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MUNICIPAL MANAGER
DATE: 19/09/2025

APPROVED BY:

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DATE: 19/09/2025

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1. BACKGROUND

In terms of the Integrated Waste Management Act (59 of 2008), waste management is a local government competence, that must be executed to protect human and environmental health. The statutory obligation of local government is framed by the Local Government Municipal Systems Act (Act No. 32 of 2000). The Council recognizes that waste generation occurs either through processes where people, business or industrial entities are involved and can control the outcome, or when disasters, accidents, or natural processes produce waste. ~~The waste must be managed through various processes that will ensure a safe, healthy and a sustainable environment to ensure that the rights of individuals are protected, as stipulated in Section 24 of the Constitution. This right requires that all stakeholders must accept co-responsibility for minimizing waste impacts optimally, to ensure environmental sustainability.~~

Mhahshe Local Municipality has the powers and functions in terms of the constitution including Waste Management Services as a one of its core functions.

2. PURPOSE

The purpose of a waste management policy is to establish guidelines and regulations for the proper handling and disposal of waste, aiming to protect human health and the environment by minimizing waste generation, promoting recycling, and ensuring safe disposal methods.

3. Definitions

3.1. In this policy any word or expression to which a meaning has been assigned in the National Environmental Management Waste Act (No 59 of 2008) and the Local Government Municipal Systems Act (No 32 of 2000) associated regulations shall have the meaning so assigned and unless the context indicates otherwise.

3.2. Building Waste: Includes all waste produced during the construction, alteration, repair or demolition of any structure and includes building rubble earth, vegetation and rock displaced during such construction, alteration, repair or demolition.

3.3. Bulky Waste: Means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door council service provided by the council or service provider.

- 3.4. **Policy:** Means legislation passed by the municipality's council, which is binding on persons who reside within, visiting the area of authority of the municipality or using municipal services.
- 3.5. **Garden Waste:** Means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches and includes any biodegradable material and excludes waste products of animal origin and bulky waste.
- 3.6. **Health Care Risk Waste:** Means waste capable of producing any diseases and includes, but not limited to the following:
- Laboratory waste
 - Pathological waste
 - Isolation Waste
 - Genotoxic waste
 - Infectious liquids and infectious waste
 - Sharps waste
 - Chemical waste
 - Pharmaceutical waste
- 3.7. **Industrial waste:** means municipally established in terms of Local Government Municipal Structures Act (No 117 of 1998)
- 3.8. **Nuisance:** Means any injury, harm, damage, inconvenience, or annoyance to any person, which is caused in any way whatsoever by the improper handling, or management of waste, including but not limited to the storage, placement, collection, transport or disposal of waste or by littering.
- 3.9. **Occupiers:** in relation to any premises means any person who is actual occupation of such premises and if no person is in actual occupation thereof, any person who whether as owner, lessee, licence or otherwise has for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business.
- 3.10. **Owner:** Means the registered owner, lease or occupier of premises or the person in charge or control of any premises or part thereof who is over 18 years of age and any person who obtains a benefit from the premises or is entitled thereto.
- 3.11. **Receptacle:** Means an approved container having a capacity for temporary storage of waste in terms of this policy.

- 3.12. **Services Provider/Contractor:** Means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor's heir, executors, administrators, trustees, judicial managers or liquidators as the case may be but not except with the written consent of the Municipality any assignee of the contractor.
- 3.13. **Tariff:** Means the prescribed charge determined by the Municipality in terms of any applicable legislation for any services rendered by the Municipality in terms of this policy
- 3.14. **Recycling:** The diversion of waste away from landfill or incineration and the reprocessing of those wastes either into the same product or a different one. This mainly includes non-hazardous wastes such as paper, glass, cardboard, plastic, and scrap metal.
- 3.15. **Responsible Person:** The person who oversees the wastes to be removed from the premises at which it was produced or is being held.
- 3.16. **Composting** – biological decomposition of organic material to create a soil conditioner.
- 3.17. **Energy** – waste is incinerated, and the heat is recovered to generate energy.
- 3.18. **Disposal:** Waste is sent, untreated, to landfill.

4. APPLICATION & SCOPE

- 4.1. The Integrated Waste Management Policy is to be linked directly to the Mbhashe Local Municipality Integrated Waste Management Plan, which serves as the vehicle for the implementation of the Policy in terms of the Mbhashe Integrated Development Plan (IDP).
- 4.2. In the context of this policy, wastes include domestic waste, recyclable material (paper, glass cardboard and metals) clinical, pharmaceutical, including cytotoxic and cytostatic medications general medical waste, chemicals, radioactive, electrical and electronic equipment (inclusive of fluorescent clinical waste produced off site.
- 4.3. The Policy aligns all waste management services provided in all Mbhashe boundaries with the National Waste Management System (NWMS) and will contribute to the implementation of the national and current Provincial strategies to minimise waste at the local level.
- 4.4. The Municipality has a duty to ensure that all these wastes are disposed of responsibly, using approved, registered waste transporters.
- 4.5. The Municipality will adopt the principles of the 'best practicable environmental option' in the delivery of its waste management services.
- 4.6. The Municipality will apply a 'waste hierarchical approach', to reduce, reuse, recycle and recover waste products in preference to the disposal of waste to landfill.
- 4.7. There is a legal requirement for all who produce, keep or dispose of waste of any type to comply with the various regulations and the Duty of Care under section 28 of National Environmental Management Act (NEMA).
- 4.8. The recognises the importance of meeting these legal requirements and to manage its waste responsibly, reduce the volume of waste sent to landfill and maximise reuse and recycling where possible.
- 4.9. The Mbhashe Local Municipality requires all community members and anyone else living in Mbhashe area to comply with this Policy to ensure compliance with all waste legislation.

5. LEGISLATIVE FRAMEWORK

The legislative framework for the integrated waste management policy is summarised hereunder and includes references to national and provincial statutes, policies, and strategies.

5.1. Chapter 2 of the constitution contains the Bill of Rights, which is a cornerstone of democracy in South Africa. It enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom.

5.2. ~~In terms of section 24 of chapter 2 everyone has a right to an Environment that is not harmful to their health and wellbeing and to have the environment protected through reasonable legislative and other measures that prevent pollution and ecological degradation, promotes conservation and secure ecologically Sustainable Development.~~

5.3. Section 32 provides the right to access to information. In waste arena the lack of information is one of major obstacles in proper integrated waste management. The development of waste information system is therefore essential in terms of this section of the constitution.

5.4. Chapter 3 of the constitution deals with cooperative government. Section 40 thereof confirms that the government is constituted in national, provincial and local spheres which are distinctive, interdependent and interrelated.

5.5. Section 41 of the constitution provides the principles for cooperative governance and intergovernmental relations.

5.6. Section 156 deals with the powers and functions of municipalities and confirms that municipalities have the right to administer the local government matters listed Part b of Schedule 4 and Part B of Schedule 5.

5.7. In terms of section 155 of the constitution where municipalities of both category B and category C share the same area of jurisdiction, provision must be made for an appropriate division of powers and functions between the municipalities.

5.8. Schedule 5B to the constitution confirms inter alia that municipalities have functions and powers over the following related matters, being cleansing, refuse removal, refuse dumps and solid waste disposal.

5.9. National Environmental Management Act 107 of 1998

5.10. National Water Act 36 of 1998

5.11. National Environmental Management, Air Quality Act 39 of 2004

6.2.2. To enable appropriate monitoring, the municipality must introduce a system of approval in terms of which any person who wishes to undertake the collection, applicable law.

6.2.1. The introduction of effective Waste avoidance and minimisation interventions should be encouraged in industries and businesses. The "polluter pays" principle should be enforced. The municipality will encourage the Reuse, recycling and recovery of waste as compiled with NEMWA and any other are required. Waste Minimisation forums, including technology initiatives should be encouraged in industries and businesses. The "polluter pays" principle should be enforced. The municipality will encourage the Reuse, recycling and recovery of waste as compiled with NEMWA and any other applicable law.

6.2. Waste Minimisation and Recycling

- Significant sources of waste generation and the identification of such Waste Generators.
- Quantities and classes of waste generated.
- Waste handling treatment and waste disposal facilities
- Population and development profiles
- Reports on progress in achieving any Waste management targets.
- Or any other information required in terms of national and provincial legislation regulations or guidelines.

6.1.4. The information so required will include but not limited to information pertaining to:

- 6.1.1. The NWMS requires that a national database be set up to track waste as part of the waste minimisation strategy.
- 6.1.2. The council of Mbashe Local Municipality subscribes to the requirements of the National Waste Management Strategy to provide data from the local level to other levels of government via waste information system that will maintain a waste management Information System to record how waste is managed.
- 6.1.3. The obligation to provide Waste Information is the responsibility of stakeholders of waste and the Mbashe must obtain information from all waste generators, accredited permit holders, service providers, waste recyclers and other Person in or associated with the provision of Municipal Waste Services to furnish information in the format and within a timeframe as may be determined by the council.

6.1. South African Waste Information System

6. Waste Reporting

5.13. National Environmental Management: Waste Act 59 of 2008, read with the National Environmental Management Amendment Act 25 of 2014

5.12. Local Government: Municipal Systems Act 32 of 2000

<p>Roles & Responsibilities</p> <ul style="list-style-type: none"> • Provision of advice and guidance to the Mhhashe Local Municipality on waste management. • Setting Environmental Performance Indicators for waste management. • Reporting annually to the Mhhashe Local Municipality on progress against the Environmental Performance Indicators. • Monitoring and auditing the management systems for all wastes, to ensure legal compliance. • Monitoring and auditing all waste personnel working for the Mhhashe Local Municipality. • Provision of appropriate training for all personnel who have responsibilities for waste management. • Registering with appropriate enforcement agencies as a waste producer. • Coordinating the gathering of, and supplying all relevant information 	<p>Stakeholder Manager: Community Services</p>
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7. POLICY IMPLEMENTATION

7.1. Organisation and Management

The responsibilities and organisational arrangements for this Waste Management Policy lies with a variety of personnel within the Department of Community Services.

- Development projects through-SMMEs:
- 6.2.4. Incentives such as buy back centres, drop off centres, material recovery facilities and composting facilities must be encouraged and supported to enhance job creation opportunities and promote Local Economic
 - 6.2.3. The Municipality waste disposal Strategy must allow for separation at source by the Municipality. intention of making a profit including scrap metal dealers should be approved transport, sorting, storage, reuse recycling or recovery of waste with the which will improve the quality and quantity of material recovered for recycling.

The Policy is reviewed annually

8. POLICY REVIEWAL

<p>to appropriate enforcement agencies, when information relating to waste management is requested.</p> <ul style="list-style-type: none"> Investigation of any incidents or accidents relating to waste management. 	
<p>Coordinating the provision of waste management and recycling service for use by all facilities on the Municipality.</p> <p>Ensuring that all employees and the community members are advised that they must comply with the Duty of Care; that they must comply with the Mhhashe Local Municipality Waste Management Policy</p>	<p>Waste Management/ Community Services Officers in the waste management section.</p>
<p>Ensure the gathering, cleaning, and transport waste from residential and commercial areas, often</p>	<p>SUPERVISORS & Street Monitors</p>
<p>Signing of waste collection points on behalf of the institution of Mhhashe Local Municipality, ensuring efficient collection.</p>	<p>Drivers</p>
<p>Collecting and sorting recyclable materials from non-recyclables during collection, while adhering to safety protocols and educating the community on proper waste disposal practices to maintain a clean environment.</p>	<p>Waste Pickers & Collectors:</p>



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