

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

Case number: 54087/17

In the matter between:

**THE TRUSTEES FOR THE TIME BEING OF GROUNDWORK TRUST** Applicant

and

**THE MINISTER OF ENVIRONMENTAL AFFAIRS** First Respondent

**CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS,  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS** Second Respondent

**THE DIRECTOR: APPEALS AND LEGAL REVIEW  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS** Third Respondent

**KUYASA MINING (PTY) LTD** Fourth Respondent

**KIPOWER (PTY) LTD** Fifth Respondent

DRAFT ORDER

By agreement between the Applicant and the Respondents, as the opposing parties hereto:

IT IS ORDERED THAT:

1. The parties record that:

1.1. The environmental authorisation granted by the Second Respondent, dated 21 October 2015 and with Department of Environmental Affairs reference number

13<sup>1</sup>-1-1  
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12/12/20/2333, in relation to the establishment of a coal-fired power station and related infrastructure in the Victor Khanye Municipality of Mpumalanga, South Africa (the "**Environmental Authorisation**") has lapsed and is of no force and effect; and

1.2. Accordingly, the review relief sought by the Applicants against the Environmental Authorisation, and the subsequent appeal decision of the First Respondent dated 8 November 2016, has largely become moot.

2. The review application is therefore withdrawn.

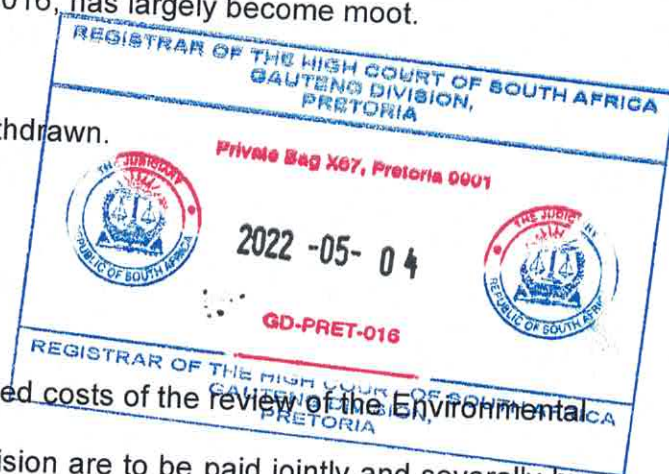
3. The parties agree that:

3.1. a 50% portion of the taxed or agreed costs of the review of the Environmental Authorisation and the Appeal Decision are to be paid jointly and severally by the first to third Respondents; and

3.2. the first to third Respondents shall pay the taxed or agreed costs of interlocutory application in terms of rules 30 and 30A, as ordered on 7 February 2019.

BY ORDER OF COURT

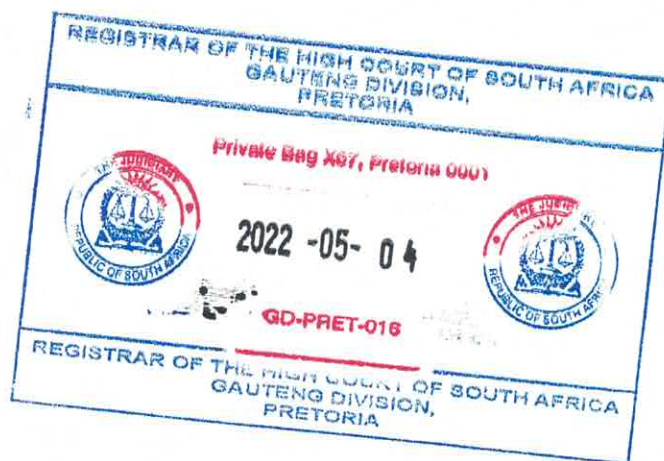
  
COURT REGISTRAR  
CENTRE FOR ENVIRONMENTAL RIGHTS  
C/O DU PLESSIS & KRUYSHAAR





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High court box no: 55A



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