DECISION UNDER DELEGATED AUTHORITY ON AN APPLICATION BY OTAGO CASINOS LIMITED FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES TO THE WHARF CASINO

Date of Decision: 13 **February 2015**

1. On 11 February 2015, Otago Casinos Limited ("**OCL**") applied, pursuant to conditions 6 and 7 of its venue licence, for approval of construction and design changes to the Wharf casino.

2. Conditions 6 and 7 of OCL's venue licence provide as follows:

> 6. The Licence Holder must obtain the approval of the Commission prior to:
>
> (a) construction or design changes to the Casino Venue, but excluding the back of house area used by staff (unless construction or design changes to this excluded area 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 the exterior of the Casino Venue or on or around the building within which it is located.
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> (d) The process by which the Licence Holder may obtain approval for construction or design changes to the Casino Venue (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 the exterior of the Casino Venue or on or around the building within which it is located (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 the Casino Venue. 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 of the Act.
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> (f) 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.

3. OCL submitted as follows:

(a) the proposed design changes are relatively minor and would have no adverse impact on condition 7. The changes proposed are:

- to relocate the bar so that it sits across the former entry to the restaurant area; and
- to install window/bench seating in the location currently occupied by jackpot signage which will entail splitting a bank of gaming machines.

(b) In 2010, OCL applied to the Commission for construction and design changes which involved utilising an unused entrance to the casino from the adjoining glass boardwalk to enable it to link the casino with a new conjunct restaurant facility it proposed operating in the neighbouring premises. The application also sought to remove the then existing bar facility. OCL submitted that the proposal would have harm minimisation benefits as patrons would be more inclined to take a break from gambling to drink and dine. Despite some opposition, the Gambling Commission was satisfied that it would not impact negatively on the matters set out in condition 7 of OCL's venue, nor contravene the intent and purpose of the Gambling Act 2003. The Commission approved the construction and design changes in decision GC16/10, conditional on OCL fulfilling certain requirements, including the deployment of a security guard at the entrance.

(c) In June 2011 the Commission approved an application from OCL (delegated approval 45) to install a bar in Wharf casino in the same location as it was prior to decision GC16/10.

(d) SKYCITY has subsequently purchased OCL and, following a review of the casino operation, it closed the conjunct restaurant facility in late 2014. The closure of the restaurant has led to a review of the food and beverage offerings in the casino and the proposal to extend the bar facilities in the manner proposed.

(e) The proposal will ensure that the closure of the restaurant has a minimal impact on patrons who may wish to take a break from gambling to drink or dine. In the context of the closure of the conjunct facility, it represents a positive development.

4. The application will not impact adversely on the matters specified in condition 7 of OCL's venue licence. Indeed, the closure of a secondary door will simplify the regulatory oversight of the Wharf casino. Accordingly the application is approved by the Executive Director under delegated authority, pursuant to condition 7 of OCL's venue licence.

Blair Cairncross
Executive Director
Gambling Commission

13 February 2015

GAMBLING COMMISSION