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The Trading Services Portfolio Committee, on 2 May 2001, resolved that the Proposed Amendment to the Waste Management By-Law be advertised for comment. Copies of the proposed By-Laws are obtainable from the central administrative offices of each of the local administrations of the City of Cape Town and from Municipal Libraries.

Interested parties are invited to lodge written comment with:

Billy Jacobs,
Committee Secretariat,
Private Bag X5,
Plumstead, 7800.

or

e-mail Bjacobs@spm.org.za

or fax 710-8167 by no later than 27 July 2001.

Enquiries to be directed to Billy Jacobs, phone 710-8168.

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

PROVINSIE WES-KAAP

213 VOORGESTELDE WYSIGING VAN VERORDENING OP AFVALBESTUUR 4

Die Komitee vir Handelsdienste het op 2 Mei 2001 besluit dat die Voorgestelde Wysiging van die Verordening op Afvalbestuur vir kommentaar geadverteer moet word. Afskrifte van die Voorgestelde Verordeninge is by die sentrale administratiewe kantore van elk van die plaaslike administrasies van die Stad Kaapstad en die Munisipale Biblioteke verkrygbaar.

Belanghebbendes word genooi om voor of op 27 Julie 2001 skriftelike kommentaar in te dien by:

Billy Jacobs,
Komiteesekretariaat,
Privaatsak X5,
Plumstead, 7800.

or

e-pos Bjacobs@spm.org.za

or faks 710-8167.

Navrae kan gerig word aan Billy Jacobs by telefoon 710-8168.

Ibhaliswe ePosini njengephephandaba

IZIQULATHO

IPHONDO LENTSHONA KOLONI

213 UMTHEMTHO-SILUNGISO OCETYWAYO OJONGENE NOLAWULO LWENKUNKUMA 6

IKomiti yeenKonzo zoRhwebo ithe ngomhla we-2 kuMeyi 2001 yagqiba ekubeni kwenziwe umpo-sho oya kwenza kuthunyelwe izimvo malunga noMthetho-silungiso oCetywayo ojongene noLawulo kweNkunkuma. Iikopi zale Mithetho zifumaneka kwii-ofisi eziziintloko zamacandelo olawulo kwicandelo lolawulo ngalinye lenqila eliphantsi kweSixeko saseKapa, kanti zikwafumaneka nakumathala eencwadi kaMasipala.

Amaqela anomdla ayamenywa ukuba athumele izimvo zawo ngembalelwano:

kuBilly Jacobs,
kule dilesi,
Committee Secretariat,
Private Bag X5,
Plumstead, 7800.

or kanye kule

e-posi Bjacobs@spm.org.za

kungenjalo kule nombolo yefaksi 710-8167, ungedlulanga umhla wama-27 kuJulayi 2001.

Imibuzo ingabhekiswa kuB Jacobs kule nombolo yomnxeba, 710-8168.

PROPOSED AMENDMENT TO WASTE MANAGEMENT BY-LAW

The Cape Metropolitan Council Waste Management By-law (published under PN 467/2000 in the Province of the Western Cape Provincial Gazette No 5582 dated 15 September 2000) is hereby amended as follows:

1. AMENDMENT TO PREAMBLE

The Preamble is hereby amended by the deletion of "Cape Metropolitan Council", wherever it appears, and the insertion in its stead of "City of Cape Town".

2. AMENDMENTS TO SECTION 1 (DEFINITIONS)

2.1 The definition of "Council" is deleted and the following is inserted in its stead:

"Council" means the City of Cape Town

2.2 The definition of "disposal site" is deleted and the following is inserted in its stead:

"disposal site" means a facility accepting waste for permanent disposal, including a facility not owned or operated by Council

2.3 The definition of "special waste" is amended by the insertion of the words "including hazardous waste" so that the first line of the definition reads as follows:

"special waste" means any waste, including hazardous waste, which in the opinion of Council, exists . . .

2.4 A definition of "hazardous waste" is inserted as follows:

"hazardous waste" means waste which may, because of its concentration or inherent physical, chemical, infectious or other characteristics, cause ill-health or infection or death in humans, fauna and flora, or may adversely affect the environment when improperly treated, stored, transported or disposed of

3. AMENDMENTS TO SECTION 4 (PROVISIONS FOR WASTE DISPOSAL)

3.1 Section 4(1) is deleted and the following is inserted in its stead:

"Disposal sites and depots may only accept for transfer and/or disposal waste generated outside the Cape Metropolitan Area with the prior written consent of Council acquired in terms of section 4A of this by-law; provided that the prior oral consent of Council shall be sufficient for the purposes of this sub-section in cases of urgency; provided further that Council's written confirmation of such oral consent is acquired as soon as is reasonably possible."

3.2 A new section 4(1)A is inserted as follows:

"Mini-refuse sites may not accept for disposal any waste generated outside the Cape Metropolitan Area."

4. NEW SECTION 4A

A new section 4A is inserted as follows:

4A DISPOSAL OF WASTE GENERATED OUTSIDE CAPE METROPOLITAN AREA

(1) A disposal site or depot desiring to accept for disposal any waste generated outside the Cape Metropolitan Area must apply in writing for Council's consent and must in its application provide the following information in regard to the waste in question:

- (a) its origin;
- (b) whether the waste is general or hazardous or both;
- (c) the volume to be disposed of; and if the waste is both general and hazardous, the respective volumes of both;
- (d) a general description of the composition of any waste;
- (e) a detailed description of the composition of any hazardous waste, including the hazard rating for disposal of such waste;
- (f) the reasons for the desired disposal of the waste within the Cape Metropolitan Area;
- (g) the intended method of transportation of the waste to the disposal site;
- (h) the date on or period over which it is anticipated that the waste will be delivered to the disposal site.

- (2) Council may request any further information which it considers necessary in order to consider the application.
- (3) Council may refuse the application or grant the application and, in the event that it grants the application, may make such grant subject to any conditions it deems fit.
- (4) Council may in its discretion revoke an application which has been granted.
- (5) Council may levy a surcharge for the disposal of waste generated outside the Cape Metropolitan Area.

5. REMAINING PROVISIONS

Save as aforesaid, the remaining provisions of the Waste Management By-law remain unaltered.

VOORGESTELDE WYSIGING VAN VERORDENING OP AFVALBESTUUR

Die Kaapse Metropolitaanse Raad se Verordening op Afvalbestuur (afgekondig in PK 467/2000 in die Provinsie Wes-Kaap se Provinsiale Koerant No 5582 gedateer 15 September 2000) word hierby soos volg gewysig:

1. WYSIGING VAN AANHEF

Die Aanhef word hierby gewysig deur "Kaapse Metropolitaanse Raad" te skrap waar dit ook al voorkom en in die plek daarvan "Stad Kaapstad" in te voeg.

2. WYSIGINGS VAN ARTIKEL 1 (WOORDOMSKRYWINGS)

2.1 Die omskrywing van "Raad" word geskrap en die volgende word in die plek daarvan ingevoeg:

"Raad" die Stad Kaapstad;

2.2 Die omskrywing van "wegdoenterrein" word geskrap en die volgende word in die plek daarvan ingevoeg:

"wegdoenterrein" 'n fasiliteit wat afval vir permanente wegdoening aanvaar, insluitende 'n fasiliteit wat nie deur die Raad besit of bedryf word nie;

2.3 Die omskrywing van "spesiale afval" word gewysig deur die woorde "insluitende gevaarlike afval" in te voeg sodat die eerste reël van die omskrywing soos volg lui:

"spesiale afval" enige afval, insluitende gevaarlike afval, wat na die mening van die Raad in so 'n . . . ;

2.4 Die volgende omskrywing van "gevaarlike afval" word ingevoeg:

"gevaarlike afval" afval wat, as gevolg van die konsentrasie of inherente fisiese, chemiese, aansteeklike of ander eienskappe daarvan, swak gesondheid of besmetting of dood by mense, plante en diere kan veroorsaak, of die omgewing nadelig kan raak wanneer dit nie behoorlik behandel, geberg, vervoer of weggedoen word nie.

3. WYSIGINGS VAN ARTIKEL 4 (BEPALINGS VIR DIE WEGDOEN VAN AFVAL)

3.1 Artikel 4(1) word geskrap en die volgende word in die plek daarvan ingevoeg:

"Wegdoenterreine en—depots mag afval wat buite die Kaapse Metropolitaanse Gebied gegenereer is, vir oordrag en/of wegdoening aanvaar slegs met die skriftelike toestemming vooraf van die Raad ingevolge artikel 4A van hierdie verordening: Met dien verstande dat die mondelinge toestemming vooraf van die Raad in dringende gevalle voldoende is vir die doeleindes van hierdie subartikel: Met dien verstande voorts dat die Raad se skriftelike bevestiging van sodanige mondelinge toestemming so gou as wat redelikerwys moontlik is, verkry moet word."

3.2 Die volgende nuwe artikel 4(1)A word ingevoeg:

"Minivullisterreine mag nie afval wat buite die Kaapse Metropolitaanse Gebied gegenereer is, vir wegdoening aanvaar nie."

4. NUWE ARTIKEL 4A

Die volgende nuwe artikel 4A word ingevoeg:

"4A.WEGDOENING VAN AFVAL WAT BUITE DIE KAAPSE METROPOLITAANSE GEBIED GEGENEREER IS

(1) 'n Wegdoenterrein of -depot wat enige afval wat buite die Kaapse Metropolitaanse Gebied gegenereer is vir wegdoening wil aanvaar, moet skriftelik aansoek doen vir die Raad se goedkeuring en moet in sy aansoek die volgende inligting met betrekking tot die onderhawige afval verstrek:

- (a) die oorsprong daarvan;
- (b) of dit algemene of gevaarlike afval of albei is;
- (c) die volume wat weggedoen moet word, en as dit sowel algemene as gevaarlike afval is, die onderskeie volumes van elk;
- (d) 'n algemene beskrywing van die samestelling van enige afval;
- (e) 'n gedetailleerde beskrywing van die samestelling van enige gevaarlike afval, insluitende die gevaargradering vir die wegdoen van sodanige afval;
- (f) die redes vir die verlangde wegdoening van die afval in die Kaapse Metropolitaanse Gebied;
- (g) die voorgename metode om die afval na die wegdoenterrein te vervoer;
- (h) die datum waarop of tydperk waartydens die afval na verwagting aan die wegdoenterrein gelewer sal word.

(2) Die Raad kan enige verdere inligting aanvra wat hy nodig ag ten einde die aansoek te oorweeg.

(3) Die Raad kan die aansoek van die hand wys of die aansoek toestaan en kan, indien hy die aansoek toestaan, dit onderhewig stel aan enige voorwaardes wat hy dienstig ag.

- (4) Die Raad kan na goeddunke 'n aansoek wat hy toegestaan het, intrek.
- (5) Die Raad kan 'n toeslag hef vir die wegdoening van afval wat buite die Kaapse Metropolitaanse Gebied gegeneer is.

5. OORBLYWENDE BEPALINGS

Uitgesonderd soos voormeld, bly die oorblywende bepalinge van die Verordening op Afvalbestuur onveranderd.

P.N. 213/2001

uLwesihlanu, 6 uJulayi 2001

IZILUNGISO EZICETYWAYO KUMISELO WOLAWULO LWENKUNKUMA

UMmiselo woLawulo lweNkunkuma weBhunga loLawulo lweNqila yeKapa (opapashwe phantsi kwe-PN 467/2000 kwiGazethi yePhondo leNtshona Koloni, iNombolo 5582 yomhla we-15 Septemba 2000) ke ngoko, uyalungiswa ngolu hlobo lulandelayo:

1. IZILUNGISO KWIMBULAMBETHE

IMbulambethe ke ngoko iyalungiswa ngokucinywa kwe-"Bhunga loLawulo lweNqila yeKapa", naphina apho livela khona, kuze kufakelwe endaweni yalo "iSixeko saseKapa".

2. IZILUNGISO KWICANDELO 1 (INKCAZELO)

2.1 Inkcazelo nge-"Bhunga" icinyiwe kwaze endaweni yalo kwafakwa oku kulandelayo:

"iBhunga" lithetha iSixeko saseKapa

2.2 Inkcazelo nge-"siza sokulahlwa inkunkuma" icinyiwe kwaze kwafakwa oku kulandelayo:

"isiza sokulahlwa inkunkuma" sithetha ubuchule obuthile bokwamkela inkunkuma xa ilahlwa isigxina okanye unomphelo, ukuquka nobuchule obungenziwa okanye obungengobeBhunga

2.3 Inkcazelo nge-"nkunkuma eyodwa" ilungisiwe ngokufakelwa kwala magama "ukuquka nenkunkuma enobungozi" ukuze umqolo wokuqala wenkcazelo ufundeke ngolu hlobo lulandelayo:

"inkunkuma eyodwa" ithetha nayiphina inkunkuma, ukuquka inkunkuma enobungozi, nethi ngokwezimvo zeBhunga, ...

2.4 Inkcazelo ye-"nkunkuma enobungozi" ifakelwe ngolu hlobo lulandelayo:

"inkunkuma enobungozi" ithetha inkunkuma engathi ngenxa yokuhlangana kwayo okanye ngokwemveli yayo, amachiza, ukosuleleka okanye ezinye izinto, yenze ukugula ngokwasempilweni okanye ukosuleleka okanye ukusweleka kwabantu, kwizilo zonke zelizwe kunye nezihluma, okanye ingathi ichaphazele ngokungalinganga indalo esingqongileyo xa ingaphathwanga ngendlela efanelekileyo, ukugcinwa, ukuthuthwa okanye ukulahlwa kwayo.

3. IZILUNGISO KWICANDELO 4 (AMALUNGISELELO OKULAHHLWA KWENKUNKUMA)

3.1 ICandelo 4(1) licinyiwe kwaze kwafakwa oku kulandelayo endaweni yalo:

"Iziza apho kulahlwa khona inkunkuma kunye neendawo zokugcina zingamkela kuphela utshintsho kunye/okanye ukulahlwa kwenkunkuma edaleke ngaphandle koMmandla woLawulo lweNqila yeKapa, ngemvume ebhaliweyo kuqala yeBhunga efumaneka phantsi kwecandelo 4A lalo mmiselo; ngaphandle kokuba imvume yeBhunga yokuqala yomlomo iyakwanela ngokweenjongo zeli candelwana kwimiba yongxamiseko; ngaphezu koko, ngaphandle kokuba ulwamkelo olubhaliweyo lweBhunga lwemvume enjalo yomlomo iyafumaneka ngokukhawuleza okufanelekileyo".

3.2 ICandelo elitsha 4(1)A lifakelwe ngolu hlobo lulandelayo:

"Iziza ezincinci zenkunkuma zingangamkeli ukulahlwa kwayo nayiphina inkunkuma edaleke ngaphandle koMmandla woLawulo lweNqila yeKapa".

4. ICANDELO ELITSHA

ICandelo elitsha 4A lifakelwe ngolu hlobo lulandelayo:

4A UKULAHHLWA KWENKUNKUMA EDALEKE NGAPHANDLE KOMMANDLA WOLAWULO LWENQILA YEKAPA

(1) Iziza apho kulahlwa khona inkunkuma kunye neendawo zokugcina ezifuna ukwamkela ukulahlwa kwayo nayiphina inkunkuma edaleke ngaphandle koMmandla woLawulo lweNqila yeKapa kufuneka zenze izicelo ezibhaliweyo ukuze zamkelwe liBhunga, ze kwizicelo zazo zinikeze olu lwazi lulandelayo malunga nenkunkuma ekuthethwa ngayo:

- (a) imvelaphi yayo;
- (b) yinkunkuma jikelele okanye inobungozi okanye zombini;
- (c) ubungakanani obuza kulahlwa; kunye nokuba ingaba inkunkuma yinkunkuma jikelele nekwanobungozi, ubungakanani ngokulandelelanayo bezi ndidi zombini zenkunkuma;
- (d) inkcazelo jikelele malunga nokuqulathwe yiyo nayiphina inkunkuma;
- (e) inkcazelo eneenkcukacha malunga nokuqulathwe yiyo nayiphina inkunkuma enobungozi, ukuquka nomlinganiselo wobungozi bokulahlwa kwenkunkuma enjalo;
- (f) izizathu zolu lahlo lwenkunkuma olufunekayo kuMmandla woLawulo lweNqila yeKapa;
- (g) indlela ekucingwa ukuthuthwa ngayo inkunkuma ukuya kwisiza ekulahlwa kuso inkunkuma;
- (h) umhla okanye ixesha ekulindeleke ukuba le nkunkuma isiwe kwisiza sokulahlwa inkunkuma.

(2) IBhunga lingacela naluphina ulwazi elicinga ukuba lubalulekile ukuze isicelo siqwalaselwe.

- (3) IBhunga lingasala isicelo okanye lisivume isicelo eso, ze kumba wokuba lisivumile isicelo, lingasivuma ngokuxhomekeka kuyo nayiphina imeko elicinga ukuba ifanelekile.
- (4) IBhunga lingathi ngokwengqiqo yalo, lirhoxise isicelo ebesele sivunyiwe.
- (5) IBhunga lingarhafisa intlawulo eyongeziweyo ngokulahlwa kwenkunkuma edaleke ngaphandle koMmandla woLawulo lweNqila yeKapa.

5. AMALUNGISELELO ASHIYEKILEYO

Gcina njengangaphambili, la malungiselelo ashiyekileyo oMmiselo woLawulo lweNkunkuma ahlala engatshintshwanga.
