

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

Case number: 65662/16

In the matter between:

**EARTHLIFE AFRICA JOHANNESBURG**

Applicant

and

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHERS JUDGES: YES/NO
(3)	REVISED
08/03/2017	<i>John Murphy</i>
DATE	SIGNATURE

**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

**THABAMETSI POWER PROJECT (PTY) LTD**

Fourth Respondent

**THABAMETSI POWER COMPANY (PTY) LTD**

Fifth Respondent

---

**JUDGMENT**

---

**Murphy J**

1. This application raises concerns about the environmental impacts of the decision to build a 1200MW coal-fired power station near Lephalale in the Limpopo Province.



## Orders

126. The following orders are made:

126.1 The ruling of the first respondent, forming part of her decision of 7 March 2016 in terms of section 43 of the National Environmental Management Act 107 of 1998, and dismissing the applicant's fourth ground of appeal set out in paragraphs 89 to 105 of its appeal dated 11 May 2015, is reviewed and set aside.

126.2 The applicant's fourth ground of appeal is remitted back to the first respondent for reconsideration in terms of section 43 of the National Environmental Management Act 107 of 1998.

126.3 The first respondent is directed to consider:

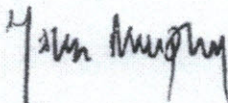
126.3.1 a climate change impact assessment report;

126.3.2 a paleontological impact assessment report;

126.3.3 comment on these reports from interested and affected parties;

126.3.4 any additional information that the first respondent may require in order to reach a decision on the applicant's fourth ground of appeal.

126.4 The costs of this application are to be paid, jointly and severally, by the respondents, such costs to include the costs of employing two counsel.



**JR MURPHY**  
**JUDGE OF THE HIGH COURT**