



an agency of the  
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
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Enquiries: Natasha Higgitt  
Tel: 021 462 4502  
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CaseID: 19815

Date: Monday November 14, 2022  
Page No: 1

## Final Comment

**In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)**

Attention: Lokisa Environmental Consulting CC

72 Herbert Baker Street  
Groenkloof  
Pretoria

**Lion Valley Fuel Depot proposes the construction of a heavy vehicle parking depot measuring approximately 3.8 ha on a portion of Portion 42 of the Farm Rooidraai 34 JT near Mashishing/Lydenburg in the Thaba Chweu Local Municipality, Mpumalanga Province.**

Lokisa Environmental Consulting has been appointed by Lion Valley Fuel Depot to conduct a Rectification application in terms of section 24 G of the National Environmental Management Act, 1998 (NEMA) for the Heavy Vehicle Parking Depot on Portion 42 of the farm Rooidraai 34 JT near Lydenburg, Mpumalanga Province (Ref nr: 17/2/S24G-03/2022/23).

A draft Environmental Management Programme (EMPr) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA). The commenced activities include a fuelling facility, maintenance workshop, food store, ablution facilities, proposed parking facility for heavy vehicles, and a new access road.

Agri Civils Geo-Tech & Heritage were appointed to provide heritage specialist input into the EA process as per section 24(4)b(iii) of the NEMA and section 38(3) and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Coetzee, T. 2022. Phase 1 Heritage Impact Assessment for the Proposed Lion Valley Truck Stop on Portion 42 of the Farm Rooidraai 34 JT, Mashishing, Mpumalanga*

Half of the development area has been cleared of vegetation. One possible grave was identified near the north-western corner of the development footprint.

Recommendations provided in the report include the following:



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- A 20 m fenced off conservation buffer must be erected around the potential grave;
- A Chance Finds Procedure must be implemented.

## Final Comment

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final Rectification Report and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows;
- BGG Unit conditions: The proposed fence infrastructure which should be at least 1.8m high must include a gate to allow access by the family of the deceased individual. A distance of at least 2m must be maintained between the grave and fence. A buffer-zone of at-least 30m must be established and maintained for effective *in-situ* preservation of the grave. Should relocation of the grave be considered in future, a full 60 days consultation process as stipulated in the NHRA Regulations of 2000 must be implemented to identify the family of the deceased individual who must then be consulted to give consent for the relocation.
- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Nggabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)d – See section 51 of the NHRA regarding offences;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
- If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to

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inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;

- The Final Rectification Report and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the Rectification Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

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Natasha Higgitt  
Heritage Officer  
South African Heritage Resources Agency

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Phillip Hine  
Manager: Archaeology, Palaeontology and Meteorites Unit  
South African Heritage Resources Agency

**ADMIN:**

Direct URL to case: <https://sahrissahra.org.za/node/606738>

[Terms & Conditions:](#)

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1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.