

IN THE MATTER of the Gambling Act 2003
AND on an application by **SKYCITY
 AUCKLAND LIMITED** to
 redesignate the Gambling Area at
 the Auckland casino

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
 P J Stanley
 L Hansen

Date of Decision: 18 February 2011

Date of Notification of Decision: *2nd* March 2011

**DECISION ON AN
 APPLICATION BY SKYCITY AUCKLAND LIMITED
 FOR APPROVAL TO REDESIGNATE THE GAMBLING AREA
 AT THE AUCKLAND CASINO**

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") (the "**Applicant**") applied, under section 139(1)(d) of the Gambling Act 2003 (the "**Act**"), to redesignate the Gambling Area of the Auckland casino.

Act and Licence conditions

- 2 The relevant sections of the Gambling Act 2003 are as follows:

139. Conditions of casino licence

- (1) The Gambling Commission may specify the conditions of the casino licence or vary or revoke the conditions of a casino licence in the following circumstances:
 - (a) on granting a casino operator's licence;
 - (b) on renewing a casino venue licence;
 - (c) on approving a casino venue agreement or an amendment to it;
 - (d) on application by the holder of the casino licence;
 - (e) on its own initiative or on the request of the Secretary.
- (2) A condition of a casino licence specified under subsection (1) –
 - (a) must be consistent with this Act; and
 - (b) must contribute to achieving the purposes of this Act; and
 - (c) must contribute to the efficient and effective administration of this Act; and
 - (d) must not permit an increase in the opportunities for casino gambling; and
 - (e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d)

140 Procedure for specifying, varying, or revoking casino licence conditions

- (1) The Gambling Commission must notify the holder of the relevant casino licence, the Secretary, and any other person who it considers is affected by a proposal to specify, vary, or revoke the conditions of a casino licence
- (2) Notification under subsection (1) must include—
 - (a) the reason for the proposal; and
 - (b) the procedure to be followed before the Gambling Commission makes a decision relating to the proposal
- (3) The holder of the casino licence, the Secretary, and any other person affected may make written submissions to the Gambling Commission concerning the proposal within 20 working days after the date of the notice under subsection (1) or within any longer period that the Gambling Commission allows.
- (4) The Gambling Commission must consider any submissions made under subsection (3) and may, if it considers it appropriate, seek comment from the casino licence holder on the submissions received from the Secretary or other persons affected
- (5) The Gambling Commission must notify the holder of the casino licence, the Secretary, and other persons affected of—
 - (a) its decision concerning the proposal and the reasons for the decision; and
 - (b) the right to appeal the decision and the process for an appeal

3. The relevant licence conditions are as follows:

SCAL's venue licence

- 9 The current Gambling Area for the casino venue is delineated in the plan attached as Schedule 1 to these conditions. A first alternative Gambling Area is delineated in the plan attached as Schedule 2. A second alternative Gambling Area is delineated in the plan attached as Schedule 3.
- 9A A change of Gambling Area will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days prior notice in writing of its intention to adopt one of the approved Gambling Areas referred to in Condition 9 and shown in Schedules 1, 2 or 3

Applicant's submissions

4. The Applicant stated that:

- (a) At present it has three approved Gambling Areas at the Auckland casino.
- (b) It wants to extend these areas to include all of Bar 21, which is located on level 3 of the casino. At present, only part of Bar 21 is within the designated Gambling Areas.

5. The Applicant submitted, in summary, that:

- (a) Developments to be undertaken this year will necessitate closing parts of the Gambling Areas and relocating tables and machines to other parts of the casino while building works are being undertaken



- (b) Bar 21 currently has three gaming tables but only part of it is designated as Gambling Area. This limits the opportunity to install further tables in Bar 21
- (c) Bar 21 is within the defined casino venue so the Commission can specify it as an area where casino gambling is permitted.
- (d) The expanded Gambling Areas will comprise an additional 234 square metres. There will be no increase in table numbers, gaming machine numbers, player spaces or the size of gaming tables.
- (e) There will be no increase in opportunities for casino gambling.
- (f) It does not presently allow patrons aged under 20 years of age to enter Bar 21, and will continue with this policy.
- (g) A condition of a casino licence specified or varied under section 139(1) of the Act must comply with the requirements set out in section 139(2). It is satisfied that its proposal does this.

Secretary's submissions

6. The Secretary had no comments on the Applicant's proposal.

Analysis

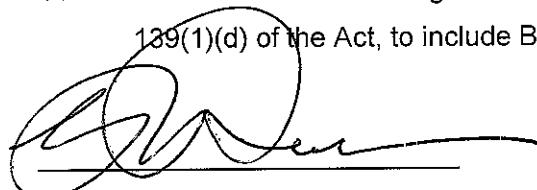
7. SCAL presently has three approved Gambling Areas which the Commission approved in December 2010 by decision GC33/10. This application is to extend these approved Gambling Areas to include all of Bar 21.
8. This extension raises no issues of regulatory concern for the Commission. As it has noted in previous decisions (see decisions GC25/10 and GC33/10), the Commission has the jurisdiction to reconfigure a casino's Gambling Area, provided that any extended area remains within the casino venue and that the licence condition defining the new area is consistent with section 139(2) of the Act.
9. The Commission was satisfied that the proposed redesignation would not extend the casino venue. SCAL's venue licence defines the casino venue as the block bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West (except for the underground carpark, the Sky Tower, the bus station and the walkway between the Sky Tower and the casino complex). Bar 21 is clearly well within the casino venue.



10. The Commission has already determined that licence conditions 9 and 9A are consistent with section 139(2) (see decision GC33/10). This decision does not amend the conditions; rather it amends the schedules attached to the conditions.

Decision

- 11 The Commission redesignated the Gambling Areas at the Auckland casino, under section 139(1)(d) of the Act, to include Bar 21. The redesignated Gambling Areas are **attached**.



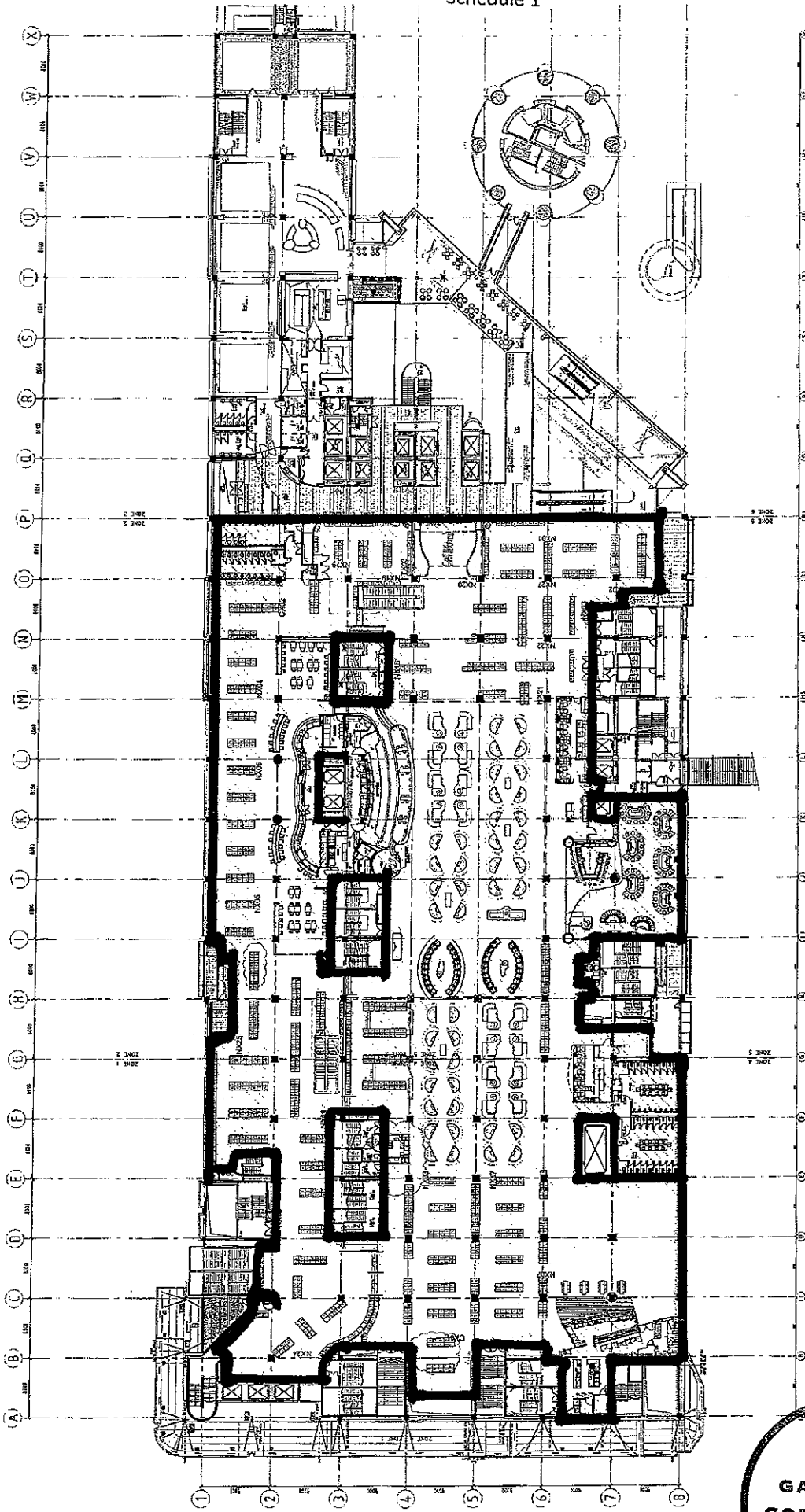
Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

8th March 2011



Schedule 1



GAMING AREA: 6,028m² (64,831 SQ. FT.)

SCHEDULE	
CHANGING	017
RESTROOM	018
STAIR	019
ELEVATOR	020
MECHANICAL	021
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Client	SKY CITY ENTERTAINMENT GROUP
Scale	AS SHOWN
Date	08/11/11
Drawn by	[Name]
Checked by	[Name]
Approved by	[Name]

SKY CITY ENTERTAINMENT GROUP
Gaming Layouts

SKY CITY
ENTERTAINMENT GROUP

SKY CITY ENTERTAINMENT GROUP
Gaming Layouts

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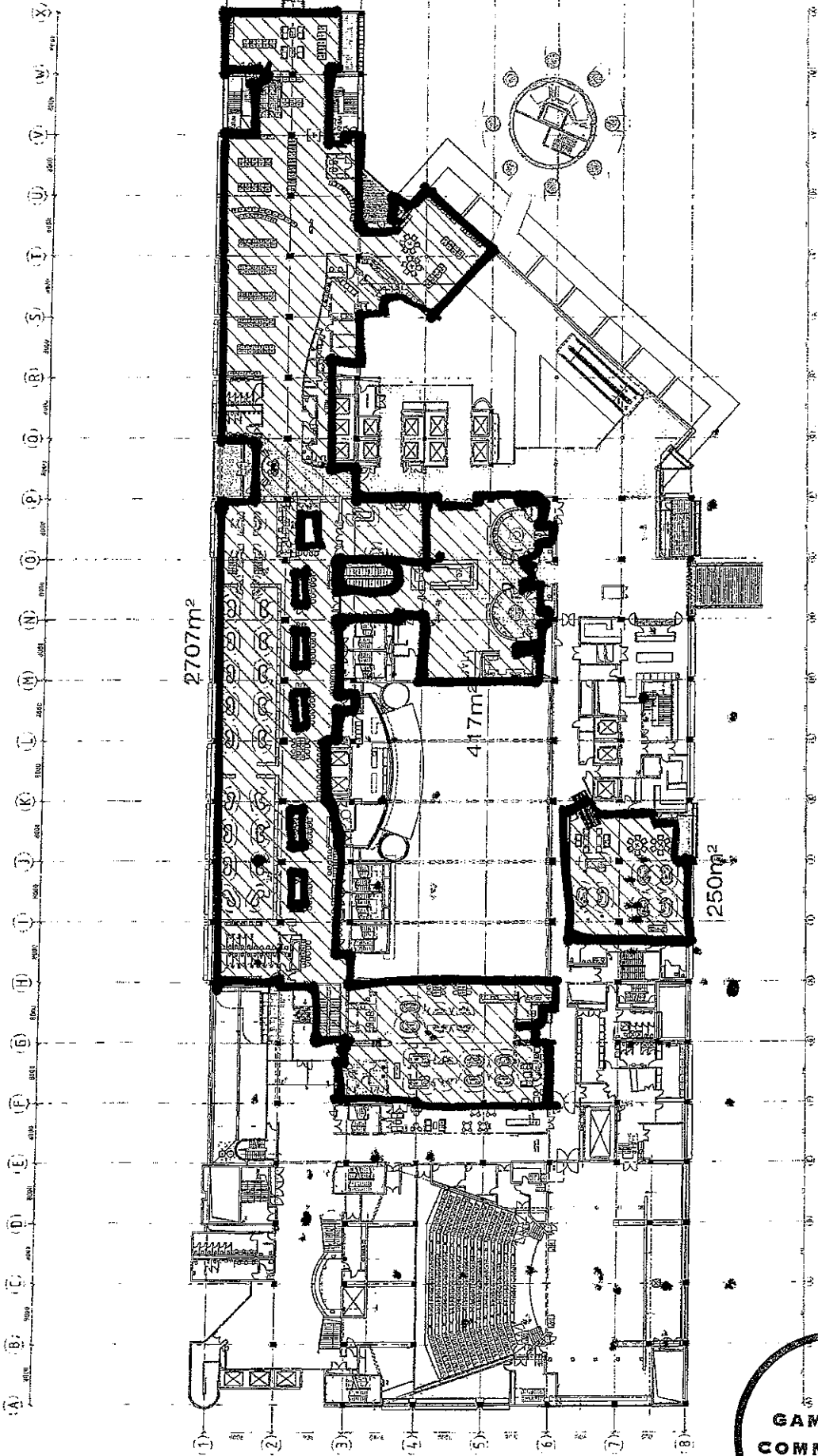
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Gaming Layouts

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Gaming Layouts

Schedule 1



CR654 B 302/0685
 BAR 426 B 227/0689
 Level 3 Gaming Area
 1000 sqm
 Architect: Moller Architects
 www.mollerarchitects.com

moller Architects



SKY CITY ENTERTAINMENT GROUP
 Gaming Layouts

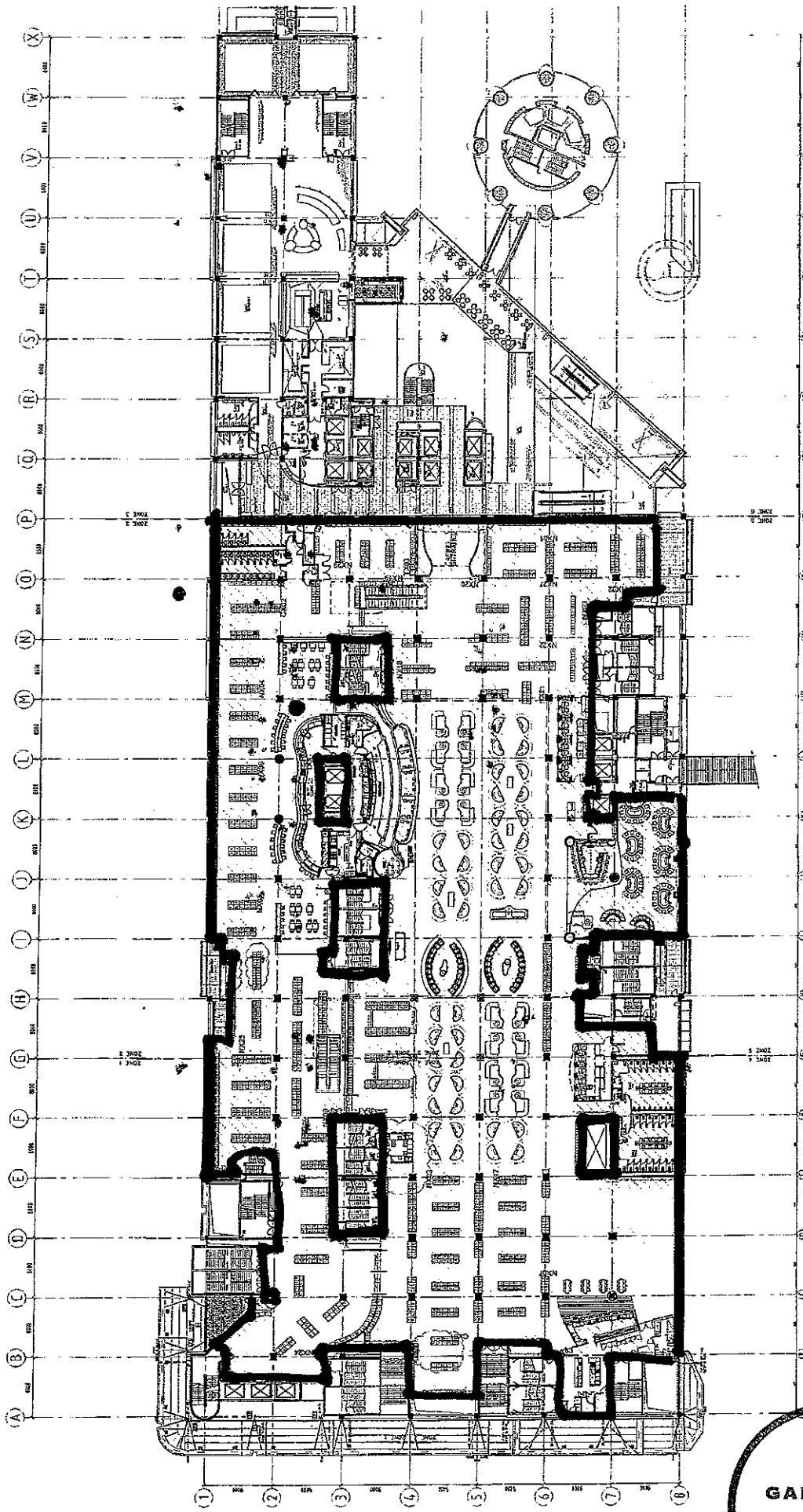
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 Checked by: [Name]
 Approved by: [Name]
 Date: 17 November 2008 9:23 AM

DESIGNER'S DECLARATION
 I, the Designer, hereby declare that I am a registered architect in New Zealand and that I am qualified to prepare architectural drawings and that I have prepared these drawings in accordance with the provisions of the Resource Management Act 1991 and the Building Act 2004.

DRAWING TITLE
 Level 3 Gaming Layout
 SKYCITY
 Bar 21 - Gaming Zone

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Schedule 2



SCHEDULE

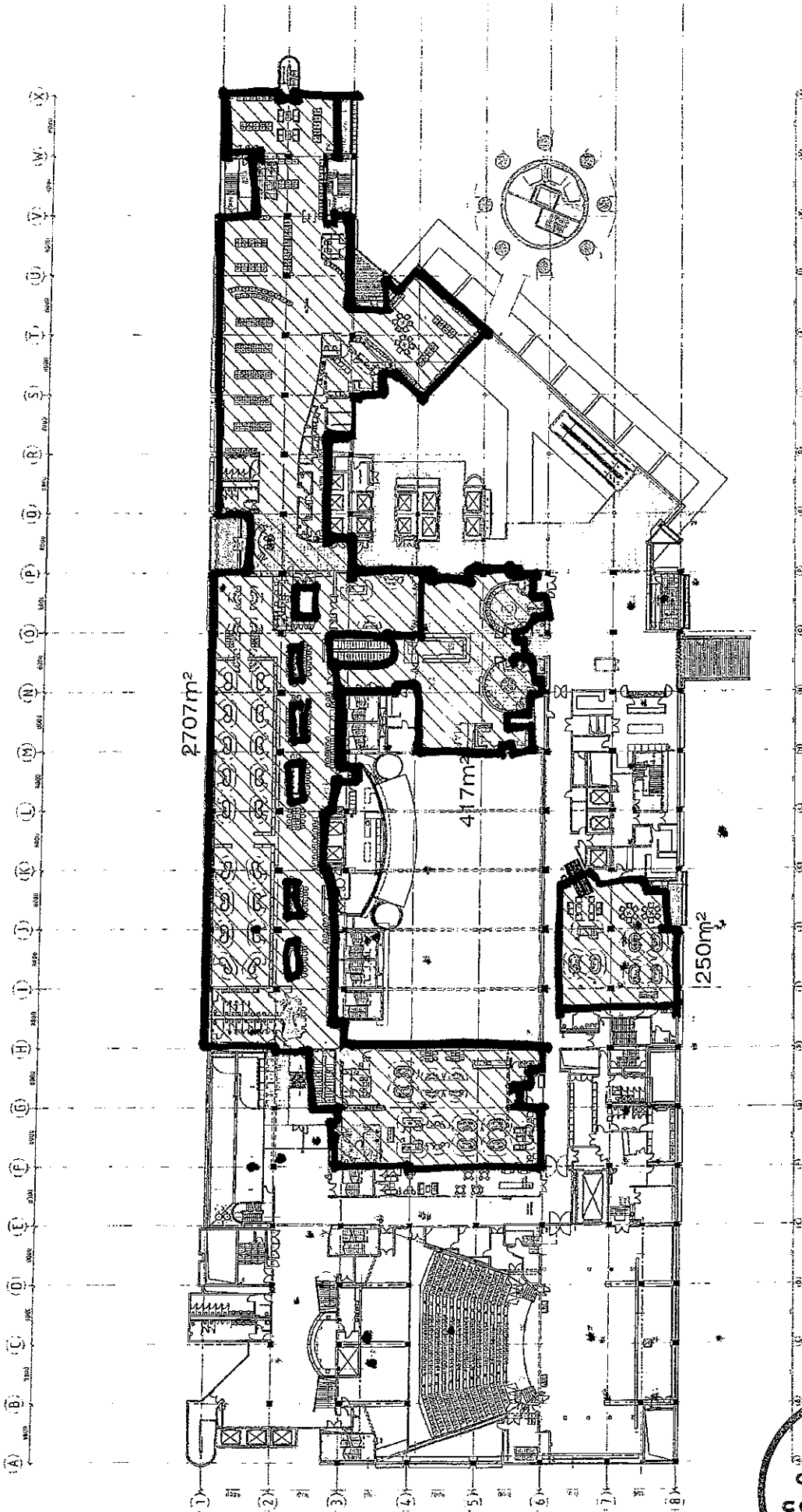
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PROJECT OWNER	SKY CITY ENTERTAINMENT GROUP
PROJECT MANAGER	DAVID J. HARRIS
PROJECT ARCHITECT	MOLLER ARCHITECTS

GAMING AREA: 6,023m² (64,831 SQ. FT)



<p>CLIENT AND ARCHITECT</p> <p>SKY CITY ENTERTAINMENT GROUP GAMING LAYOUTS</p> <p>MOLLER ARCHITECTS</p>	<p>DRAWING TITLE</p> <p>Level 2 Gaming Layout SKY CITY</p>	<p>SCALE</p> <p>AS SHOWN</p>	<p>DATE</p> <p>01/11/2008</p>	<p>PROJECT NO.</p> <p>0000</p>	<p>PROJECT NAME</p> <p>SKY CITY</p>	<p>PROJECT ADDRESS</p> <p>1000 WEST 10TH AVENUE, DENVER, CO 80202</p>	<p>PROJECT OWNER</p> <p>SKY CITY ENTERTAINMENT GROUP</p>	<p>PROJECT MANAGER</p> <p>DAVID J. HARRIS</p>	<p>PROJECT ARCHITECT</p> <p>MOLLER ARCHITECTS</p>

Schedule 2



moller Architects[®]
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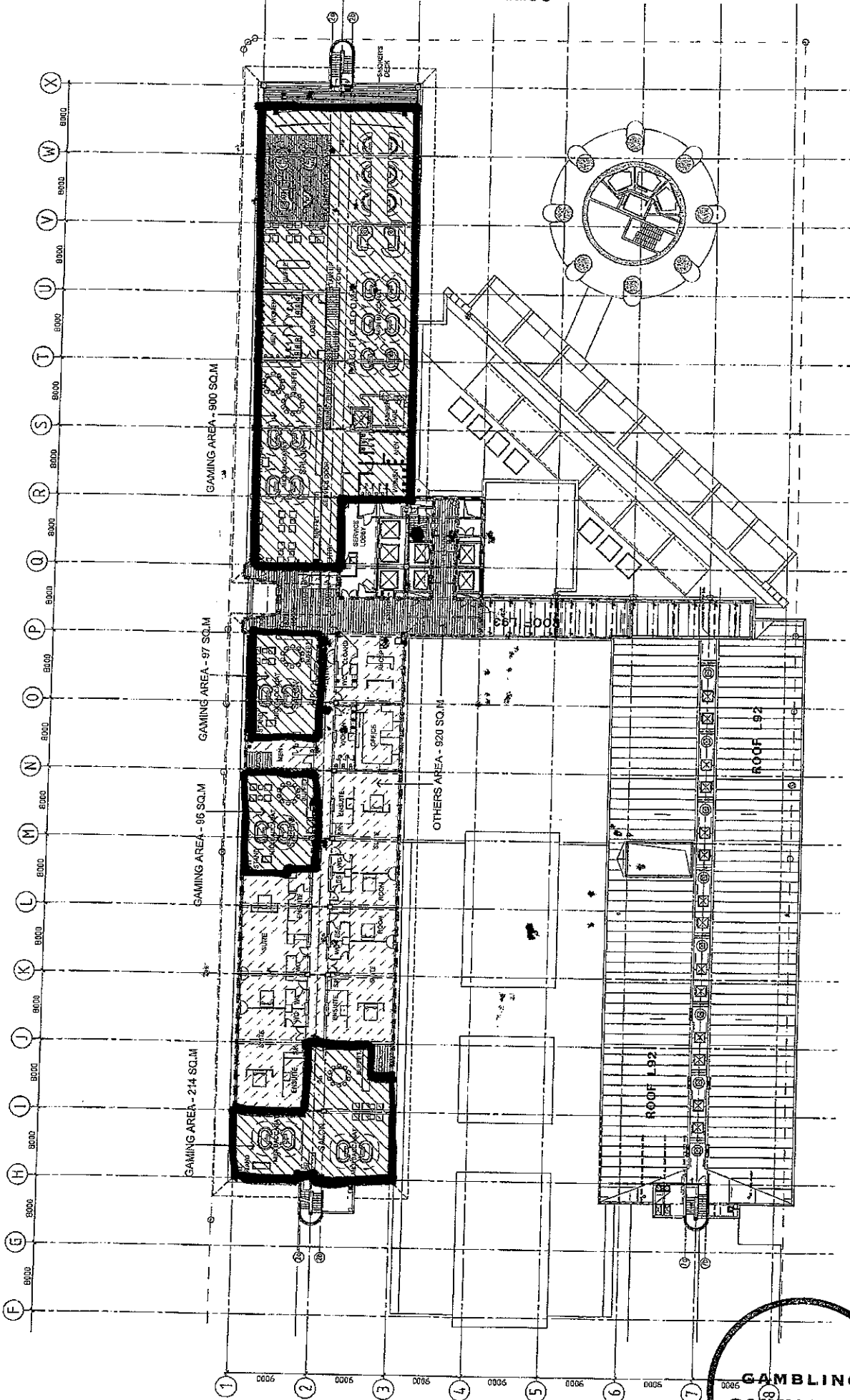
Client and Project
 Sky City Entertainment Group
 Gaming Layouts

Drawing Information
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 Scale: 1/8" = 1'-0"

Drawing Title
 Level 3 Gaming Layout
 SKY CITY
 Bar 21 - Gaming Zone

Revision
 5256 A1203(B) 01

Schedule 3



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