

IN THE MATTER of the Gambling Act 2003
AND of an application by
SKYCITY AUCKLAND LIMITED for approvals for
changes to the gambling
area

BEFORE THE GAMBLING COMMISSION

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

Date of Application: 7 February 2005

Date of Decision: 9 March 2005

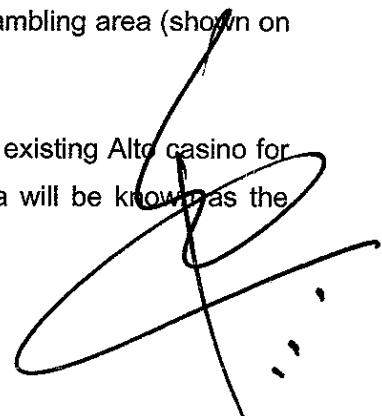
Date of Notification of Decision: 15 March 2005

DECISION

**ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED
FOR APPROVALS FOR CHANGES TO THE GAMBLING AREA**

Application

1. SKYCITY Auckland Limited (the "applicant") applied for a series of approvals under its venue licence for alterations to the Level 2 and 3 gambling areas at the SKYCITY Auckland casino and the construction of a new smoking deck. The approvals sought were for the following:
 - (a) approval under conditions A2 and I1 for the construction of a smoking deck and wind lobby adjoining a new VIP Gaming Area on Level 3 (shown on Plan A attached to the application);
 - (b) approvals under condition I1 for changes to the Level 3 gambling area (shown on Plan A) including:
 - (i) construction of a restricted access area within the existing Alto casino for VIP gaming machine players. The new VIP area will be known as the Platinum Room;



- (ii) construction of new toilets;
 - (iii) construction of a new office for use by gaming operational staff;
 - (iv) the creation of a new egress point from the Alto bar area to facilitate bar service to a wider area of the floor;
- (c) approval under condition I1 for more modest construction changes to Level 2 involving dismantling of an office (shown on Plan B);
 - (d) approval under condition B1 of revised floor plans for Levels 2 and 3 (shown in Plans C attached to the application). Changes include the relocation of machines and tables, particularly on Level 3, and amendment of the game mix to permit the licence holder to operate any combination of Black Jack or Pontoon games up to a maximum number of 46 games. Two sets of plans were submitted for approval, the only difference between the two being the position of Money Wheel on Level 3;
 - (e) approval under condition B1 of CCTV plans and surveillance and security arrangements for Level 3; and
 - (f) approval under condition B1(a) of CCTV plans for Level 2.

Statutory criteria

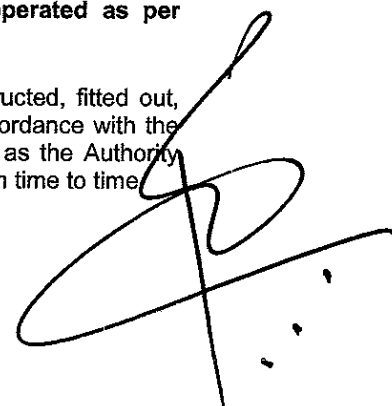
2. The application was for approvals under licence conditions. As there was no variation of a licence condition, the Commission was not required formally to consult on the proposal as provided in section 140 of the Gambling Act 2003 (the "Act").
3. The Commission is, however, free to determine its own procedure in terms of processing approval applications. In the circumstances, it considered it appropriate to seek the views of the Secretary, given his operational interest. The applicant was provided with an opportunity to comment on submissions made by the Secretary.

Licence conditions

4. Condition A2 (as amended by the Commission in C03/05) provides as follows:

A2 Casino complex to be constructed, fitted out and operated as per application

The casino complex shall be designed, developed, constructed, fitted out, commissioned for operation and operated generally in accordance with the application of the licence holder subject to such changes as the Authority has approved, and which the Commission may approve from time to time.



5. Condition I1 (as amended by the Commission by decision GC03/04) provides as follows:

I1 The gaming area of the casino, areas in which money counting, surveillance, storage, and other activities related to the conduct and playing of games are carried on, and the facilities provided therein shall not be altered or extended in any way without the approval of the Commission.

6. 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;
- (b) areas for inspectors and casino security staff;
- (c) electrical installations, telephone installation, auxiliary power; and
- (d) the master key system or access control system.

Submissions by the applicant

7. The submissions made by the applicant in its application and a letter to the Commission dated 23 February 2005 are summarised below.

Construction of wind lobby and smoking deck

8. The applicant advised that the wind lobby is inside the gambling area, and the deck is outside it. The applicant submitted that the construction of the smoking deck was for the purpose of creating a "high level of customer service and convenience for our players".

Construction changes within the Level 3 gambling area

9. The applicant submitted that the proposed development of a gaming machine VIP area:
- (a) is part of a broader VIP strategy at the casino;
 - (b) is necessary to remain competitive with Australian casinos (in particular Crown, Star City and Jupiter's);
 - (c) will not involve changes to the designated gaming area, or increases in the number of machines in the casino.
10. The applicant submitted that the addition of facilities on Level 3 and the construction of the wind lobby would result in a small reduction in the space available for gaming

equipment. The applicant did not propose to exclude any of the proposed new facilities, such as toilets, from the gambling area, noting that the designated gambling area currently encompasses facilities not traditionally used for gaming purposes such as offices, toilets and food and beverage areas. It saw no need to revisit these arrangements by excluding newly constructed facilities.

Specifications for security and surveillance installations

11. In relation to the proposed arrangements for Level 3, the applicant submitted (in terms of B1 criteria) that:
 - (a) the new facilities will not have catwalks or viewing panels. As was the case throughout the gambling area, the applicant proposed to use a mix of diffuse and direct overhead lighting sources for game illumination;
 - (b) the alterations would have no implications for areas for inspectors and casino security staff nor for auxiliary power or electrical installations;
 - (c) the access control system used at the casino had previously been approved by the Casino Control Authority, and the alterations were not expected to have any implications in relation to that system.

12. In relation to the floor layouts, the applicant submitted that the introduction of Pontoon, and the ability of the applicant to substitute Pontoon for Black Jack games, would not increase opportunities. The applicant had not determined the number of Pontoon games it would introduce; this will depend upon uptake. The applicant noted that Pontoon had the same number of players (21) and closely resembled Black Jack. It advised that Pontoon may be slightly slower than Black Jack because of the wagering variations and associated calculations dealing staff must undertake, but submitted that the difference in the rate of play was not material. Generally, the applicant submitted that no distinction could be drawn between the two games for the purposes of assessing any increase in opportunities for casino gambling.

Sections 11 and 12

13. The applicant submitted that the proposal overall would not increase opportunities for casino gambling, as there would be no change to the number of tables and machines (other than a temporary reduction in table numbers while the facilities were under construction) nor to the type of tables being used. The applicant submitted that these were the only relevant factors for consideration under sections 11 and 12, and that matters previously identified by the Commission as potentially giving rise to increase in opportunities for casino gambling, eg increase in designated gambling area, believing

access constraints, did not apply in the current circumstances. The applicant noted that it was motivated in making the proposed alterations and layout changes by the desire to improve the atmosphere and appeal of its facilities and most efficiently to utilise the available space within designated gambling areas.

Submissions by the Secretary

14. The Secretary submitted that it had "no concerns" in relation to the proposed changes to the gambling area or revised floor layouts on Level 3, apart from the positioning of Money Wheel, which the Secretary submitted "may give the impression of greater or easier access". The Secretary acknowledged, however, that the risk of actually accessing the gambling floor was small, given security guards were present. The Secretary raised the issue as "one of public perception", and suggested that the Commission discuss the matter with the operator. The Secretary confirmed that the construction of the Platinum Room, smoking deck and lobby would not increase the risk of unauthorised access.
15. The Secretary confirmed that the proposed CCTV layout for Level 3 was adequate, and conformed with the requirements specified in decision GC02/05. The Secretary noted that:

Two dedicated fixed cameras that permit the layout and the equipment to be viewed cover each roulette table on level 3 of the casino, including the winning number. This configuration of cameras appears to be driven by the height of the ceiling on level 3, which is different to the height of the ceiling on level 2. The CCTV configuration on level 3 clearly achieves the outcome intended by the Surveillance Policy.

16. In relation to the Level 2 CCTV plans, the Secretary noted that:

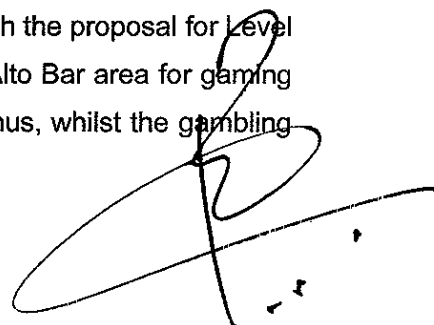
On level 2 of the casino, each roulette table has one dedicated fixed camera covering the layout and part of the wheel. Monitoring of the remainder of the wheel and the float for each roulette table has been achieved by having one fixed camera that covers the wheel and floats of two adjacent roulette tables. In effect, there are three fixed cameras for every two roulette tables on level 2, in contrast to the two dedicated fixed cameras per roulette table on level 3. The greater height of the ceiling on level 2 has permitted wider fixed camera coverage.

Whilst the roulette tables on level 2 do not have two dedicated fixed cameras each, they are essentially monitored by two fixed cameras in accordance with the Gambling Commission's decision GC02/05.

Following a review of the coverage by the Inspectorate, the Department is satisfied that the configuration of cameras on level 2 in relation to roulette tables is sufficient to permit the review of significant game events, the layout, the equipment and float, the rotation of the ball and the winning wheel number.

The proposed CCTV configuration for level 2 appears to meet the outcomes intended by the Surveillance Policy.

17. In relation to sections 11 and 12, the Secretary noted that "although the proposal for Level 3 did not increase the designated gambling area, the use of the Alto Bar area for gaming machine play does constitute use of a new area for gambling. Thus, whilst the gambling



area has not increased, the area actually used for gambling has", The Secretary agreed with the applicant that Black Jack and Pontoon are similar (the main difference being in relation to payouts for specific combinations of winning hands). The Secretary advised that the CCTV requirements were the same, and agreed that in terms of rates of play, Black Jack and Pontoon could be viewed interchangeably.

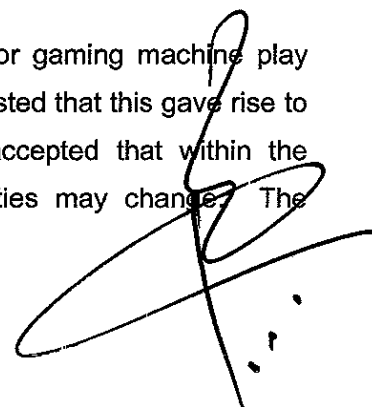
18. The Secretary requested that:
- (a) changes to Levels 2 and 3 be notified to the Inspectorate in accordance with the Minimum Operating Standards: Records and Notifications; and
 - (b) the ratio of table games to gaming machines be maintained (15:1).

Response by the applicant to the Secretary's submission

19. In its further submission of 2 March, the applicant questioned the Secretary's comments about Money Wheel, and did not consider them to be justified. As a contingency, the applicant sought approval of Plans A1203 rev B and no. A1500X rev X. These plans show Money Wheel in its current position in the Play Casino area where it is not directly visible from the entrance or the corridor leading to the entrance. The Secretary, by letter dated 8 March 2005, advised that the alternative floor plans were acceptable.
20. In relation to the Secretary's submission that the area used for gambling was increased by the proposal, the applicant stated that even if there was an increase in the space utilised, there was no increase in opportunities for casino gambling for reasons previously noted.

Analysis

21. The Commission accepted that the changes were motivated by a desire to improve the available facilities, and best utilise the space. There was no evidence that the proposal overall would result in any increase in the opportunities for casino gambling. The applicant confirmed that the proposals would not involve any change in the total number of machines (1,647) or tables (110), and that it would continue to comply with the gaming machine to table ratio of 15:1. The Secretary and the applicant were in agreement that there was no material difference between the rate of play of Pontoon and Black Jack and no increase in player spaces.
22. The Secretary had commented that the use of the Alto Bar for gaming machine play constituted use of a new area for gambling, but it was not suggested that this gave rise to any increase in gambling opportunities. The Commission accepted that within the designated gambling area, areas utilised for gambling activities may change. The

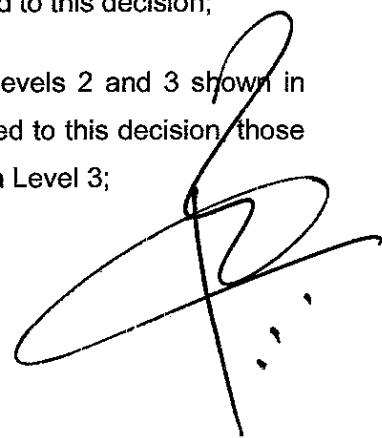


Commission did not consider it necessary to require areas not being utilised for gambling, eg toilets and offices, to be excluded from the designated gambling area.

23. The Secretary submitted that the placement of Money Wheel as originally proposed might, as a matter of public perception, give the impression of greater or easier access. At the same time, the Secretary advised that the actual risk of unauthorised access was small. On this basis, the Commission concluded that the positioning of Money Wheel, as originally proposed by the applicant, was acceptable. The Commission also agreed to approve the alternative floor plans proposed by the applicant in order to provide it with flexibility to move Money Wheel back to its current position without further recourse to the Commission. The Commission noted that the applicant would notify the Inspectorate and the Commission when it implemented the new layouts.
24. The Secretary confirmed that the CCTV layout for Levels 2 and 3, and the security and surveillance arrangements for Level 3 were acceptable. On this basis, the Commission determined that it was appropriate to grant approval to the CCTV plans for Levels 2 and 3 under condition B1(a), and to approve the proposed security and surveillance arrangements for Level 3.

Decision of Commission

25. The Commission decided unanimously that the proposal was consistent with the Act, and granted the following approvals:
- (a) to construct a smoking deck and wind lobby pursuant to conditions I1 and A2, as shown on Plan A attached to this decision. The Commission did so on condition that gambling activities are prohibited in the area occupied by the wind lobby, consistent with decision GC03/05;
 - (b) pursuant to condition I1, the changes to the Level 3 gambling area shown on Plan A;
 - (c) pursuant to condition I1, the changes to the Level 2 gambling area shown on Plan B, attached to this decision;
 - (d) pursuant to condition B1(a), the floor layout plans for Levels 2 and 3 shown in Plans C (no. A1301 rev P and no. A1500X rev X) attached to this decision;
 - (e) pursuant to condition B1(a), the floor layout plans for Levels 2 and 3 shown in Plans E (no. A1203 rev B and no. A1500X rev X) attached to this decision, those plans showing an alternative position for Money Wheel on Level 3;

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- (f) pursuant to condition B1, approval of the security and surveillance arrangements and the CCTV plans for Level 3 shown in Plan A1301P attached to the application of 7 February 2005;
- (g) pursuant to condition B1(a), approval of CCTV plans for Level 2 shown in Plan A1500Vb attached to the applicant's letter of 2 March 2005.
26. The Commission considered it unnecessary to require as a condition of consent that the Secretary be notified of changes to positioning of machines and tables, as this is already required under minimum operating standards. Similarly, the Commission considered it unnecessary to specify as a condition of consent that the applicant comply with the machine table ratio specified in its licence conditions, as this condition is already binding on the licence holder.

Right of appeal

27. 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

show.



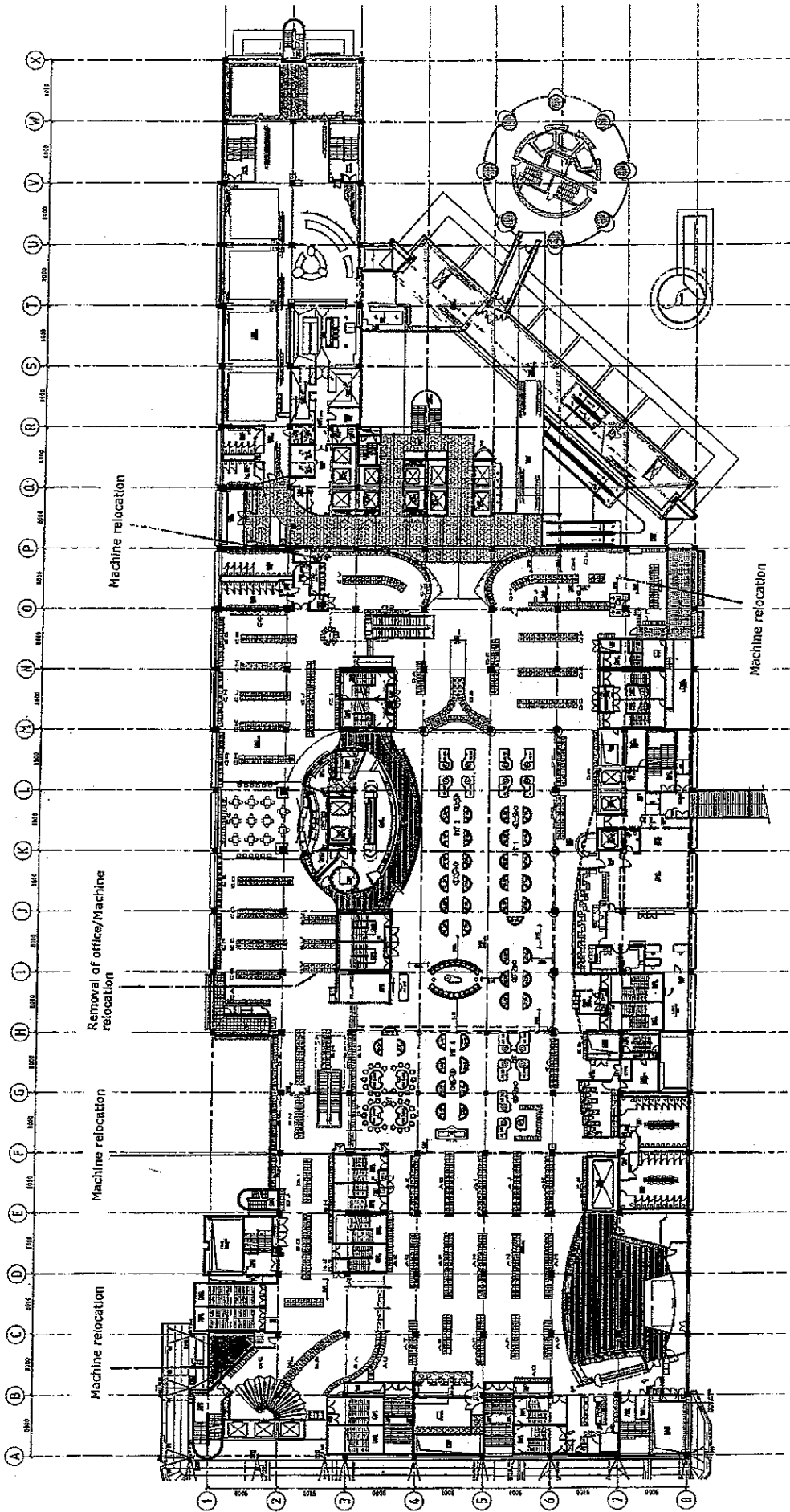
**GAMBLING
COMMISSION**

Peter Chin
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

15 March 2005

B.



Plan denoting changes to level 2 gaming area

Notes:
 The completion of the smoking deck necessitates reduction and relocation of BC bank
 The removal of the office allows BV bank to be reconfigured
 Other minor adjustments as noted.
 There are no changes to the overall total of machine or table numbers or table types.

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PROPOSED FLOOR PLAN
 LEVEL 2 MAIN GAMING
 STAGE TWO

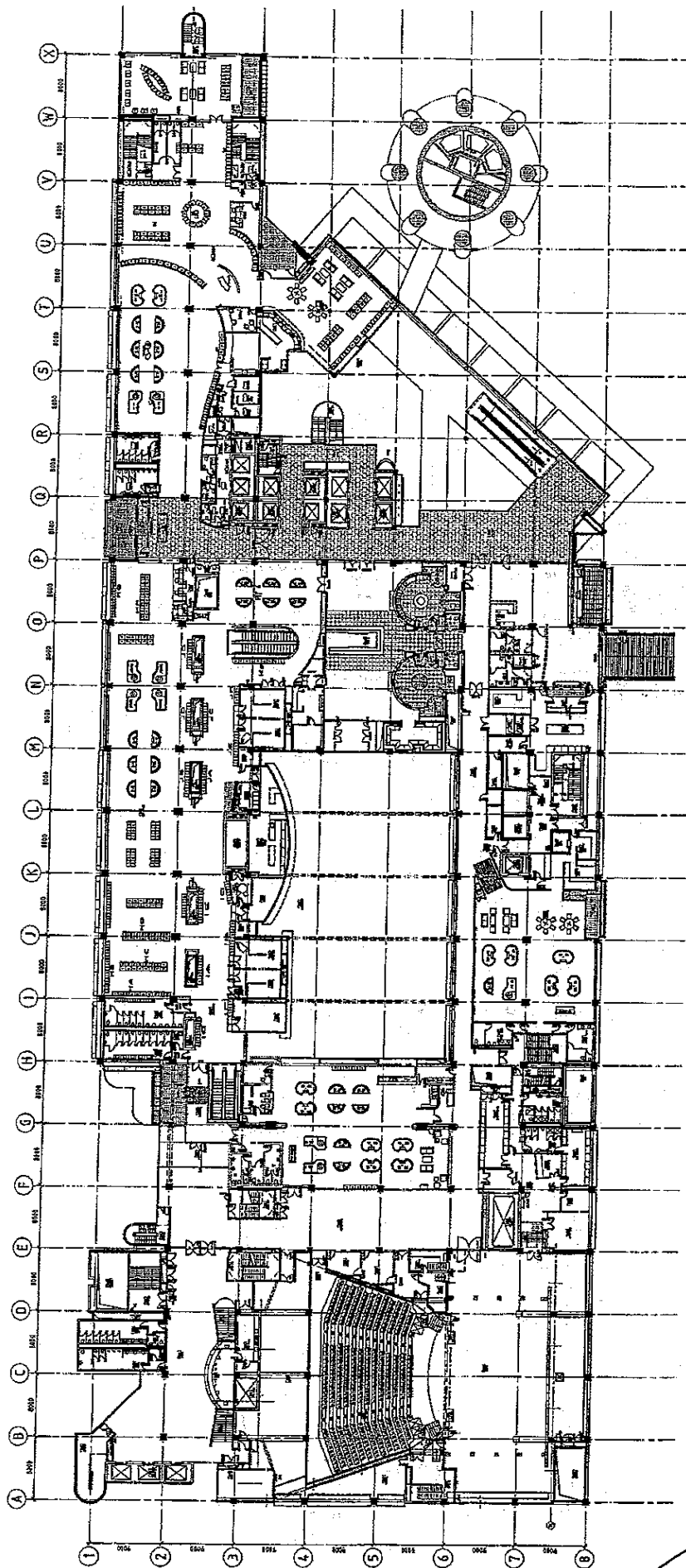
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SKY CITY ENTERTAINMENT GROUP
 MEMBERS CLUB AND DECK

SKY CITY
 ENTERTAINMENT GROUP

CraigMoller ARCHITECTS
 Craig Moller Architects Ltd
 Level 13 West Plaza
 100 King Street West
 Toronto, Ontario M5X 1C5
 Telephone 416 597 0688
 Fax 416 597 0689
 Email c.moller@craigmoller.com
 Website www.craigmoller.com





110 tables and 1647 gaming machines are depicted on the two level plans of the gambling area. SKYCITY may operate any of the following game types in the configuration shown:

- Blackjack/Pontoon
- Roulette
- Electronic Roulette
- Caribbean Stud Poker
- Midi Baccarat
- Mini Baccarat
- Pat Gow
- Tai Sai
- Money Wheel

LEVEL THREE GAMING
1220

- up to 46 games
- up to 21 games
- up to 2 games
- up to 10 games
- up to 17 games
- up to 7 games
- up to 4 games
- up to 1 game
- up to 2 games

Total 110

17

Craig Craig Moller ARCHITECTS
Craig Craig Moller Architects Ltd
3 Mount St, PO Box 103 283
Auckland, New Zealand
Telephone 64 9 397 0886
Fax 64 9 397 0887
Email info@ccm.co.nz
www.ccm.co.nz



Sky City Entertainment Group
Members Club and Deck

DATE: 24/01/2007
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN
PROJECT NO: 07010000000000000000
PK: 001
PK DATE: 19/07/06 R 1108

SKYCITY ENTERTAINMENT GROUP
MEMBERS CLUB AND DECK
DATE: 24/01/2007
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN
PROJECT NO: 07010000000000000000
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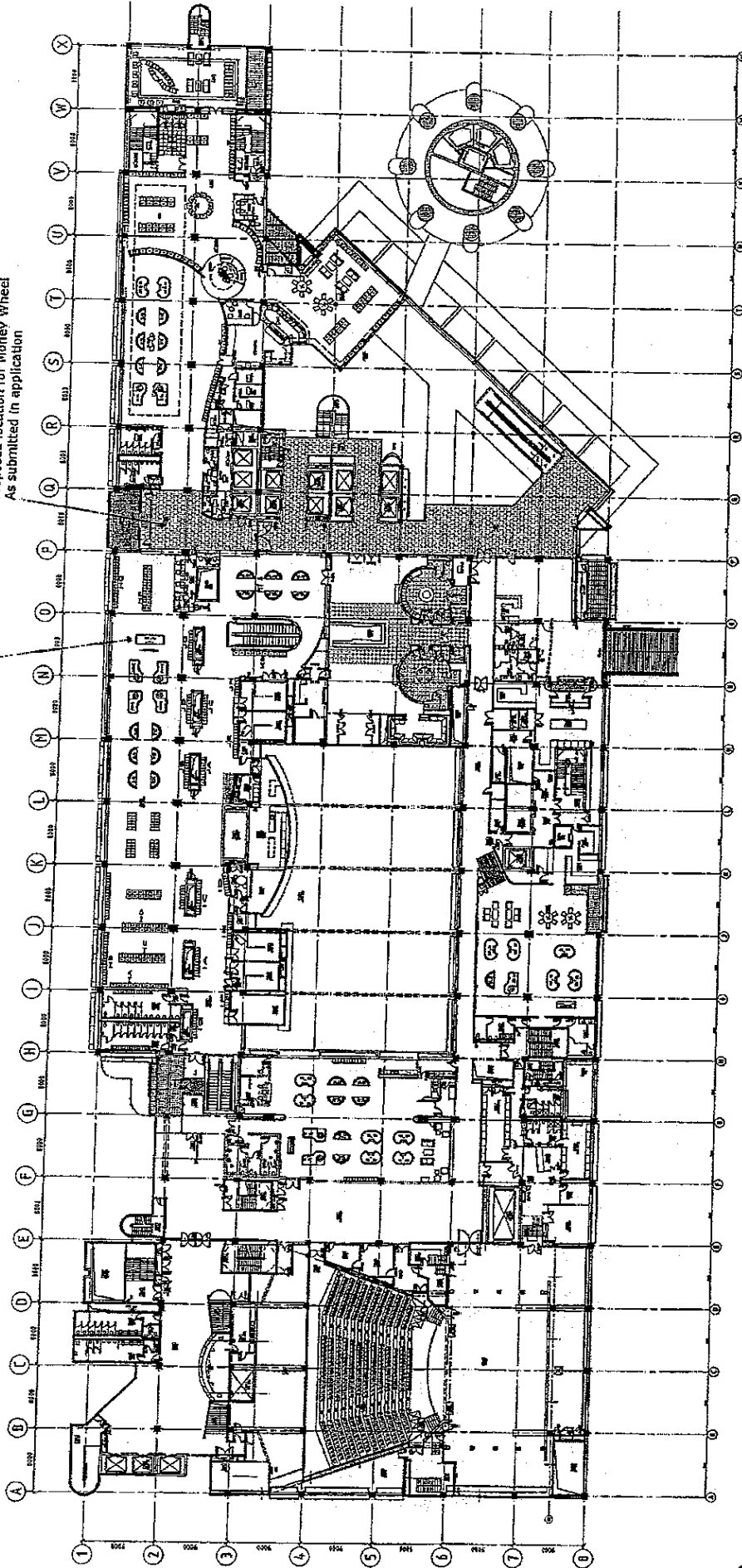
PROPOSED FLOOR PLAN
LEVEL 3 - GAMING LAYOUT

NO.	DATE	BY	CHKD.	REV.	DESCRIPTION
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100	24/01/07	[Name]	[Name]	100	REVISED PERMIT

5081 A 1301 P

Alternative location for Money Wheel
12 machines removed to accommodate new position.

Proposed location for Money Wheel
As submitted in application



[Handwritten signature]



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SKY CITY ENTERTAINMENT GROUP
Level 3 VIP

SKY CITY ENTERTAINMENT GROUP

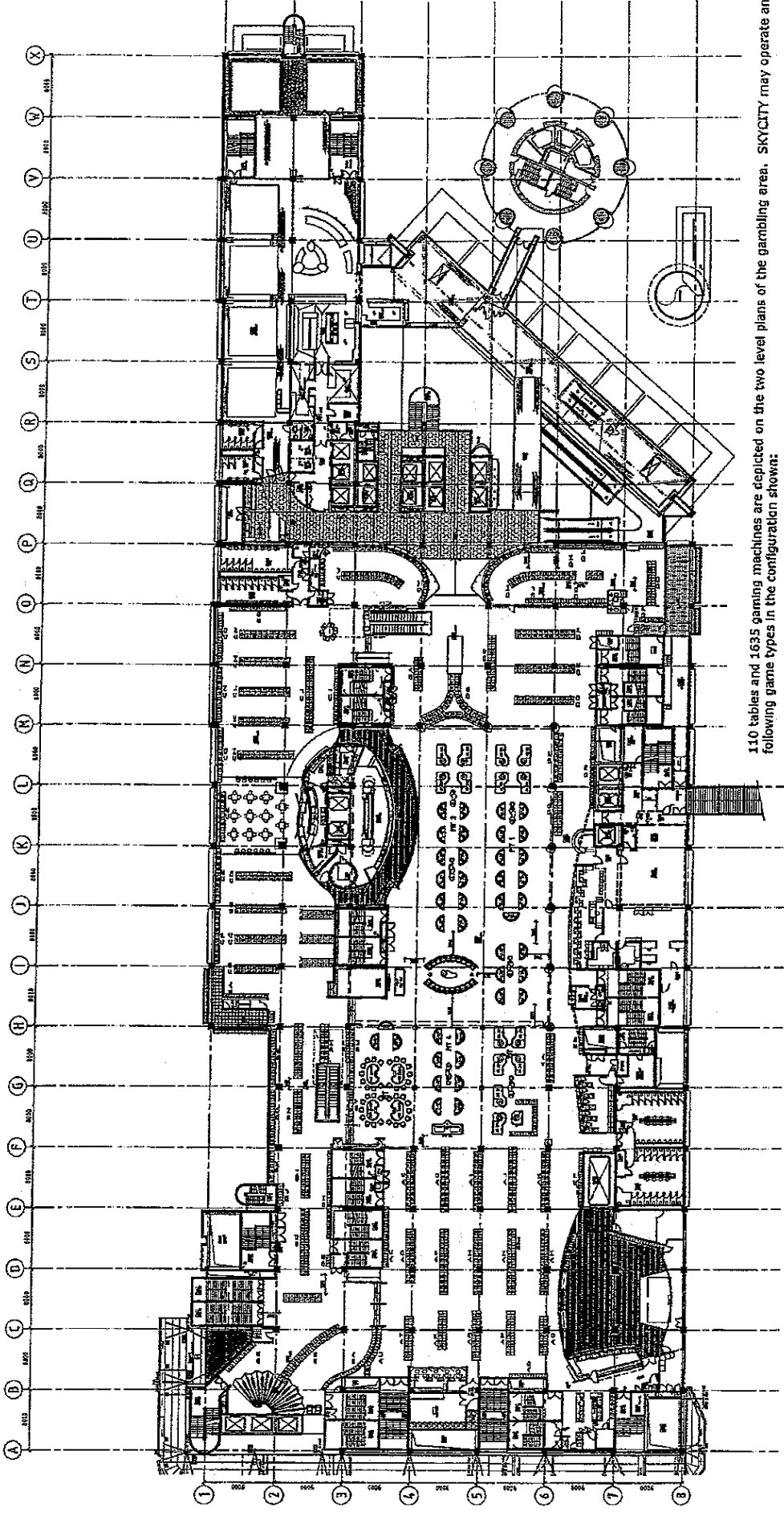
DRAWING INFORMATION
Scale: 1:100
Date: 10/10/08
Drawn by: J. Smith
Checked by: J. Smith
Approved for Construction: J. Smith
Date: 10/10/08
Project: SKY CITY ENTERTAINMENT GROUP

CLIENT AND PROJECT
SKY CITY ENTERTAINMENT GROUP
Level 3 VIP

DRAWING TITLE
PROPOSED LAYOUT /
LOCATION PLAN
LEVEL 3 SKYCITY

DATE	BY	CHKD	APP'D
10/10/08	J. Smith	J. Smith	J. Smith
10/10/08	J. Smith	J. Smith	J. Smith
10/10/08	J. Smith	J. Smith	J. Smith
10/10/08	J. Smith	J. Smith	J. Smith

5120 | A 1203 | B



110 tables and 1635 gaming machines are depicted on the two level plans of the gambling area. SKYCITY may operate any of the following game types in the configuration shown:

- Blackjack/Pontoon
- Roulette
- Electronic Roulette
- Caribbean Stud Poker
- Mini Baccarat
- Mini Baccarat
- Pat Gow
- Tai Sai
- Money Wheel

- up to 46 games
- up to 21 games
- up to 2 games
- up to 10 games
- up to 17 games
- up to 7 games
- up to 4 games
- up to 1 game
- up to 2 games

Total 110

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SKY CITY ENTERTAINMENT GROUP
 MEMBERS CLUB AND DECK
 SKY CITY ENTERTAINMENT GROUP
 5091 A 1500X

PROPOSED FLOOR PLAN
LEVEL 2 MAIN GAMING
STAGE TWO

REVISIONS

NO.	DATE	DESCRIPTION
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2	11/10/09	ISSUE FOR PERMIT
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