

**IN THE MATTER** of the Gambling Act 2003  
**AND** on an application by **SKYCITY AUCKLAND LIMITED** for approval of construction and design changes to level 3 of the Auckland casino

**BEFORE THE GAMBLING COMMISSION**

Members: G L Reeves (Chief Gambling Commissioner)  
P J Stanley  
L M Hansen

Date of Application: 11 May 2011

Date of Decision: 17 June 2011

Date of Notification  
of Decision: 24<sup>th</sup> June 2011

**DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED  
FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES  
TO LEVEL 3 OF THE AUCKLAND CASINO**

**Introduction**

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission, under conditions 6 and 7 of SCAL's venue licence, for approval of construction and design changes to its VIP facility on level 3 of the Auckland casino. SCAL wants to develop the facility into a sports bar for temporary use during the Rugby World Cup.

**Licence conditions**

2. The relevant licence conditions are as follows:

**SCAL's venue licence**

6. The Licence Holder must obtain the approval of the Commission prior to:
  - (a) construction or design changes to Levels 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);
  - (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;
  - (c) the addition or alteration of signage relating to the casino business on the exterior of the Casino Venue.



- (d) The process by which the Licence Holder may obtain approval for construction or design changes to Levels 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) and (c).
7. The Licence Holder must notify the Executive Director of any proposed changes to the construction or design of Levels 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:
- (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 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.

### **SCAL's submissions**

3. SCAL submitted, in summary, as follows:

- (a) In September 2011, it expects to open the north side of level 5, which houses the VIP Gambling Area and one of four international salons. When this facility opens, it will close the existing VIP facility on level 3.
- (b) It wants to develop the vacated VIP facility into a temporary Sports Bar to be used during the Rugby World Cup. The proposed changes are minimal, involving the removal of the cashiering facility, the installation of a window overlooking the main gaming floor, and possibly creating a new entrance from the foyer that runs adjacent to the theatre.
- (c) It has not yet determined whether the new area will house any gambling product, and if not, whether it should apply to re-designate it as a non-gambling area. If the room retains its gambling designation it will ensure that entry to the area is controlled to ensure no access by minors.
- (d) The proposed changes have no adverse effect on any of the issues set out in condition 7 of its venue licence.

### The Secretary's submissions

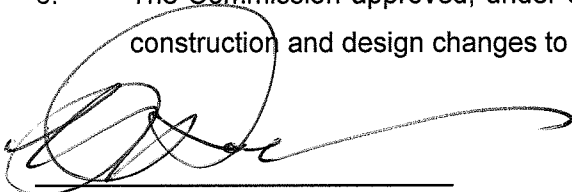
4. The Secretary submitted that he had no regulatory concerns with the proposal.

### Analysis

5. SCAL sought Commission approval to construct a sports bar for use during the Rugby World Cup in an area to be vacated on level 3. The proposal raised no issues of regulatory concern for the Commission. The Commission noted that:
  - (a) construction of the bar is to be generally in accordance with the application;
  - (b) until specified otherwise, the bar remains part of the designated Gambling Area so entry is strictly R20;
  - (c) should SCAL want to install a new entrance from the foyer, Commission approval will be required.

### Decision of the Commission

6. The Commission approved, under conditions 6 and 7 of its venue licence, the proposed construction and design changes to the VIP facility on level 3 of the Auckland casino.



Graeme Reeves  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

*GR* June 2011

