

IN THE MATTER of the Gambling Act 2003
AND of an application by **SKYCITY
AUCKLAND LIMITED** for approval
of construction and design changes

BEFORE THE GAMBLING COMMISSION

Members: G L Reeves (Chief Gambling Commissioner)
L M Hansen
W N Harvey
S C L Pearson

Date of Application: 11 February 2019

Date of Decision: 15 February 2019

Date of Notification
of Decision: 15 February 2019

**DECISION ON AN
APPLICATION BY SKYCITY AUCKLAND LIMITED
FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES**

Application

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission for approval of construction and design changes, pursuant to conditions 6 and 7 of SCAL's venue licence.

Licence conditions

2. The relevant licence conditions are as follows:

SCAL's 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.

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) if satisfied that the proposed changes 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.

- 8. The Licence Holder shall ensure that:
 - (a) gambling activity is not visible from outside the Casino Venue; and
 - ...

Submissions by SCAL

- 3. SCAL submitted, in summary, as follows:
 - (a) In decision GC23/18 the Commission approved construction and design changes to Level 2 at the Auckland casino. The approval permitted it to construct the "Deli" smoking deck.

- (b) It wants to commence the construction changes at the end of February 2019, but in the process of finalising the construction details, has decided that it wants to reduce the size of the Deli smoking deck.

Submissions by the Secretary

4. The Secretary submitted that SCAL must comply with licence condition 8 of its venue licence, but otherwise he has no regulatory concerns with SCAL's proposal.

Analysis

5. In decision GC23/18 the Commission approved SCAL's application for approval of construction and design changes, and to redesignate the casino's Gambling Area, in order to create an outdoor gambling area where patrons can smoke while playing gaming machines.
6. When SCAL came to implement the construction of the Deli smoking deck, it decided that it wanted to make additional construction and design changes, to reduce the size of the deck.
7. SCAL's proposal raised no issues of regulatory concern for the Secretary or the Commission. The proposal simply represents a reduction in size on what has already been considered and approved by the Commission. This reduction will not have an adverse impact on any of the matters specified by condition 7.
8. SCAL is cognisant of its obligations under condition 8.

Decision

9. The Commission approved the proposed construction and design changes, pursuant to conditions 6 and 7 of SCAL's venue licence.

Right of 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.



Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

15 February 2019

