

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY AUCKLAND LIMITED** to vary conditions 9 and 9A of its venue licence

BEFORE THE GAMBLING COMMISSION

Members: L M Hansen (Chief Gambling Commissioner)
W N Harvey
S C L Pearson

Date of Application: 9 June 2021

Date of Decision: 2 July 2021

Date of Notification
of Decision: 6 July 2021

**DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED
TO VARY CONDITIONS 9 AND 9A OF ITS VENUE LICENCE**

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission, pursuant to section 139(1)(d) of the Gambling Act (the "**Act**"), to vary conditions 9 and 9A of its venue licence.

Licence conditions

2. The relevant licence conditions, with the proposed amendments shown in mark-up, are as follows:

SCAL's venue licence

9. The current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. Alternative Gambling Areas for levels 2 and 3 of the casino, and level 7 of the Grand Hotel, included in the Gambling Area are delineated in the plans attached as Schedule 2 and will form part of the Gambling Area only after being activated as provided for in condition 9A.
- 9A. ~~Either or both~~ Any of the alternative Gambling Areas depicted in the plans attached as Schedule 2 will take effect subject to the following:
 - (a) the Licence Holder providing the Commission and the Inspectorate with a minimum of two working days' notice in writing of its intention to use either or both of the alternative Gambling Areas; and
 - (b) the Licence Holder specifying in the notice, the date and time at which either or both of the alternative Gambling Areas will take effect and the date and time the will terminate. At the end of the notified period the Gambling Area will revert to the area delineated in Schedule 1.

Relevant section of the Act

3. The relevant section of the Act is as follows:

139 Conditions of casino licence

- (1) The Gambling Commission may specify the conditions of a 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 purpose 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).

SCAL's submissions

4. SCAL submitted, in summary, as follows:

- (a) It seeks the flexibility to move a part of the Casino in and out of its designated Gambling Area, depending upon the needs for the area.
- (b) At present, Level 7 of the Grand Hotel is designated as part of the Casino's standard Gambling Area, but it wants to make it part of the Casino's alternative Gambling Area. This will allow non-gaming functions to take place there when it is not being utilised for gambling activity.
- (c) Level 7 is not open to the public and is currently used exclusively for international business customers. It wants to utilise the space, on occasion, for non-gaming functions, as may be requested by hotel guests from time to time.
- (d) These functions may involve people aged under 20 years, so it seeks the flexibility to un-designate this area, as required. All gambling equipment would be removed when it utilises this area for such functions.
- (e) If the application is approved, it will submit a new floor plan for approval showing the area without any gambling equipment.
- (f) The change to the Gambling Area will not increase opportunities for casino gambling and will have no adverse impact on its obligations to restrict access to the Gambling Area.

- (g) The proposal provides a reduction to the current Gambling Area.

The Secretary's submissions

5. The Secretary had no regulatory concerns with SCAL's proposal.

Analysis

6. SCAL applied to vary conditions 9 and 9A of its venue licence in order to move Level 7 of the Grand Hotel from its standard Gambling Area (in Schedule 1), to become an alternative Gambling Area (in Schedule 2). If approved, this would allow Level 7 to be designated, or undesignated, as Gambling Area subject to the appropriate notification being provided by SCAL, pursuant to condition 9A of its venue licence.
7. This proposal raises no issues of regulatory concern for the Commission. Level 7 is already designated as standard Gambling Area and SCAL's proposal will mean that it is removed from this Area, but can become "live" again on notice. The proposal will not extend the Gambling Area beyond the casino venue, as defined in the venue licence, and the proposed licence condition amendments are consistent with s139(2) of the Act.

Decision

8. The Commission varied conditions 9 and 9A of SCAL's venue licence, pursuant to section 139(1)(d) of the Act. Conditions 9 and 9A now provide as follows:
9. The current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. Alternative Gambling Areas for levels 2 and 3 of the casino, and level 7 of the Grand Hotel, are delineated in the plans attached as Schedule 2 and will form part of the Gambling Area only after being activated as provided for in condition 9A.
- 9A. Any of the alternative Gambling Areas depicted in the plans attached as Schedule 2 will take effect subject to the following:
- (a) the Licence Holder providing the Commission and the Inspectorate with a minimum of two working days' notice in writing of its intention to use either or both of the alternative Gambling Areas; and
- (b) the Licence Holder specifying in the notice, the date and time at which either or both of the alternative Gambling Areas will take effect and the date and time they will terminate. At the end of the notified period the Gambling Area will revert to the area delineated in Schedule 1.
9. The amended Schedules 1 and 2 are **attached** (with Level 7 of the Grand Hotel relocated from Schedule 1 to Schedule 2).

Right of appeal

10. Pursuant to section 235 of the Act, a person affected by this decision may appeal that decision to the High Court. An appeal must be made within 15 working days of the date of notice of the Commission's decision, or any longer period that the High Court may allow.



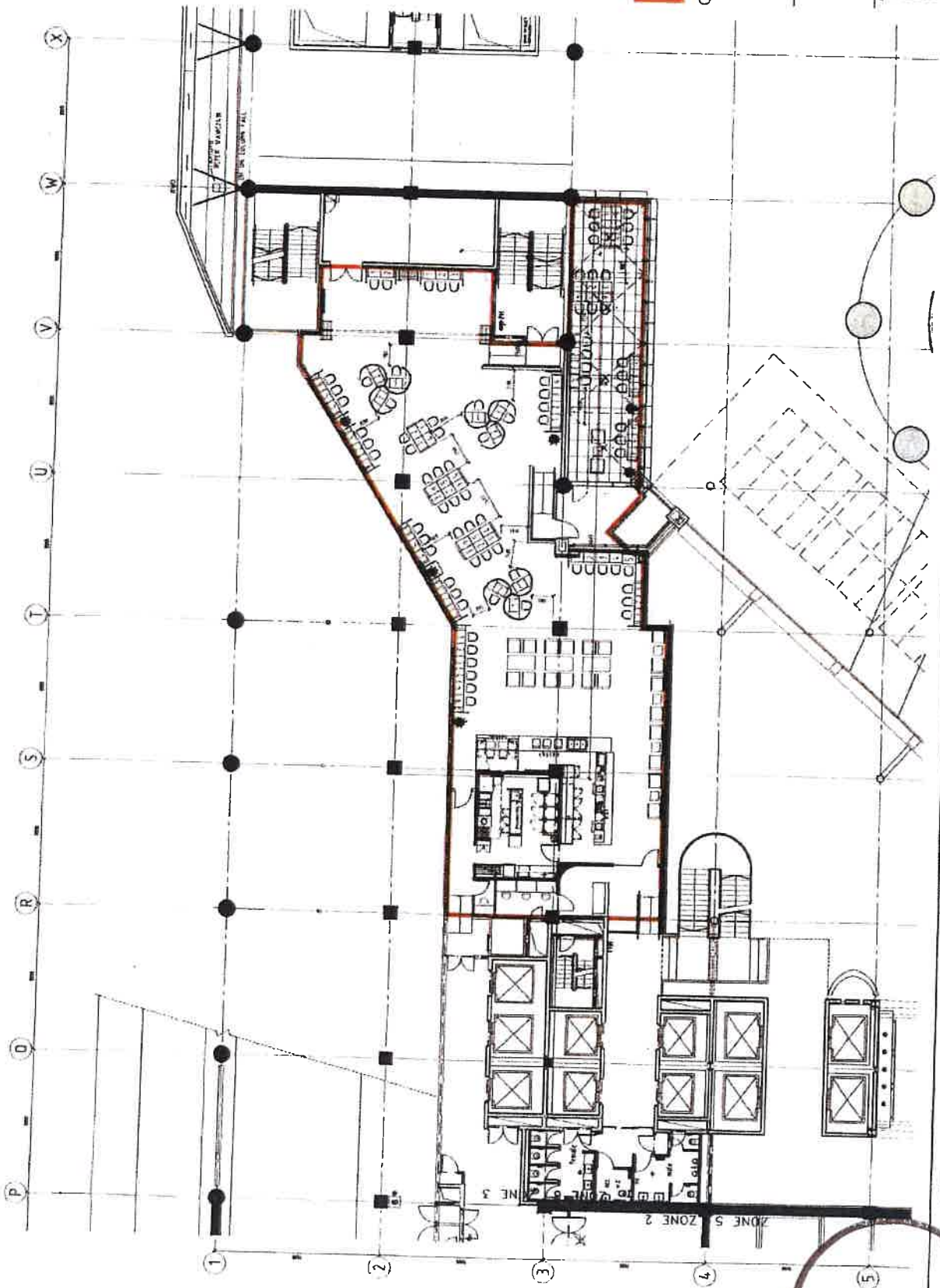
Lisa Hansen
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

6 July 2021



SCHEDULE 1



GAMING AREA: 495m²

GAMBLING
COMMISSION

Call 416 327-0888
For 101-101-1000
City of Toronto
Public Works
100 Queen Street West
Toronto, Ontario M5H 2M2

Moller Architects
Architects



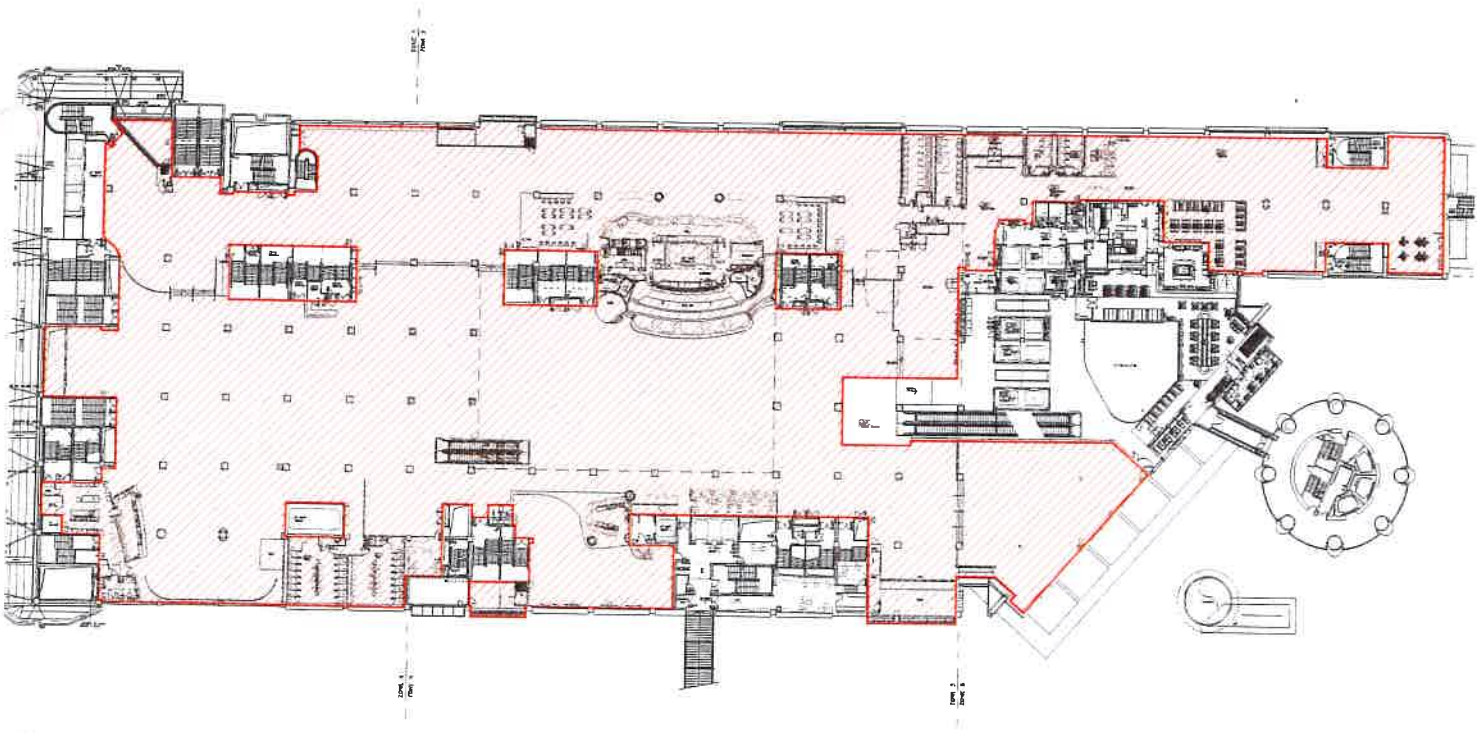
Sky City Entertainment Group

Project Name: SkyCity Entertainment Group
Project No.: 100-101-1000
Drawing No.: 100-101-1000-001
Drawing Title: VIP PLATINUM BLACK GAMING AREA
Scale: 1:100
Date: 2 August 2013

VIP PLATINUM BLACK
GAMING AREA

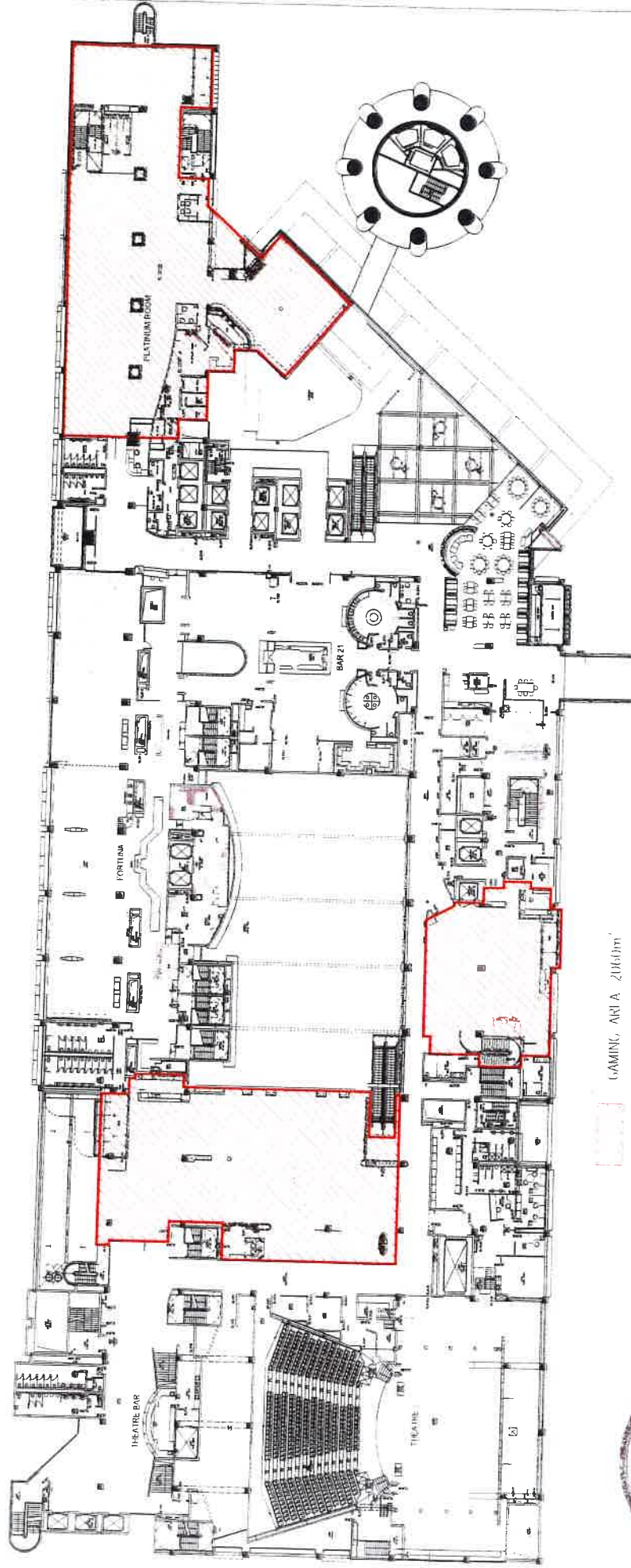
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A5335

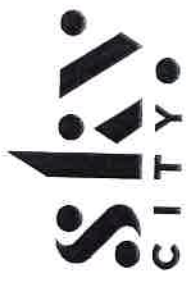


SKY CITY MAIN SITE
Level 2
Scaled 1:1000@A4

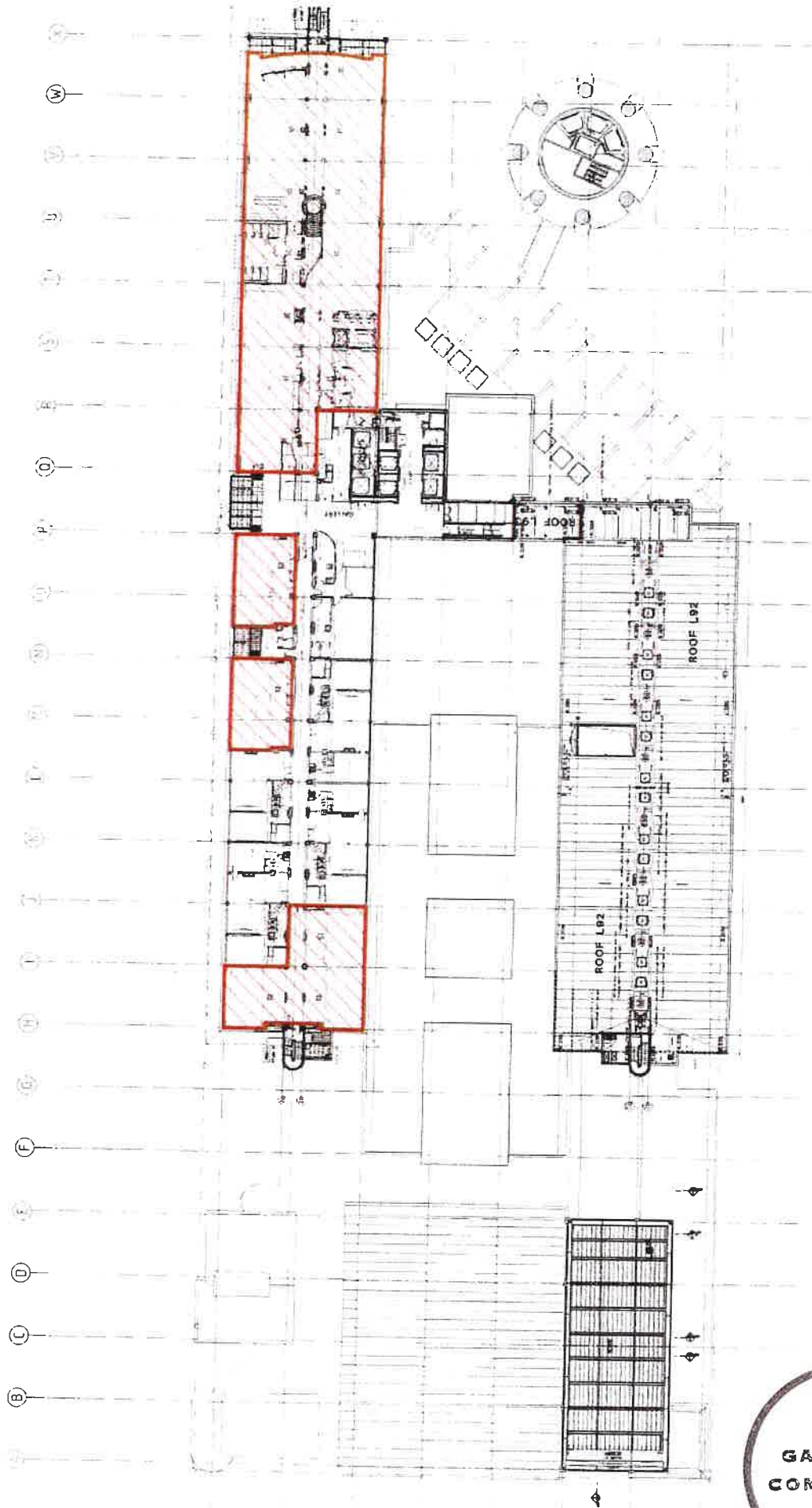




GAMING AREA - 216,610'



SKY CITY MAIN SITE
Level 3



GAMING AREA: 1,309m²



SKY CITY - VIP GAMING
LEVEL H5
GAMING AREAS
15/10/2012

Project Name	SKY CITY - VIP GAMING
Project No.	15/10/2012
Client	Sky City Entertainment Group
Architect	Moller Architects
Scale	1:100
Author	[Name]
Check	[Name]
Date	15/10/2012

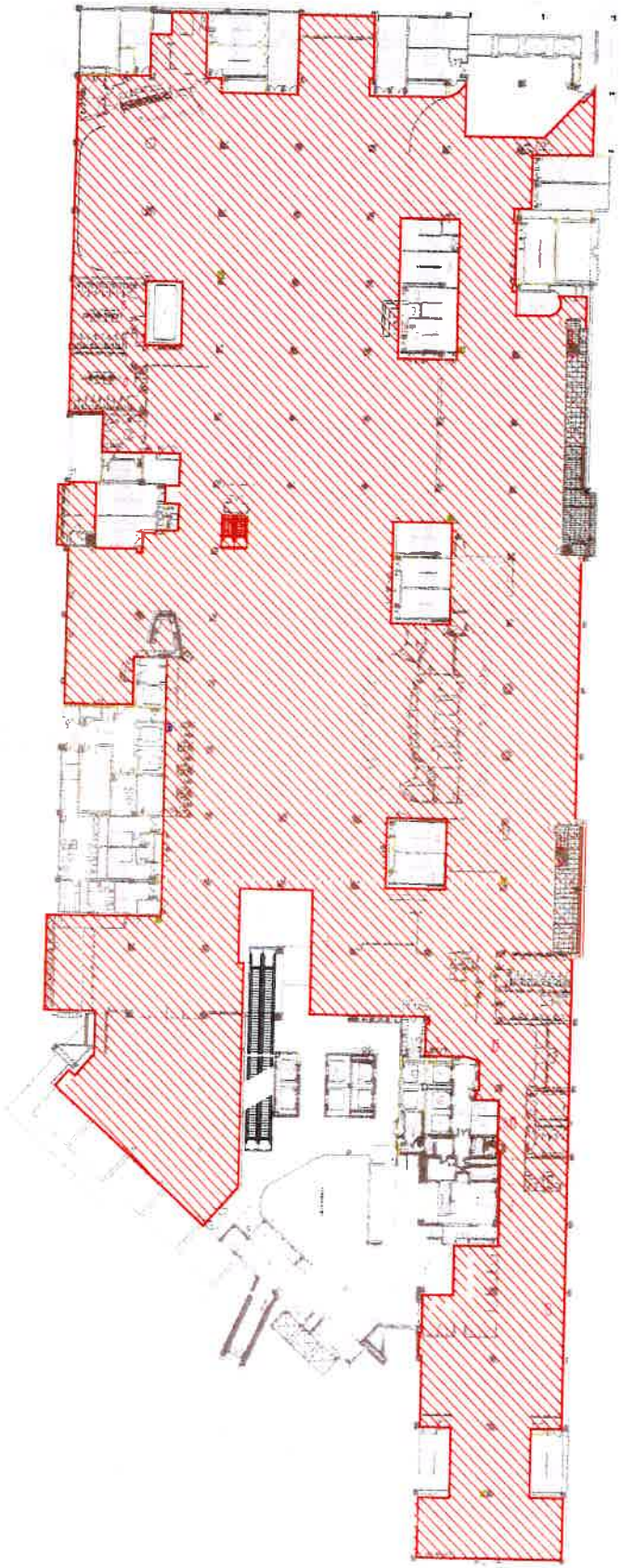
Sky City Entertainment Group
Gaming Layouts



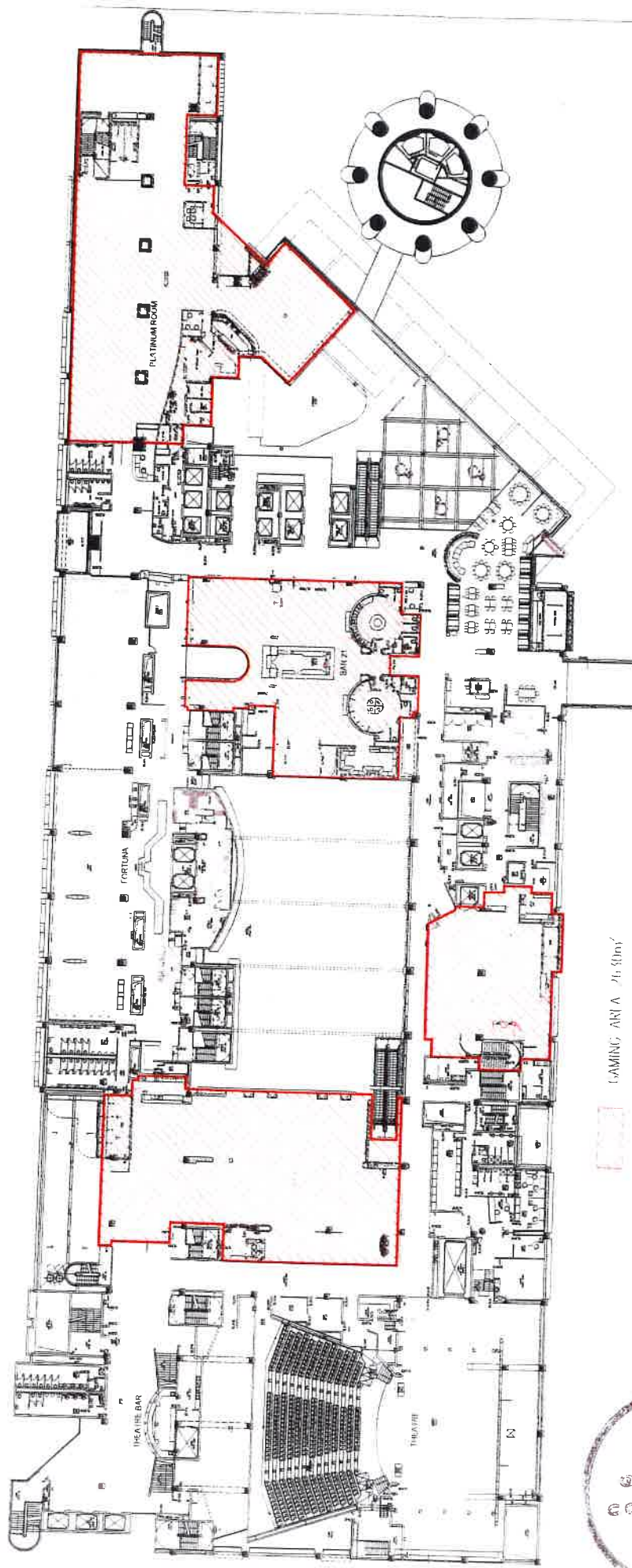
Call 08 337866
Fax 08 3370889

moller. Architects

SCHEDULE 2



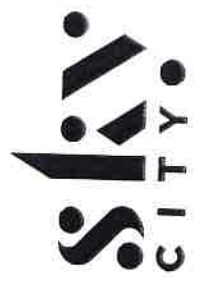
SKY CITY MAIN SITE
Level 2
Scaled 1:1000 @A4

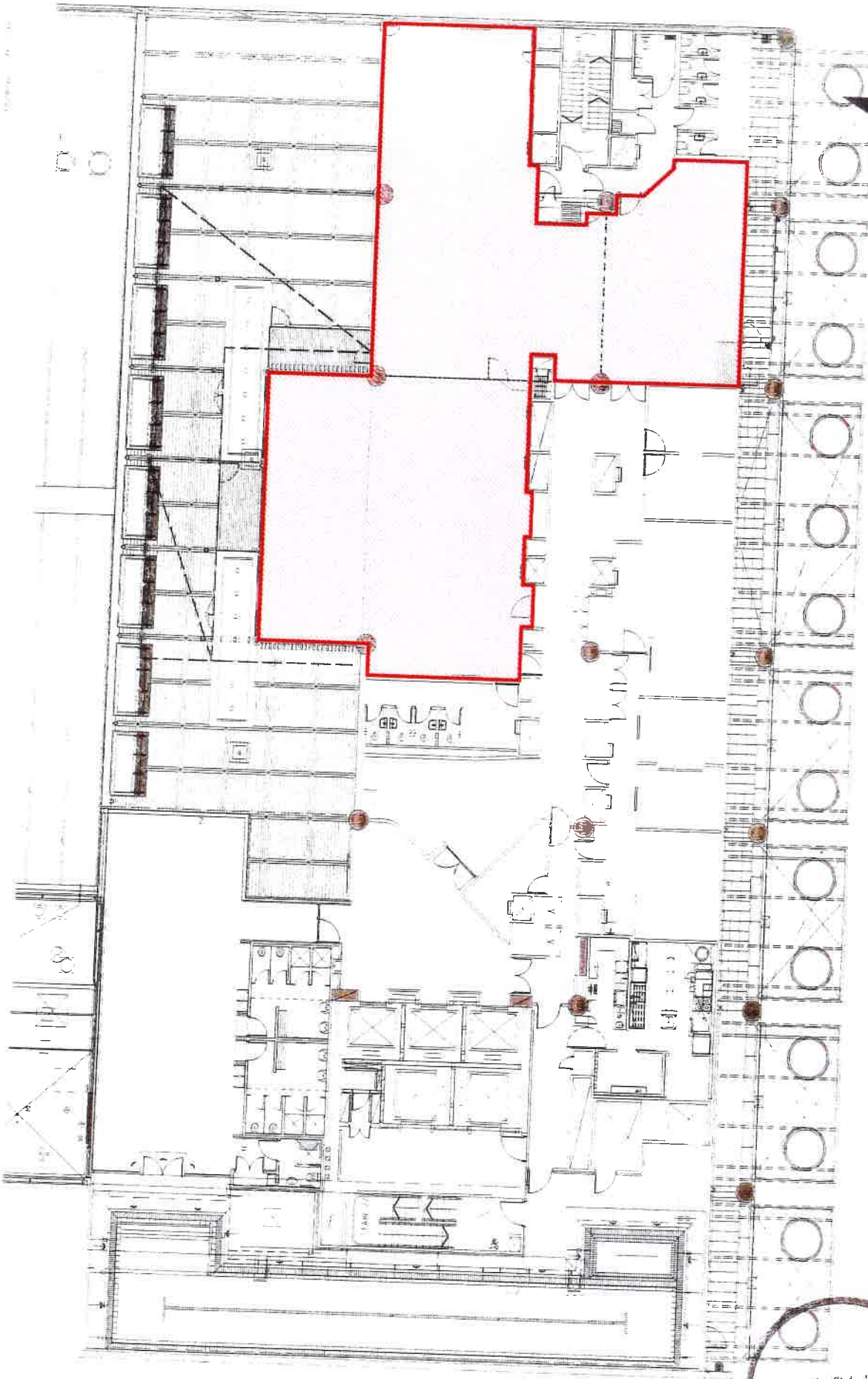


GAMING AREA 21,500m²

SAMPLING
COMMISSION

SKY CITY MAIN SITE
Level 3





Convention Centre Level 7