GC12/25

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, and for approval of construction and design changes

BEFORE THE GAMBLING COMMISSION

Members:	S W Hughes KC (Chief Gambling Commissioner) S C L Pearson W A Acton S T Shaw C M Risk
Date of Application:	29 August 2025
Date of Decision:	10 October 2025
Date of Notification of Decision:	17 October 2025

DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED TO REDESIGNATE THE GAMBLING AREA AT THE AUCKLAND CASINO, AND FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES

Introduction

1. SkyCity Auckland Limited ("**SCAL**") applied to the Commission, pursuant to condition 9 of its venue licence and section 139(1)(d) of the Gambling Act 2003 (the "**Act**"), to reduce the designated Gambling Area on level 2 of the Auckland casino. SCAL also applied for approval of construction and design changes, under conditions 6 and 7 of its venue licence, to install entry stanchions, should the Gambling Area be reduced.

Relevant sections of the Act

2. Relevant sections of the Act are 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).

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.

Licence conditions

3. The relevant licence conditions are as follows:

SCAL venue licence (Auckland)

6. The Licence Holder must obtain the approval of the Commission prior to:

(a) construction or design changes to Levels 1, 2, 3, 5 and 6 of the Original Casino Site, including the Gambling Area but excluding the Sky Tower, SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms and the back of house areas used by staff (unless construction or design changes to any of these excluded areas may impact on matters set out in condition 7 in which case prior approval must be sought);

(b) construction and design changes to level 7 of the Grand Hotel on the NZICCA Additional Site, including the Gambling Area but excluding restaurant and bar areas outside the Gambling Area and the back of house areas used by staff (unless construction or design changes to any of these excluded areas may impact on matters set out in condition 7 in which case prior approval must be sought).

(c) the construction or relocation outside the Gambling Area and within the Original Casino Site or the NZICCA Additional Site of bank facilities available to the public excluding ATMs, EFTPOS and like devices;

(d) the addition or alteration of signage relating to the casino business on any building, road or structure within the Original Casino Site or the NZICCA Additional Site, including, walkways between any of the Original Casino Site and the NZICCA Additional Site;

(e) the broadcasting of gambling activity by or on behalf of the Licence Holder via any communication medium or channel.

The process by which the Licence Holder may obtain approval for construction or design changes to Levels 1, 2, 3, 5 and 6 of the Original Casino Site, and Level 7 of the Grand Hotel on the NZICCA Additional Site, including the Gambling Area (paragraphs (a) and (b) above) is set out in condition 7. The Commission will determine any application for approval under 6(c). The Executive Director may approve the addition or alteration of signage relating to the casino business on any building, road or structure within the Original Casino Site or the NZICCA Additional Site (paragraph (d) above) and the broadcasting of gambling activity by or on behalf of the Licence Holder via any communication medium or channel (paragraph (e) above) if satisfied that the proposed initiative(s) will have no potentially adverse effects. The proposed changes must otherwise be referred to the Commission for a decision on approval.

7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of Levels 1, 2, 3, 5 and 6 of the Original Casino Site, and Level 7 of the Grand Hotel on the NZICCA Additional Site, including the Gambling Area, but excluding Sky Tower, SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms, the back of house areas used by staff. Notification must be accompanied by relevant drawings and an assessment of any impacts the alterations may have on:

(a) the integrity and fairness of games;
(b) the effectiveness of security and surveillance;
(c) harm prevention, harm minimisation and responsible gambling;
(d) potential access to the Gambling Area by persons under 20 years of age; and
(e) compliance by any person with the Act, including section 11.

The Executive Director may approve the proposed changes to the construction or design if satisfied that there are no adverse impacts in relation to the matters specified in (a)-(e) above. The Executive Director must otherwise refer the proposal to the Commission for determination.

…

9. The current standard Gambling Area for the casino venue is delineated in the plans attached as Schedule 1 to these conditions. An additional Gambling Area for level 3 of the casino is delineated in the plan attached as Schedule 2

and will form part of the Gambling Area only after being activated as provided for in condition 9A.

9A. The additional Gambling Area depicted in the plan 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 the additional Gambling Area; and

(b) the Licence Holder specifying in the notice, the date and time at which the additional Gambling Area will take effect and the date and time it will terminate. At the end of the notified period the Gambling Area will revert to the area delineated in Schedule 1.

Submissions by SCAL

4. SCAL submitted, in summary, as follows:

(a) Its designated Gambling Areas are set out in schedules attached to its venue licence. It wants to reduce the designated Gambling Area on level 2 of the casino at the theatre-end (and enlarge the current non-gambling area in that location). It wants to install entry stanchions for crowd management purposes in the area which it proposes be redesignated as non-gambling area.

(b) The main entry to the level 2 Gambling Area already has a large non-gambling area with entry stanchions so that it can manage patron entry during busy periods. It wants to introduce a similar entry mechanism at the theatre-end of level 2.

(c) It has two approved Gambling Areas for level 2; the standard gambling area is attached as Schedule 1 to its licence conditions, with an additional gambling area attached as Schedule 2. If the Schedule 1 Gambling Area is reduced in the manner proposed, it will no longer require the additional (Schedule 2) area.

(d) The proposal will not affect the placement of its gaming products.

Secretary's submissions

5. The Secretary had no regulatory concerns with the application.

Analysis

6. SCAL has previously successfully applied to reduce the Gambling Area near the lifts at the theatre-end of level 2 in order to assess patrons for age before they enter the casino's Gambling Area (see decision GC06/18). It now seeks to enlarge the non-gambling area and install entry stanchions to better monitor patron entry without the restrictions created by a gambling area designation. SCAL's proposal is sensible and raises no issues of regulatory concern. Accordingly, the Commission redesignates the Standard Gambling

Area (Schedule 1) for level 2 and removes the additional Gambling Area (Schedule 2), as sought. The Commission approves the related application to install entry stanchions for crowd management purposes.

7. In granting the applications, the Commission noted that the Secretary had no regulatory concerns with SkyCity's proposal.

Decision

8. The Commission approved the construction and design changes proposed for level 2 of the Auckland casino, pursuant to conditions 6 and 7 of SCAL's venue licence.

9. Pursuant to condition 9 of SCAL's venue licence and section 139(1)(d) of the Gambling Act 2003, the Commission designated as Gambling Area the area shown on the replacement Schedule 1 for level 2 of the Auckland casino (**attached**). The additional area for level 2 (previously attached as Schedule 2) is no longer valid and has been deleted.

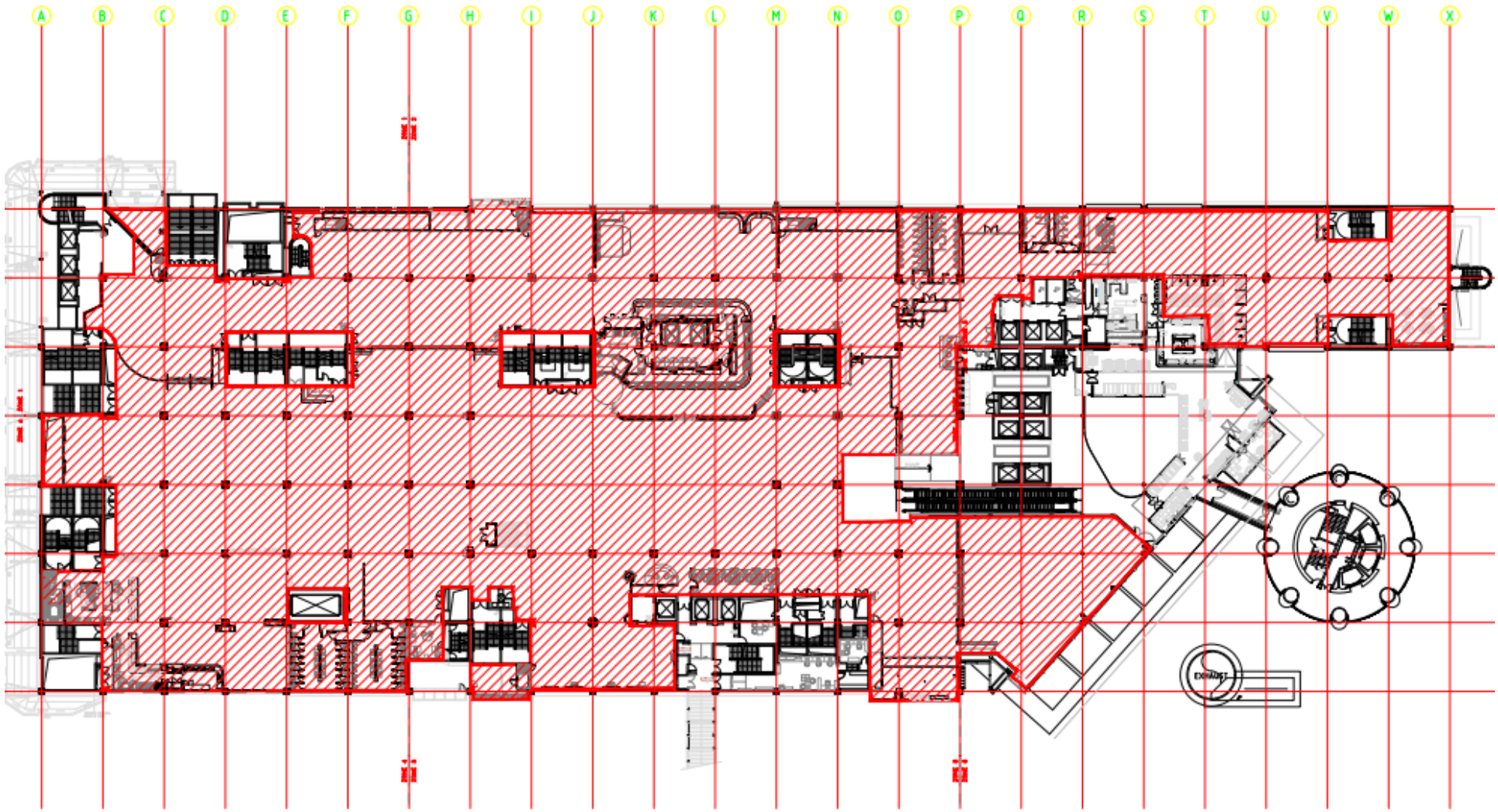
Appeal

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.

Susan Hughes KC
Gambling Commissioner

for and on behalf of the
Gambling Commission

17 October 2025



MAIN SITE - LEVEL 2