

**IN THE MATTER** of the Gambling Act 2003  
**AND** on an application by **SKYCITY  
AUCKLAND LIMITED** to  
redesignate the Gambling Area at  
the Auckland casino

**BEFORE THE GAMBLING COMMISSION**

Members: G L Reeves (Chief Gambling Commissioner)  
P J Stanley  
L M Hansen  
R D Bell  
A K Foote

Date of Application: 24 December 2012

Date of Decision: 15 February 2013

Date of Notification  
of Decision: / March 2013

**DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED  
TO REDESIGNATE THE GAMBLING AREA AT THE AUCKLAND CASINO**

**Introduction**

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission:
  - (a) to redesignate the Gambling Area at the Auckland casino, under condition 9 of SCAL's venue licence and section 139 of the Gambling Act 2003 (the "**Act**"); and
  - (b) to vary conditions 9 and 9A of SCAL's venue licence, pursuant to section 139 of the Act, to incorporate the additional Gambling Area.

**Licence conditions**

2. The relevant licence conditions, with proposed changes shown in mark-up, are as follows:
  9. The current Gambling Area for the casino venue is delineated in the plan attached as Schedule 1 to these conditions. A first alternative Gambling Area is delineated in the plan attached as Schedule 2. A second alternative Gambling Area is delineated in the plan attached as Schedule 3. A third alternative Gambling Area is delineated in the plan attached as Schedule 4. A fourth alternative Gambling Area is delineated in the plan attached as Schedule 5. A fifth alternative Gambling Area is delineated in the plan attached as Schedule 6. A sixth alternative Gambling Area is delineated in the plan attached as Schedule 7. A seventh alternative Gambling Area is delineated in the plan attached as Schedule 8.



- 9A. A change of Gambling Area will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days prior notice in writing of its intention to adopt one of the approved Gambling Areas referred to in Condition 9 and shown in Schedules 1, 2, 3, 4, 5, 6, and 7 and 8.

3. The relevant section of the Act is as follows:

**139 Conditions of casino licence**

- (1) The Gambling Commission may specify the conditions of a casino licence or vary or revoke the conditions of a casino licence in the following circumstances:
- (a) on granting a casino operator's licence:
  - (b) on renewing a casino venue licence:
  - (c) on approving a casino venue agreement or an amendment to it:
  - (d) on application by the holder of the casino licence:
  - (e) on its own initiative or on the request of the Secretary.
- (2) A condition of a casino licence specified under subsection (1)—
- (a) must be consistent with this Act; and
  - (b) must contribute to achieving the purposes of this Act; and
  - (c) must contribute to the efficient and effective administration of this Act; and
  - (d) must not permit an increase in the opportunities for casino gambling; and
  - (e) may relate to any matter, including the matters specified in Schedule 1, within the confines of paragraphs (a) to (d).

**SCAL's submissions**

4. SCAL submitted, in summary, as follows:

- (a) It wants to redesignate the Gambling Area to include the Jade Dragon Restaurant on level 1. The proposed change will add a further 400 square metres to the casino's Gambling Area.
- (b) Should approval be granted, it wants to convert the area into a VIP gambling area.
- (c) It does not yet have the detailed design of the proposed new area as this is dependent on first receiving Commission approval to designate the area as gambling area. The proposed design changes will be submitted at a later date for Commission approval, pursuant to conditions 6 and 7 of its venue licence, together with an assessment of the impact of the proposed changes on the matters specified in condition 7.
- (d) The variation to conditions 9 and 9A are to incorporate the additional Gambling Area.

**Problem Gambling Foundation's ("PGF") submissions**

5. PGF submitted, in summary, as follows:
- (a) This application needs to be considered in conjunction with a related SCAL application to develop additional areas at the Auckland casino where patrons can smoke and gamble. SCAL is seeking to massively expand its Gambling Area and to relocate its existing gambling products in these new areas. This could be in preparation for a significant expansion of gambling as a result of negotiations with Government on the proposed Convention Centre.
  - (b) By significantly increasing the Gambling Area, SCAL is increasing the capacity (potential patron numbers) and therefore the opportunities for gambling.
  - (c) On this basis the Commission should decline both applications.

**The Secretary's submissions**

6. The Secretary submitted that he has no regulatory concerns with the proposal, but that he may want to provide further comment once SCAL submits the corresponding design changes and floor plans to the Commission for approval.

**SCAL's submissions in reply**

7. In reply, SCAL submitted that PGF objects to the proposed expansion of the Gambling Area on the basis that an increase in floor capacity will increase opportunities for casino gambling. This argument has been advanced previously, and largely rejected by the Commission.

**Analysis**

8. SCAL has applied to the Commission to redesignate the Gambling Area to include the Jade Dragon restaurant. Submissions were sought, and received, on SCAL's proposal from the Secretary and PGF.
9. The Commission has previously considered whether it has power to redefine a casino's Gambling Area, holding that it can do so, provided that the amended area does not extend beyond the casino venue as defined in a casino venue licence and the licence conditions defining the new area are consistent with section 139(2) of the Act.
10. SCAL's venue licence defines the casino venue as the block bounded by Hobson Street, Wellesley Street West, Federal Street and Victoria Street West, less four specific exclusions; namely the underground carpark, the Sky Tower, the bus station and the



walkway between Sky Tower and the casino complex. The Commission was satisfied that the proposed new gambling area was within the casino venue.

11. The Commission is also satisfied that the proposed licence conditions are consistent with section 139(2) of the Act. Specifically it is satisfied that the expansion of the Gambling Area does not, of itself, increase opportunities for casino gambling. In this case, the application to re-designate the Gambling Area is made in advance of a foreshadowed application for construction and design changes and an application for approval of a new floor plan including the additional area. Both would be required before gambling products could be placed and used in the additional area.
12. As noted in decision GC01/13, increasing the casino's Gambling Area by re-designation does not carry with it permission to place any gambling products in the extended area, whether by addition or by relocation from elsewhere within the casino. Casino operators are not permitted to place gambling products freely within the designated Gambling Area; rather their placement and use is separately and strictly controlled by floor plans that the Commission must approve.
13. The Commission will further consider the issue of increased opportunities when it is asked to approve the foreshadowed construction and design changes and floor plans allowing SCAL to deploy gaming machines or gaming tables in the extended area.

#### **Decision**

14. The Commission approved:
  - (a) the redesignation of the Gambling Area at the Auckland casino in the manner proposed, under condition 9 of SCAL's venue licence and section 139 of the Act;
  - (b) a variation to conditions 9 and 9A of SCAL's venue licence, pursuant to section 139 of the Act. Conditions 9 and 9A now read as follows:
    9. The current Gambling Area for the casino venue is delineated in the plan attached as Schedule 1 to these conditions. A first alternative Gambling Area is delineated in the plan attached as Schedule 2. A second alternative Gambling Area is delineated in the plan attached as Schedule 3. A third alternative Gambling Area is delineated in the plan attached as Schedule 4. A fourth alternative Gambling Area is delineated in the plan attached as Schedule 5. A fifth alternative Gambling Area is delineated in the plan attached as Schedule 6. A sixth alternative Gambling Area is delineated in the plan attached as Schedule 7. A seventh alternative Gambling Area is delineated in the plan attached as Schedule 8.
    - 9A. A change of Gambling Area will take effect subject to the Licence Holder providing the Commission and the Inspectorate a minimum of 10 working days prior notice in writing of its intention to adopt one of the approved Gambling Areas referred to in Condition 9 and shown in Schedules 1, 2, 3, 4 5, 6, 7 and 8.

15. Schedules 1, 2, 3, 4, 5, 6, 7 and 8 are **attached**.

**Right of appeal**

16. 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.

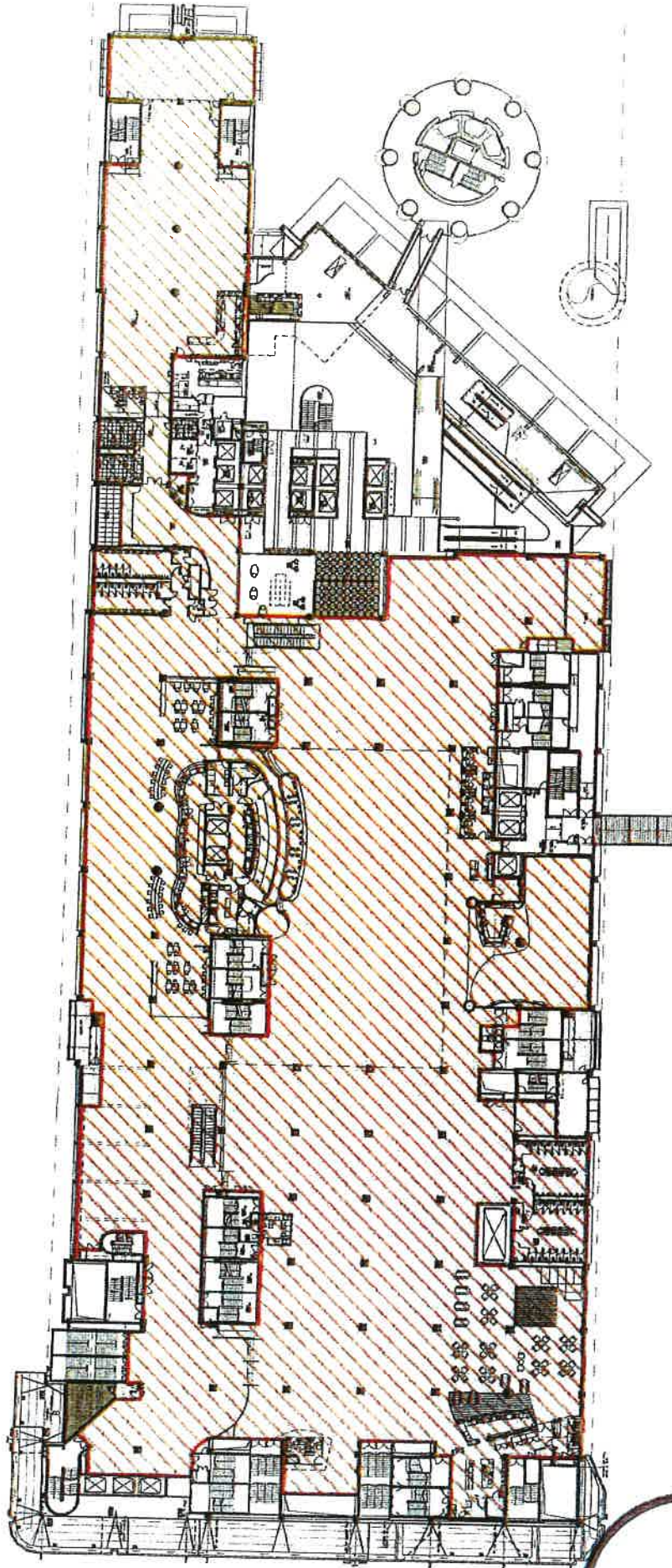


Graeme Reeves  
Chief Gambling Commissioner

for and on behalf of the  
Gambling Commission

| March 2013





GAMING AREA: 6,874m<sup>2</sup>



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 Toronto, Ontario M5X 1C7  
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**SKYCITY**  
 ENTERTAINMENT GROUP

Sky City Entertainment Group  
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CLIENT AND PROJECT

Project Name	SKYCITY - PODIUM
Project No.	073_002
Phase	Phase 1 - 2007 - 2008
Design	Design & Construction
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Scale	1:100

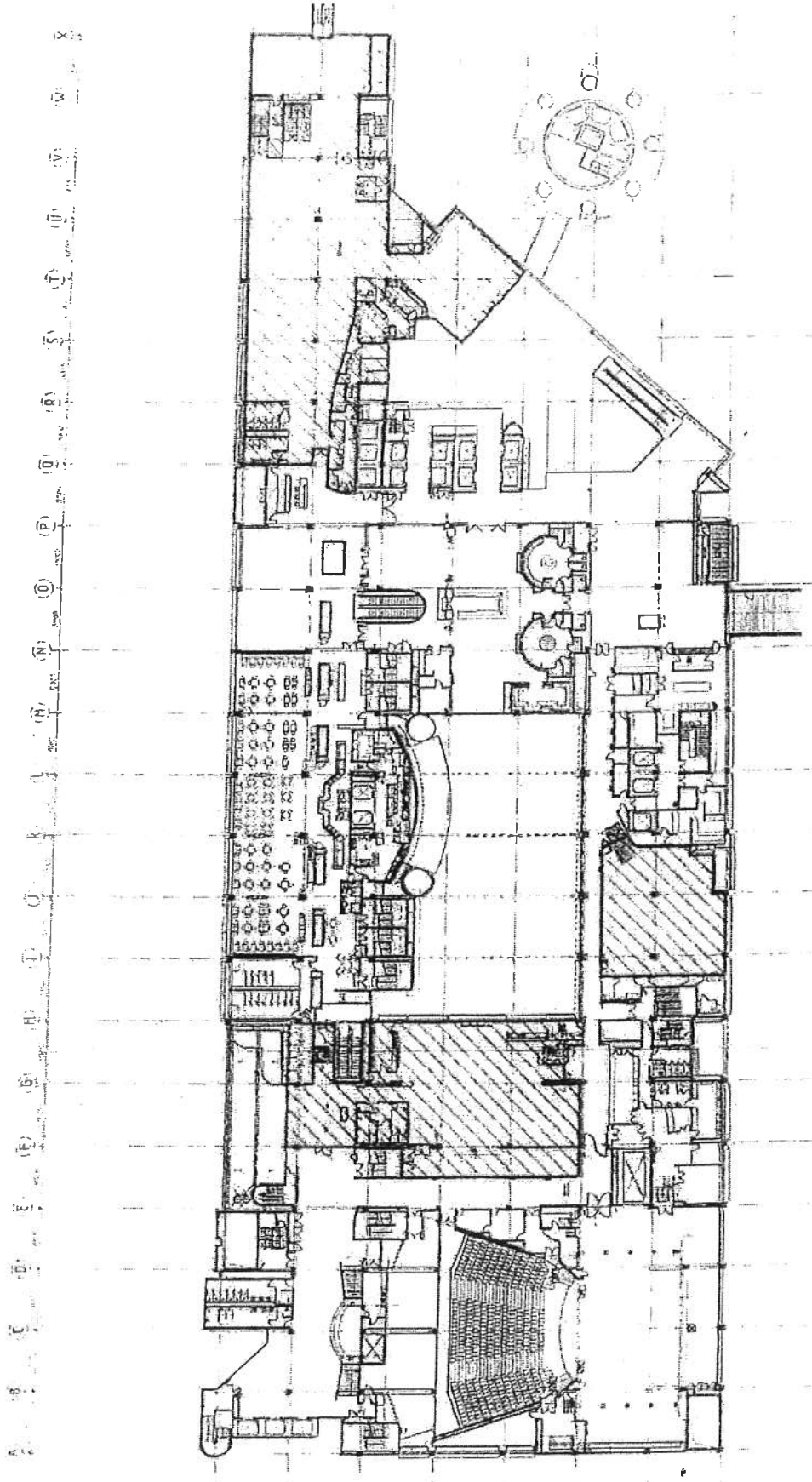
DATE: 21/11/2012

REVISIONS

No.	Description	Date
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 CURRENT

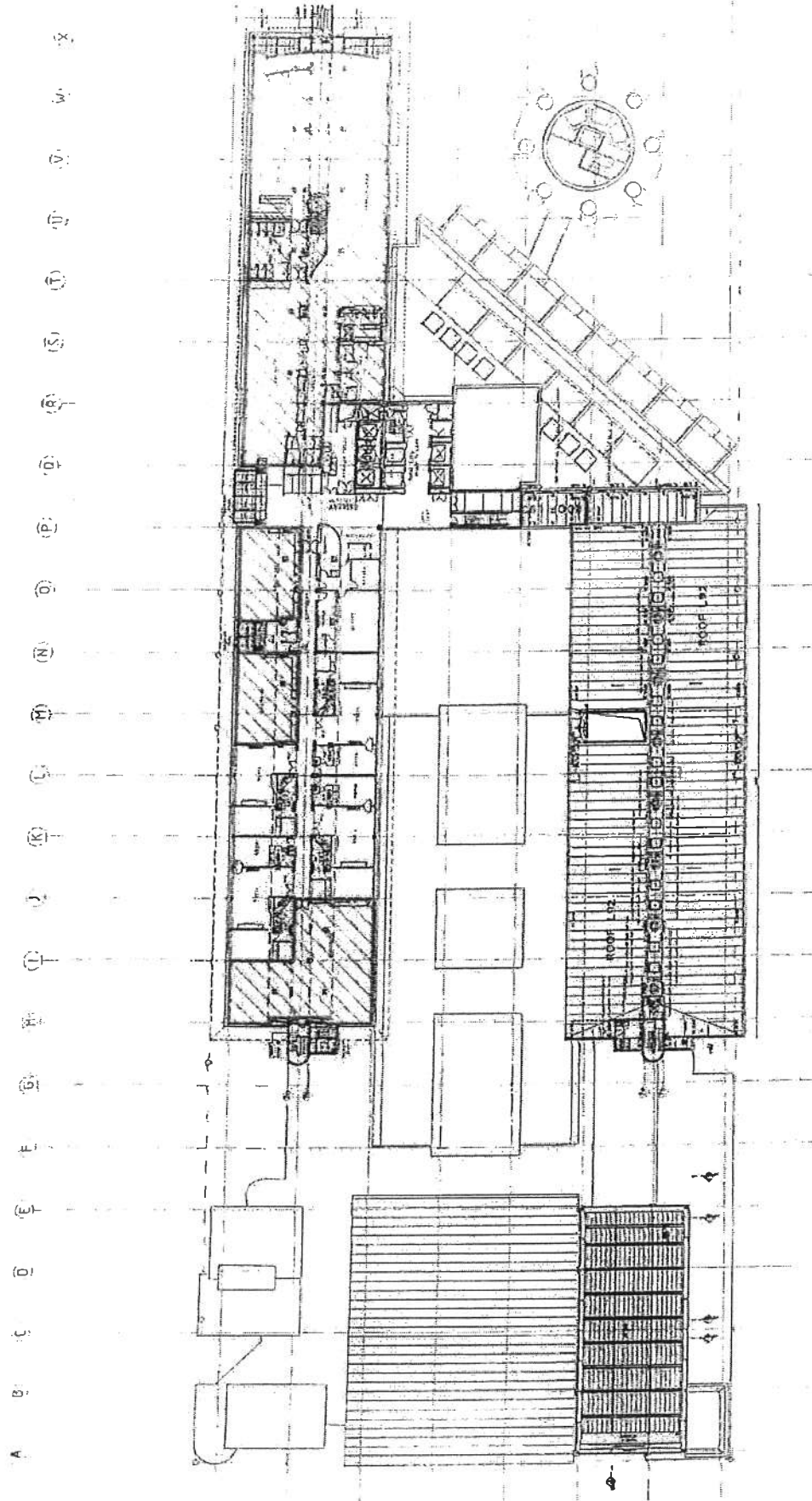
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BY	SKYCITY
CHECKED BY	SKYCITY
APPROVED BY	SKYCITY



GAMING AREA: 2,000m<sup>2</sup>



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<p>PROJECT NAME</p>	<p>SKY CITY - POPULIM LEVEL 3 GAMING AREAS</p>	<p>DATE: 15/10/2012</p>	<p>SKY CITY ENTERTAINMENT GROUP</p>	<p>Moller Architects</p>
<p>PROJECT NO.</p>	<p>15/10/2012</p>	<p>DATE</p>	<p>SKY CITY ENTERTAINMENT GROUP</p>	<p>Moller Architects</p>
<p>PROJECT NO.</p>	<p>15/10/2012</p>	<p>DATE</p>	<p>SKY CITY ENTERTAINMENT GROUP</p>	<p>Moller Architects</p>



GAMING AREA: 1,309m<sup>2</sup>

PROJECT NO.	15H012012
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CLIENT	Sky City Entertainment Group
ARCHITECT	Moller Architects

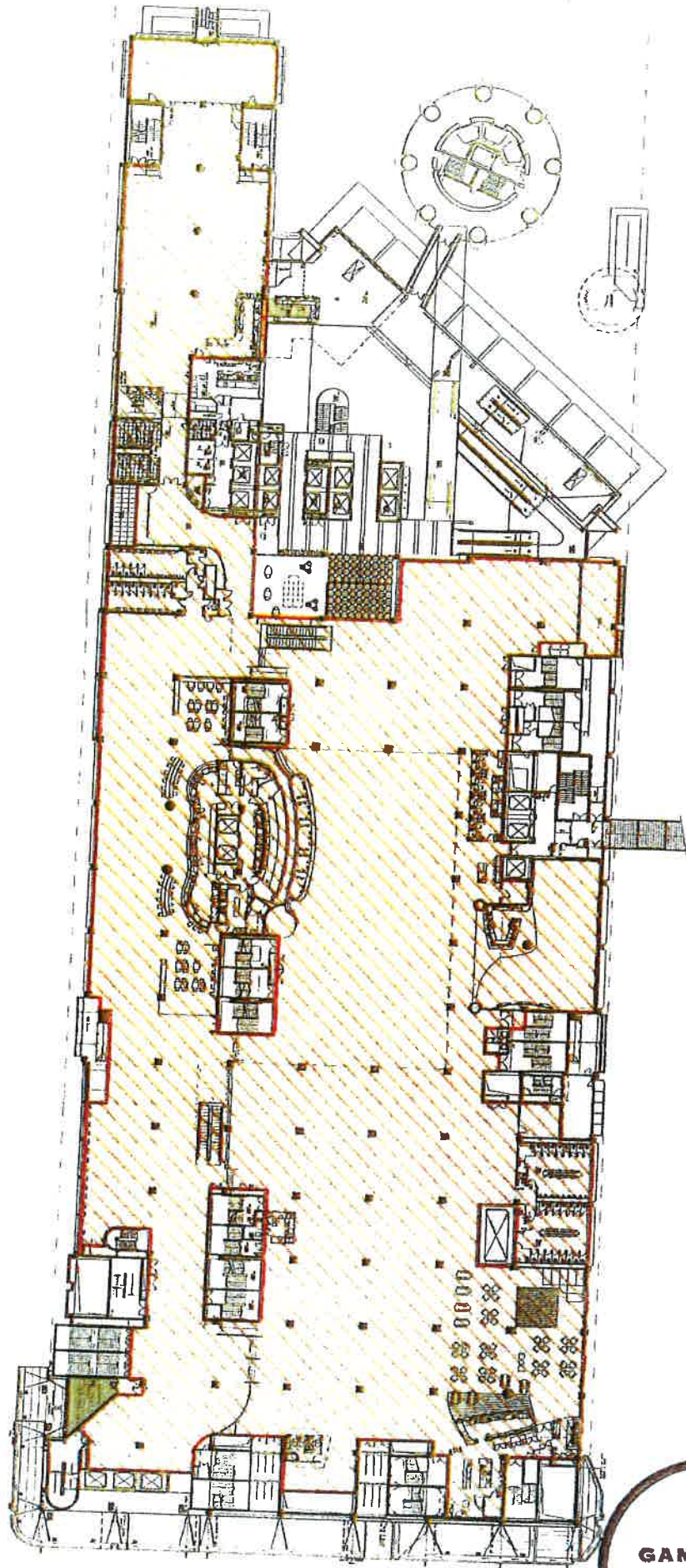
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PROJECT NAME	SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS
CLIENT	Sky City Entertainment Group
ARCHITECT	Moller Architects

DATE	15/11/2012
PROJECT NO.	15H012012
PROJECT NAME	SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS
CLIENT	Sky City Entertainment Group
ARCHITECT	Moller Architects

DATE	15/11/2012
PROJECT NO.	15H012012
PROJECT NAME	SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS
CLIENT	Sky City Entertainment Group
ARCHITECT	Moller Architects







GAMING AREA: 6,874m<sup>2</sup>



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DESIGN AND PROTECT

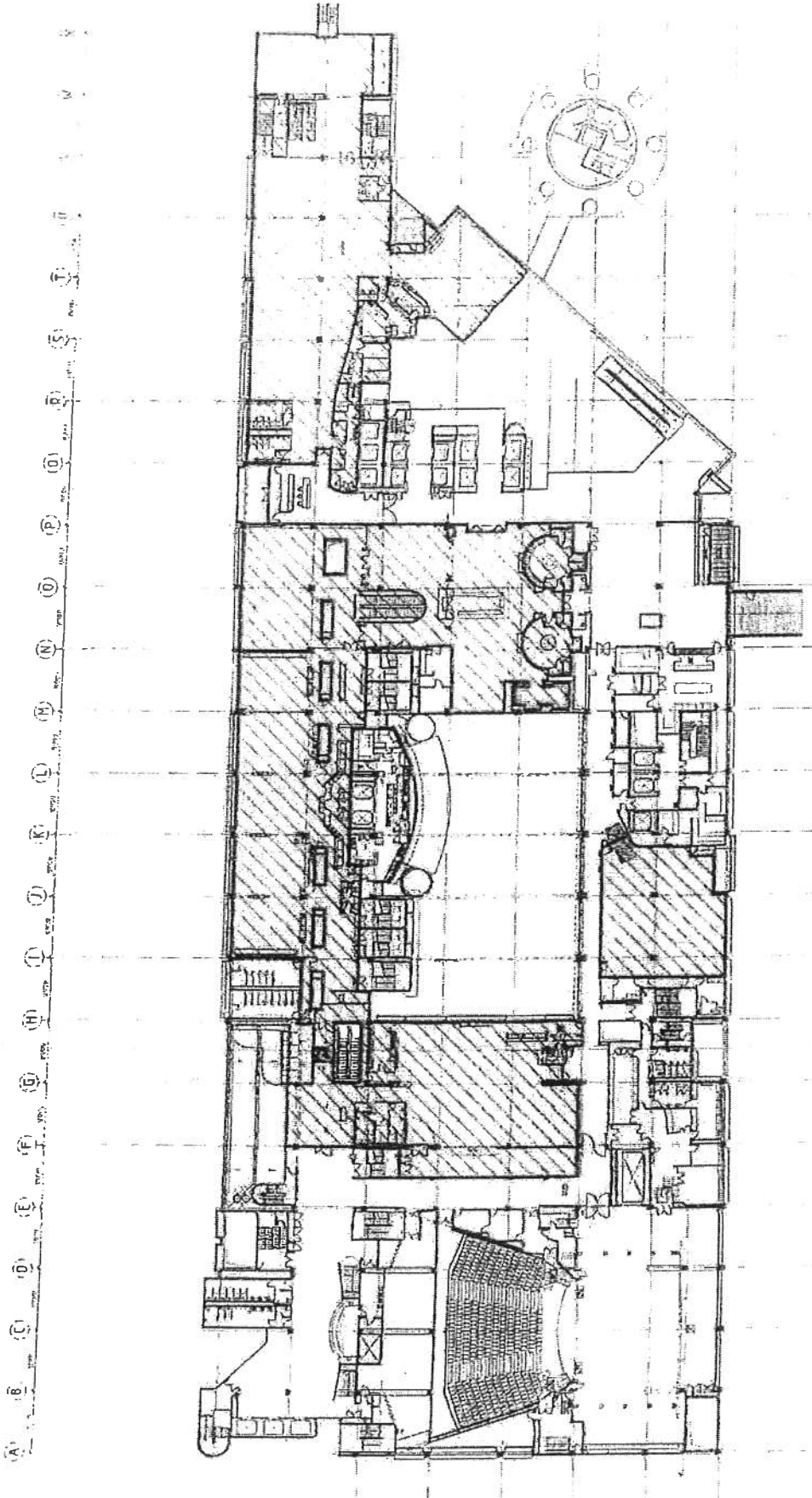
DATE: 2012

Project: Sky City - Podium Level 2  
 Client: Sky City Entertainment Group  
 Designer: Miller Architects  
 Date: 2012

Project: Sky City - Podium Level 2  
 Client: Sky City Entertainment Group  
 Designer: Miller Architects  
 Date: 2012

SKY CITY - PODIUM  
 LEVEL 2 GAMING AREAS  
 CURRENT  
 2/1/1/2012

NO.	REVISION	DATE
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2	ISSUE FOR PERMIT	02/01/12
3	ISSUE FOR PERMIT	02/01/12
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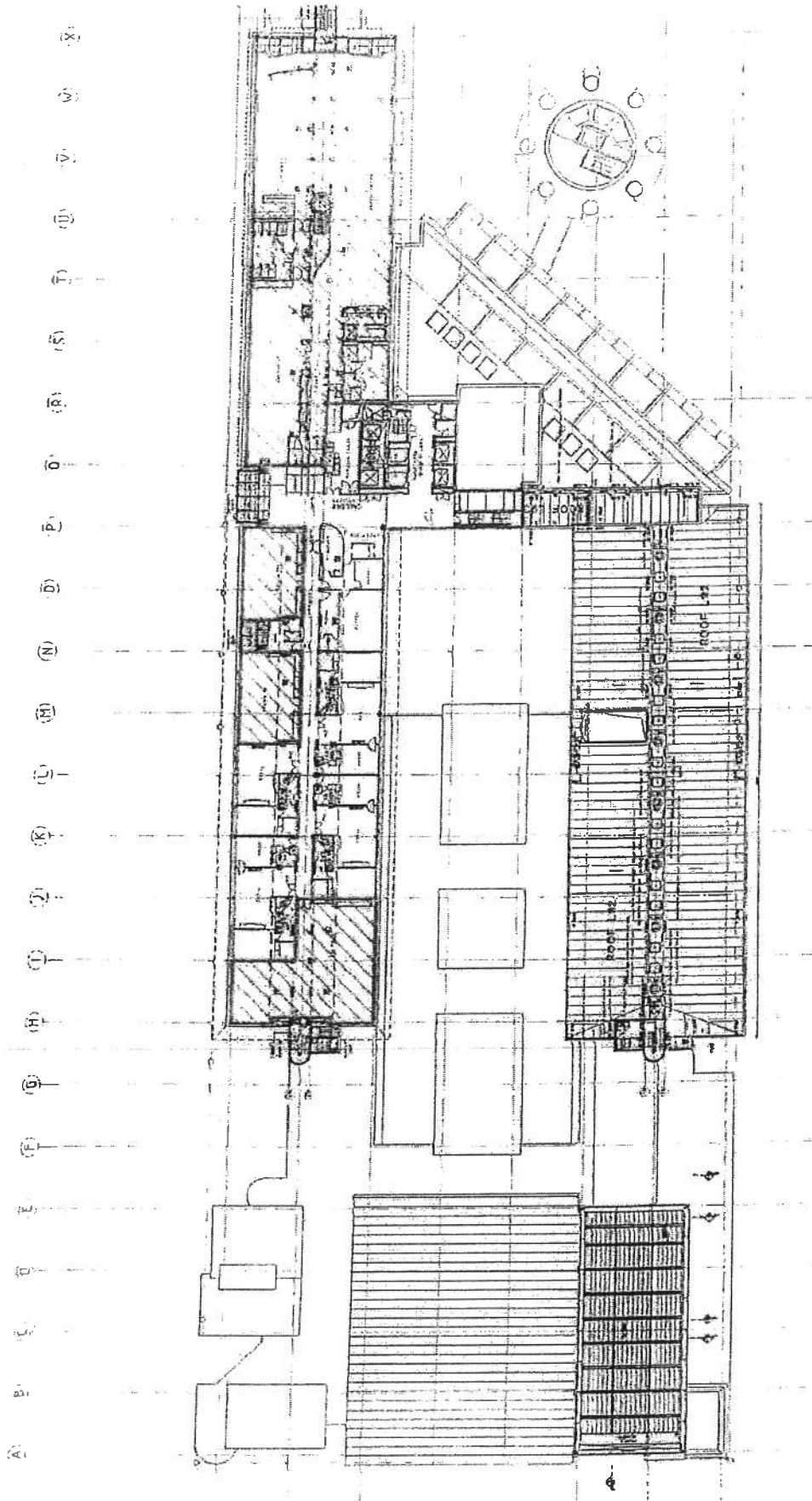


GAMING AREA: 3,422m<sup>2</sup>



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<p>SKY CITY ENTERTAINMENT GROUP                  GAMING AREAS</p>	<p>SKY CITY                  ENTERTAINMENT GROUP</p>





GAMING AREA: 1,309m<sup>2</sup>

Project Name	SKY CITY - VIP GAMING
Level	LEVEL LK1
Area	GAMING AREAS
Date	15/11/2012

SKY CITY - VIP GAMING  
LEVEL LK1  
GAMING AREAS  
15/11/2012

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Drawing No: SKY-012  
Revision: 1  
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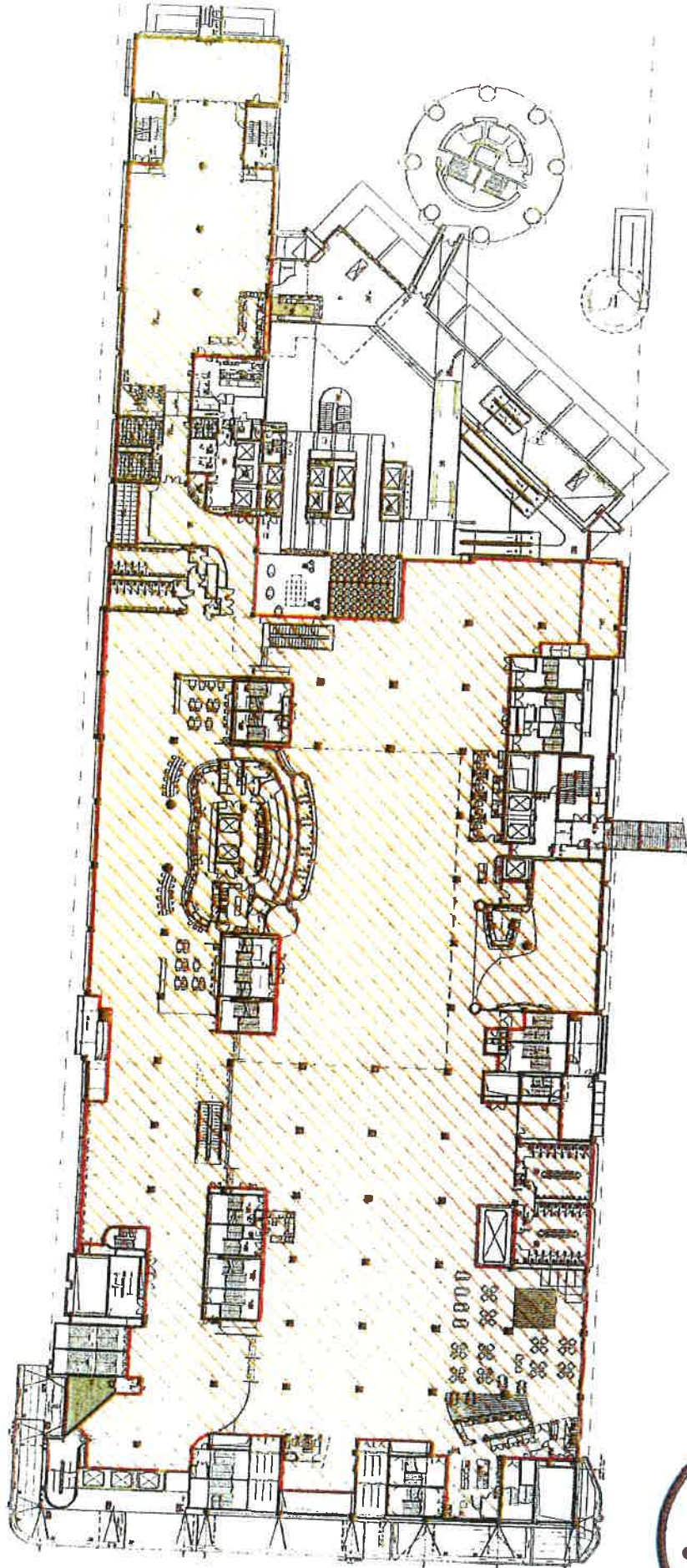
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GAMING AREA: 6,874m<sup>2</sup>



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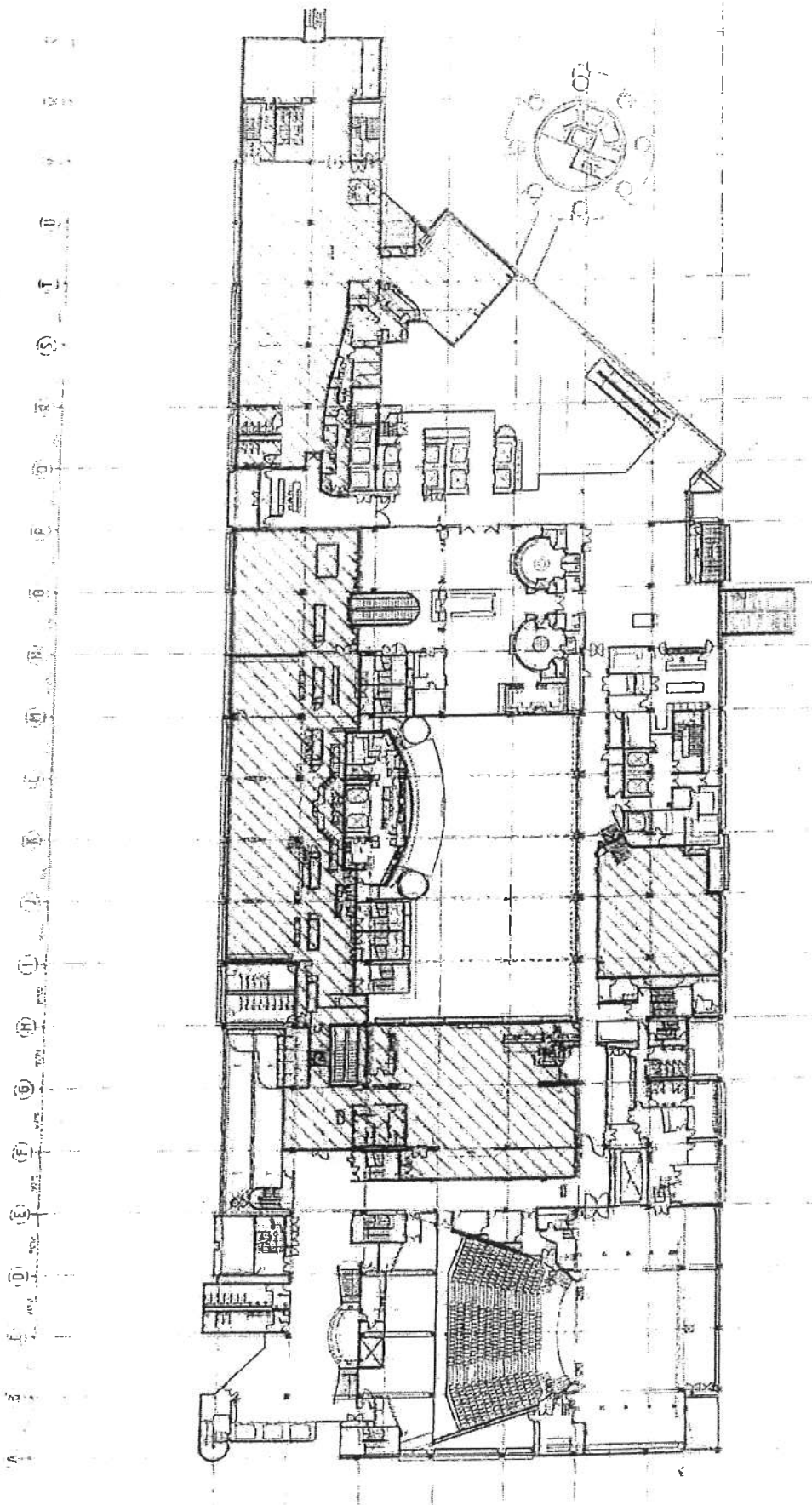
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DRAWING INFORMATION  
 Sheet: 202  
 Date: 2012.03.28  
 Title: Sky City - Podium Level 2  
 Drawing No: 202-030

1. Refer to Design 1 for General Explanations.  
 2. Refer to Design 2 for General Explanations.  
 3. Refer to Design 3 for General Explanations.  
 4. Refer to Design 4 for General Explanations.  
 5. Refer to Design 5 for General Explanations.  
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 8. Refer to Design 8 for General Explanations.  
 9. Refer to Design 9 for General Explanations.  
 10. Refer to Design 10 for General Explanations.

SKY CITY - PODIUM  
 LEVEL 2  
 CURRENT  
 GAMING AREAS  
 21/11/2012

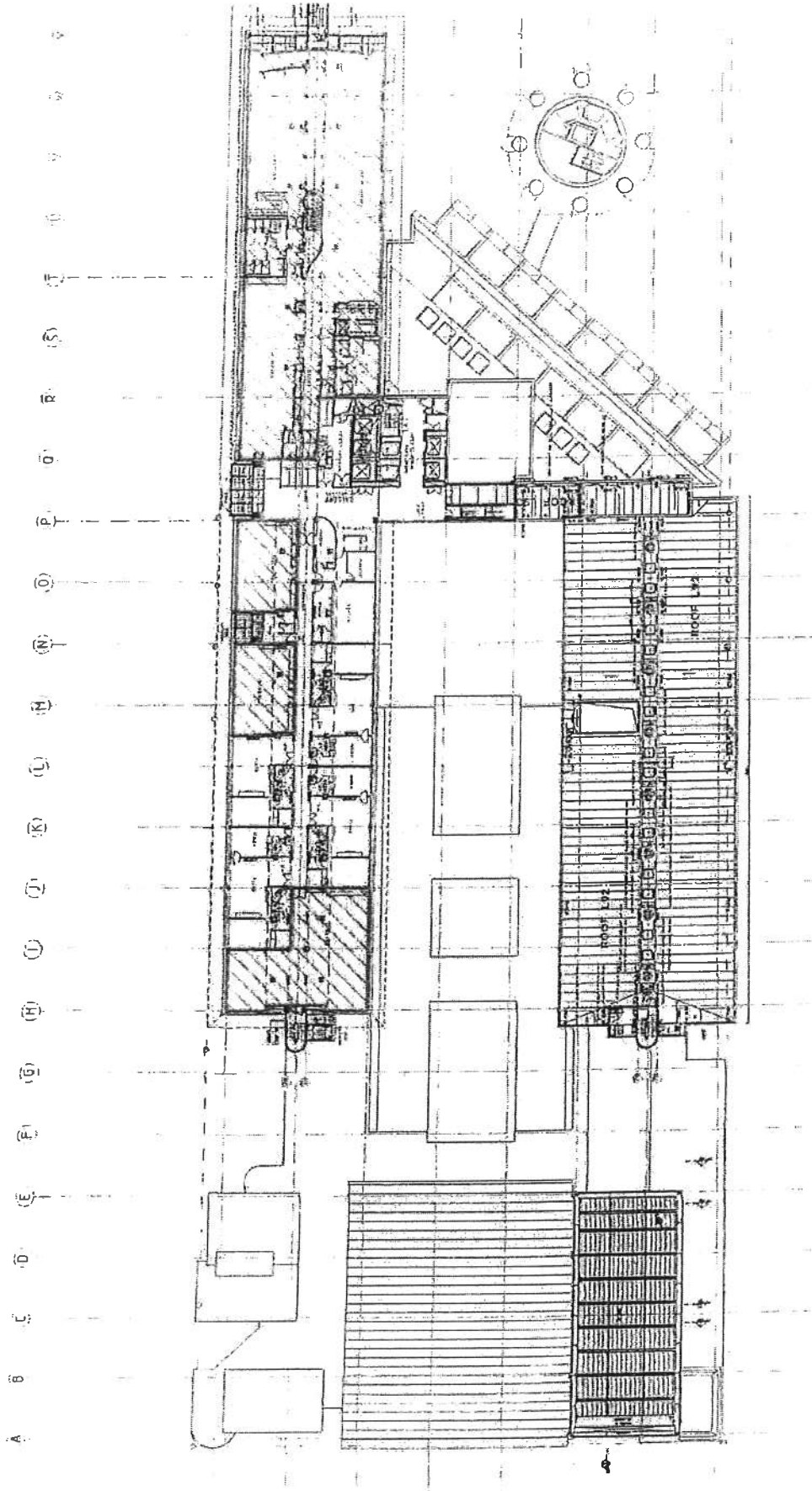
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GAMING AREA: 2,972m<sup>2</sup>



<p>DATE: 15/10/2012          DRAWN BY: [Name]          CHECKED BY: [Name]</p>	<p>SKYCITY - PODIUM          LEVEL 3          GAMING AREAS          VERSION 1</p>	<p>PROJECT: SkyCity Entertainment Group          CLIENT: SkyCity Entertainment Group          ADDRESS: [Address]          CONTACT: [Contact]</p>	<p>SKYCITY          ENTERTAINMENT GROUP          GAMING LAYOUTS</p>	<p>MOLLER ARCHITECTS          100 [Address]          [Phone Number]</p>	<p>GAMBLING COMMISSION</p>
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GAMING AREA: 1,309M<sup>2</sup>

Project Name	SKY CITY - VIP GAMING
Level	LEVEL H5
Date	15/10/2012
Scale	
Author	
Checked	
Approved	

SKY CITY - VIP GAMING  
LEVEL H5  
GAMING AREAS  
15/10/2012

Approved for Construction  
This drawing shall be used in conjunction with the approved set of documents.  
No part of this drawing shall be used in any other project without the written consent of the architect.  
Project Name: SKY CITY - VIP GAMING  
Level: LEVEL H5  
Date: 15/10/2012

Sky City Entertainment Group  
Gaming Layouts

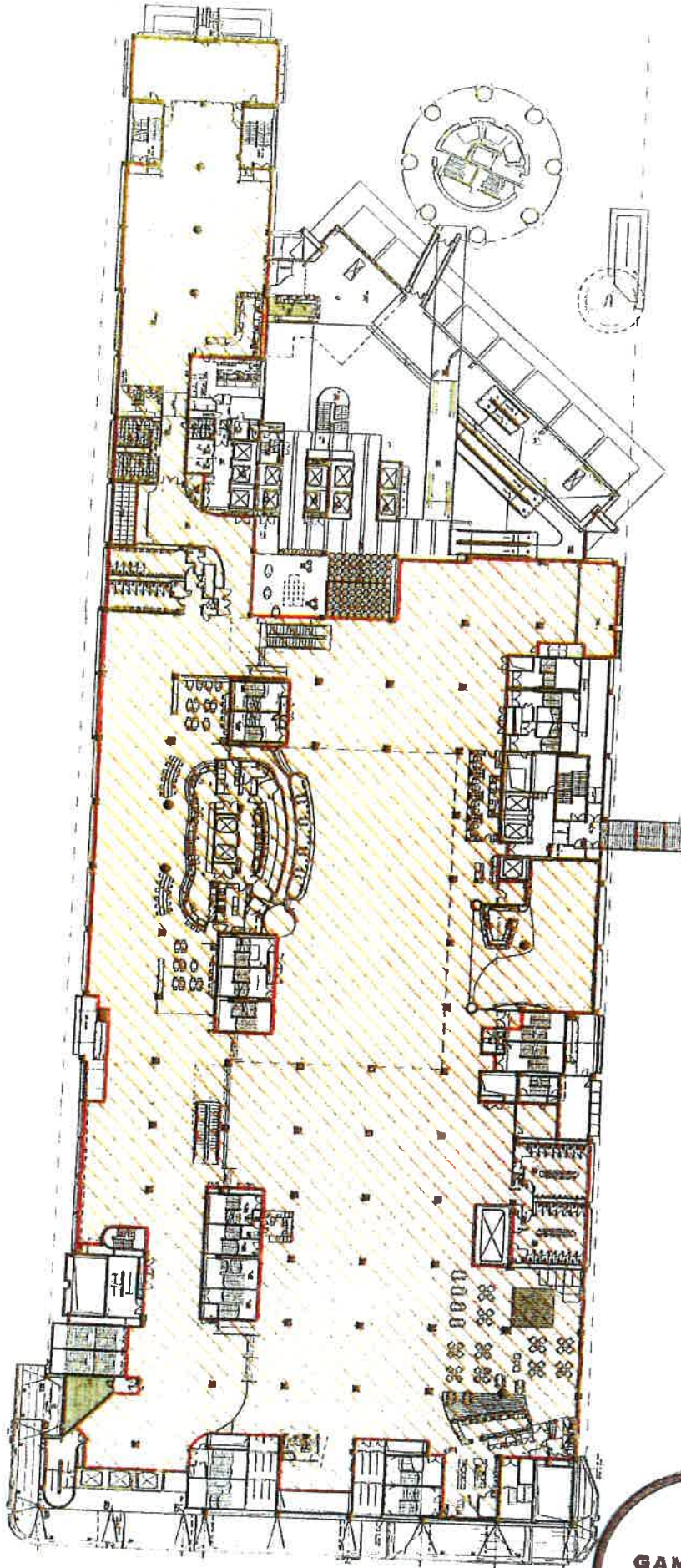


Plan No: 15/10/12/001  
Rev: 15/10/12/001

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GAMING AREA: 6,874m²



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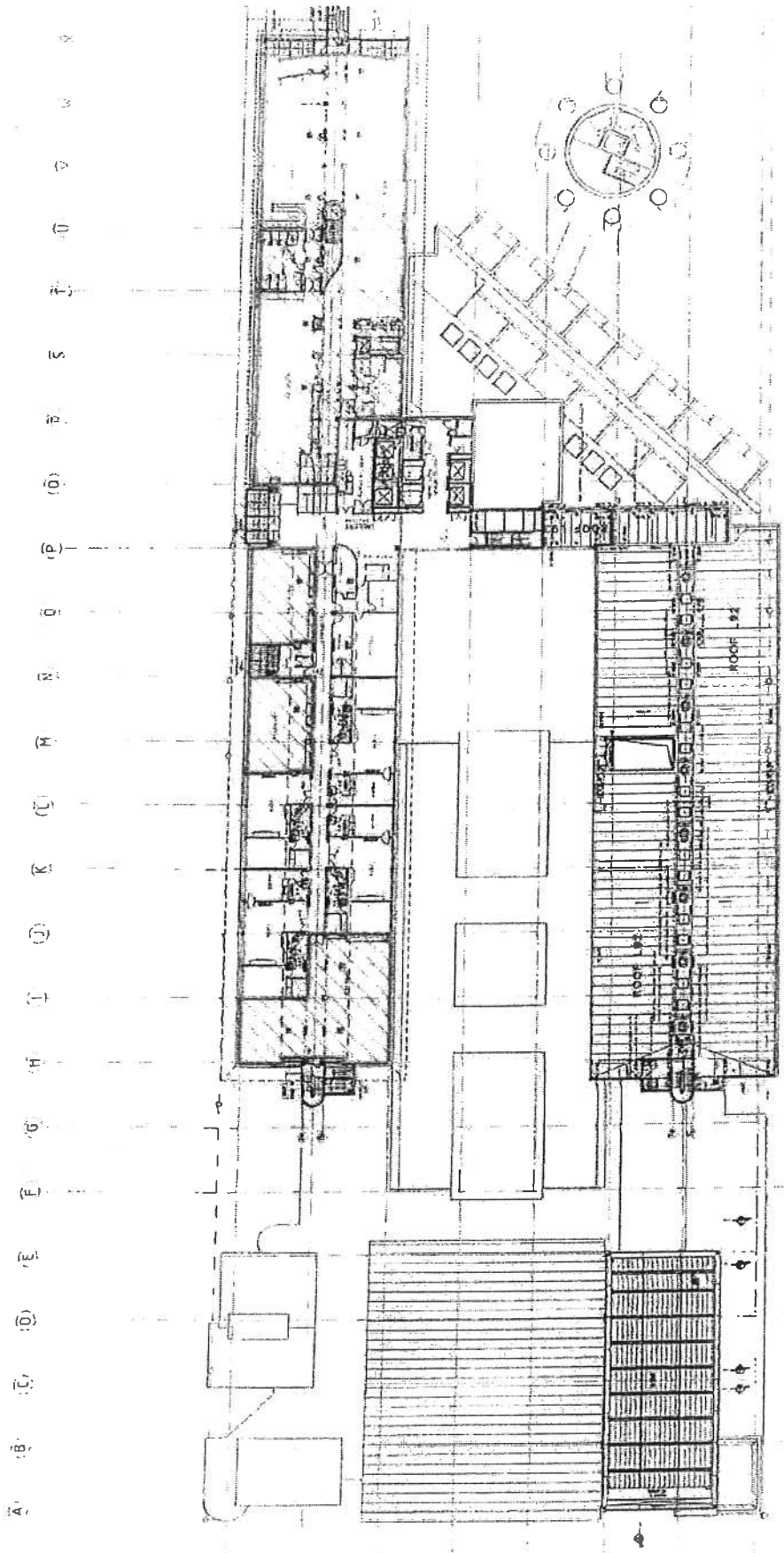
EXTENT AND PROJECT  
 Sky City Entertainment Group  
 Gaming Layouts

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 Project Name: Sky City  
 Floor: 200  
 Scale: 1:100  
 Drawing No: 200-310  
 Drawing Title: Sky City - Podium Level 2 - Current Gaming Areas  
 Drawing Date: 2/11/2012

PREVIOUS TITLE  
 SKY CITY - PODIUM  
 LEVEL 2  
 CURRENT GAMING AREAS  
 2/11/2012

PROJECT	DATE	BY	CHECKED





GAMING AREA: 1,309m<sup>2</sup>

Project No.	15/10/2012
Client	Sky City Entertainment Group
Location	Fort Lauderdale, FL
Scale	1:100
Date	15/10/2012

**SKY CITY - VIP GAMING  
LEVEL H5  
GAMING AREAS**  
15/10/2012

1. Refer to Schedule 1 for General Conditions and the Contract for the City of Fort Lauderdale. Copyright © City of Fort Lauderdale 2007.

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Sheet Size	D36 x 60
Scale	1:100
Date	15/10/2012

SKY CITY  
Entertainment Group  
Gaming Layouts

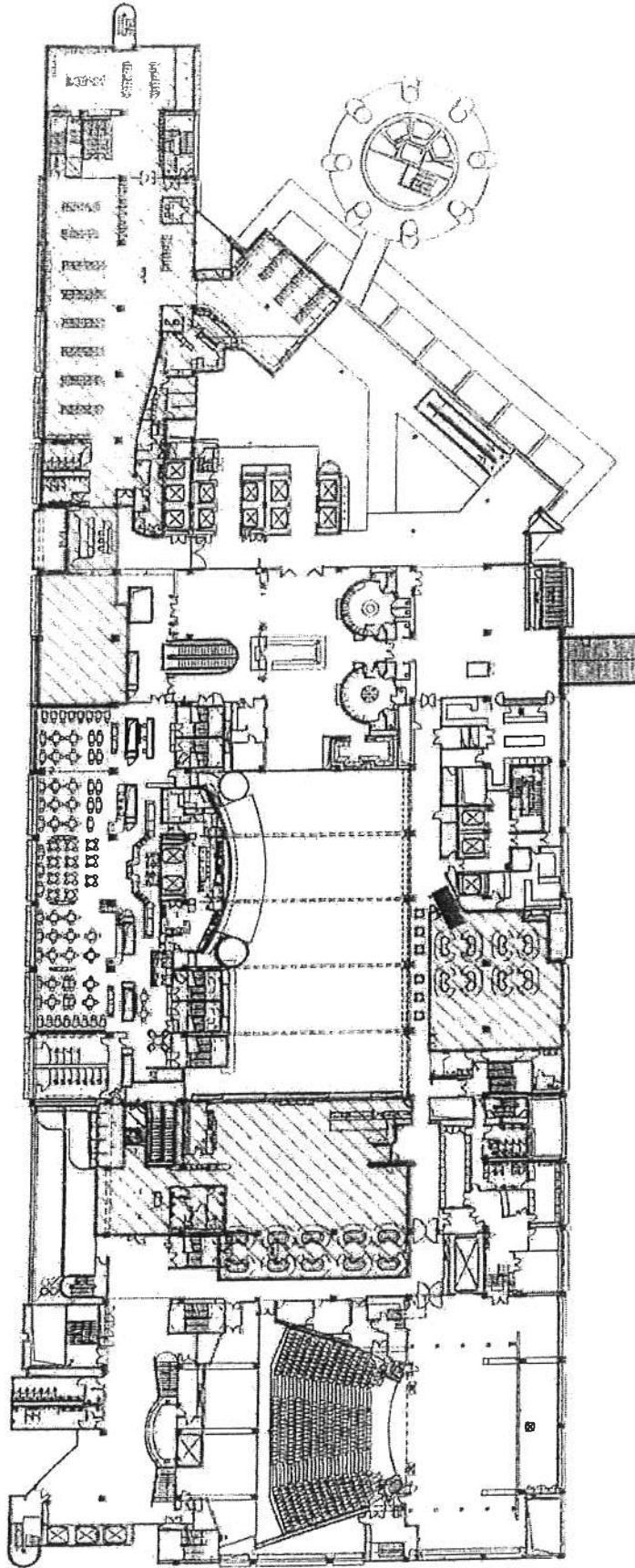
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GAMING AREA: 2,245m<sup>2</sup>



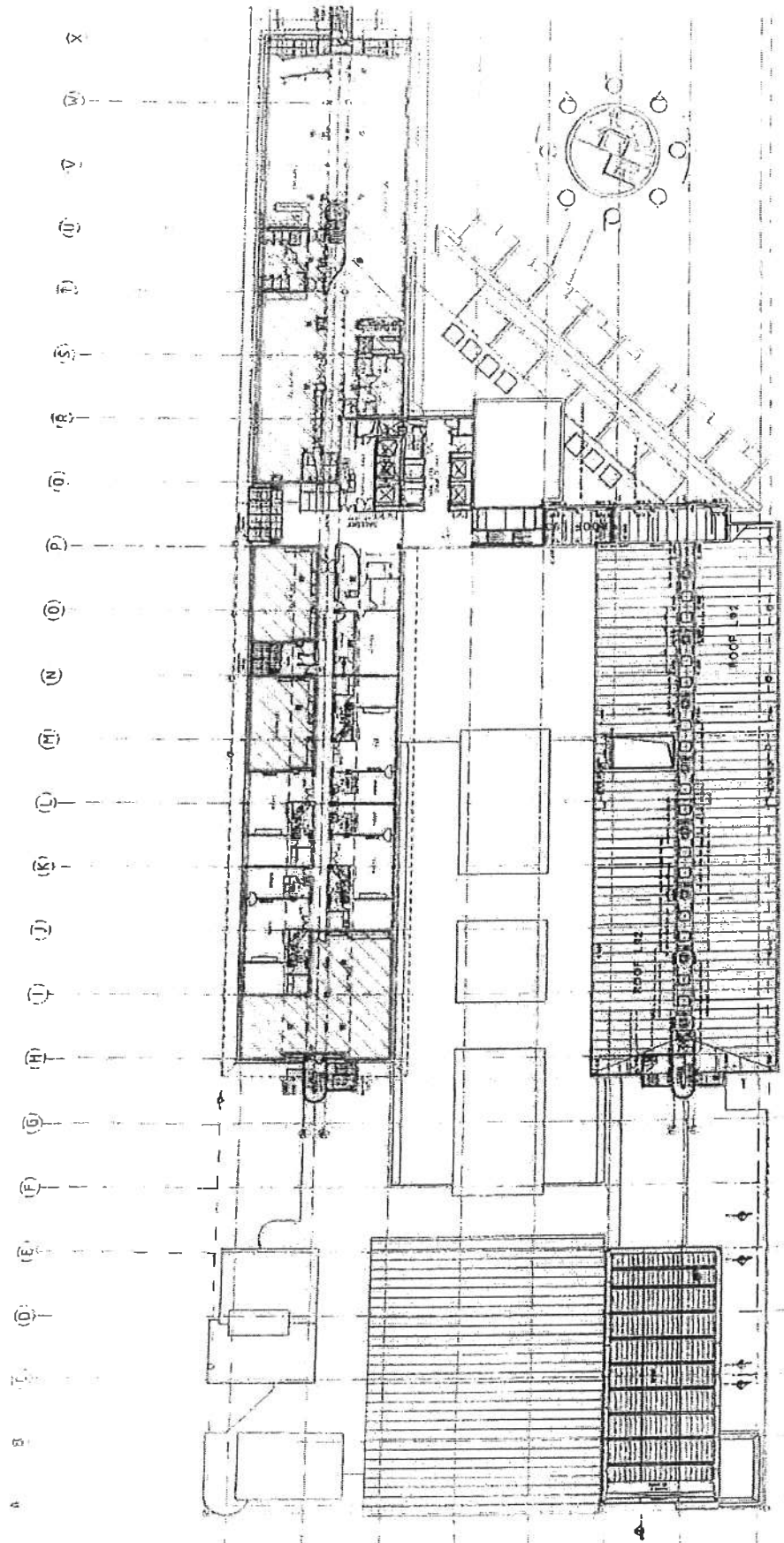
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SKY CITY - PODIUM  
 LEVEL 3 GAMING AREAS Incl.  
 Nations Club & Platinum Rm E-M  
 (06/11/2012)

SKY CITY ENTERTAINMENT GROUP  
 GAMING LAYOUTS

SKY CITY  
 ENTERTAINMENT GROUP

SKY CITY ENTERTAINMENT GROUP  
 GAMING LAYOUTS



GAMING AREA: 1,309m<sup>2</sup>

Project No.	15/102/112
Client	SkyCity Entertainment Group
Location	Level H5, SkyCity Entertainment Group
Scale	1:100
Date	15/10/2012

**SKYCITY - VIP GAMING  
LEVEL H5  
GAMING AREAS**  
15/10/2012

Author: [Name], Date: [Date]  
 Checked: [Name], Date: [Date]  
 Drawn: [Name], Date: [Date]  
 Project Manager: [Name], Date: [Date]

Scale	1:100
Date	15/10/2012
Project No.	15/102/112
Client	SkyCity Entertainment Group
Location	Level H5, SkyCity Entertainment Group

Sky City Entertainment Group  
Gaming Layouts

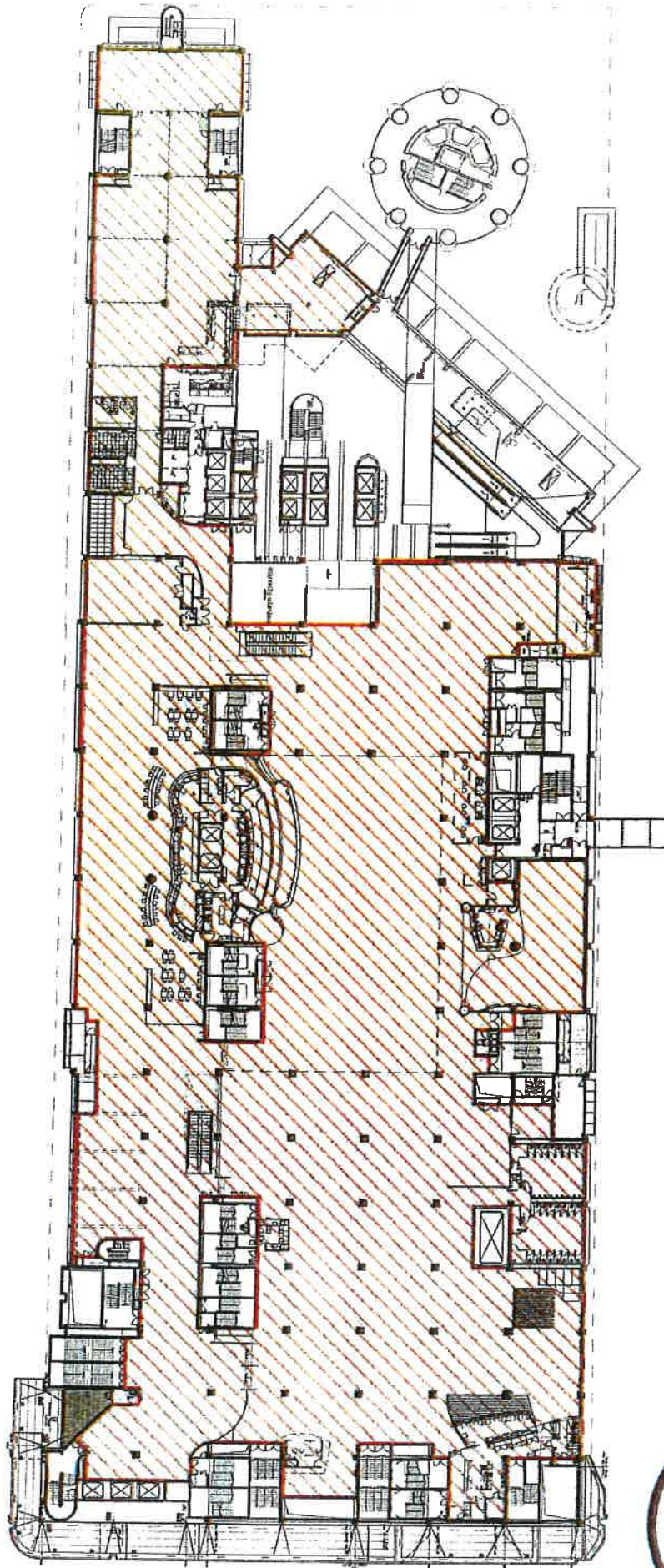


For all your gaming layout needs, contact us at 0800 000 000 or visit our website at www.skycityentertainment.co.nz

**Moller Architects**







GAMING AREA: 7,031m<sup>2</sup>



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Fax 44 8 3270999  
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London EC4N 3DF  
United Kingdom



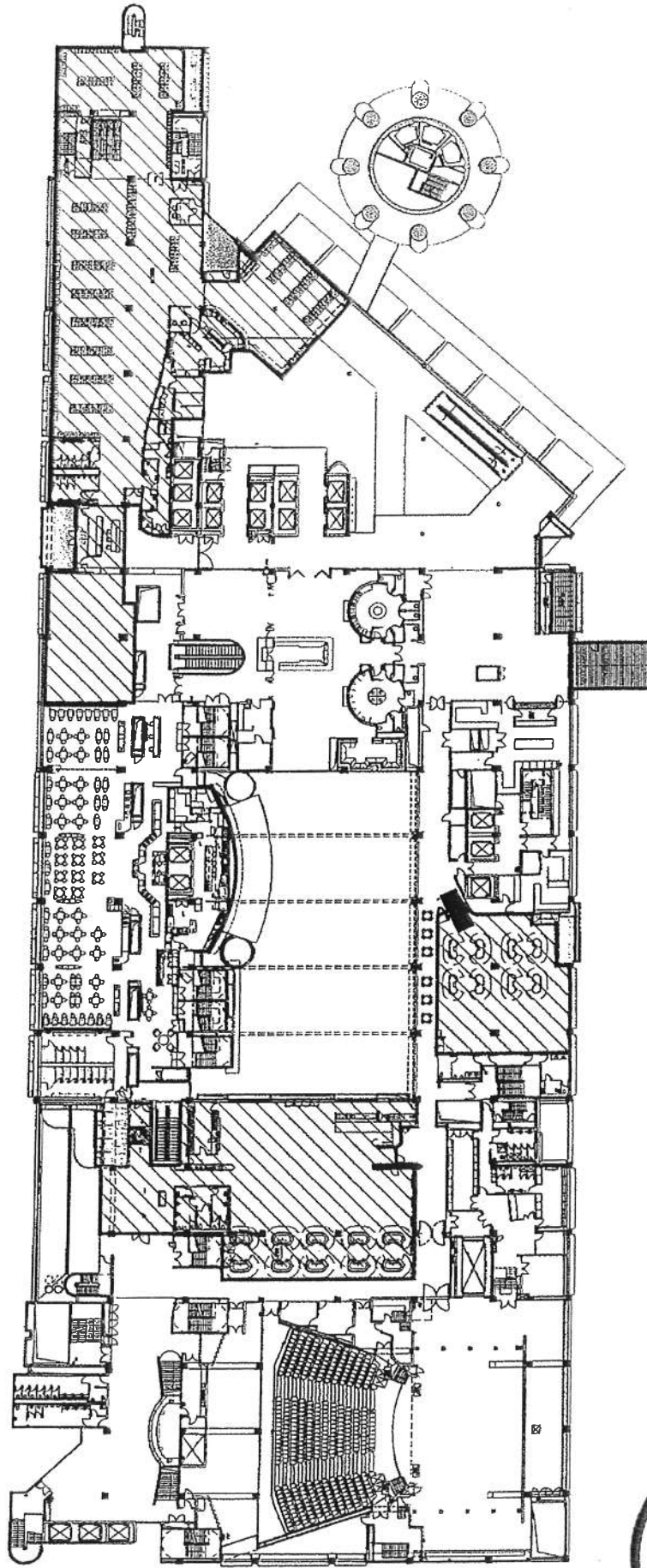
Sky City Entertainment Group  
Gaming Layouts

PROJECT AND PRODUCT  
Project No: 017 206  
Client: SkyCity  
Scale: 1:500  
Date: 2012  
Author: [Name]  
Checked by: [Name]  
Approved by: [Name]

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SKETCHED TITLE  
SKYCITY - PODIUM  
LEVEL 2 GAMING AREAS incl.  
Diamond Room Extension  
21/11/2012

DATE	BY	CHKD	APPD



— GAMING AREA: 2,245m<sup>2</sup>



NO.	DATE	BY	REVISION

SKY CITY - PODIUM  
LEVEL 3 - GAMING AREAS Incl.  
Nations Club & Platinum Rm Exh.  
06/11/2012

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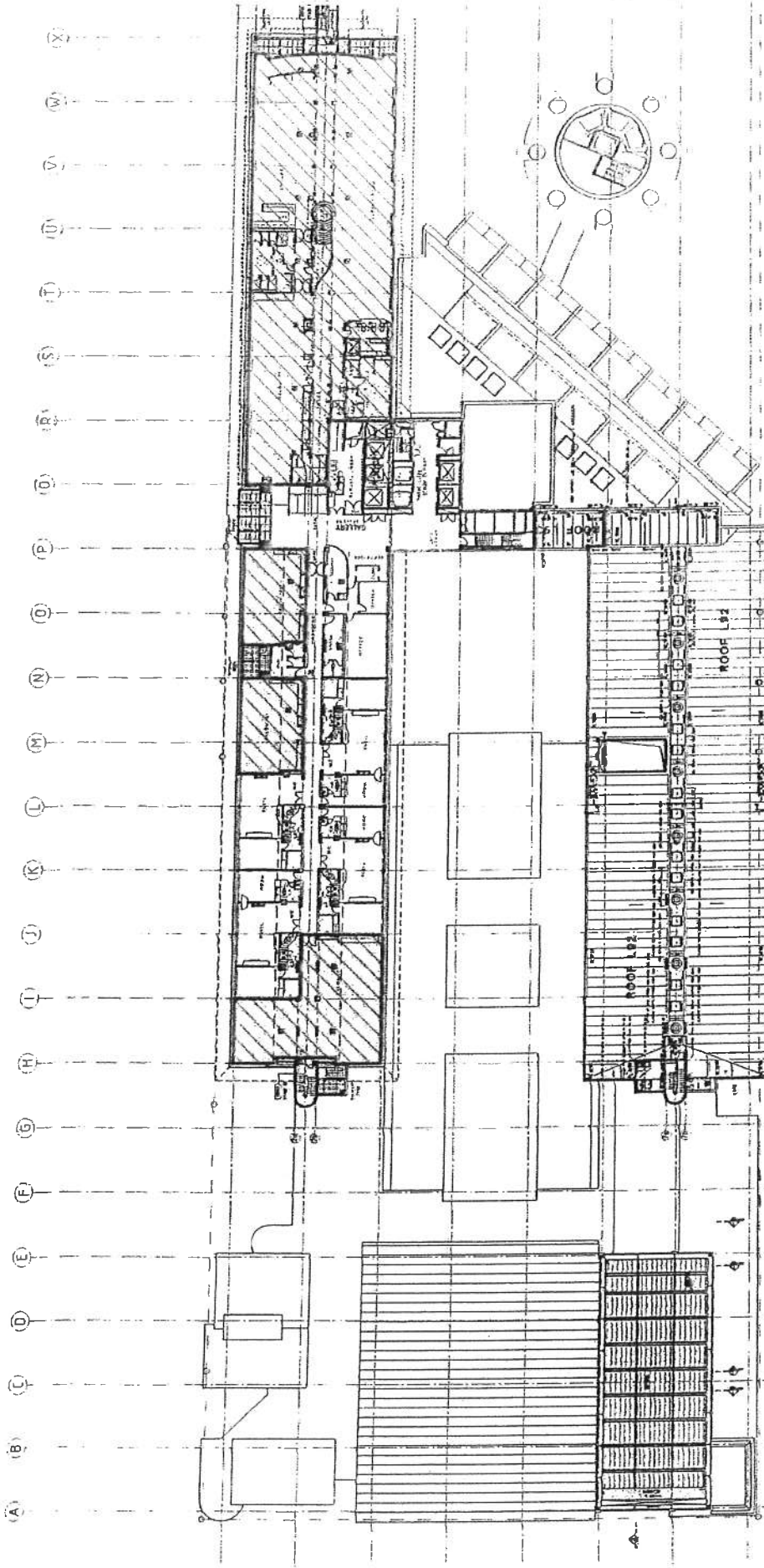
NO.	DATE	BY	REVISION

SKY CITY  
ENTERTAINMENT GROUP

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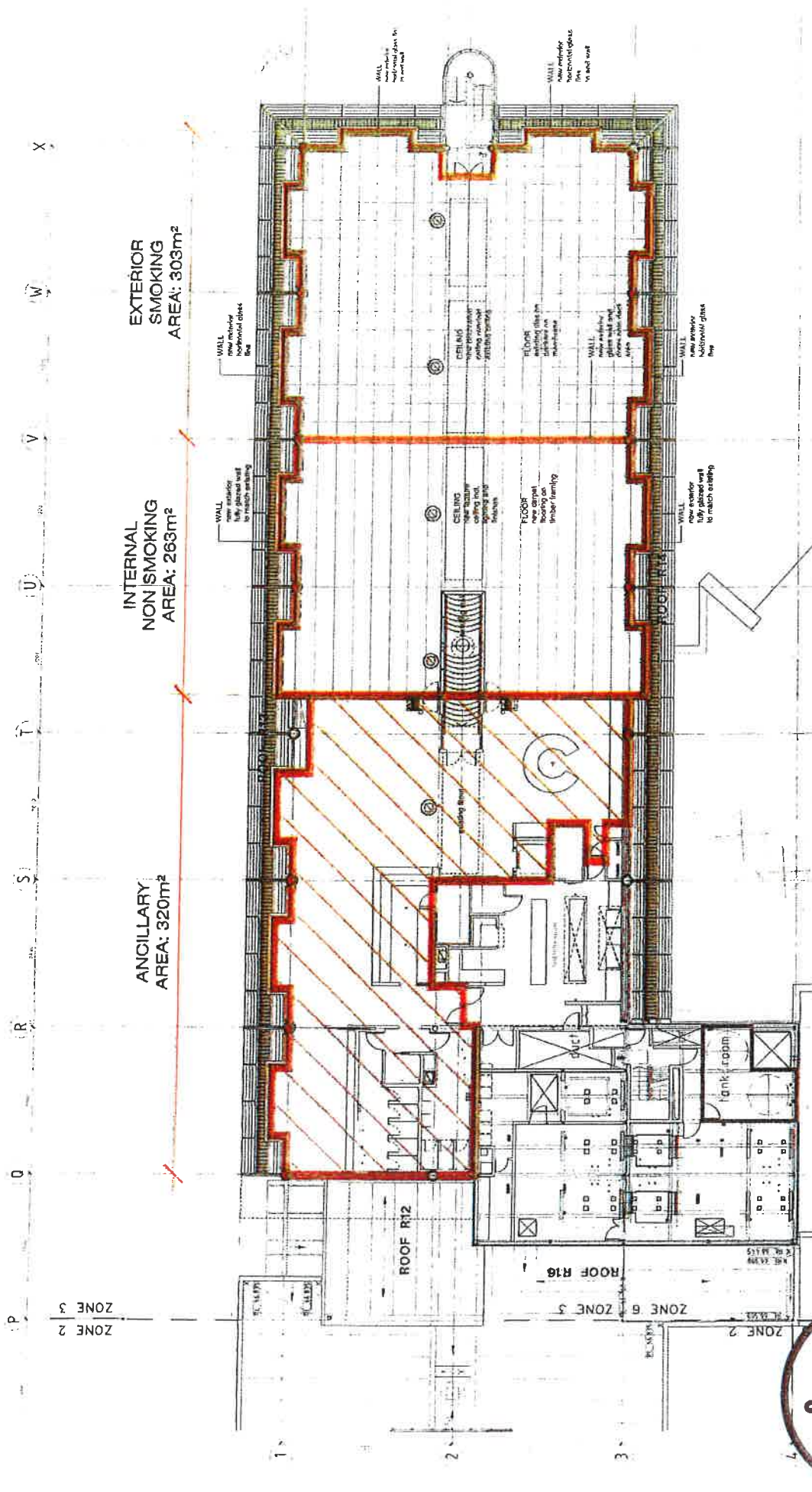
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Moller Architects  
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Saskatoon, Saskatchewan  
S4N 0Z6  
Canada  
Tel: (306) 975-1111  
Fax: (306) 975-1112  
www.mollerarchitects.com



GAMING AREA: 1,309m<sup>2</sup>



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<p><b>Moller Architects</b></p>		<p><b>SKY CITY ENTERTAINMENT GROUP</b></p>	
<p>SKY CITY ENTERTAINMENT GROUP GAMING LAYOUTS</p>		<p>SKY CITY ENTERTAINMENT GROUP</p>	
<p>SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS 15/10/2012</p>		<p>SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS 15/10/2012</p>	



EXTERIOR SMOKING AREA: 303m<sup>2</sup>

INTERNAL NON SMOKING AREA: 263m<sup>2</sup>

ANCILLARY AREA: 320m<sup>2</sup>



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200-458-8370  
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Vancouver, BC V6Z 1G6  
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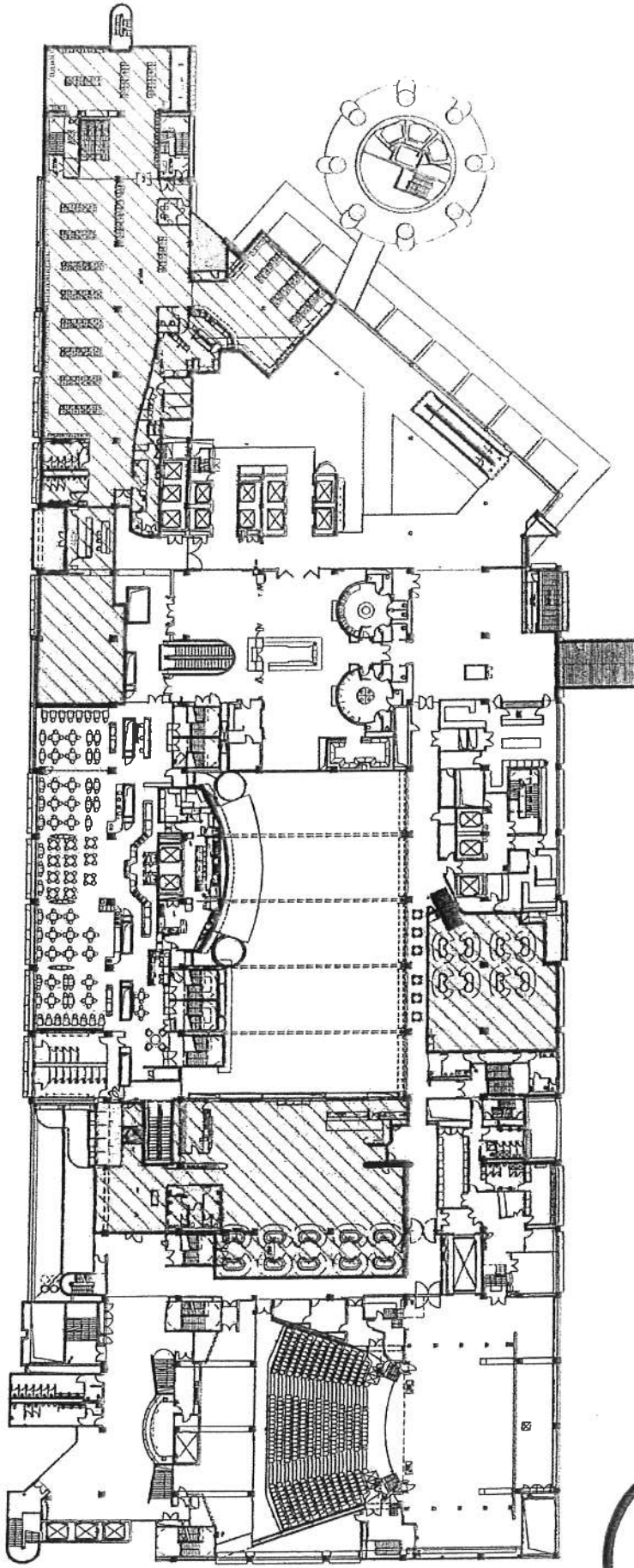
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Gaming Layouts

REVISED INFORMATION

Project Name	SkyCity - VIP Gaming
Project No.	412/2012
Client	SkyCity Entertainment Group
Architect	Moller Architects
Scale	As Shown
Date	4/12/2012
Drawn by	[Name]
Checked by	[Name]
Approved by	[Name]

SKY CITY - VIP GAMING  
LEVEL H6  
GAMING AREAS  
4/12/2012





GAMING AREA: 2,246m<sup>2</sup>



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DENVER, CO 80202

TEL: 303.733.7333  
WWW.SKYCITYENTERTAINMENT.COM

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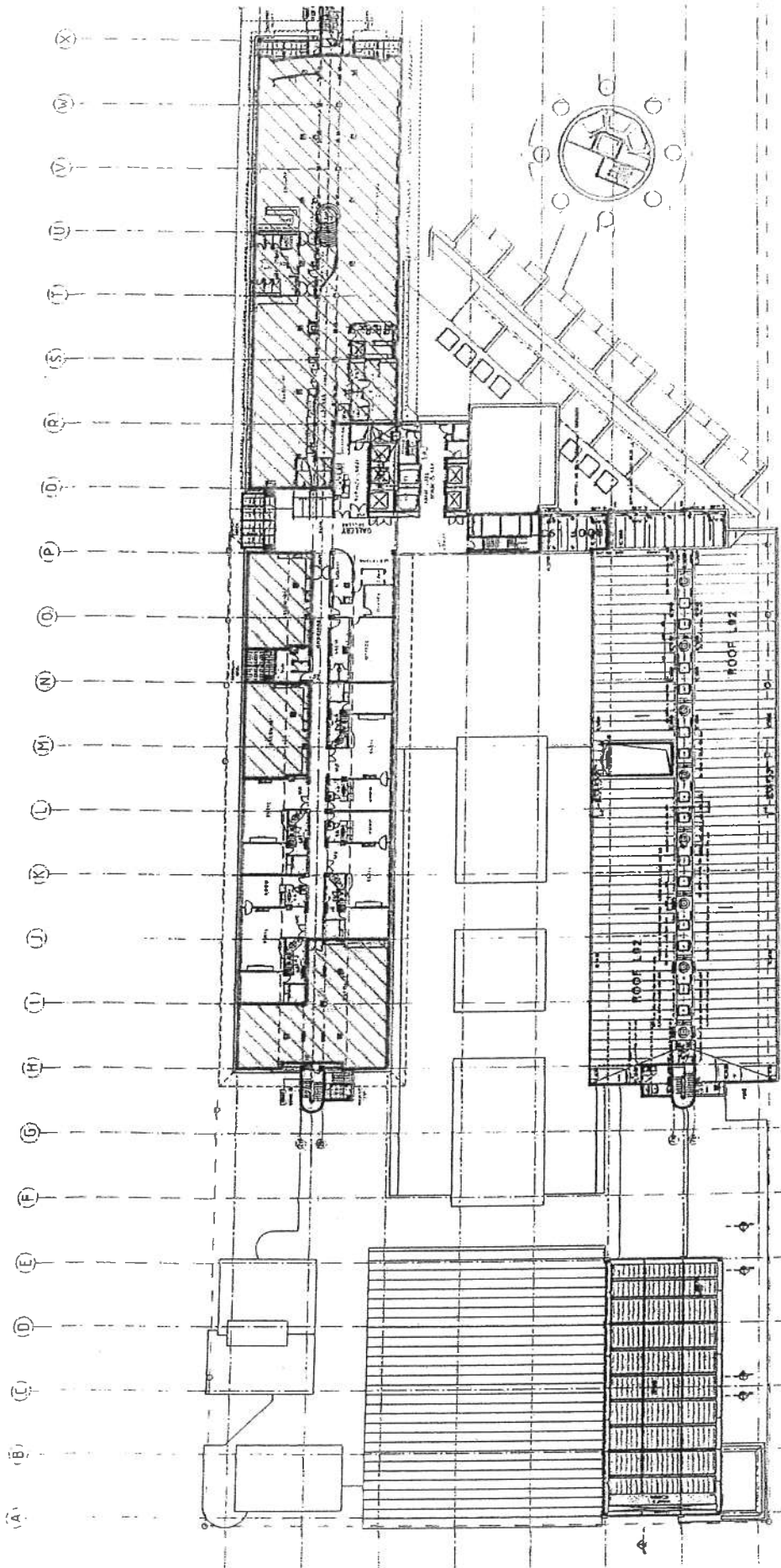
SKY CITY - PODIUM  
LEVEL 3 GAMING AREAS Incl.  
Nations Club & Platinum Rm Extn.  
08/11/2012

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— GAMING AREA: 1,309m²



<p><b>CLIENT AND PROJECT</b></p> <p>Client: Sky City Entertainment Group Project: Gaming Layouts</p>		<p><b>DATE AND NUMBER</b></p> <p>Date: 15/11/2012 Number: 03/2012</p>							
<p><b>REVISIONS</b></p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		No.	Description	Date				<p><b>PROJECT INFORMATION</b></p> <p>Project Name: Sky City Entertainment Group Project No.: 03/2012 Drawing No.: 03/2012-01 Scale: 1:500 Author: Moller Architects Checked: Moller Architects Date: 15/11/2012</p>	
No.	Description	Date							
<p><b>SKY CITY ENTERTAINMENT GROUP</b></p> <p>15/11/2012</p>		<p><b>MOLLER ARCHITECTS</b></p> <p>15/11/2012</p>							

SKY CITY - VIP GAMING  
LEVEL H5  
GAMING AREAS  
15/11/2012

Project No. 03/2012  
Drawing No. 03/2012-01  
Scale: 1:500  
Author: Moller Architects  
Checked: Moller Architects  
Date: 15/11/2012

Project Name: Sky City Entertainment Group  
Project No.: 03/2012  
Drawing No.: 03/2012-01  
Scale: 1:500  
Author: Moller Architects  
Checked: Moller Architects  
Date: 15/11/2012

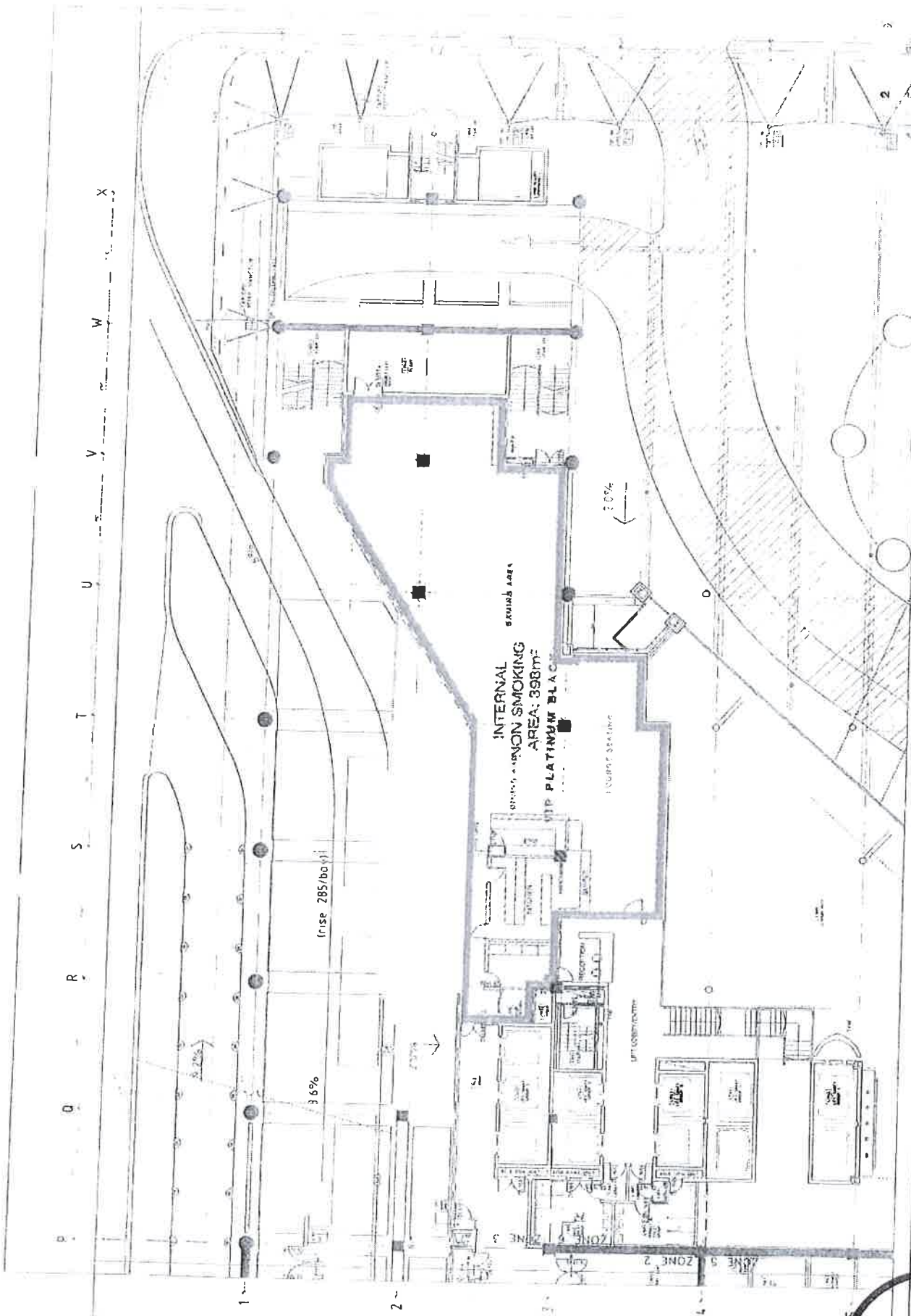
Project Name: Sky City Entertainment Group  
Project No.: 03/2012  
Drawing No.: 03/2012-01  
Scale: 1:500  
Author: Moller Architects  
Checked: Moller Architects  
Date: 15/11/2012

Project Name: Sky City Entertainment Group  
Project No.: 03/2012  
Drawing No.: 03/2012-01  
Scale: 1:500  
Author: Moller Architects  
Checked: Moller Architects  
Date: 15/11/2012

Project Name: Sky City Entertainment Group  
Project No.: 03/2012  
Drawing No.: 03/2012-01  
Scale: 1:500  
Author: Moller Architects  
Checked: Moller Architects  
Date: 15/11/2012

Project Name: Sky City Entertainment Group  
Project No.: 03/2012  
Drawing No.: 03/2012-01  
Scale: 1:500  
Author: Moller Architects  
Checked: Moller Architects  
Date: 15/11/2012





VIP PLATINUM BLACK FLOOR PLAN

A5335 1213

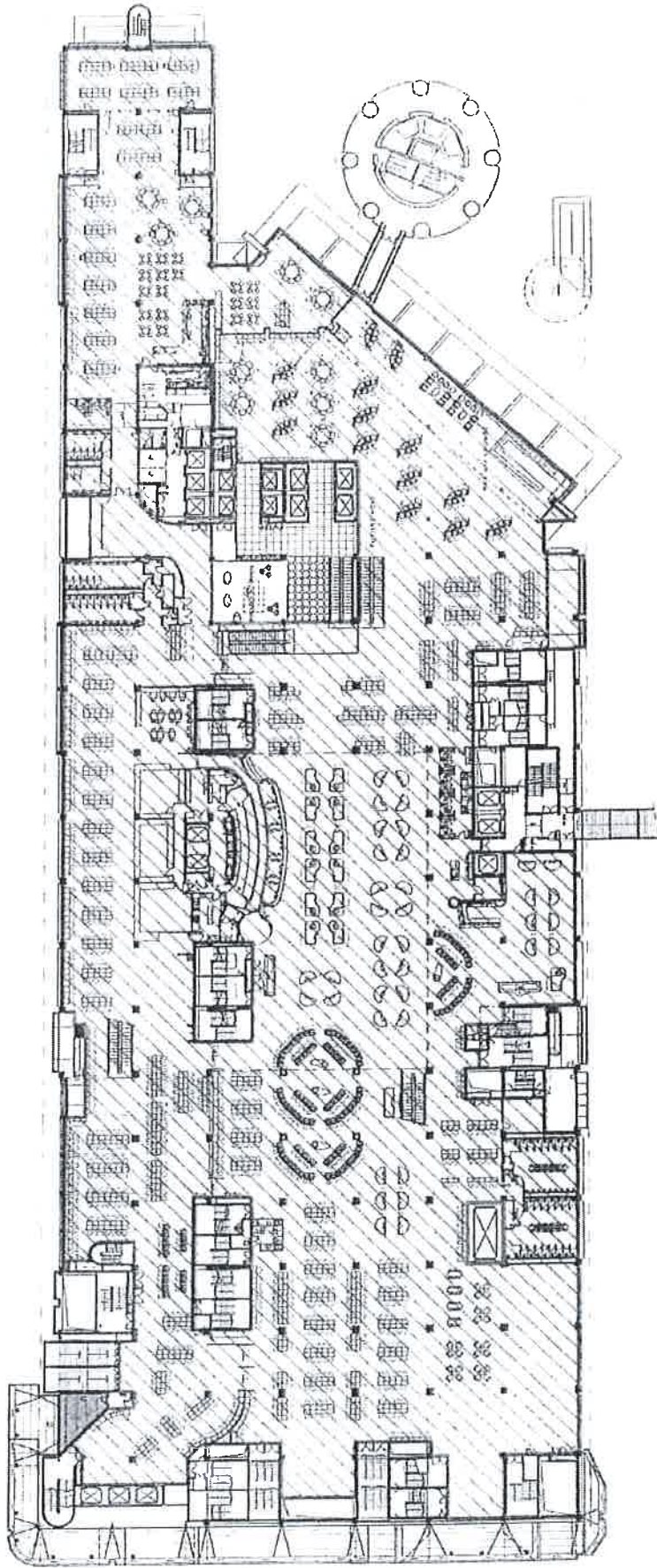
Sky City Entertainment Group



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 Fax 646 9370889  
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— GAMING AREA: 7,873m<sup>2</sup>



NO.	DATE	DESCRIPTION
1	08/01/2013	ISSUED FOR PERMIT
2		
3		
4		
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8		
9		
10		

SKY CITY - PODIUM  
LEVEL 2 GAMING AREAS incl.  
Diamond Extension & Attlum Infill  
08/01/2013

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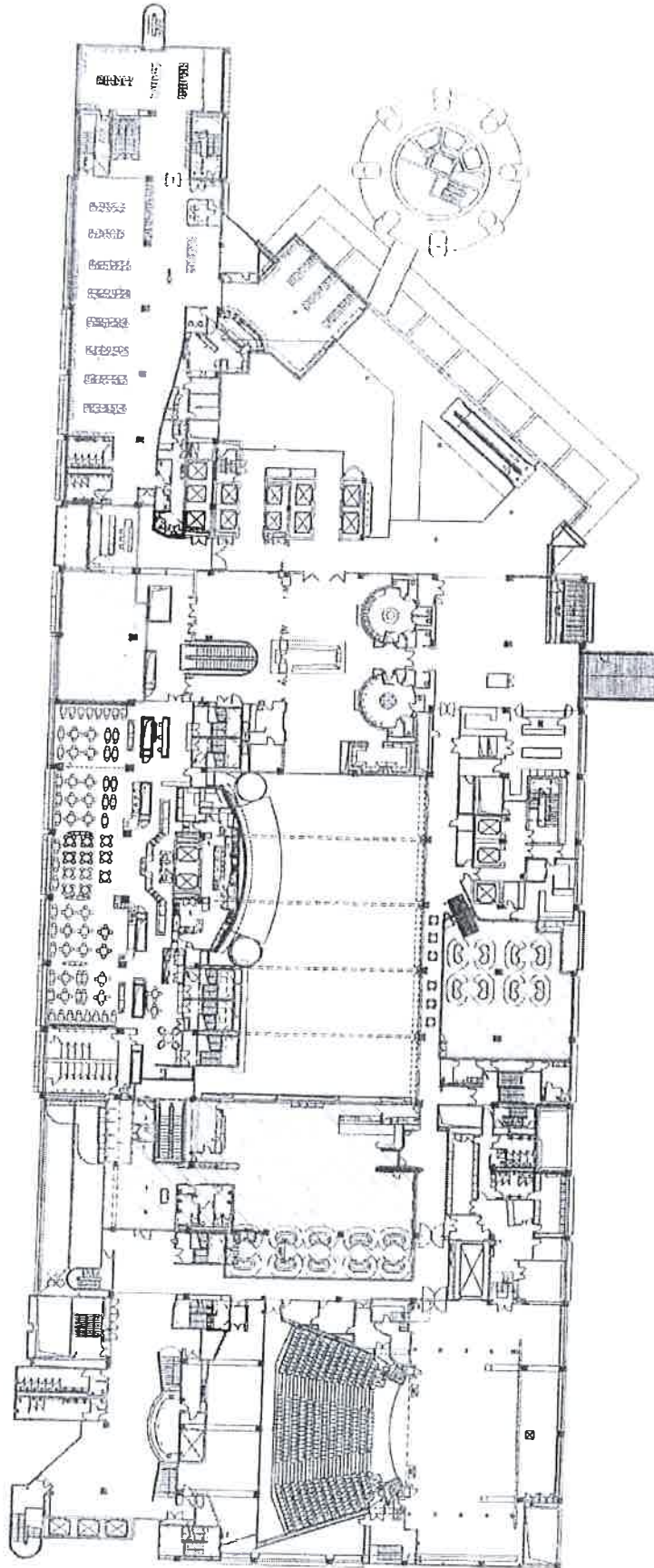
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204-443-2570  
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GAMING AREA: 2,246m<sup>2</sup>



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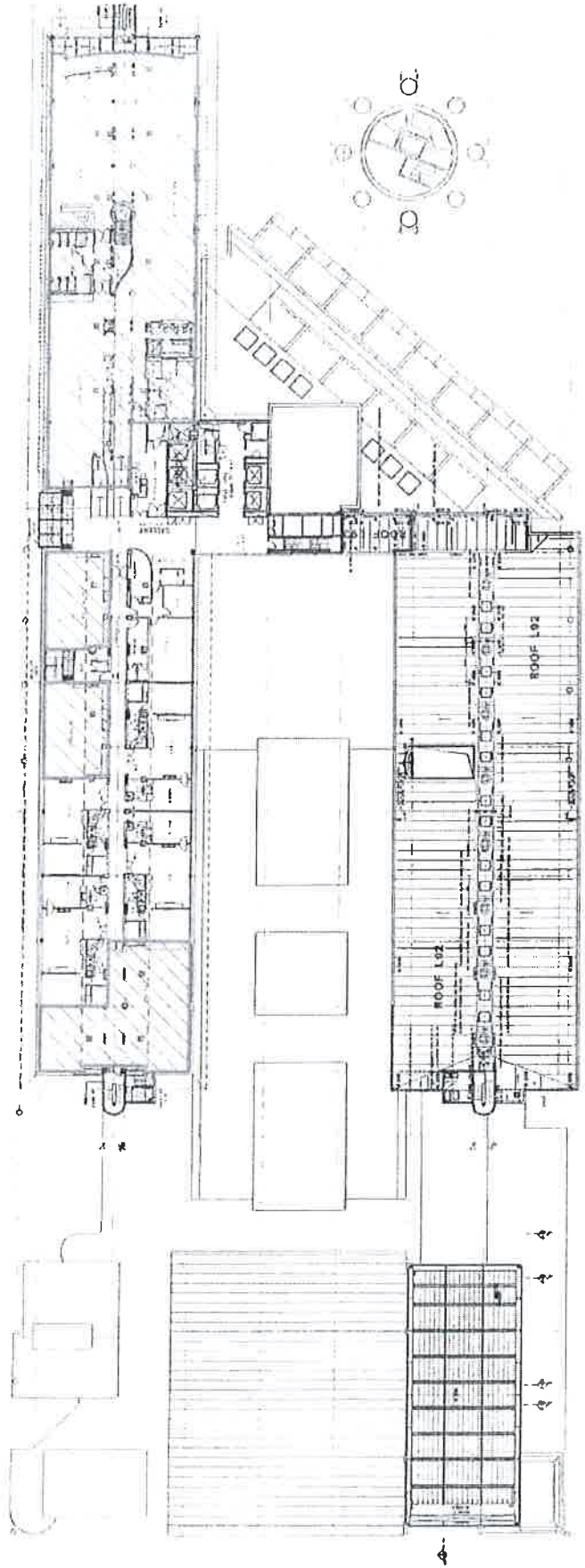
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SKY CITY - PODIUM  
LEVEL 3 GAMING AREAS incl.  
Nations Club & Platinum Rm. ERM.  
06/11/2012

A B C D E F G H I J K L M N O P Q R S T U V W X



Schedule 8

GAMING AREA: 1,309m<sup>2</sup>



Project Name	SKY CITY - VIP GAMING
Level	LEVEL H5
Date	15/10/2012
Author	
Checked	
Scale	
Sheet No.	
Total Sheets	

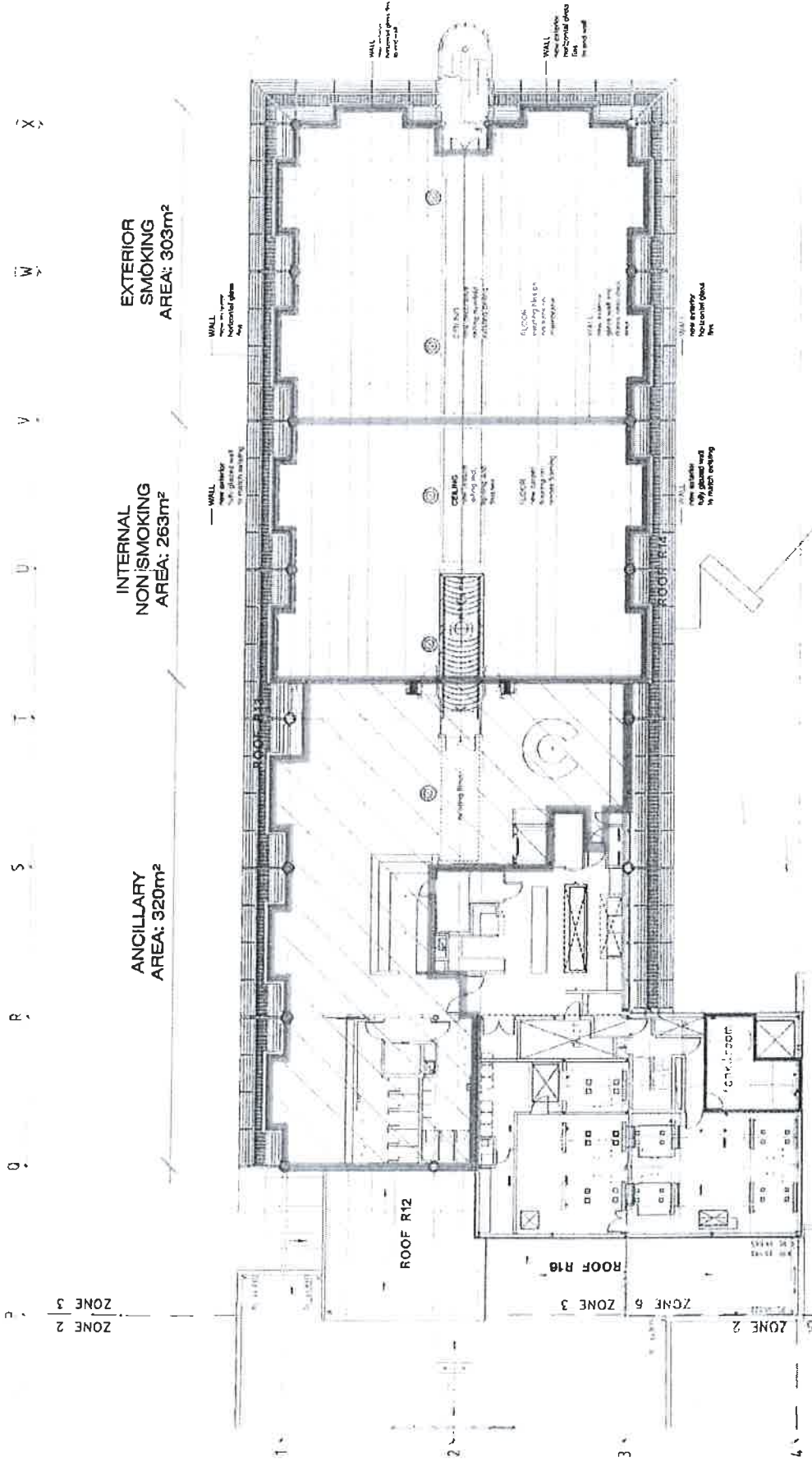
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LEVEL H5  
GAMING AREAS  
15/10/2012

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SKY CITY - VIP GAMING  
LEVEL H6  
GAMING AREAS  
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