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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 279 OF 2019**NOTICE OF LODGEMENT OF APPLICATIONS FOR THE AMENDMENT OF LICENCE CONDITIONS AND FOR THE REMOVAL OF A BUSINESS TO OTHER PREMISES IN TERMS OF THE EASTERN CAPE GAMBLING ACT, 1997 (ACT NO. 5 OF 1997)**

NOTICE IS HEREBY GIVEN that applications for the amendment of conditions of licence in terms of sections 35 of the Eastern Cape Gambling Act, 1997 (Act No. 5 of 1997) (“the Act”) and for the removal of a business to other premises in terms of section 37 of the Act, particulars of which are set out in the Schedules hereunder, have been lodged with the Eastern Cape Gambling Board (“the Board”).

The applications may be inspected by any person at the offices of the Board, ECGB Building, Quenera Park, Quenera Drive, Beacon Bay, East London and at the head offices of the respective Municipalities (where applicable) within which the applicants’ premises are located as shown in the schedules hereunder.

Any objection, petition or representation (“the submission”) shall be lodged with the Chief Executive Officer of the Board within one (1) month of the date of this notice, which commences on **23 September 2019 until 22 October 2019**.

All submissions shall specify: the application to which the submission relates; the grounds on which the submission is founded; full particulars or facts in substantiation of a submission; the name, address, telephone and fax number of the person making the submission; whether the person making the submission wishes to make oral representations when the application is heard by the Board.

A person lodging a submission may request the Board to determine that his or her identity should not be divulged on good cause shown.

The under-mentioned figures used in brackets in the Schedules have the following meaning:

- (1) = The name and address of the applicant;
- (2) = If the applicant is a company or other corporate body, the names of all persons who have a financial or other interest of 5% or more in the applicant;
- (3) = In the case of a company the initials and surnames of all directors of the company;
- (4) = The type of application applied for; and
- (5) = The address of the premises from which the applicant intends to operate from.

SCHEDULE A - AMENDMENT OF LICENCE CONDITIONS

A1

- (1) Emfuleni Resorts (Pty) Ltd (1996/003925/07) trading as The Boardwalk Casino and Entertainment World, 2nd Avenue, Summerstrand, Port Elizabeth, Eastern Cape;
- (2) Zonwabise Resort Holdings Limited, Boardwalk Community Development Trust, Sun International South Africa Limited, Sun International Employee Share Trust, Afrisun Leisure (Pty) Ltd, Main Street 703 (Pty) Ltd;
- (3) BB Siwisa, Ms Dondolo, MJ Jack, TC Kaatze, TF Mosololi, MR Madwara, MS van Vuuren and D Pillay;
- (4) Amendment of Licence Conditions as proposed/detailed below:

<i>Current conditions of licence the Applicant seeks to amend:</i>	<i>Proposed amendments:</i>
<p>2.2.29“Licensed Premises” means that portion of the Property to be designated as Section 1 - Unit 1 and Unit 2 of the Sectional Title Scheme to be established over the Property in terms of the Sectional Titles Act No 95 of 1986, comprising the Licensed Premises Facilities;</p>	<p>2.2.29“Licensed Premises” means that portion of the Property to be designated as Section 1A and Section 1B of the Sectional Title Scheme to be established over the Property in terms of the Sectional Titles Act No 95 of 1986, comprising the Licensed Premises Facilities;</p>
<p>2.2.33“Mall Development Project” means phase one of the development and upgrading project to be undertaken by the Licensee in terms of which the Licensee shall procure, inter alia -</p> <ul style="list-style-type: none"> 2.2.33.1 the refurbishment of the existing retail area; 2.2.33.2 the construction of a new mall of 14 801m²; 2.2.33.3 the removal of the existing water feature and replacement with a piazza and SunPark; and 2.2.33.4 drive through restaurants; <p>the particulars of which are more fully set out in the Application for amendment to the Conditions;</p>	<p>2.2.33“Mall Development Project” means phase one of the development and upgrading project to be undertaken by the Licensee in terms of which the Licensee shall procure, inter alia -</p> <ul style="list-style-type: none"> 2.2.33.1 the refurbishment of the existing retail area; 2.2.33.2 the construction of a new mall of not less than 19 000 m²; 2.2.33.3 the removal of existing water feature and replacement with a Sunpark piazza; and 2.2.33.4 drive through restaurant; <p>the particulars of which are more fully set out in the Application for amendment to the Conditions;</p>

<p>2.2.34“Mall Development Property” means that portion of the Property to be designated as Section 2 - Units 1, 2, 3, 4, 5 and 6 of the Sectional Title Scheme to be established over the Property in terms of the Sectional Titles Act No 95 of 1986;</p>	<p>2.2.34“Mall Development Property” means to designated as Section 2-5 of the Sectional Title Scheme to be established over the Property in terms of the Sectional Titles Act No 95 of 1996;</p>
<p>8.2 Within 6 (six) months from the date of approval of the Project Development Programme in clause 8.3 below, the Licensee shall advise the ECGBB on whether it is able to proceed with the Mall Development Project based on it having acquired the appropriate project funding from an accredited financial institution of the Licensee’s approval and 70% (seventy percent) tenants having signed up to acquire the retail space in the new mall in clause 2.2.33.2 above. In the event of the Licensee failing to procure the aforementioned, it shall have the right to abandon the Mall Development Project. In such event, the commitments made by the Licensee under the Application shall remain and the Licensee shall have no further obligation as regards the Mall Development Project.</p>	<p>8.2 Within 6 (six) months from the date of approval of the Project Development Programme in clause 8.3 below, the Licensee shall advise the ECGBB on whether it is able to proceed with the Mall Development Project based on it having acquired funding, the project remaining financially viable prior to construction commencement and all the necessary building rights and regulatory approvals. In the event of the Licensee failing to procure the aforementioned, it shall have the right to abandon the Mall Development Project. In such event, the commitments made by the Licensee under the Application shall remain and the Licensee shall have no further obligation as regards the Mall Development Project.</p>
<p>8.3.2 copies of the agreements concluded by the Licensee in connection with the Mall Development Project within 60 (sixty) days from the signature thereof by the respective parties thereto, such agreements to include, indicatively, a comprehensive sale agreement, a co-unit owners agreement, a co-owners agreement, a development agreement, a management agreement, a development management and project management agreement and the scheme rules; and</p>	<p>8.3.2copies of the agreements concluded by the Licensee in connection with the Mall Development Project within 60 (sixty) days from the signature thereof by the respective parties thereto, such agreements to include, indicatively, a memorandum of understanding, a sectional title sale agreement, a sectional title extension agreement, a co-owners agreement, letting mandate, a property management agreement, a development management and the scheme rules; and</p>

(5) 2nd Avenue, Summerstrand, Port Elizabeth, Eastern Cape.

SCHEDULE B - REMOVAL OF A BUSINESS TO OTHER PREMISES**B1**

- (1) K2017440277 (Pty) Ltd (2017/440277/07) t/a Spinners Mthatha, Erf 107, No.7 Sprigg Street, Mthatha, Eastern Cape;
- (2) Ivo Giulio Bertolli and Siphokazi Marambana;
- (3) IG Bertolli and S Marambana
- (4) Removal of an Independent Site Operator licence from Erf 107, No.7 Sprigg Street, Mthatha to Shop 73, 35 Nelson Mandela Street, Mthatha; and
- (5) Shop 73, 35 Nelson Mandela Street, Mthatha, Eastern Cape.

RM Zwane
Chief Executive Officer
Eastern Cape Gambling Board
ECGB Building, Quenera Park, Quenera Drive
Beacon Bay
East London
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