



DATE:

25 January 2018

REF:

AEL Reference Number: WCCT059

Dear Interested and Affected Party:

THE RENEWAL AND VARIATION OF ATMOSPHERIC EMISSION LICENCE FOR LUCKY STAR LIMITED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004 (ACT 39 OF 2004)

This letter serves to inform you that the Atmospheric Emission Licence (AEL) for this project was issued on 24 January 2018. The **Atmospheric Emission Licence was granted.**

Page 4 (Legal Implication) of the AEL requests as follows:

In line with the Promotion of Administrative Justice Act, 2000 (Act NO.3 of 2000), the decision to grant the Variation and Renewal of the AEL to Lucky star Ltd, to operate in terms of Section 40(4) (b) of NEM:AQA, the applicant, through the appointed Environmental Assessment Practitioner, must notify any persons who have objected to the application. In order to ensure that all interested and affected parties (I&AP's) are informed of the decision, the notification must be placed in the same newspapers that were used during the public participation process.

In addition, the applicant must also notify I&AP's in writing of the appeal provisions contained in Section 62 of the Municipal Systems Act. **[This letter serves as notice]-**

Section 62 of the Municipal Systems Act states the following:

62 Appeals

- (1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority;
 - (b) the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or
 - (c) a political structure or political office bearer, or a councillor
 - (i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or
 - (ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- (6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

Should you wish to appeal any aspect of the decision to grant the Atmospheric Emission Licence, a written notice of intention to appeal with reasons, must be lodged in terms of Section 62 of the Municipal Systems Act (Act No. 32 of 2000) to the City Manager within 21 days from the date of receipt of notice of the issuing of this licence.

Post: The City Manager
P.O. Box 298
Cape Town
8000

Should you have any queries please do not hesitate to contact me.
Yours sincerely,



Mische Molife
Environmental Assessment Practitioner
Pieter Badenhorst Professional Services
Cell: 081 371 9289
Fax: 086 672 1916
Email: mische@pbps.co.za
P. O. Box 1058
Wellington
7654
Website: www.pbpscon.co.za