

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 M Hansen
 R D Bell
 A K Foote

Date of Application: 16 October 2012

Date of Decision: 7 December 2012

Date of Notification
 of Decision: 11th December 2012

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

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission to redesignate the Gambling Area at the Auckland casino. The application was made pursuant to condition 9 of SCAL's venue licence.

Act and licence conditions

2. The relevant section of the Gambling Act 2003 (the "**Act**") is 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).

3. The relevant licence conditions are as follows:

SCAL's venue licence (Auckland)

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 and 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 and 3.

SCAL's submissions

4. SCAL submitted, in summary, as follows:

- (a) It wants to make minor changes to each of the approved three Schedules specifying the Gambling Areas at the Auckland casino.
- (b) The changes will result in a slight increase in the Gambling Area on levels 2 and 3 of the casino.
- (c) The first change involves an expansion to the Gambling Area on level 2, which arises from the repositioning of fire egress doors and a wall adjacent to the "Rouge Room".
- (d) The second change involves an expansion to the Gambling Area on level 3, to incorporate construction and design changes to the "Nations Clubrooms". The Nations Clubrooms was subject to construction and design changes but the expanded area was not redesignated as Gambling Area. Its proposal addresses this.
- (e) None of the proposed changes will have adverse impacts and are more cosmetic than substantive.

The Secretary's submissions

5. The Secretary submitted that he has no regulatory concerns with the proposal.

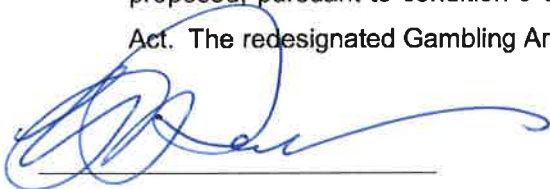
Analysis

6. SCAL presently has three approved Gambling Areas. This application is to extend these approved Gambling Areas to include part of level 2, adjacent to the Rouge Room, and part of level 3, in the Nations Clubrooms.

7. These extensions raise no issues of regulatory concern for the Commission. As it has noted in previous decisions, the Commission has 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.
8. The Commission was satisfied that the proposed redesignation would not extend the casino venue, and the Commission has already determined that licence conditions 9 and 9A are consistent with section 139(2) of the Act. This decision does not amend the condition, rather it amends the Schedules attached to the conditions.

Decision

9. The Commission redesignated the Gambling Areas at the Auckland casino in the manner proposed, pursuant to condition 9 of SCAL's venue licence and section 139(1)(d) of the Act. The redesignated Gambling Areas are **attached** as Schedules 1, 2 and 3.



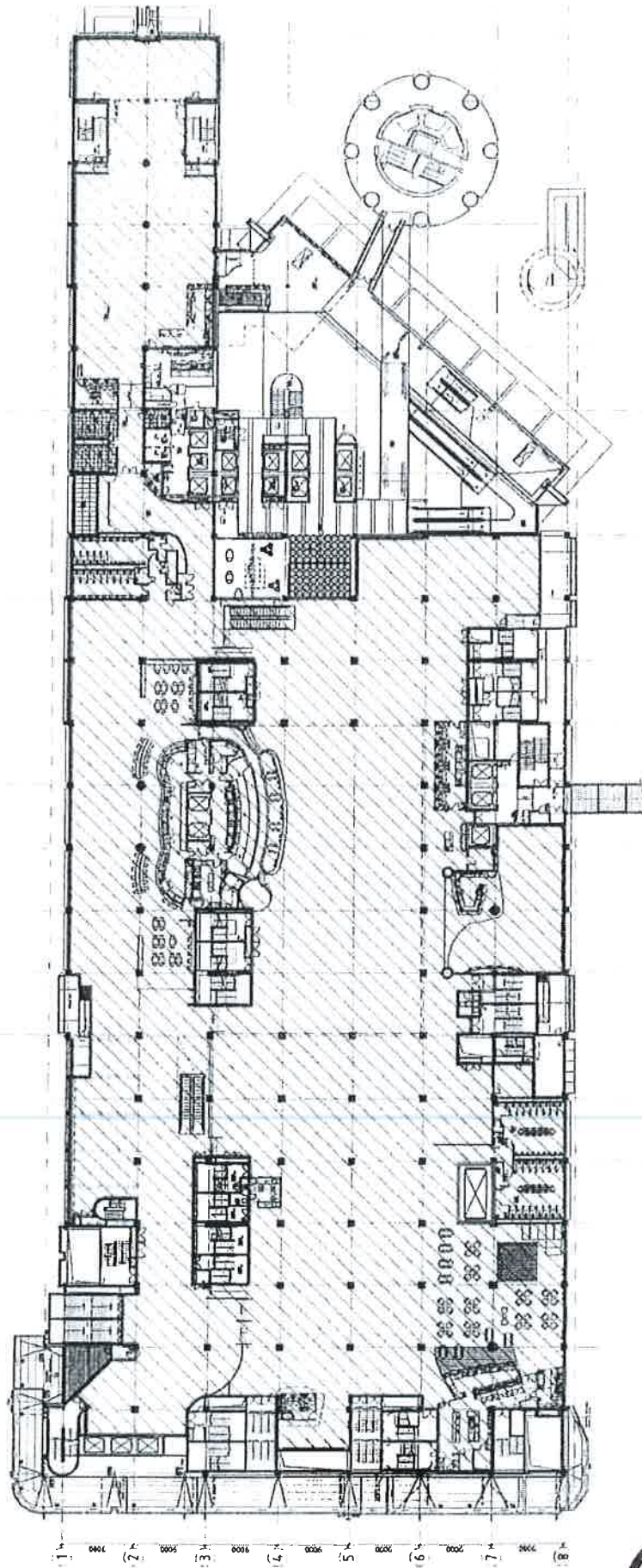
Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

 December 2012



A B C D E F G H I J K L M N O P Q R S T U V W X



GAMING AREA: 6,837m²



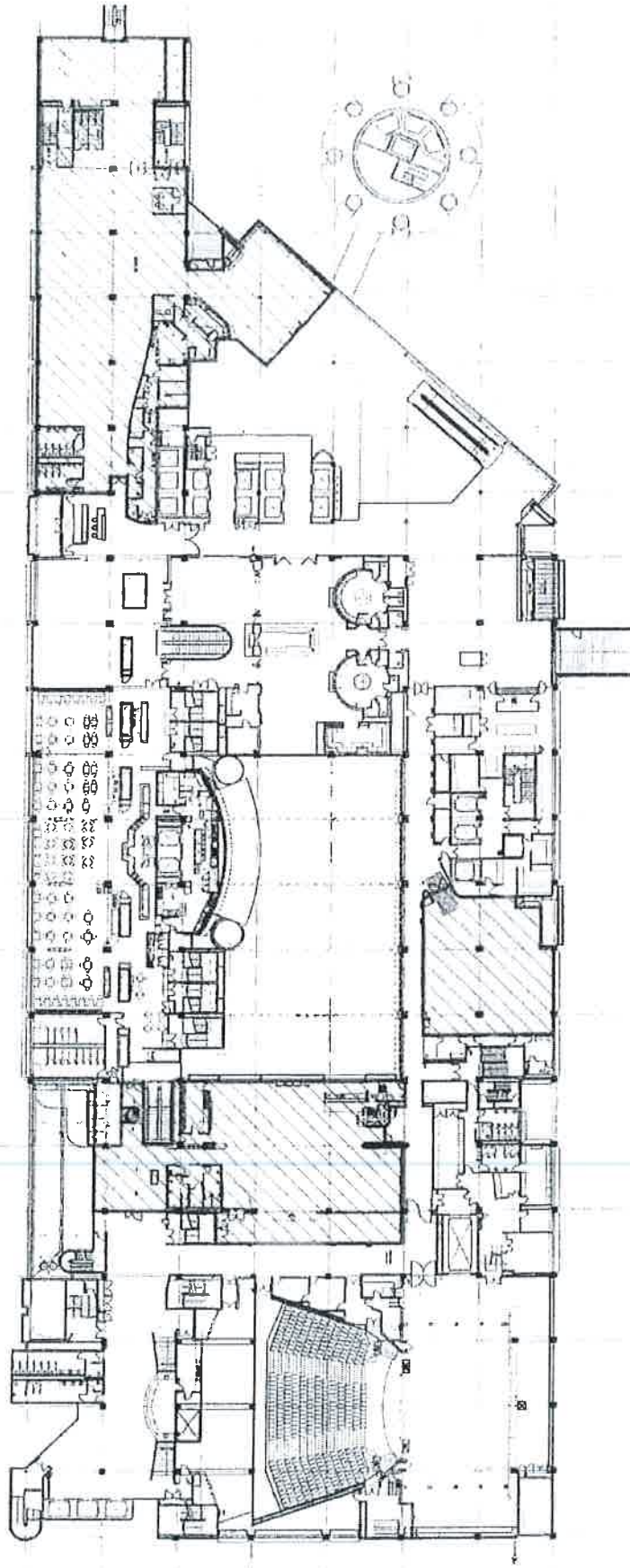
<p>SKY CITY ENTERTAINMENT AREAS</p>		<p>SKY CITY - PODIUM LEVEL 2 GAMING AREAS 15/10/2012</p>	
<p>Project Name: SkyCity Entertainment Group Gaming Layouts</p>			
<p>Client: Sky City Entertainment Group</p>			
<p>Architect: Moller Architects</p>			
<p>Scale: 1:100</p>			
<p>Drawn by: [Name]</p>			
<p>Checked by: [Name]</p>			
<p>Date: 15/10/2012</p>			



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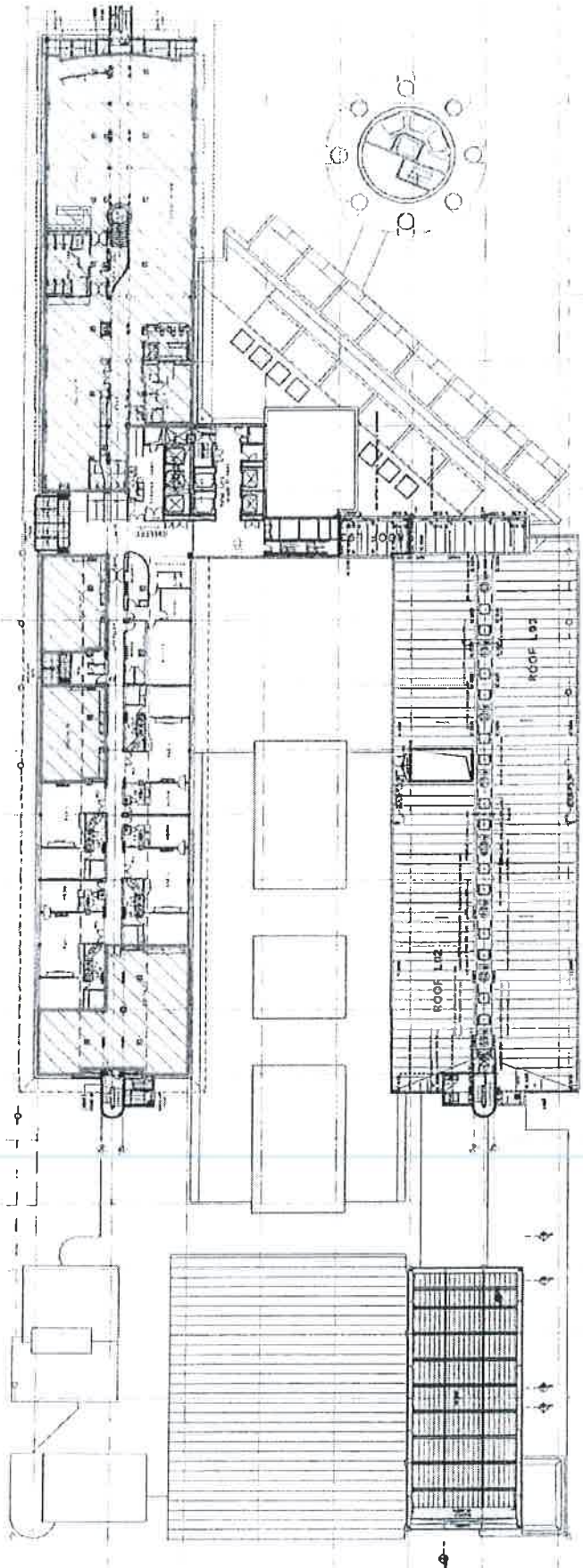


GAMING AREA: 2,000m²




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 SKYCITY - PODIUM
 LEVEL 3
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 ENTERTAINMENT GROUP
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 Fax: 06-4619 2370/06
 100 Market Street
 Melbourne, VIC 3000
 Australia

A B C D E F G H I J K L M N O P Q R S T U V W X



— GAMING AREA: 1,309m²

Project Name	SKYCITY - VIP GAMING
Level	LEVEL H5
Area	GAMING AREAS
Date	15/10/2012

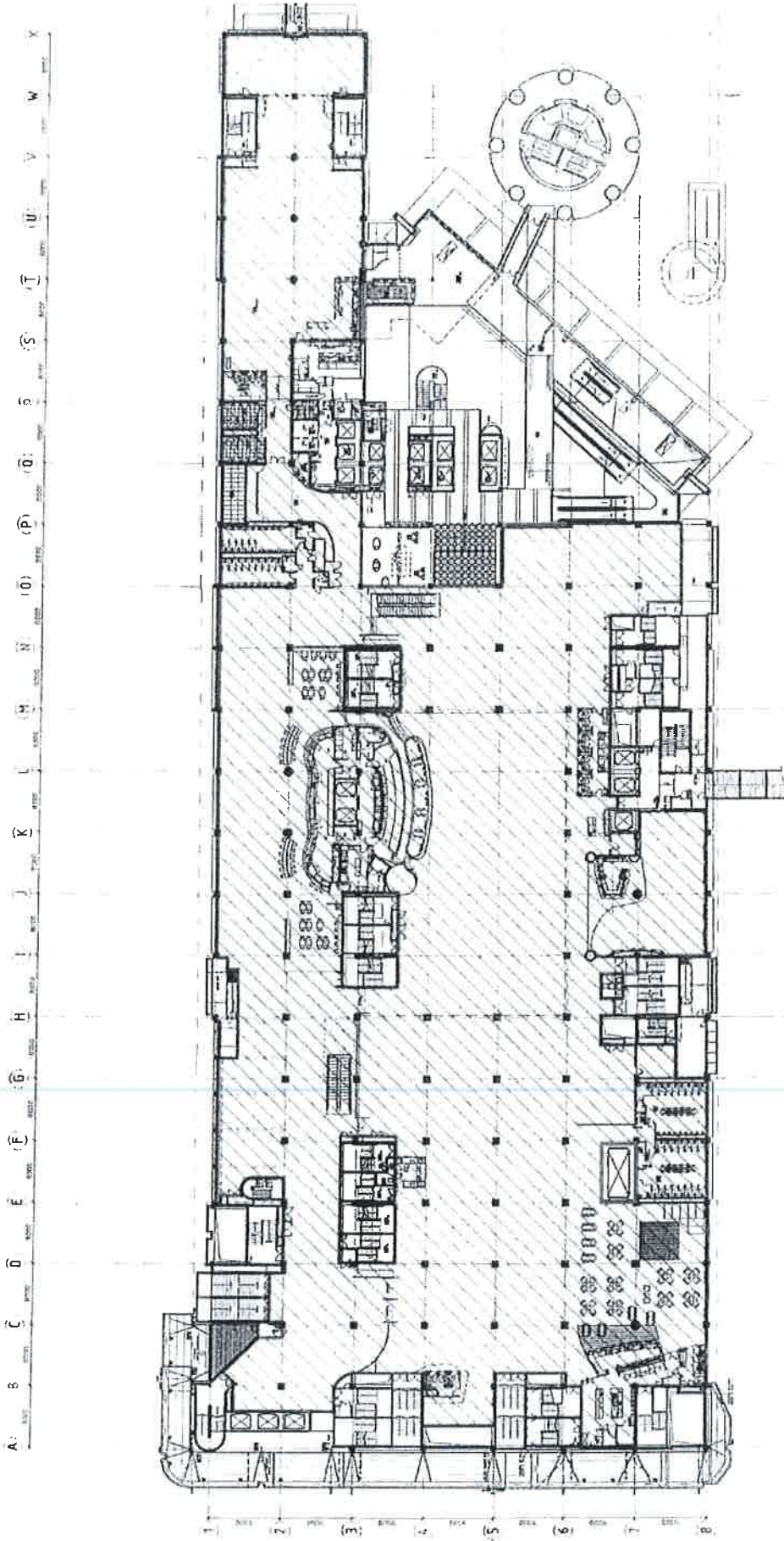
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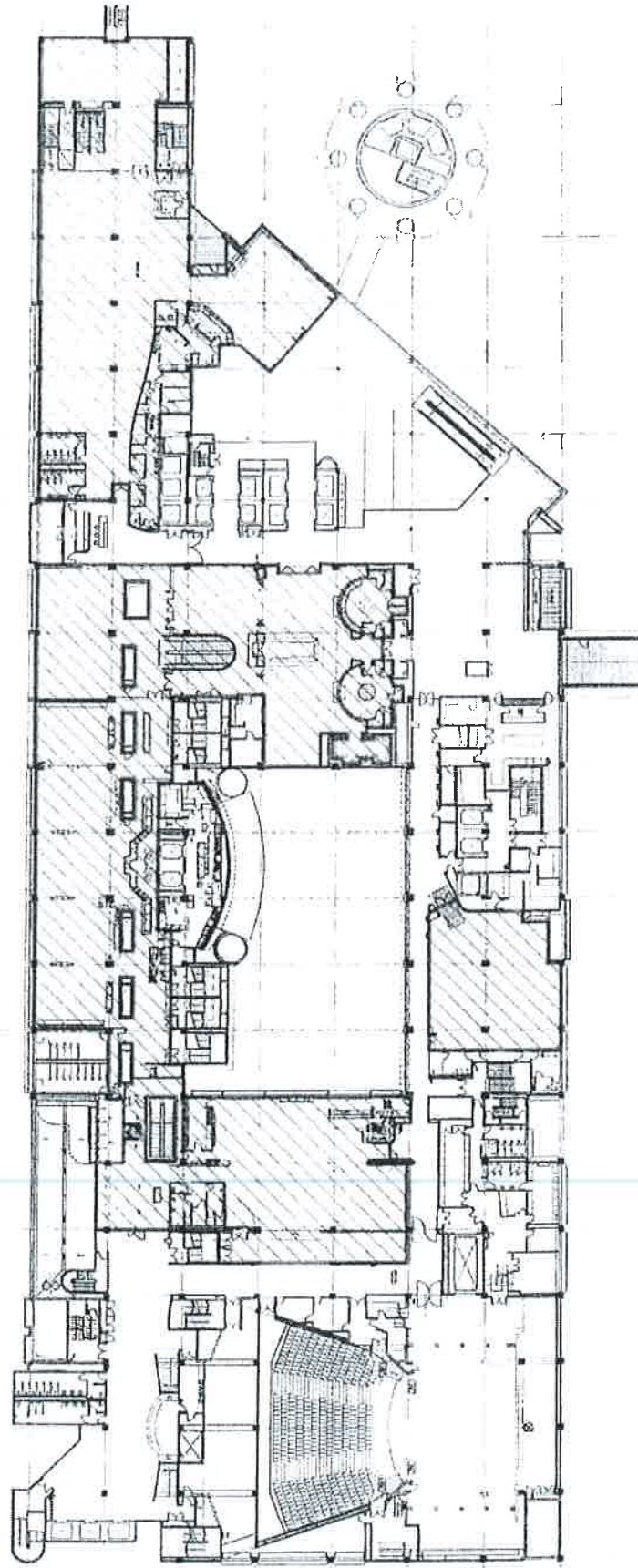


GAMING AREA: 6,837m²



<p>SKY CITY - PODIUM LEVEL 2 GAMING AREAS 15/10/2012</p>	
<p>Project Name: Sky City - Podium Level 2 Gaming Areas Drawing No: SKY-2012-001 Date: 15/10/2012</p>	<p>Scale: 1:100 Author: [Name] Checker: [Name] Approver: [Name]</p>
<p>SKY CITY 1000 GARDEN STREET SUITE 100 VANCOUVER, BC V6C 1G7 TEL: 604-681-1111 FAX: 604-681-1112 WWW.SKYCITY.COM</p>	
<p>SKY CITY ENTERTAINMENT GROUP GAMING LAYOUT</p>	
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A B C D E F G H I J K L M N O P Q R S T U V W X



GAMING AREA: 3,422m²



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PO BOX 15 2010
PH 08 9 2570888
1077 Adelaide Road
Melbourne, VIC 3006
www.moller.com.au



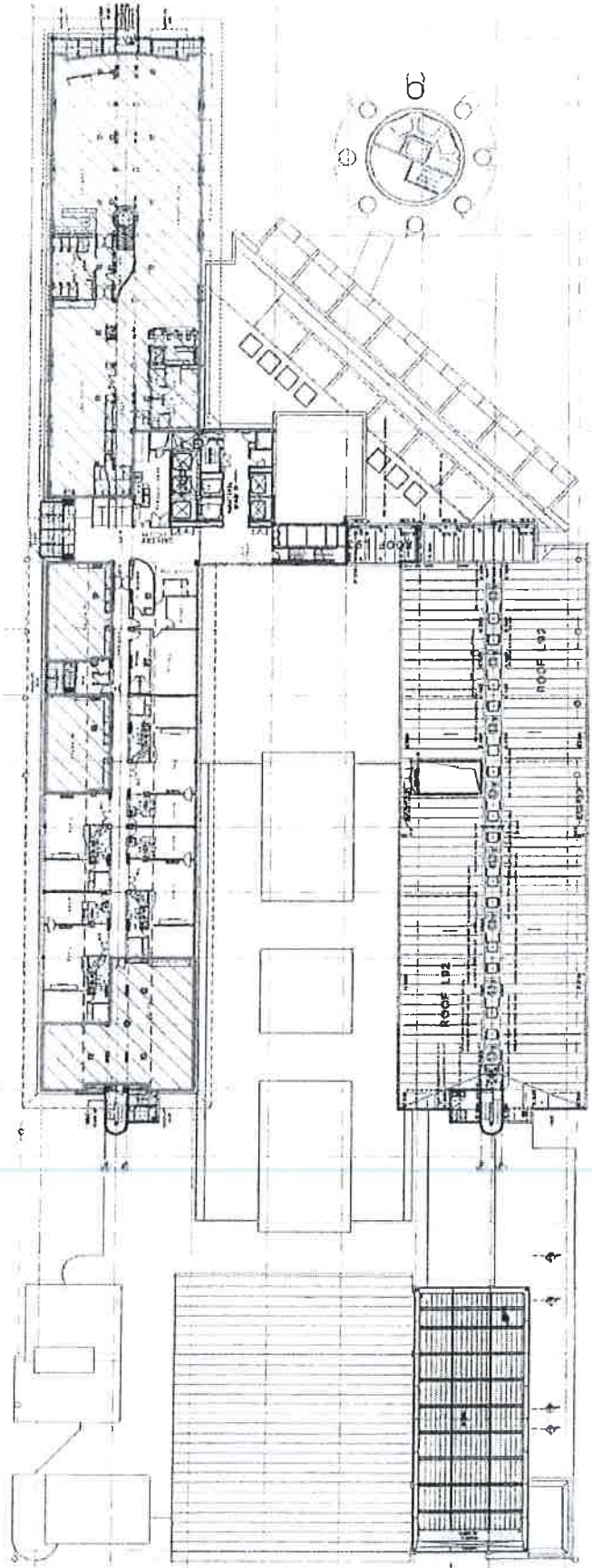
Sky City Entertainment Group
Gaming Layouts

Scale: 1:500
Drawing No: SKY-3-01
Drawing Title: GAMING AREAS
Drawing Date: 15/10/2012

SKYCITY - PODIUM
LEVEL 3
GAMING AREAS Version 2
15/10/2012

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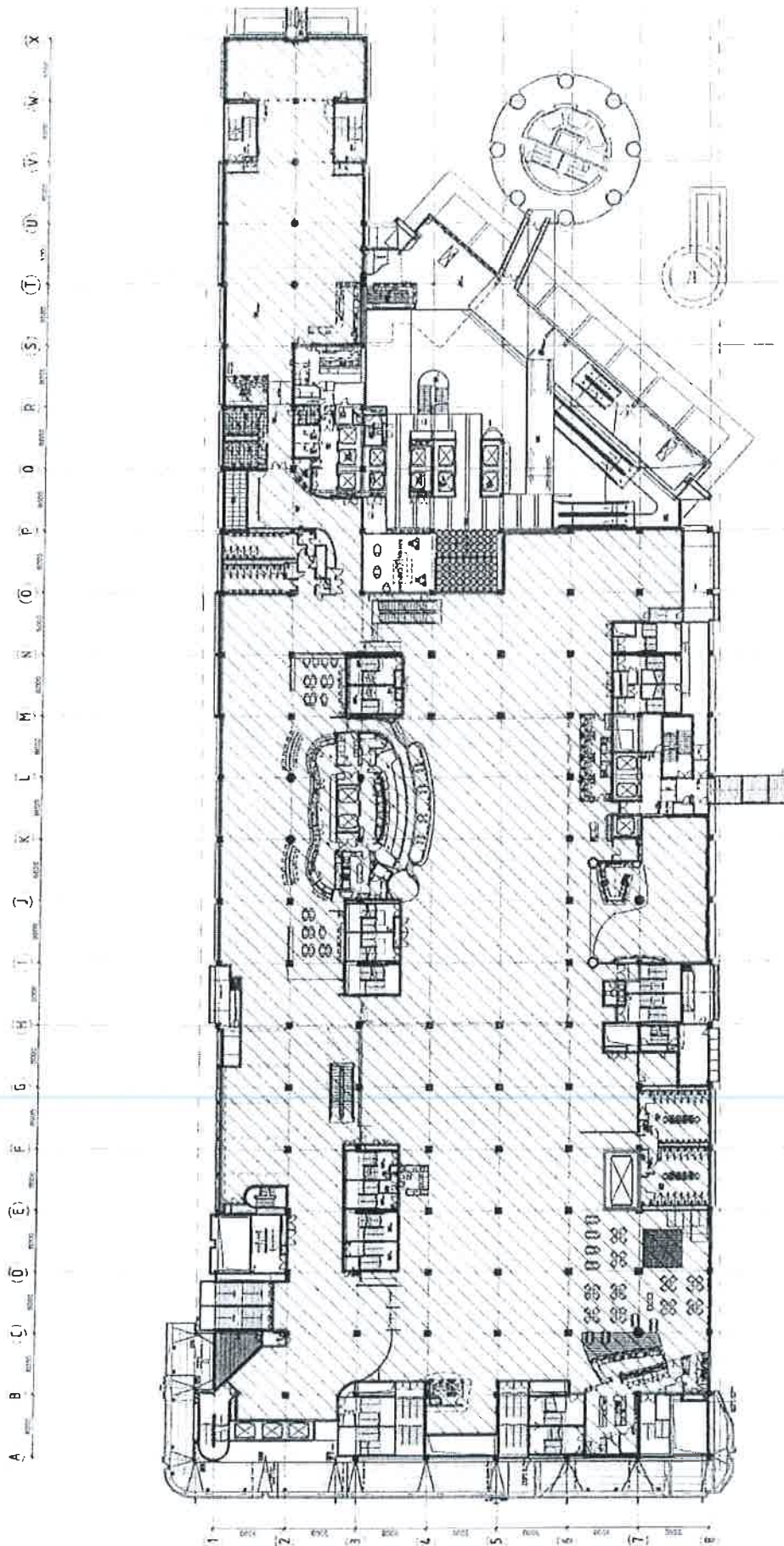
A B C D E F G H I J K L M N O P Q R S T U V W X



— GAMING AREA: 1,309m²



<p>SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS 15/19/2012</p>	
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<p>SKY CITY ENTERTAINMENT GROUP GAMING LAYOUTS</p>	
<p>MOELLER ARCHITECTS</p>	



GAMING AREA: 6,837m²



REVISION	NO.	DATE

SKYCITY - PODIUM
LEVEL 2
GAMING AREAS
15/10/2012

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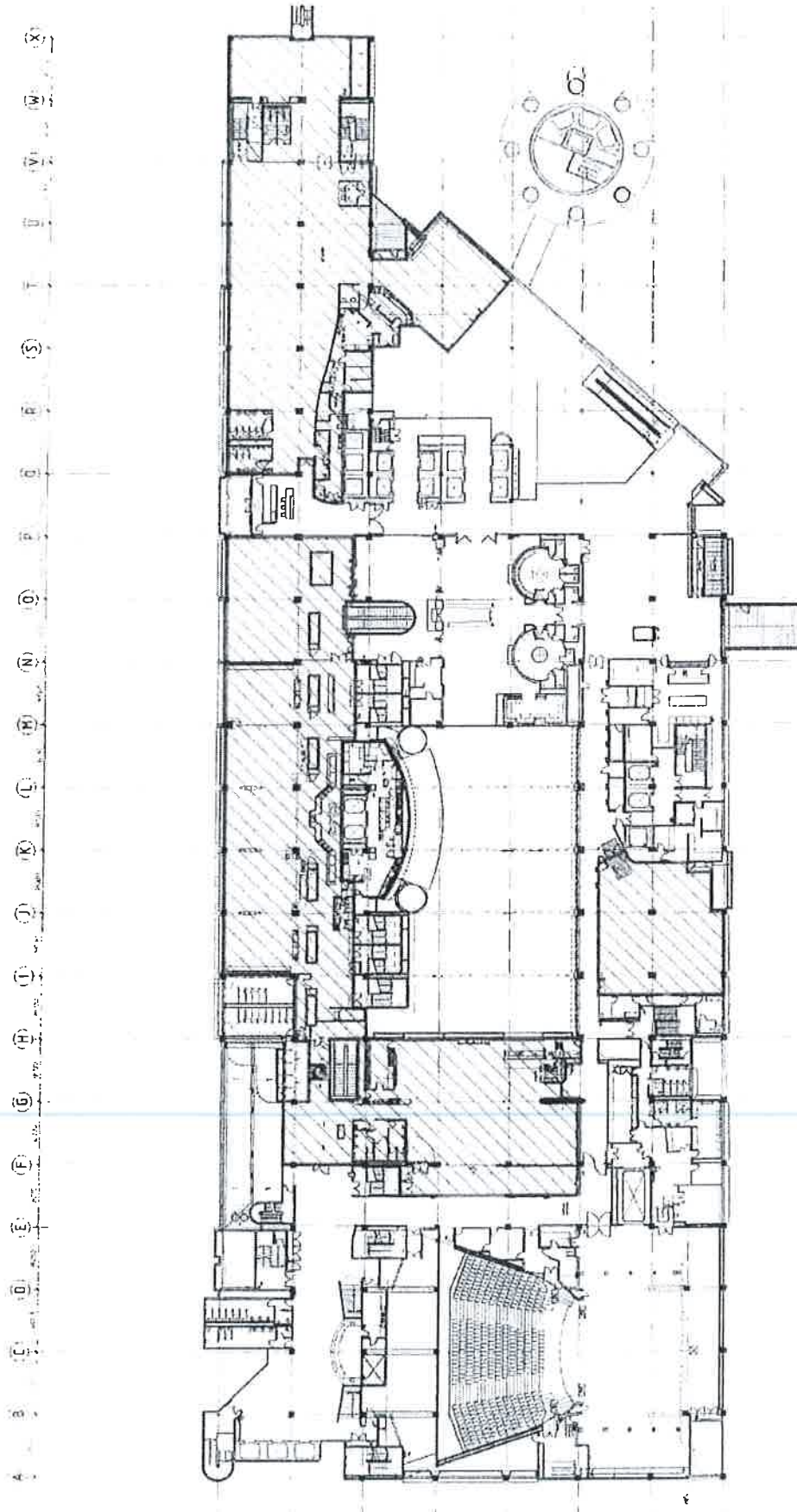
Project No.	102
Client	SKYCITY
Location	SKYCITY
Scale	1:100
Date	15/10/2012

SKY CITY Entertainment Group
Gaming Layouts



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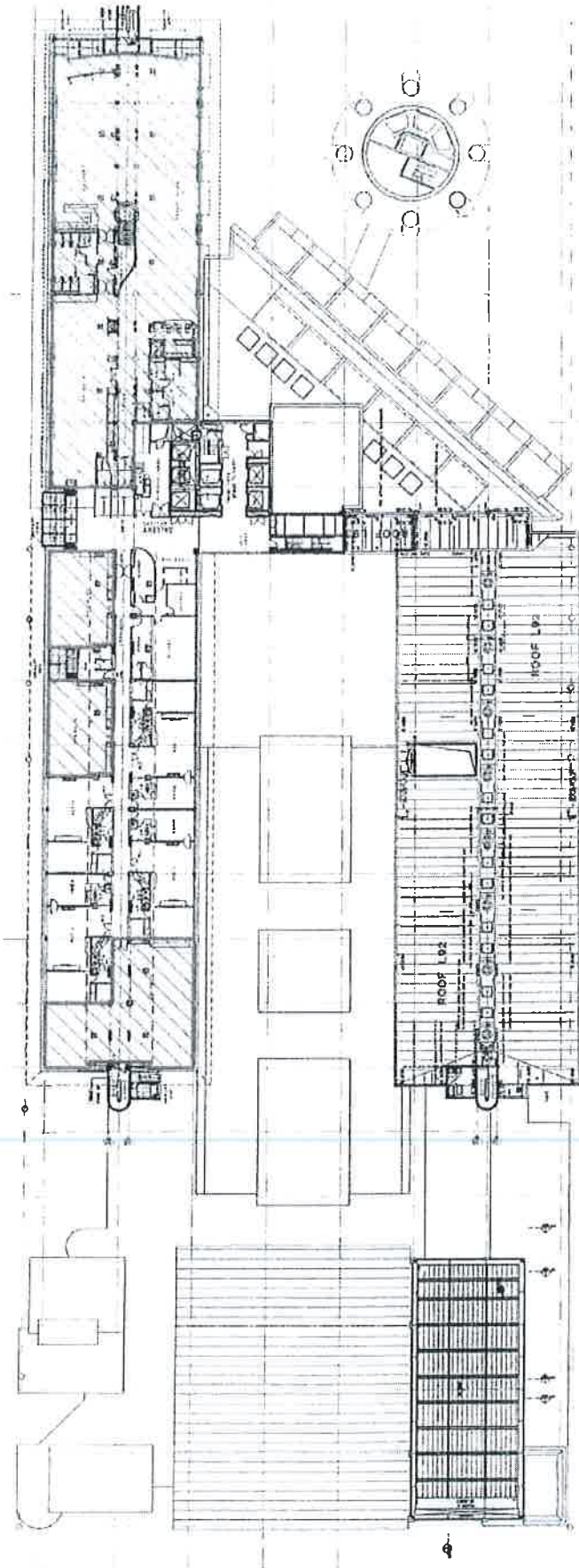
GAMING AREA: 2,972m²



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A B C D E F G H I J K L M N O P Q R S T U V W X



GAMING AREA: 1,309m²



<p>Case # 09 3570086 File # 09 3570085 Date of Issue: 15/10/2012 Project Name: Sky City - VIP Gaming Level H5 Gaming Areas</p>		<p>SKY CITY ENTERTAINMENT GROUP GAMING LAYOUTS</p>		<p>SKY CITY ENTERTAINMENT GROUP</p>	
<p>Project Name: SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS Project No: 09 3570085 Date: 15/10/2012 Author: M. J. O'NEILL Checker: M. J. O'NEILL Title: ARCHITECT</p>		<p>SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS GAMING LAYOUTS 15/10/2012</p>		<p>Scale: 1:100 Drawing No: 09 3570085-01 Revision: 1</p>	