: No visible litter, dirt and/or foreign matter, i.e. clean and free of any man-made, man-used and misplaced material (excluding sand and grit) (The ideal cleanliness for Gauteng)**

**Level 2: Predominantly free of litter and refuse except for some small items (Below standard cleanliness for Gauteng)**



**PLEASE**  
**DEPOSIT ALL**  
**RUBBISH**  
*IN RECEPTACLES PROVIDED*



**WASTE**  
**DISPOSAL**  
**GENERAL**  
**WASTE**

**WARNING**  
**HAZARDOUS**  
**WASTE**



**FUNDAMENTALS OF**  
**WASTE MANAGEMENT**

- \* **RETHINK**
- \* **REDUCE**
- \* **RECOVER**
- \* **REUSE**
- \* **RECYCLE**

**Plastic**  
**waste**  
**only**

**Paper**  
**waste**  
**only**



**RECYCLABLE**  
  
**WASTE ONLY**

**COMPLIANCE**



# **Solid Waste Management**

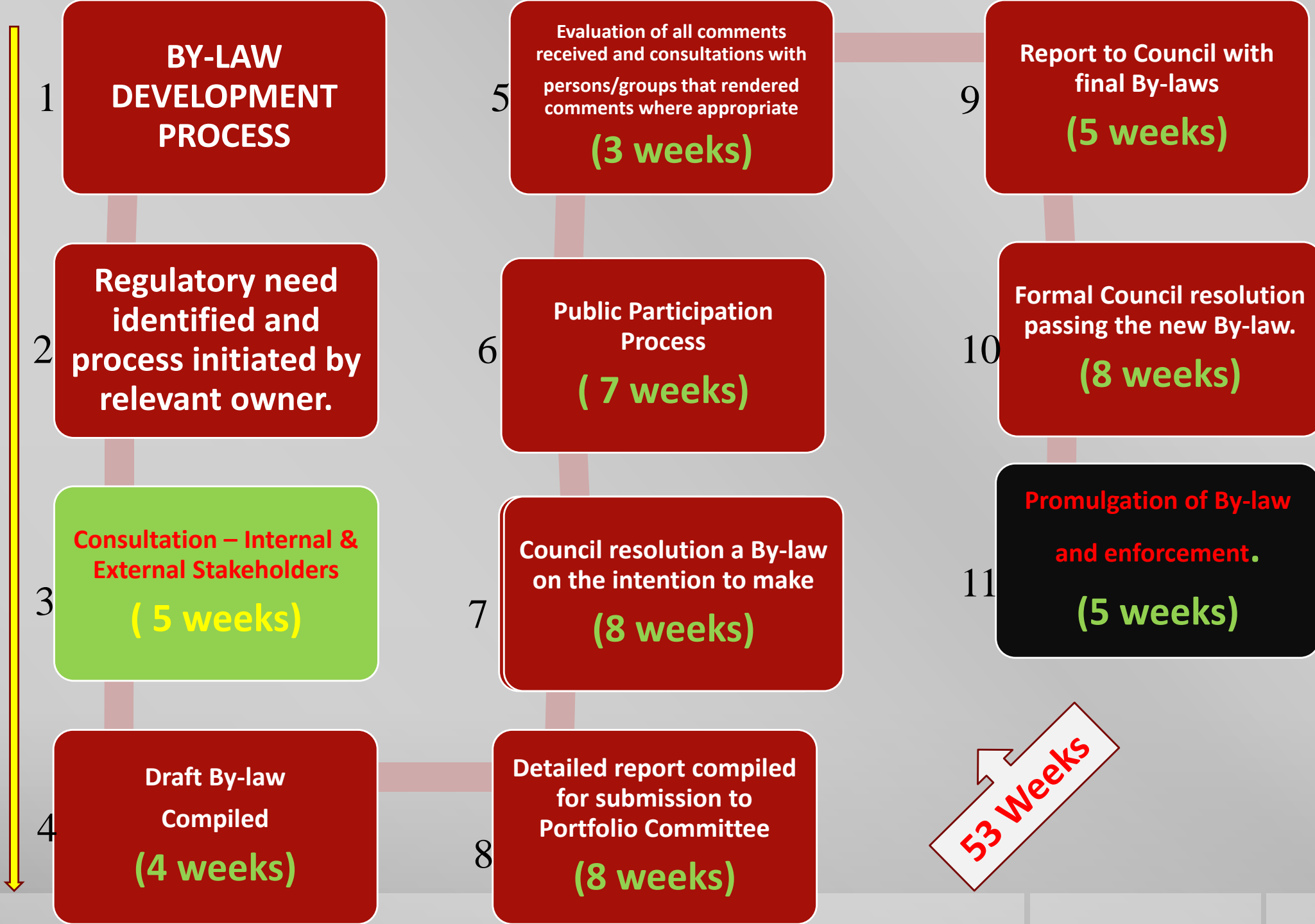
**The necessary content of enforceable and implementable By-Laws**

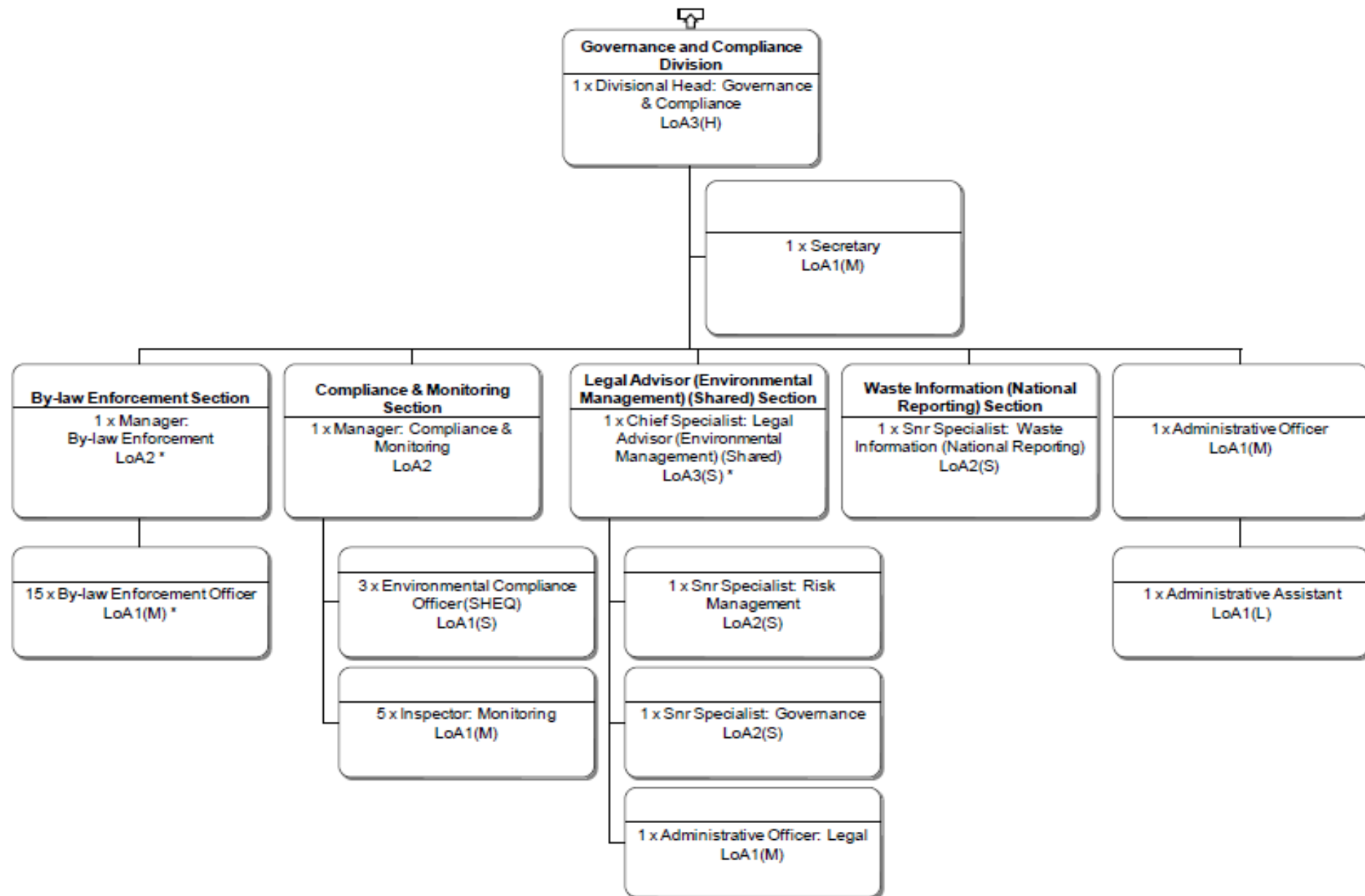




# **EKURHULENI BY-LAW DEVELOPMENT PROCESS**

**IN TERMS OF THE MUNICIPAL BY-LAWS REFERENCE MANUAL**





# DRAFT INTEGRATED WASTE MANAGEMENT BY-LAWS

The Draft Integrated Waste Management By-Law is the department's attempt into ensuring that the Municipality has an effective law supported by infrastructure to maximize recycling, minimize waste and protect the environment, promote the conservation of sensitive ecosystems and green infrastructure as well as ensuring good public health standards.

## HOW FAR ARE WE WITH THE REVIEW OF THE BY-LAWS?

- **Draft Integrated By-laws drafted in-house & have been Greened.**
- **Submitted to Corporate Legal Services on a project for the Review and Rationalization of the existing By-laws across EMM.**
- **Rationale of the project is to conduct an overhaul review, re-drafting, repeal and rationalisation of all EMM By-Laws to ensure that all the EMM By-laws:**
  - Are crafted within the context of EMM constitutional obligations as contained in Sections 152 and 153 of the Constitution as well as in other local government legislation which were passed to give effect to these provisions;
  - Are aligned with applicable provincial, national and international law applicable to local government;
  - Reflect the values espoused by the Constitution and applicable international instruments such as the United Nations and Regional Covenants and Conventions as well as other international Agreement;
  - Are in compliance with the applicable provincial and national policies adopted to address a particular (service delivery) issue/s or challenge/s;
  - Aligned to current trends, locally, nationally and internationally; and
  - take into consideration the effect and impact of case law.

## SOLID WASTE BY-LAWS 2002

- Council approval in 2002, therefore approved 7 years before NEMWA and are 14 years old in 2016.

## Why the need to review and develop Integrated By-Laws

- A number of new or pending legislation that have come online since 2002 (incl, the Waste Act) warrant the EMM to review, revise and amend the Solid Waste By-Laws of 2002.

And develop an integrated by-law that will enable EMM to:

- Regulate Waste Management Activities in terms of the Waste Hierarchy i.e. Avoidance, Minimisation, Processing & treatment, and final safe Disposal of waste

*With the aim of ensuring sustainable waste management practices that limit and reduce the impact of poor waste management practices on the municipal environment and its people.*

## **HOW WILL THE REVIEW OF THE SOLID WASTE BY-LAWS BENEFIT EMM?**

- **The review, revision and amendment of the Solid Waste By-Laws will empower the Municipality to:**
  - ✓ **Provide for an integrated waste management by-law which will necessitate for an integrated approach on all waste management and related activities with the EMM;**
  - ✓ **Generally and uniformly regulate and control waste management activities within the EMM; and**
  - ✓ **Ensure that the regulation and control of waste management activities within the EMM is consistent and continues to comply to national and provincial legislative requirements.**

# **WHAT WILL BE ACHIEVED WITH THE REVIEW OF THE CURRENT SOLID WASTE BY-LAWS?**

The EMM will be able to:

- Ensure alignment with current legislative developments;
- Provide for institutional arrangements and planning matters;
- Provide for specific waste management measures;
- Provide for the licensing and control of waste management activities;
- Provide for the remediation of contaminated land (illegal dumping);
- Provide for waste information management system;
- Provide for compliance monitoring and enforcement; and
- Provide for any matters connected therewith.



**Chapter 1: Interpretation, Objectives, And Fundamental Principles**

**Chapter 2: The Municipal Service**

**Chapter 3: Waste Minimisation And Recycling**

**Chapter 4: Management Of Certain Types Of Waste**

**Chapter 5: Collection, Transportation Treatment And Disposal Of Waste**

**Chapter 6: Accumulating Waste, Littering, Dumping And Abandoned Articles**

**Chapter 7: General Provisions**

**Chapter 8: Accreditation**

**Chapter 9: Enforcement of these By-laws and Authorised Officials**

**Chapter 10: Offences And Penalties**

**DRAFT  
INTEGRATED WASTE MANAGEMENT BY-LAWS**

To provide for integrated waste management and matters incidental thereto

**PRE-AMBLE**

**WHEREAS** the Council has the Constitutional obligation to provide services including refuse removal, collection and disposal;

**AND WHEREAS** the National Environmental Management Act, 1998 (Act 107 of 1998) gives effect to the constitutional right aimed at protecting the environment by providing environmental management principles that apply throughout the Republic to the actions of all organs of state that may significantly affect the environment;

**AND WHEREAS** the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) acknowledges that waste management practices in many areas of the Republic are not conducive to a healthy environment and that sustainable development requires that the generation of waste is avoided, or where it cannot be avoided, that it is reduced, re-used, recycled or recovered and only as a last resort treated and safely disposed of to ensure that the environment is protected from the negative impacts of poor waste management practices;

**AND WHEREAS** poor waste management practices can have adverse impacts on the environment in and beyond Municipal boundaries;

**AND WHEREAS** the Council is committed to ensuring that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

**AND WHEREAS** the Council wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal; as well as littering, illegal dumping facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

**AND WHEREAS** the Council promotes the waste hierarchy approach as outlined in the National Waste Management Strategy;

**BE IT THEREFORE ENACTED THEREFORE** by EkhayaLsi Metropolitan Council as follows:



## CHAPTER 9: ENFORCEMENT OF THESE BY-LAWS AND AUTHORISED OFFICIALS

### 50. Enforcement

(1) The Municipality must appoint suitably qualified authorised officials for the enforcement of these By-laws.

(2) An authorised official must, upon appointment, be issued with an identification document by the Council which must state the name and designation of that official, and include a photograph of the official.

(3) An authorised official, exercising his powers or performing his functions and duties for the purposes of these By-laws, must present an identification document issued in terms of subsection (2) on demand by a member of the local community.

### 51. Powers of authorised officials

(1) In addition to the powers, functions and duties an authorised official has by virtue of his appointment as such, an authorised official may, with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any place.

(2) If consent is not obtained in terms of subsection (1), a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a valid written authorisation issued by a magistrate

(3) (a) If, in the opinion of an authorised official, any search of a vehicle or other mode of conveyance in terms of subsection (1) or (2), gives rise to the reasonable apprehension that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official must instruct the owner or person in control of the vehicle concerned in writing to take the steps specified in that instruction which, in the opinion of such official, are necessary to mitigate harm to human health or damage to the environment.

(b) In the event of a refusal or failure to comply with an instruction given in terms of paragraph (a), the authorised official may report the matter to the Ekurhuleni



# Invitation

**8<sup>th</sup> Clean Neighbourhood  
Friday**

**29 July 2016**

**Theme  
Old-Age Homes  
Cleaning** (Aligned to Mandela Month)

Ekurhuleni *Siyakhokha  
Siyathuthuka* *towards Clean City*  
We pay and We progress





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