DECISION UNDER DELEGATED AUTHORITY ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES TO THE AUCKLAND CASINO

Date of Decision: 9 **February 2015**

1. On 5 February 2015, SKYCITY Auckland Limited ("**SCAL**") applied, pursuant to conditions 6 and 7 of its venue licence, for approval of construction and design changes to the Auckland casino.

2. Conditions 6 and 7 provide as follows:

> 6. The Licence Holder must obtain the approval of the Commission prior to:
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> (a) construction or design changes to Levels 1, 2, 3, 5 and 6 of the casino venue, including the Gambling Area but excluding the 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);
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> (b) the construction or relocation outside the Gambling Area and within the Casino Venue of bank facilities available to the public excluding ATMs, EFTPOS and like devices;
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> (c) the addition or alteration of signage relating to the casino business on any building, road or structure within the block of land bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West, including the Casino Venue, Sky Tower, car park, bus terminal and walkways between the casino and the Sky Tower and the convention centre.
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> 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 casino venue, including the Gambling Area (paragraph (a) above) is set out in condition 7. The Commission will determine any application for approval under 6(b). The Executive Director may approve the addition or alteration of signage relating to the casino business on any building, road or structure within the casino block (paragraph (c) above) if he/she is satisfied the proposed changes will have no potentially adverse effects. If he/she is not so satisfied, the proposed changes must be referred to the Commission for a decision on approval.
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> 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 casino venue, including the Gambling Area but excluding SKYCITY Theatre and foyer area, restaurant and bar areas outside the Gambling Area, hotel rooms and 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:
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> (a) the integrity and fairness of games;
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> (b) the effectiveness of security and surveillance;
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> (c) harm prevention, harm minimisation and responsible gambling;
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> (d) potential access to the Gambling Area by persons under 20 years of age; and
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> (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 he or she is satisfied that there are no adverse impacts in relation to the matters specified in (a)-(e) above. If the Executive Director is not satisfied, he or she will refer the proposal to the Commission for determination.

Submissions

3. SCAL stated that it currently has a TAB facility located at the back of the Baccarat Room on level 3. The room consists of screens, table and work station for placing bets with a TAB rep together with two self-service terminals.

4. It sought approval to relocate this facility from level 3 to level 2. The proposed location on level 2 is behind the escalators in an area forming part of a sports bar previously referred to as the "Deck Bar". This area is outside of the Gambling Area on level 2.

5. SCAL submitted:

   (a) that the placement of the TAB facility in this area on level 2 does not require any regulatory approval under condition 6(a) (because the facility would not be within the casino's Gambling Area), but Commission approval may be required to remove the TAB from level 3 because it is currently within the casino's Gambling Area. If Commission approval is required, it seeks it;

   (b) the proposed changes will have no bearing on any of the matters set out in condition 7.

Decision

6. The Commission was satisfied that the proposal would not adversely impact upon any of the matters set out in condition 7. Accordingly the design changes are approved by the Executive Director under delegated authority pursuant to conditions 6 and 7 of SCAL's venue licence. The construction and design changes are to be generally in accordance with the application.

Blair Cairncross
Executive Director
Gambling Commission

9 February 2015

GAMBLING COMMISSION