



## MEMORANDUM

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DATE : 25 AUGUST 2021

TO: ALL SUB-COUNCILS

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**SUBJECT: CONTEXT : INSTALLATION OF LOCKING DEVICES ON 240L WHEELIE BINS AND WASTE PICKERS**

Many residents have voiced their concerns and unhappiness about the contents of a notice that was sent to subcouncils regarding the installation of locking devices on wheelie bins. It is clear that more information and context should have been provided and I would like to highlight some relevant factors that frame the City's position regarding bins.

### The National Waste Management Strategy

Waste management in the City of Cape Town, as with all municipalities in South Africa, is governed by the National Environmental Management: Waste Act, as set by the Department of Forestry, Fisheries and the Environment (DFFE). In 2020, DFFE published the latest National Waste Management Strategy for South Africa (NWMS), and the strategy places a strong focus on informal collectors of recyclable waste, officially known as "waste pickers".

The Strategy tasks metros with initiating an integration programme for waste pickers in place by 2021. Along with municipalities, the packaging industry is also called upon to implement schemes to integrate waste pickers, as set out in the Extended Producer Responsibility regulations\*, gazetted in November last year.

The Regulations set out explicit requirements for producers to integrate waste pickers into post-consumer collection value chain with serious consequences for those who fail to comply, including fines, imprisonment and/or loss of registration with the Department as per the regulations. Producers are required to co-operate with municipalities to increase the recovery of recyclables from municipal waste within 3 years of implementation of their extended producer responsibility scheme.

This clearly sends the message that the waste pickers are here to stay, and the challenge is to find ways to work with them in a way which benefits everyone.

***\*Relevant sections of the Regulations can be found at the end of this document.***

## **The role of waste pickers in diverting waste from landfill**

Waste pickers contribute significantly to the recycling industry, by selling the recyclables they collect to one of the more than 120 known buyback centres in Cape Town. These recyclables are then sold to the recyclers where they are transformed into valuable commodities. Although the number of waste pickers in Cape Town is not known, in a recent general study of the industry, 70 of the buyback centres in Cape Town reported that they buy recyclables from more than 4 450 waste pickers, as part of the 6 450 collectors who sell recyclables to them. The 70 buyback centres reported that they recycle approximately 17 400 tons of recyclables per month in total (some of which is attributable to the waste pickers) - a significant contribution to the recycling value chain.

According to the National Waste Management Strategy (2020), currently an estimated 62,000 people are involved in collection of recyclables on an informal basis. Waste Picking is unregulated, the working conditions may be dangerous, and the monetary rewards generally only provide marginal livelihoods. Nevertheless, waste pickers have been estimated to save municipalities approximately R700 million per year in collection and disposal costs. The NWMS calls for strengthening and expanding the role of waste pickers through integrated separation at source, in the waste management system and recycling economy, and supporting markets for source separated recyclables. The Strategy recognises a need for more positive collaboration between waste pickers, the private sector and local municipalities.

## **What is the City doing to align with the National Strategy?**

The informal recycling sector is a vast and complex space. For that reason, the City has been focusing on research, in partnership with GreenCape, in order to gain as much insight as possible before initiating any kind of large-scale programmes to formally integrate waste pickers.

GreenCape is a special purpose vehicle (SPV) used by the City of Cape Town to facilitate waste diversion through setting up symbiotic relationships among Industry and Business.

Offering of practical assistance to waste pickers must be done in a well-planned, participatory manner. Experience elsewhere in South Africa has shown that well-intentioned “support trials” or programmes have, in certain cases, left the waste pickers worse off, and as a country we are continually learning from such experiences.

A research-based concept note was tabled this month, introducing the City’s Policy Coordinating Committee to the waste picker integration task and the City is in the process of constituting a multi-disciplinary task team to address this. The team will focus on integrating the waste pickers into a formal waste economy, in a participatory manner. The Solid Waste department will submit reports to the Water and Waste Portfolio Committee for consideration and advisement and all decisions regarding steps taken will be placed through due political oversight.

A key part of the process will be to learn from existing and proposed localised trial programmes working with the waste pickers. The trials will provide further insight to guide the City on methodologies that are beneficial to all stakeholders. As such, the National Government and its research partners have also invited the City to participate in a trial pilot related to waste picker registration.

While the City is working to align with the targets set by National Government, it is important that steps taken are guided by sound, evidence-based research.

Along with the social benefits of formally recognising a generally marginalised community, the establishment of relationships between waste pickers, the City and residents will allow for communication and agreements about things like leaving bins in a tidy state.

### **Existing projects and partnerships**

**The Green Up Project**, launched in June 2019, empowers local waste pickers in various communities, via entrepreneurship development, towards greater prosperity through recycling. It is jointly coordinated by the City, the Western Cape Provincial Government and an industry stakeholder. The project won PETCO's Recycling Partnership Game-changer Award in 2021.

Another example is the **Bellville Recycling and Trolley Project**, which won PETCO's Best Community Recycling Initiative Award in 2021. This project ensures the training and mentorship of waste pickers, thereby allowing them to grow and sustain their businesses. This is done by facilitating access to recyclable waste for the waste pickers, providing valuable economic and social services support, as well as access to training. It is managed by the Voortrekker Road Corridor Improvement District (VRCID) and the Greater Tygerberg Partnership (GTP), in partnership with a private sector partner.

In 2017 the City adopted the Environmental Strategy, and one of the long-term desired outcomes of the Strategy is to strive for an environment where 'waste generation is minimised, recycling services are widely available, large scale composting of household organic and garden waste is in place, waste diversion is optimised, and the waste economy is thriving.'

### **Why does the City not incorporate waste pickers at landfill facilities?**

For safety reasons, it is not legal for waste pickers to operate on City landfill facilities, due to the risks to their health and safety.

The City is currently planning and designing two materials recovery facilities (MRFs) to increase its capacity to implement waste separation at source. At Coastal Park, where a MRF will replace the landfill in time, the intention is to establish a participatory arrangement in partnership with the local community in which registered waste pickers have access to recyclable materials entering the future MRF, in a safe and legislatively compliant manner. Bids for the construction of the Coastal Park MRF are being assessed by the Bid Evaluation Committee, while the licencing process for the Athlone facility is in progress, prior to design and construction.

Landfills, recycling facilities and space allocated for sorting and storing waste are governed by spatial planning and land use management instruments of the City. This includes future planning of recycling activities as well.

These spatial planning instruments are the Municipal Spatial Development Framework (2018), District Spatial Plans (2012 and current review), and the Development Management Scheme (as part of the Municipal Planning Bylaw 2015).

As such, the Solid Waste Management department is including waste picker integration in upcoming strategies and plans, and a connection with future spatial development plans will also be required.

## **Installation of locks on bins**

The message that residents may not legally install locks on bins has been met with some objection, but this is not a new development. The Integrated Waste Management By-law (2009) sets out provisions that clarify all bins issued by the City remain council property, and that physical changes or alterations to these assets may not be made unless authorised by the Council.

Relevant extracts from the Integrated Waste Management By-law (2009), the Council Tariff Policy, and the Integrated Waste Management Policy (amended and adopted by Council on 29 October 2020) can be found at the end of this document.

The City issues lockable bins to residents living in baboon-management areas, as determined by Baboon Management Committee. The City does not provide lockable bins to prevent access by people.

Areas where lockable bins have been provided for baboon-management purposes are serviced by contractors. Mechanical alterations to the rear of collections vehicles are required for the servicing of these bins, and these alterations have been made by the relevant contractors. Unauthorized locks can cause damage to bins and the mechanical lifting mechanisms on compactors, while slowing the refuse collection service.

The City conducted a pilot trial of lockable bins in the Sea Point area several years ago, and it was found that further broad-scale roll-out would require compactor vehicles to be compatible with locking devices. The Solid Waste department is considering further research in trialling different locks, for updated data on how locks potentially damage the bin or compactors, as well as the impact on operational efficiency for the collection teams.

The direction to formally integrate waste pickers, as outlined above, means that National Government would not have a favourable view of efforts to lock them out. The City understands and acknowledges residents' frustration with mess left by waste pickers, and nuisance experiences. Locks are not regarded as a sustainable solution, however. It is hoped that careful and diligent integration of the waste picking sector will lead to greater cohesion, and a cleaner, neater, and healthier environment for all residents.

## **Waste Pickers and the City's Think Twice kerbside recycling collection service**

Residents who receive the Think Twice recycling collection service may be wondering why the contents of their 240l wheelie bin would have any value, given that they already separate recyclables for placement in their green-lid bin or clear plastic bags. Typically, the City's Think Twice recycling collectors focus on paper and packaging, but exclude most scrap metal (except for cans). Waste pickers, however, are often looking for scrap metal items, as they carry a high value. Thus there are different waste types within the recycling sector value chain, and waste pickers may still find value in the waste not collected by Think Twice service providers.

## **The City's Give Dignity Campaign**

The initial memo that was circulated to Sub-Councils included a suggestion to place leftover food on top of refuse as a means of minimizing litter. This does not reflect the City's position to not encourage handouts, and its inclusion in the memo was an oversight.

The City's **Give Dignity Campaign** advocates for alternative, more impactful ways of helping people get off the streets sustainably. Direct handouts such as tents and cash do not help efforts to encourage people living on the streets to accept more sustainable solutions. We need to end the cycle of dependence on direct handouts, and we can only do that by giving responsibly.

It is important that vagrancy and charity are not conflated with waste picking, which is an economic sector. People who make a living from sourcing recyclable materials are actively involved in a vocation, and proponents of the waste picker integration model do not support "pure" charity practices of food handouts.

Residents who wish to contribute meaningful support to the homeless are encouraged to provide donations that encourage reintegration and go directly to supporting persons who have committed to rebuilding their lives off the streets. By donating via the official Give Dignity SnapScan, or by giving directly to a shelter or NGO, residents can help fund warm beds, social worker support, substance abuse rehab, and other support to help people stay off the streets on a sustainable basis.

### **Applicable extracts from policies and bylaw (2009, updated 2010 and 2016)**

#### **A: Refuse containers issued by Council for use by residents.**

*In this instance Council **Tariff Policy** reads:*

- 6.1.3 *'The **City shall provide the Containers to the Users. The Containers shall at all times remain the property of the City.**'*
- 6.1.4 *'The **property owner shall at all times be responsible for the Container and may only use it for the intended purpose of the rendering of the Services** by or through the City.'*
- 6.1.5 *'The replacement cost of the Container fitted with a RFID will be for the property owner when lost/stolen **or damaged** as a result of the negligence of the property owner or persons residing at, visiting, or occupying the property. Bins damaged by the City during collection operations will be replaced at no cost.'*

#### **B: Pertaining lockable bins**

*In this instance Council **Tariff Policy** reads:*

- 6.1.6.4 *'In areas where the **Lockable bin service is considered necessary, in the discretion of the City, the prevailing tariff will be applicable without exception.***
- 6.1.6.10 *Lockable 240L Container service. **Will be provided in baboon-infested areas as determined by the City in consultation with the Baboon Management Team. Other areas may be considered by Council.***

#### **C: Pertaining obligations of waste generators and exclusivity of service provision.**

*In terms of the **Integrated Waste Management By-law, 2009***

- Section 4(1)(i) Obligations of waste generators reads that *'**a waste generator must store waste in the containers provided by the City or an accredited service provider prior to collection or where a container is not provided, store waste in plastic black bags, which containers or bags will be collected by the service provider at least once a week according to the routes as published by the City or the service provider from time to time;***
- Section 17(2) Waste management services, applications and registration for waste collection and removal services reads that *'**residents must apply and register for waste collection and removal***

*services that will be provided exclusively by the City or its contracted accredited service provider, unless the Council authorises otherwise.'*

**D: Pertaining ownership of waste.**

**In terms of the Integrated Waste Management By-law, 2009**

Section 26A(3) Ownership of waste reads that ***'Waste that is collected by the City or its service provider becomes the property of the City when it is placed in receptacles provided by the City on the kerbside by the generator thereof for collection.'***

**E: Prerogative regarding the choice of service mechanism**

**In terms of the Integrated Waste Management Policy**

- 7.1.2.(a)(xii) Stakeholder Responsibilities - General waste management and minimisation responsibilities of residents, visitors or entities inside the City's boundaries reads that ***'Property owners, tenants, traders or businesses may only use the approved containers provided by the City for their own use at the site and for the purpose it has been provided.'***
- 8. Policy Directives reads that ***'The City is responsible for the provision of waste management service within its geographic area of jurisdiction. The City has a prerogative regarding the choice of service mechanism. This includes, approved containers and all aspects of service provision. Its prerogative is in line with its obligation to assess an appropriate service mechanism in terms of section 77 of the MSA. It further has a prerogative to set tariffs via its Tariff Policy for its waste management services.'***
- 8.2. Waste Collection Services 8.2.3.2.(b) Standard Service Level for Waste Collection: Formal Residential reads that ***'In this category, the formal residence, will be provided with a 240L wheelie bin, for those where geographic or other service constraints make this impractical, will be provided with an approved container, of a size and design to be determined by the City.'***
- 8.2. Waste Collection Services 8.2.3.2.(f) Standard Service Level for Waste Collection: Formal Residential reads that ***'Waste that is collected by the City or its service provider becomes the property of the City when it is placed in approved containers provided by the City on the kerbside by the generator, therefore for collection.'***
- 8.2.3.5.(b)&(c) In areas identified by the City of Cape Town as approximating baboon home ranges reads that ***'In these areas, all dwellings per erf, including backyard dwellings, will be provided with a double-lockable bin, of a size and design to be determined by the City. The occupant must ensure that all household waste that has been separated and cannot be recycled, is stored in the bin and is locked with two padlocks at all times. The waste truck can open the bin with the padlocks in place.'***

**The City's Integrated Waste Management Policy, which was amended and adopted by Council on 29 October 2020, reflects the extracts above. Please see relevant clauses below:**

- 4.2.1. The Integrated Development Plan (IDP) The policy is aligned to the following strategic focus areas and priorities enshrined in the IDP:
  - SFA 5 - Well Run City Priority 11- Operational sustainability Provide sustainable waste management services based on holistic cost-benefit considerations.

- 4.2.3. C40 Cities Climate Leadership Group Sustainable Solid Waste Network, under the banner of the C40 Cities Climate Leadership Group was established to support cities in moving up the waste hierarchy by improving collection, recycling and disposal (e.g. managing landfills and landfill gas), while developing community projects for composting and recyclables management. The City as a signatory to C40 must put in place solid waste infrastructure, systems and processes that will reduce and mitigate the impacts of climate change from waste generation, treatment and disposal.

Good Practice approaches adopted by C40 Cities Climate Leadership Group on waste management are the following:

- c) integrate waste management and social inclusion;
- 8.1.5. Separation of waste at source and its collection for diversion from landfill  
Requirements relating to separation at source in formal settlements and businesses:
  - k) It is acknowledged that waste pickers also collect recyclable waste from residential properties, and this should be managed in such a way as to minimize the litter generated, as well as any other risks to the area.
- 8.4.3. Special Provisions: Scrap Metal/Materials and Recycling
  - b) The City also recognises the potential negative and disruptive environmental, economic, safety and aesthetic impacts of certain activities related to the collection of high-value scrap materials and recyclables, and the need to regulate such activities.

#### **DEPARTMENT FORESTRY AND FISHERIES**

#### **NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO.59 OF 2008) REGULATIONS REGARDING EXTENDED PRODUCER RESPONSIBILITY**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 69(1)(b), (g), (l), (ll), (o), (dd) and (ee) of the National Environmental Management: Waste Act, 2008, make the Regulations regarding extended producer responsibility, as set out in the Schedule hereto. This gazette is also available free online at [www.gpwonline.co.za](http://www.gpwonline.co.za) STAATSKOERANT, 5 NOVEMBER 2020 No. 43879 3 G

"Obligations of a producer responsibility organisation that establishes and implements an extended producer responsibility scheme.

5A(1) The producer responsibility organisation must-

- (l) co- operate with municipalities, within 3 years of implementation of their extended producer responsibility scheme, to increase the recovery of identified products from municipal waste;
- (m) integrate informal waste collectors, reclaimers and pickers into the post -consumer collection value chain
- (p) Compensate informal waste collectors, reclaimers and pickers, who register with the National Registration Database, for collection services and environmental benefits, through the collection service fee by November 2022. The collection service fee shall be reviewed annually by the Department of Environment, Forestry and Fisheries;"

**Penalties 13.**

13. (1) A person convicted of an offence under these Regulations is liable to -

(a) imprisonment for a period not exceeding 15 years;

(b) an appropriate fine; or

(c) both a fine and imprisonment. ";

"(2) A registered producer who does not comply with these Regulations may have their registration as contemplated in these Regulations revoked and/or be compelled to join another extended producer responsibility scheme. ";

"(3) A registered producer responsibility organisation that does not comply with the requirements as contemplated in these Regulations may have their registration revoked.



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