**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:** 26 **June 2015**

1. On 22 June 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

(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 submitted as follows:

   (a) it wants to remove the escalators to the right of the MGF entry linking levels 2 and 3; and

   (b) develop a Burger Bar off the MGF in the area currently housing an existing Sports Bar.

4. The escalators to the right of the MGF entry are now surplus to requirements, with alternative access to level 3 available by way of a second set of escalators in the middle of the MGF, by lifts just off the MGF, and by escalators in the north eastern corner of level 2 off the MGF.

5. The removal of the escalators will provide additional floor space for the placement of product on the MGF.

6. SCAL wants to commence work within the next four weeks.

7. The new bar/dining area will extend into an unoccupied area on level 2 and into the existing food and beverage facility located in the Diamond Room, which forms part of the level 2 Gambling Area. The Diamond Room will remain a separate facility with no right of access between the two areas.

8. Significant parts of the development of the new Burger Bar do not require Commission approval because they are outside the Gambling Area, however part of the proposed development does encroach into the level 2 Gambling Area.

9. There will be two entry points into the main facility from level 2. The design is flexible enough to create a further access point at the "Ramp", allowing people to move between the main dining facility and the Diamond Room. At this stage it is not intended to provide ingress/egress via this area, but in the event such access is made available, a staff member would be deployed to monitor age restrictions.

10. The proposed new dining facility as it relates to the Diamond Room Gambling Area will replace the current food and beverage offering in that area.

11. There will be a back of house passageway leading from the main dining facility and the kitchen. This is part of the Gambling Area and is designed to be used by waiting staff. Entry to the passageway will not be controlled, meaning that patrons, including minors, could potentially access this area with the result being that the casino operator would be technically in breach, despite the lack of gambling product in the passageway. In order to address this, it will lodge a separate application with the Commission, seeking to remove the passageway from the designated Gambling Area.

12. The proposed changes will have no bearing on any of the matters set out in condition 7.

*Decision*

13. 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

26 June 2015

GAMBLING COMMISSION