

IN THE MATTER of the Gambling Act 2003

AND of an application by **SKYCITY
AUCKLAND LIMITED** for
approval to floor layout plans

BEFORE THE GAMBLING COMMISSION

Members: P Chin (Chief Gambling Commissioner)
K M Ford
M M Lythe
P Stanley
G Reeves

Date of Applications: 20 April 2005, 10 May 2005

Date of Decision: 18 May 2005

Date of Notification: 23 May 2005
of Decision

DECISION

**ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED
FOR APPROVAL TO FLOOR LAYOUT PLANS**

Application

1. SKYCITY Auckland Limited (the "**Applicant**") applied on 20 April 2005 for approval of revised floor plans for Levels 2 and 3 of SKYCITY Auckland casino under condition B1(a) of its venue licence. Two alternative sets of plans were submitted for approval – Plans C and D – the difference between the two being the positioning of a Money Wheel on Level 3, and the removal in Plan D of a bank of 12 gaming machines to accommodate a Money Wheel.
2. The Applicant amended its application on 10 May 2005, and applied for approval of an additional set of interim floor plans, to enable it to place 20 gaming machines where Rapid Roulette is shown on Plans C and D. The Applicant sought to rely on the interim plans until such time as the status of Rapid Roulette is resolved and is able to be operated as a table game.

Statutory criteria

The application (as modified) was for approvals under a licence condition. As there was no variation of a licence condition, the Commission was not required to formally consult on the proposals as provided in section 140 of the Gambling Act 2003 (the "**Act**").

4. The Commission is, however, free to determine its own procedure in terms of processing approval applications. In the circumstances, the Commission considered it appropriate to seek the views of the Secretary, given his operational interest.

Licence conditions

5. Condition B1 (as amended by the Commission in GC02/04) provides as follows:

Approval of specifications for security and surveillance installations

The licence holder shall submit to the Commission for approval all drawings and specifications (except as provided in B2) relating to:

- (a) gaming area floor layouts showing gaming tables, gaming machines and close circuit television cameras;
- (b) lighting and any catwalk or viewing panels;
- (c) cashier cages, card rooms, security areas and access thereto;
- (d) areas for inspectors and casino security staff;
- (e) electrical installations, telephone installation, auxiliary power; and
- (f) the master key system or access control system.

Submissions by the Applicant

6. The Applicant submitted that the proposed changes shown in Plans C and D were minor and had no implications under sections 11 and 12 of the Act. Proposed changes included, on Level 2, the installation of three gaming machines on the Main Gaming Floor and the removal of six gaming machines from the VIP gaming area. On Level 3, changes included the reconfiguration of two banks of machines, one within and one outside the Level 3 VIP gaming machine area (now referred to as the "Platinum Room" by the Applicant).
7. The Applicant noted that both sets of Plans – C and D – provided for the operation of less than the maximum number of gaming machines permitted in its licence conditions (1624 and 1612 gaming machines, respectively, for Plans C and D). The Applicant stated that:

We reserve our right to add further machines to the floor at a later stage up to the maximum allowed by licence conditions (subject to the Commission's approval of any necessary revisions to the floor plans).

8. In respect of the interim plans, the Applicant submitted that it would remain within maximum machine numbers and permitted ratios between machines and tables, and that there were no implications under sections 11 and 12 of the Act. On the basis of there being 109 tables, the Applicant calculated that the maximum permitted number of gaming machines was 1635. The Applicant submitted that it would remain within this number. In particular, the Applicant noted that the number of machines in the position identified for

Rapid Roulette would be reduced from 20 to 11 when the Platinum Room is opened in July 2005.

9. The Applicant submitted that the changes would result in only slight adjustments being made to the camera positions previously approved by the Commission in decision GC05/05. The Applicant noted that the Department of Internal Affairs would be notified of any such changes in accordance with the Minimum Operating Standards.

Submissions by the Secretary

10. The Secretary submitted that he had "no concerns" in relation to the original application and the interim plans. The Secretary confirmed the requirement that he be updated of any changes in camera positions.

Analysis

11. The Commission accepted that the proposed modifications to the floor plans shown in Plans C and D were minor and did not have any implications for sections 11 and 12 of the Act. In decision GC05/05, the Commission approved alternative floor plans showing two different floor positions for a Money Wheel in order to provide the Applicant with flexibility to reposition it. The Commission decided to continue this approach by approving Plans C and D.
12. In decision GC02/05 the Commission approved floor layouts incorporating Rapid Roulette on condition that Rapid Roulette can be operated as a table game only if and when a regulation is made under section 368 of the Act declaring it not to be a gaming machine. A regulation has not yet been passed to exclude Rapid Roulette and Touchbet from the definition of a gaming machine, this being a matter for the Executive.
13. The Commission agreed, in the circumstances, to approve the interim plans to allow the Applicant to install a maximum of 20 gaming machines until such time as the status of Rapid Roulette is resolved. This is on condition that the Applicant remains at all times within specified maximum numbers for gaming machines calculated in accordance with the machine/table ratio. The Commission noted, in particular, that the number of gaming machines in the position identified on Plans C and D for Rapid Roulette will be reduced by nine when the Platinum Room is opened.

Decision of Commission

14. The Commission decided unanimously that the proposal was consistent with the Act, and pursuant to condition B1(a) approved:



- (a) the floor layout plans for Levels 2 and 3 shown in Plans C (Drawing No. A1202 Revision 2 and Drawing No. A1203 Revision E) attached to this decision;
- (b) in the alternative to Plans C, the floor layout plans for Levels 2 and 3 shown in Plans D (Drawing No. A1202 Revision 2 and Drawing No. A1203 Revision 01a) attached to this decision, those plans showing the alternative position for Money Wheel on Level 3 and associated changes to gaming machines; and
- (c) the floor layout plans for Levels 2 and 3 shown on the "Interim Floor Plans" (Amended drawing No. A1202 Revision 2 and Amended drawing No. A1203 Revision E) attached to this decision, those plans showing the 20 gaming machines in place of Rapid Roulette. Approval was granted on condition that:
 - (i) the Interim Floor Plans can be relied upon until such time as Rapid Roulette is installed;
 - (ii) the number of gaming machines shown in place of Rapid Roulette is reduced from 20 to 11 when the Applicant seeks to rely on Plan C; and
 - (iii) compliance at all times with licence conditions relating to maximum table and gaming machine numbers and ratios between the two.

15. The Commission requires the Applicant to provide the Commission and the Inspectorate with five working days notice in writing of its intention to rely on Plans C or D.

Right of appeal

16. 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.

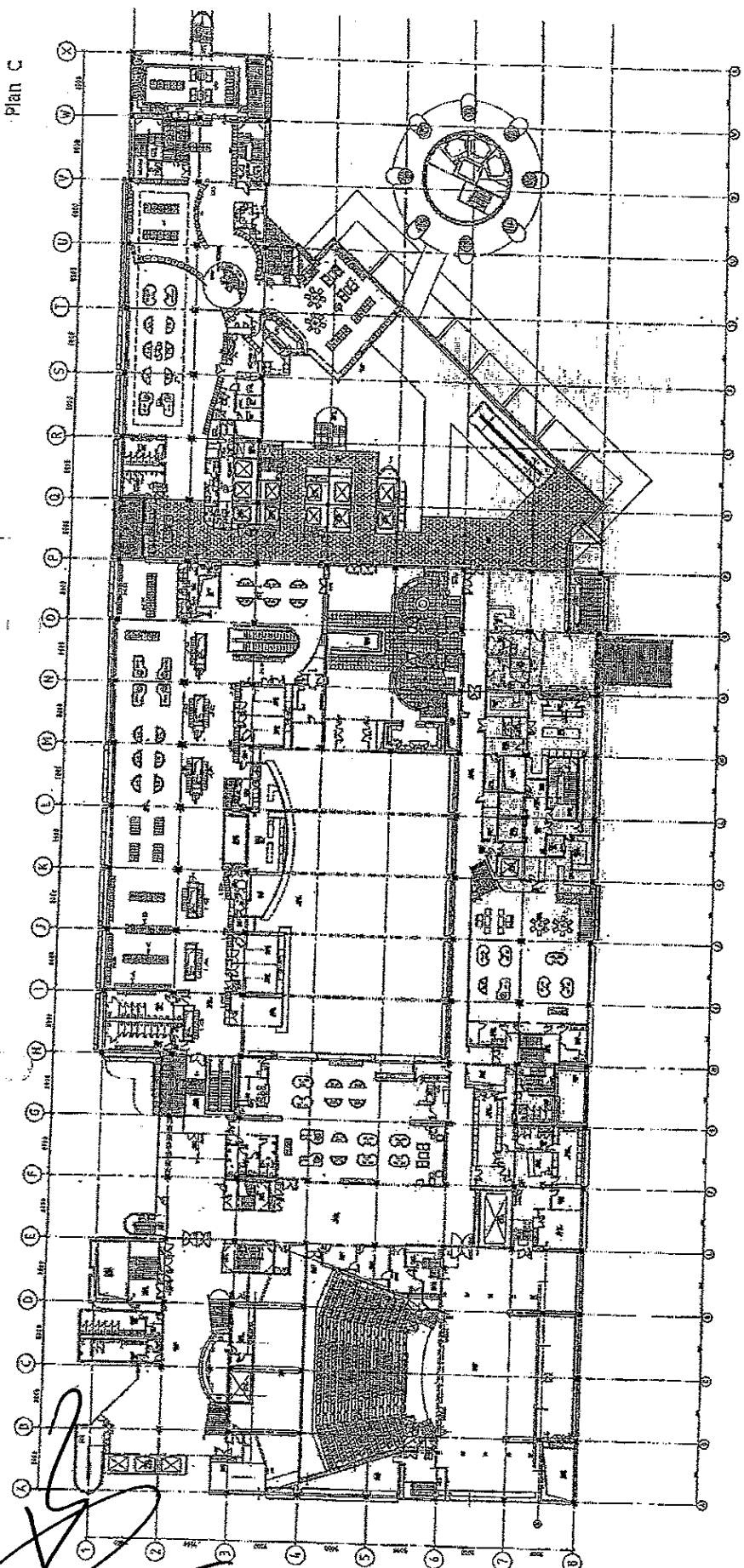
 

Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

23 May 2005

Plan C



Plan C

Up to 110 tables and 1647 gaming machines may be operated in accordance with license conditions. This plan depicts 110 tables and 1624 gaming machines on the level plan of the gaming areas. SKYCITY may operate any of the following game types in the configuration shown:

- Gaming Machines up to 1624 games
- Blackjack/Pontoon up to 46 games
- Roulette up to 21 games
- Electronic Roulette up to 4 games
- Caribbean Stud Poker up to 10 games
- Hold'em Backgammon up to 7 games
- Big Six up to 4 games
- Table Top up to 4 games
- Money Wheel up to 2 games

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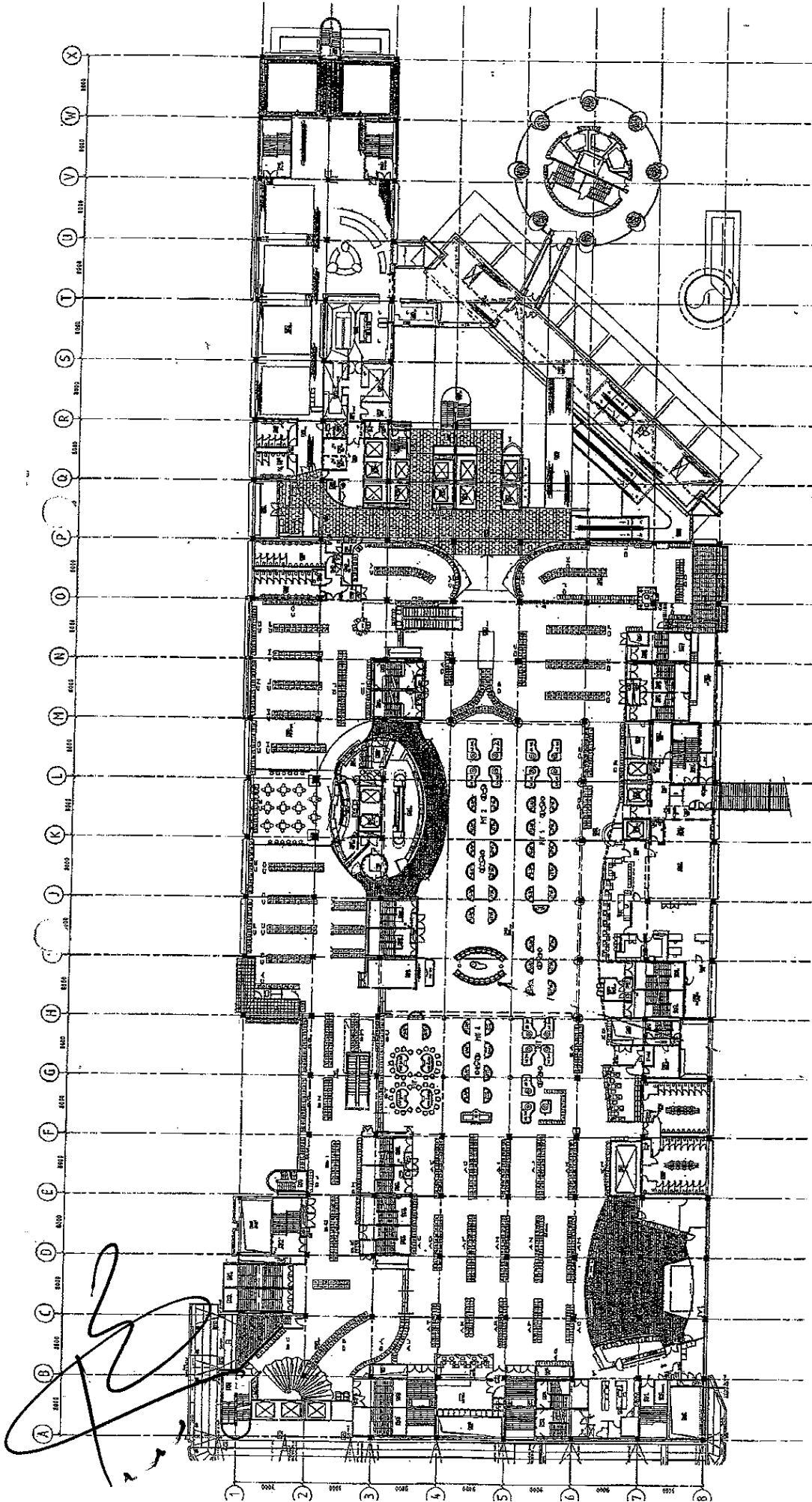
SKYCITY ENTERTAINMENT CORP.
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 TEL: 617 352 1234 FAX: 617 352 1235
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PROPOSED LAYOUT / LOCATION PLAN
LEVEL 3 SKYCITY.

SKYCITY ENTERTAINMENT GROUP
 Level 3 vjp

DATE: 01/11/2011
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: [Number]
 SHEET NO: [Number] OF [Total]
 SCALE: 1/8" = 1'-0"

INTERIM FLOOR PLAN



Up to 109 tables and 1635 gaming machines may be operated in the locations depicted on the two level plans of the gaming areas. SKYCITY may operate any of the following game types in the configuration shown:

Gaming Machines	up to 1635 games
Blackjack/Poison	up to 46 games
Roulette	up to 21 games
Electronic Roulette	up to 4 games
Cribbean Stud Poker	up to 10 games
Mini Baccarat	up to 17 games
Mini Baccarat	up to 7 games
Pat Gow	up to 4 games
Tai Sai	up to 1 games
Money Wheel	up to 2 games

REVISION	BY	DATE
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SKYCITY
 DRAWING NO. 9901
 I.A 1202

SKYCITY
 Level 2 Gaming Layout

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 Gaming Layouts

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