

IN THE MATTER of the Gambling Act 2003

AND on an application by **SKYCITY AUCKLAND LIMITED** for approval of construction and design changes and 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: 28 March 2013

Date of Decision: 10 May 2013

Date of Notification
of Decision: 23rd May 2013

**DECISION ON AN APPLICATION BY SKYCITY AUCKLAND LIMITED
FOR APPROVAL OF CONSTRUCTION AND DESIGN CHANGES
AND TO REDESIGNATE THE GAMBLING AREA AT THE AUCKLAND CASINO**

Introduction

1. SKYCITY Auckland Limited ("**SCAL**") applied to the Commission:
 - (a) for approval of construction and design changes to the Auckland casino, under conditions 6 and 7 of SCAL's venue licence;
 - (b) 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
 - (c) to vary conditions 9 and 9A of SCAL's venue licence, pursuant to section 139 of the Act, to incorporate the redesignated Gambling Area.

Act and licence conditions

2. 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).
3. The relevant licence conditions, with the proposed variations to conditions 9 and 9A shown in mark-up, 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 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.

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). 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.

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.

- 8. The Licence Holder shall ensure that:
 - (a) gambling activity is not visible from outside the Casino Venue; and
 - (b) there is provision for generation of emergency power to maintain in situations of an interruption to mains power:
 - (i) minimum services to the Gambling Area; and
 - (ii) lighting in highly sensitive areas such as count rooms, surveillance suite, cashiering locations and gambling equipment storerooms.
- 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 7A. ~~An seventh-eighth 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, 7A and 8.

SCAL's submissions

- 4. SCAL submitted, in summary, as follows:
 - (a) It is proposing construction and design changes to level 3 of the Auckland casino and in association with those changes, is seeking approval to redesignate the casino's Gambling Area to encompass the revised design.
 - (b) The Commission has previously approved construction and design changes to the Atrium and level 2 of the casino, which involved the removal of the escalators and the extension of the MGF on level 2 back behind the front entry point over what is currently a void area.
 - (c) In association with the changes to level 2, it wants to create a similar infill over what is now a void area on level 3 which would follow the same general design as

the level 2 infill. The installation of this new floor area will extend the gambling floor on level 3 in the area currently known as the Platinum Room, and provide an additional 850 square metres of floor area.

- (d) The schedule depicting the extended gambling area will be known as schedule 7A. It seeks approval of this schedule, and to amend conditions 9 and 9A of its venue licence to incorporate the schedule.
- (e) It wants to house gambling product from other parts of the casino in the expanded area.
- (f) The expansion to this area has no adverse impact on the matters set out in condition 7 of its venue licence. The products located in this area will be subject to the same controls as those located in other parts of the casino. As access to this area will be from another part of the casino floor, there are no implications for access by minors. An expansion to the floor area has no implications for responsible gambling or opportunities for gambling. Rather, it will allow the casino to spread its products more widely for the comfort of customers and add appeal to the property and ensure the casino facility retains a high standard.

The Secretary's submissions

- 5. The Secretary had no issues of regulatory concern with SCAL's proposal.

Analysis

- 6. SCAL has previously obtained Commission approval for construction and design changes to level 2 of the Auckland casino and sought approval for similar construction and design changes to level 3.
- 7. The Commission considered SCAL's proposed construction and design changes against licence condition 7 of SCAL's venue licence and was satisfied that they would have no effect on: the integrity and fairness of games; the effectiveness of security and surveillance; harm prevention, harm minimisation and responsible gambling; potential access to the Gambling Area by persons under 20 years of age; or compliance by any person with the Act, including section 11.
- 8. SCAL also applied to redesignate the Gambling Area to include the extended area. In previous decisions, the Commission has 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 the casino venue licence and the

amended licence conditions defining the new area are consistent with section 139(2) of the Act.

9. 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 specifically excluded areas within the block; namely the underground carpark, the Sky Tower, the bus station, and the walkway between the Sky Tower and the casino complex. The Commission is satisfied that the proposed new gambling area is within the defined casino venue.
10. 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 proposed construction and design changes and expansion of the Gambling Area by redesignation do not, of themselves, increase opportunities for casino gambling. That is because neither the consent nor the redesignation will allow SCAL to place gambling products in the extended areas.
11. The Commission will further consider the issue of increased opportunities when SCAL seeks approval of a floor plan that provides for relocation of gambling products into the newly extended area.

Decision

12. The Commission approved:
 - (a) the proposed construction and design changes, under conditions 6 and 7 of SCAL's venue licence; and
 - (b) the redesignation of the Gambling Area in the manner proposed, under condition 9 of SCAL's venue licence; and
 - (c) a variation to conditions 9 and 9A of SCAL's venue licence, under 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 7A. An eighth 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, 7A and 8.

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

Right of appeal

14. 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.

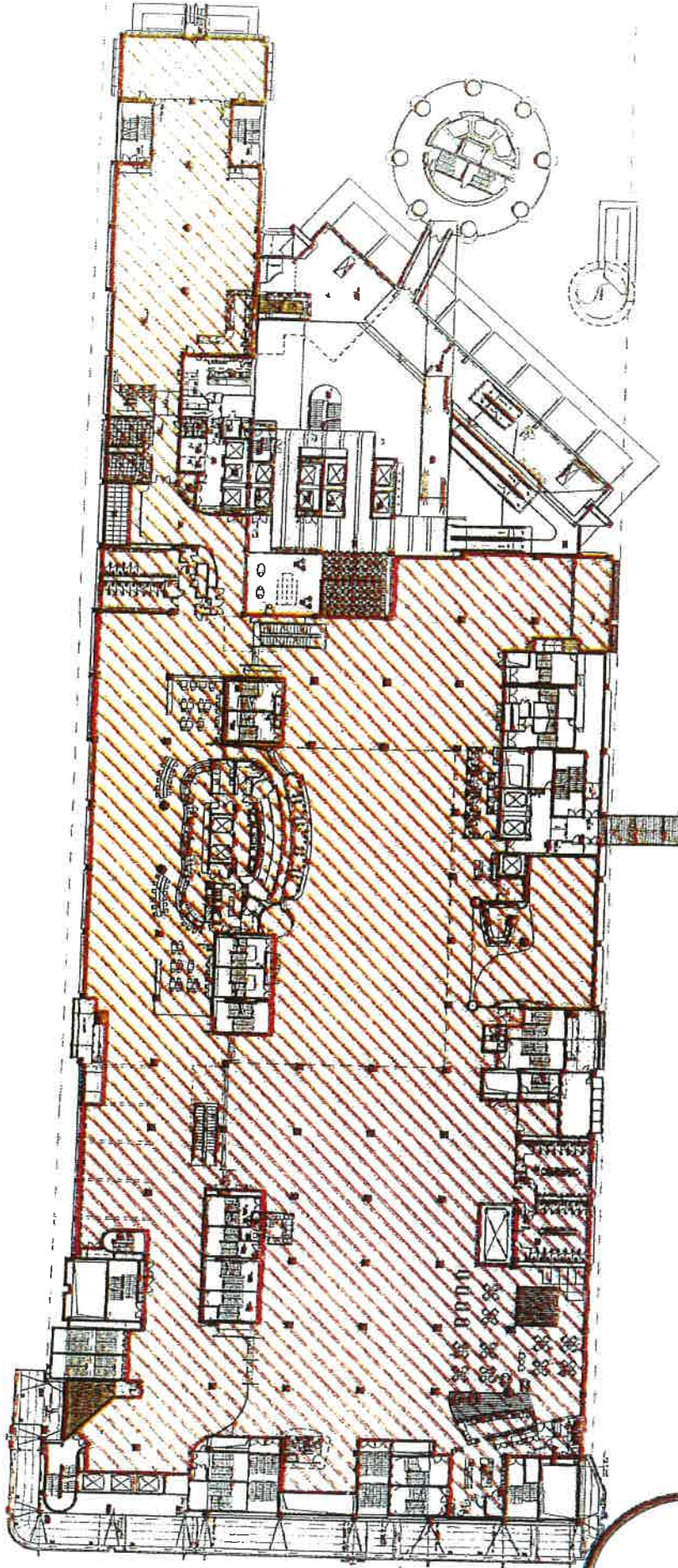


Graeme Reeves
Chief Gambling Commissioner

for and on behalf of the
Gambling Commission

23rd May 2013





GAMING AREA: 6,874m²



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SKY CITY ENTERTAINMENT GROUP
 GAMING LAYOUTS

Project No: 2011-01-001
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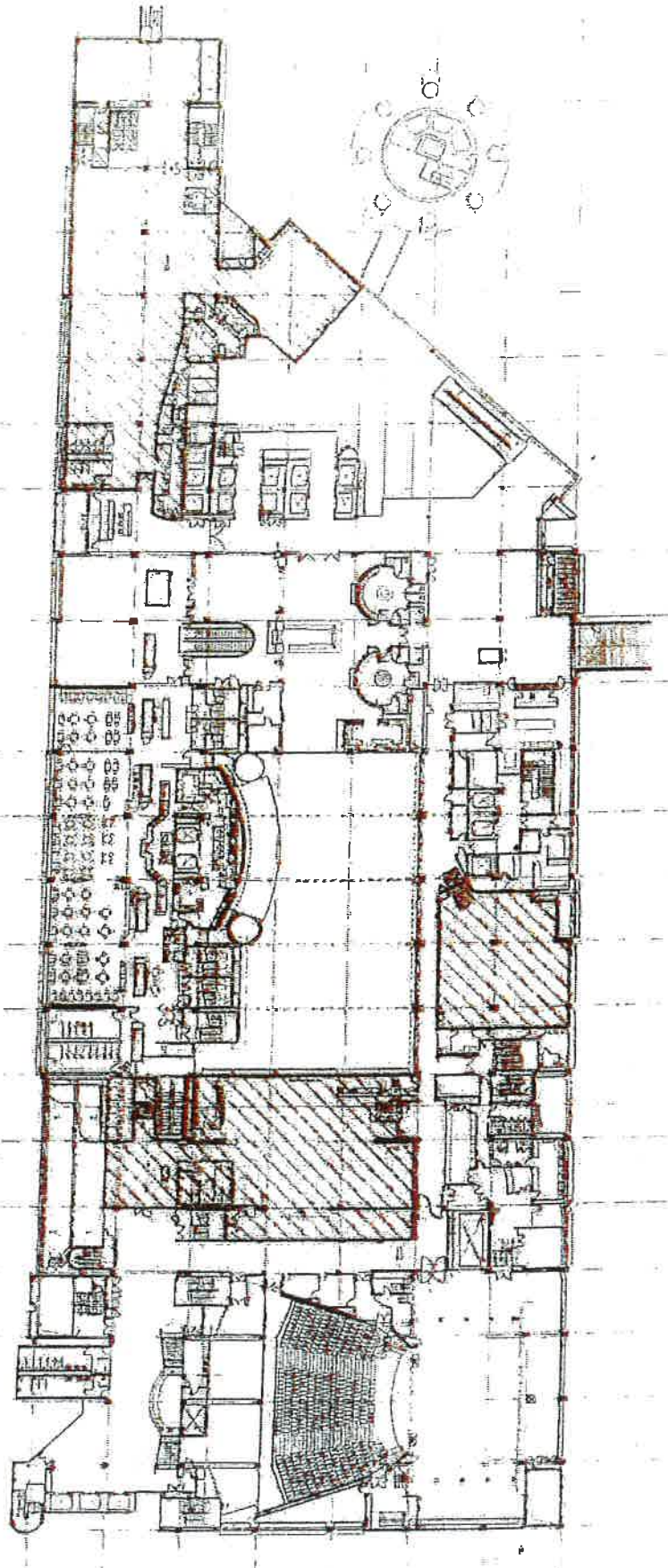
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 Project: Sky City - Podium Level 2 Gaming Areas
 Current

Scale: 1:100
 Drawing No: 2011-01-001-01

Author: [Name]
 Designer: [Name]
 Checker: [Name]
 Approver: [Name]

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



GAMING AREA: 2,000M²

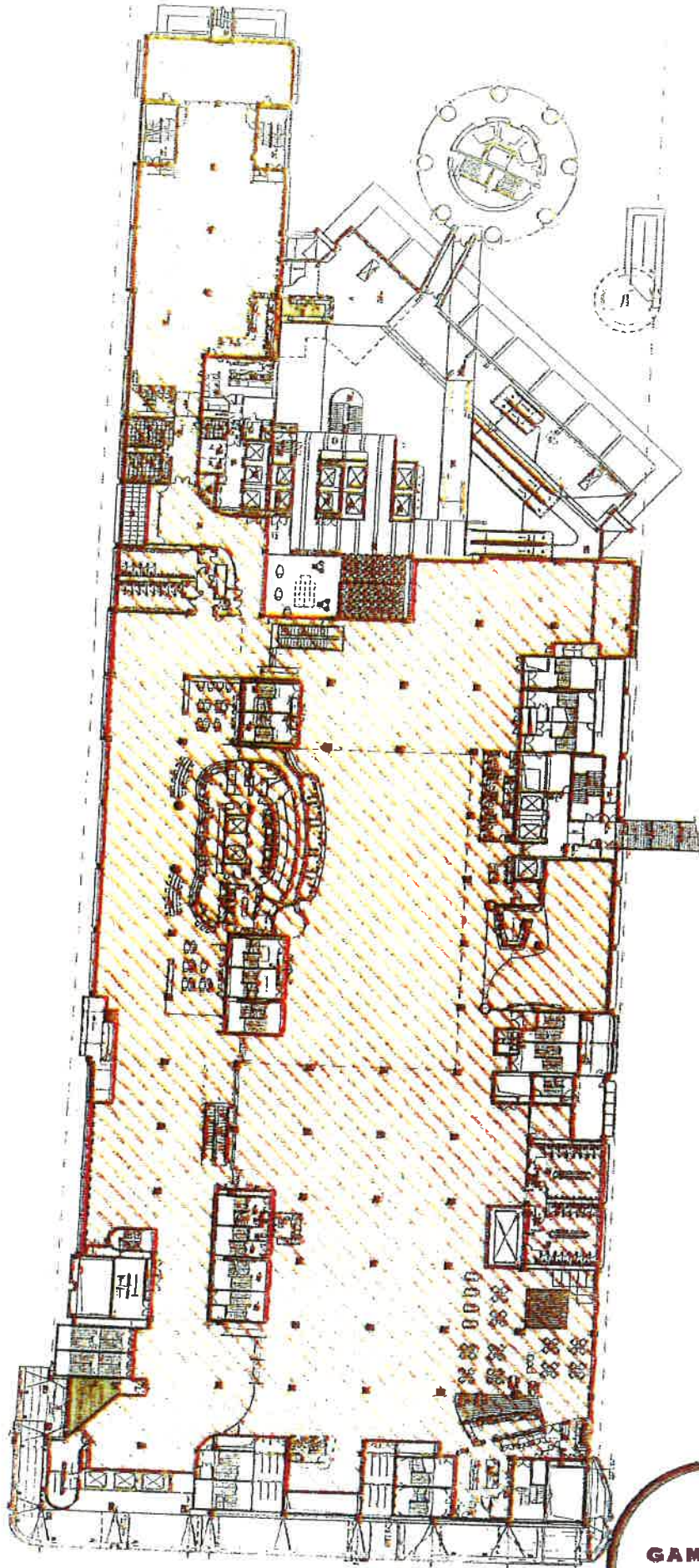


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 Gaming Layouts

SKYCITY
 ENTERTAINMENT GROUP

SKYCITY - PODIUM
 LEVEL 3
 GAMING AREAS
 15/10/2012



GAMING AREA: 6,874m²



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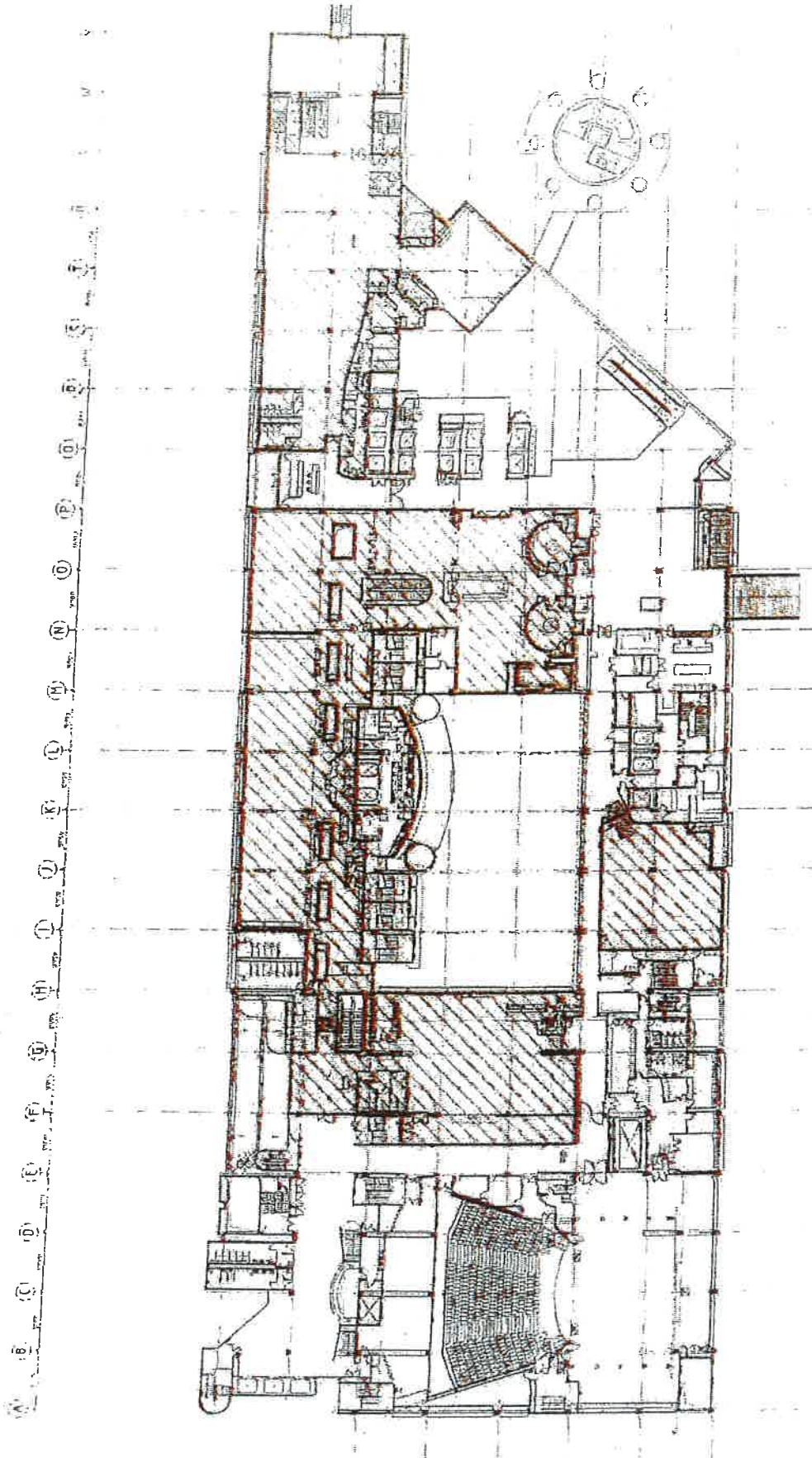
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REVISIONS AND COMMENTS

No.	Date	By	Comments
1	01/11/2012	SKY CITY	Final Design
2	01/11/2012	SKY CITY	Final Design
3	01/11/2012	SKY CITY	Final Design

SKY CITY - PODIUM LEVEL 2 GAMING AREAS CURRENT 2/11/12/12

NO.	DATE	BY	REVISION
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2	01/11/2012	SKY CITY	Final Design
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GAMING AREA: 3,422m²



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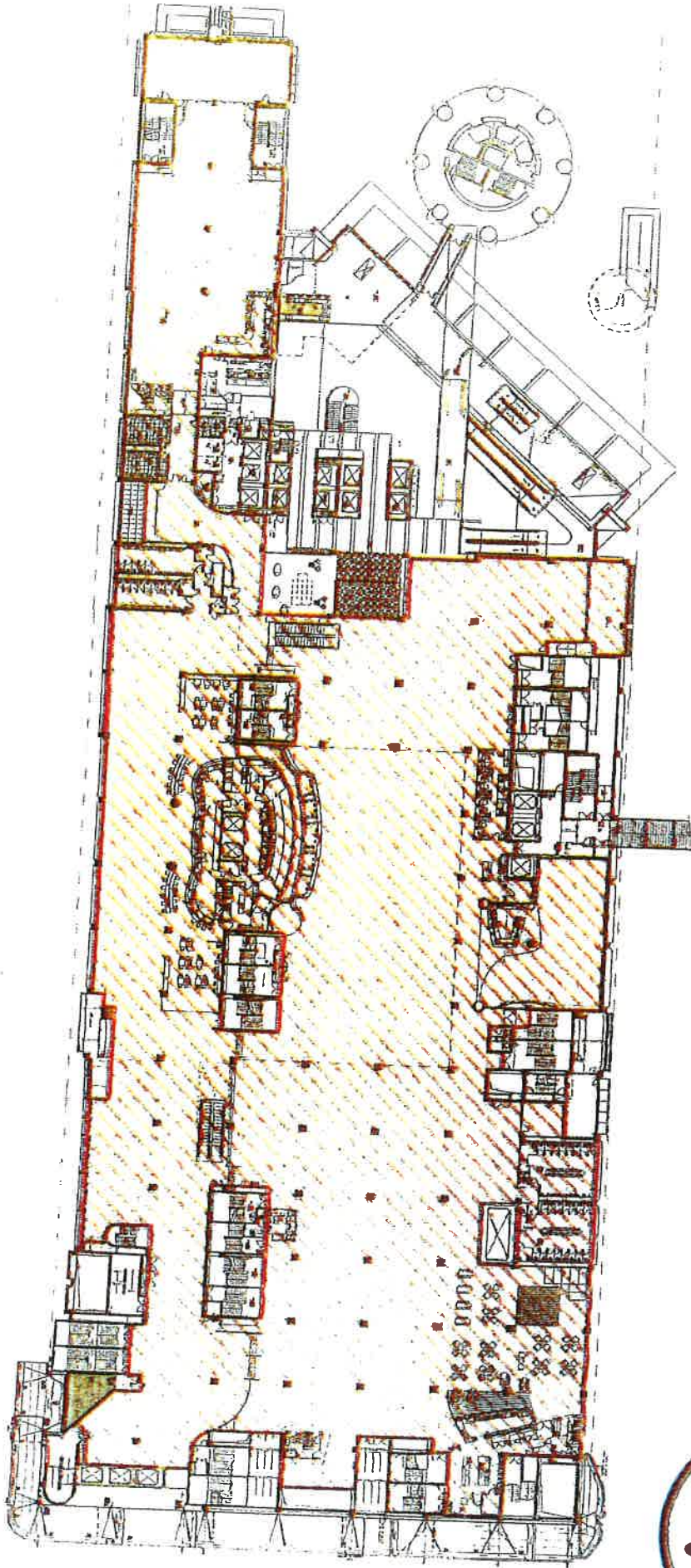
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SKY CITY
 PARTICIPATING GROUP

SKY CITY - PODIUM
 LEVEL 3
 GAMING AREAS
 VERSION 2
 18/10/2012





GAMING AREA: 6,874m²



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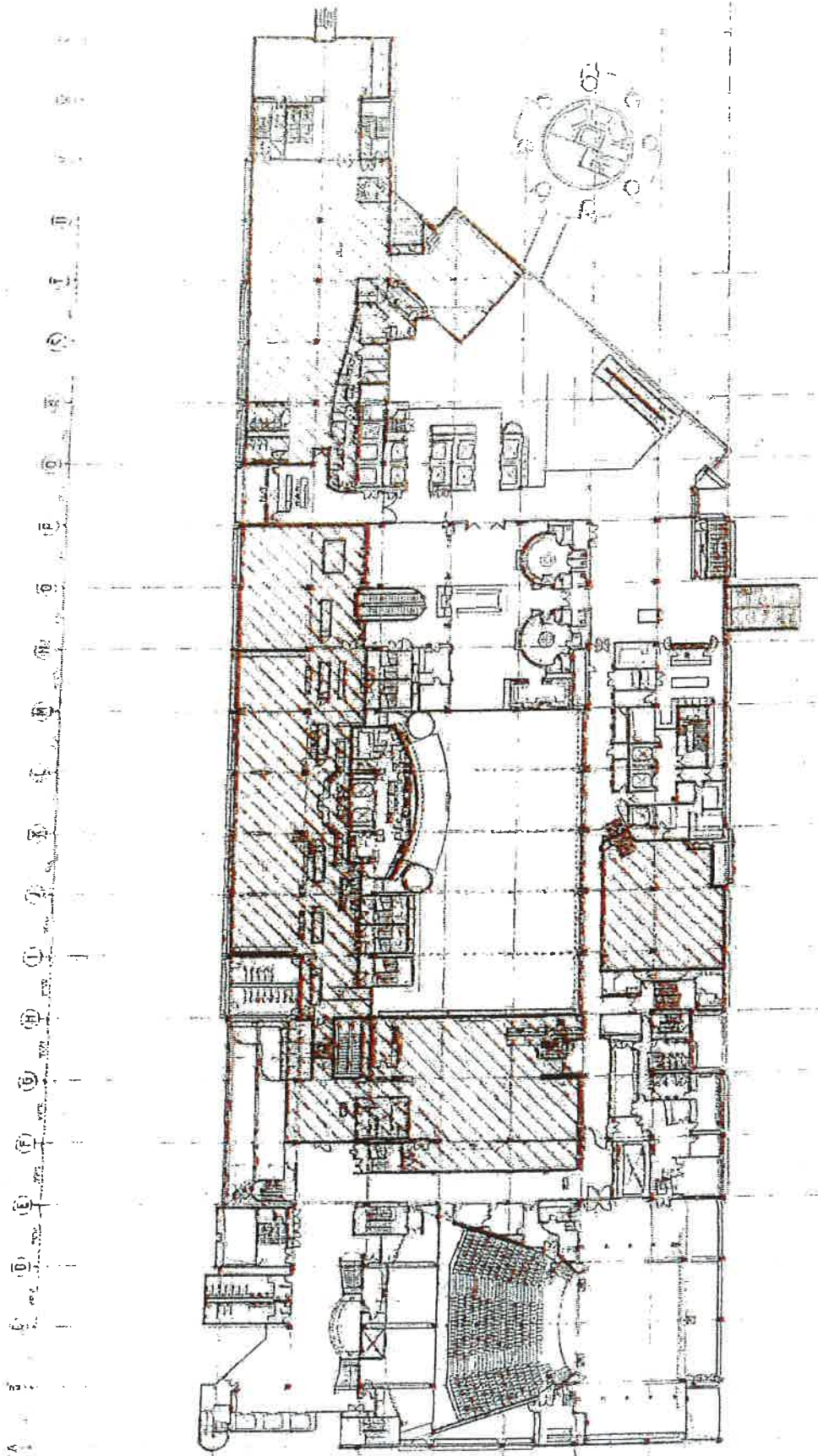
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SKY CITY
ENTERTAINMENT GROUP
GAMING LAYOUTS
ENTERTAINMENT AREA

PROJ. NO. 101-101-001
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CHECKED BY: [Name]

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

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3				
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GAMING AREA: 2,972m²



SKY CITY - POPLIM
 LEVEL 3
 GAMING AREA Version 1
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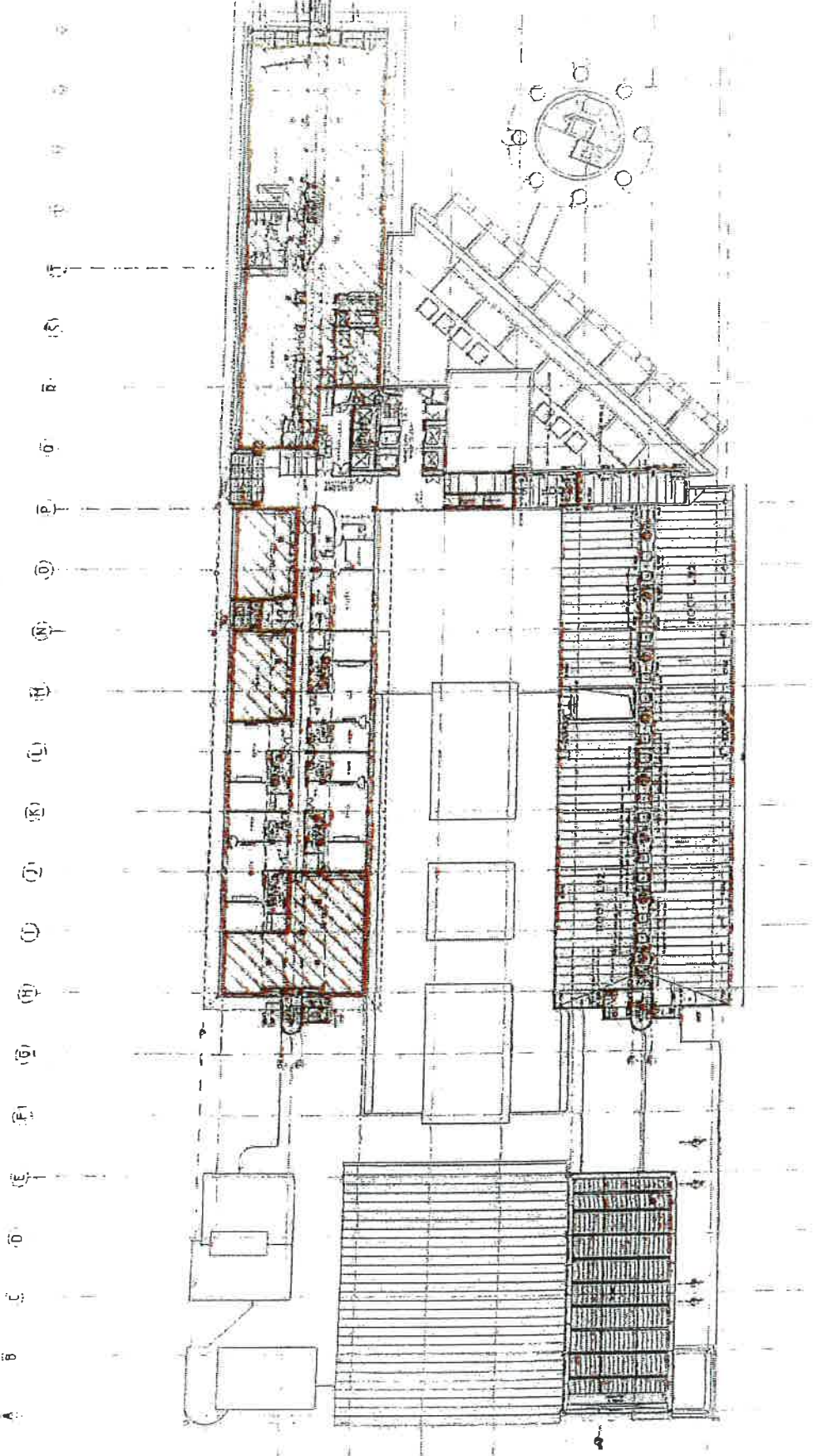
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GAMING AREA: 1,309m²

Prepared by: Moller Architects
 Checked by: Moller Architects
 Date: 14/02/2012



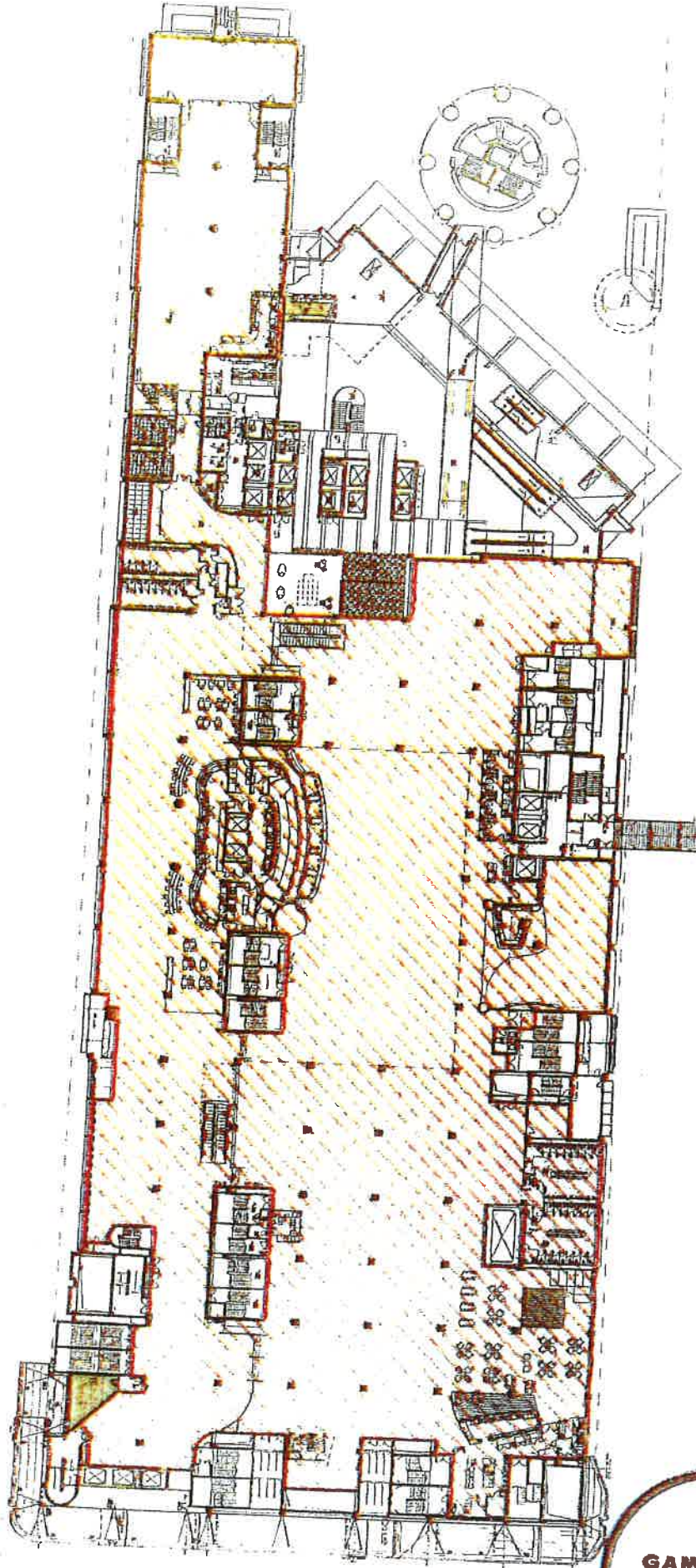
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Project Name: Sky City Entertainment Group
 Project No: 145
 Drawing No: 145-01
 Drawing Title: Gaming Layouts

SKY CITY - VIP GAMING
 LEVEL 145
 GAMING AREAS
 14/02/2012



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**GAMBLING
COMMISSION**

GAMING AREA: 6,874m²

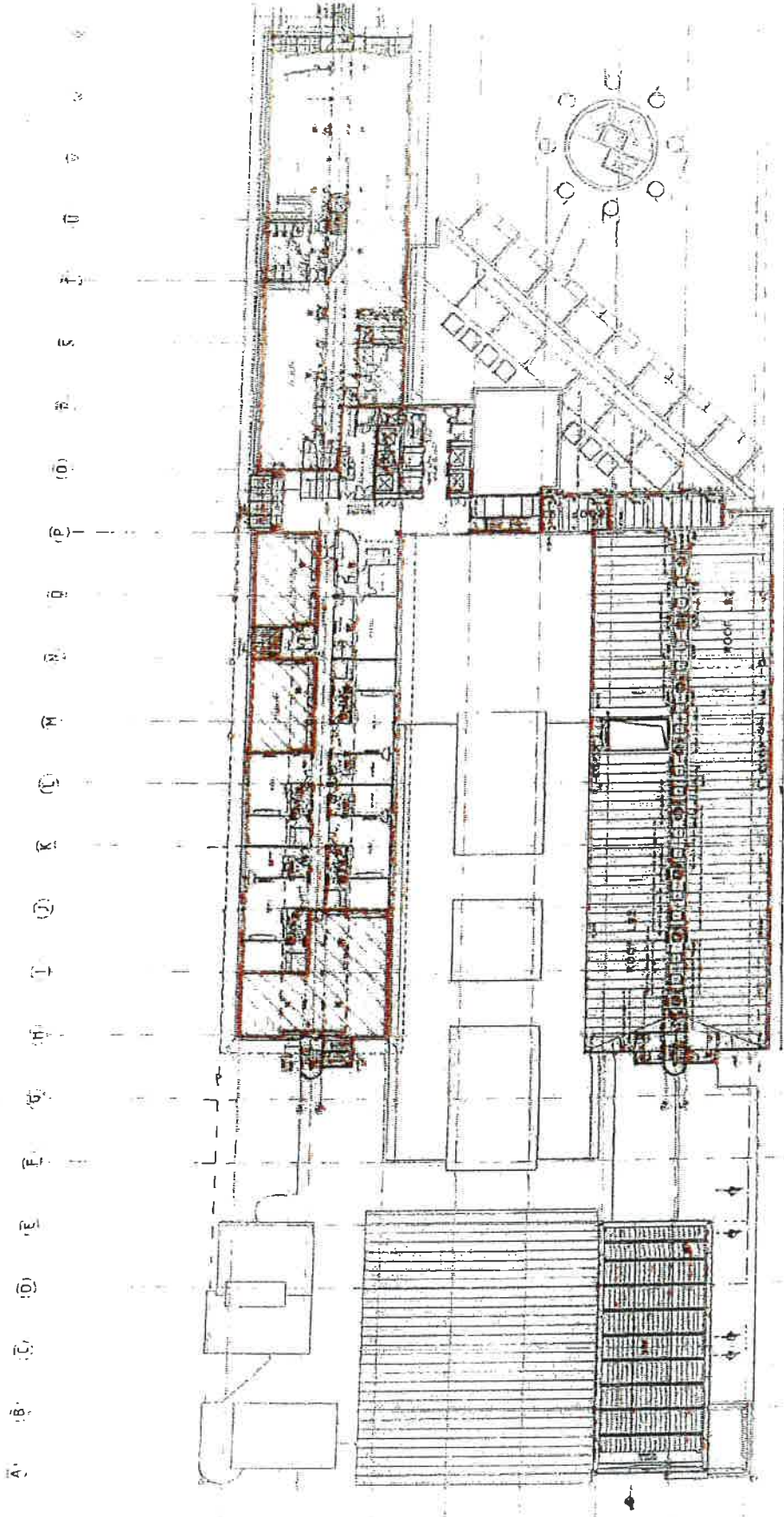
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SKY CITY
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 GAMBLING LAYOUTS

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

DATE	2/11/2012
BY	[Signature]
CHECKED BY	[Signature]
SCALE	1:100
PROJECT NO.	SKY-CITY-PODIUM-LEVEL-2
DRAWING NO.	SKY-CITY-PODIUM-LEVEL-2-GAMING-AREAS



GAMING AREA: 1,309m²



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Sky City Entertainment Group
 Gaming Layouts

Project Name	Sky City - VIP Gaming
Client	Sky City Entertainment Group
Location	Level H5
Scale	1:100
Date	15/10/2012
Drawn by	
Checked by	
Approved by	

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SKY CITY - VIP GAMING
LEVEL H5
GAMING AREAS
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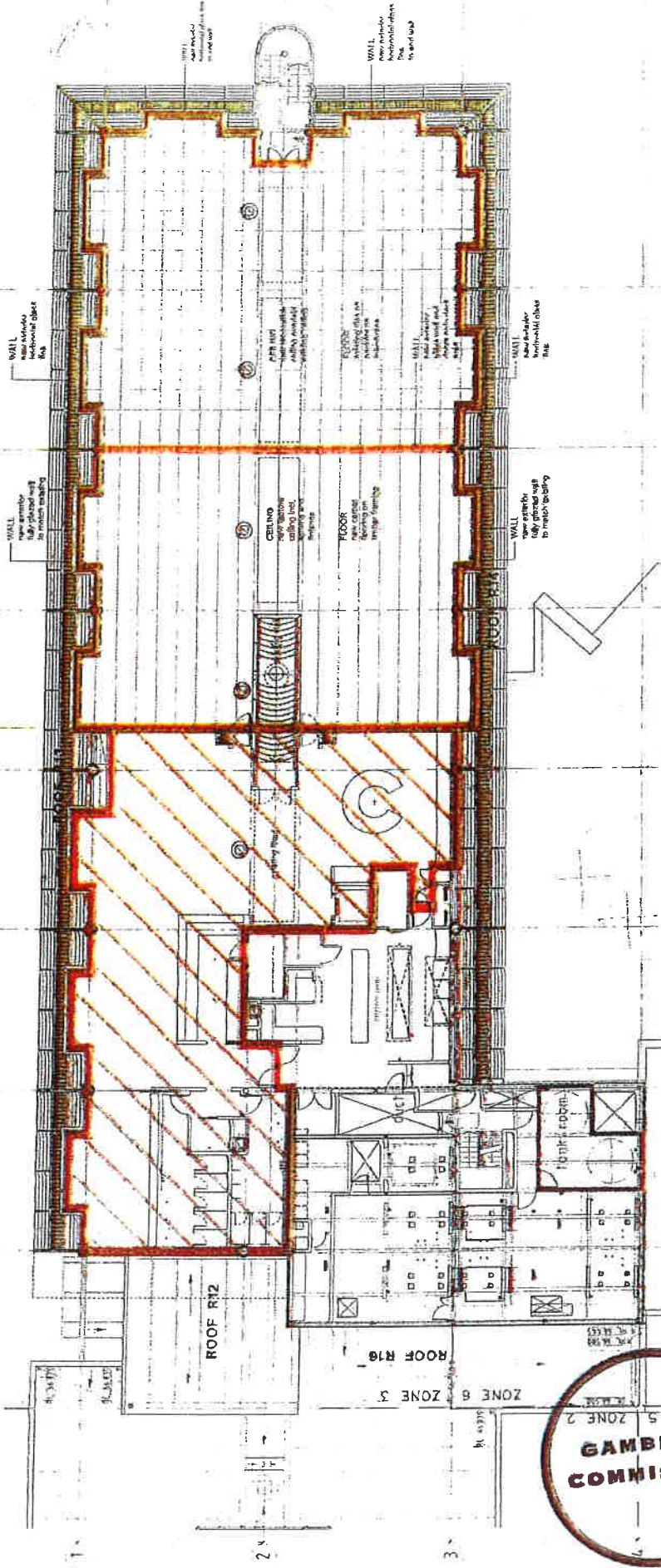
Project Name	Sky City - VIP Gaming
Client	Sky City Entertainment Group
Location	Level H5
Scale	1:100
Date	15/10/2012
Drawn by	
Checked by	
Approved by	

P Q R S T U V W X
ZONE 2
ZONE 3
ZONE 5
ZONE 6
ZONE 3
ZONE 2

ANCILLARY
AREA: 320m²

INTERNAL
NON-SMOKING
AREA: 263m²

EXTERIOR
SMOKING
AREA: 303m²



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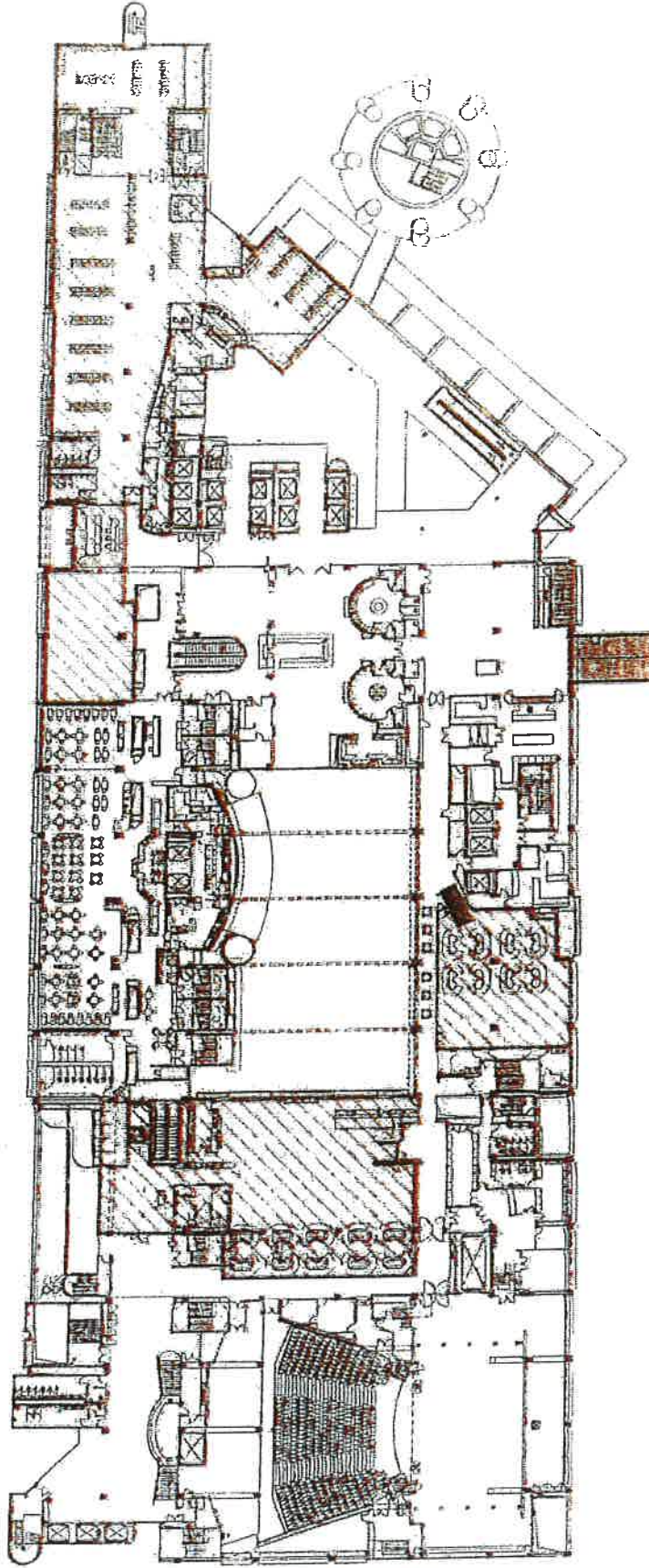
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Table with columns for Date, Prepared by, Checked by, Approved by, and Title. Includes a signature line for the Architect.

SKY CITY - VIP GAMING
LEVEL H6
GAMING AREAS
4/17/2012

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GAMING AREA: 2,246m²



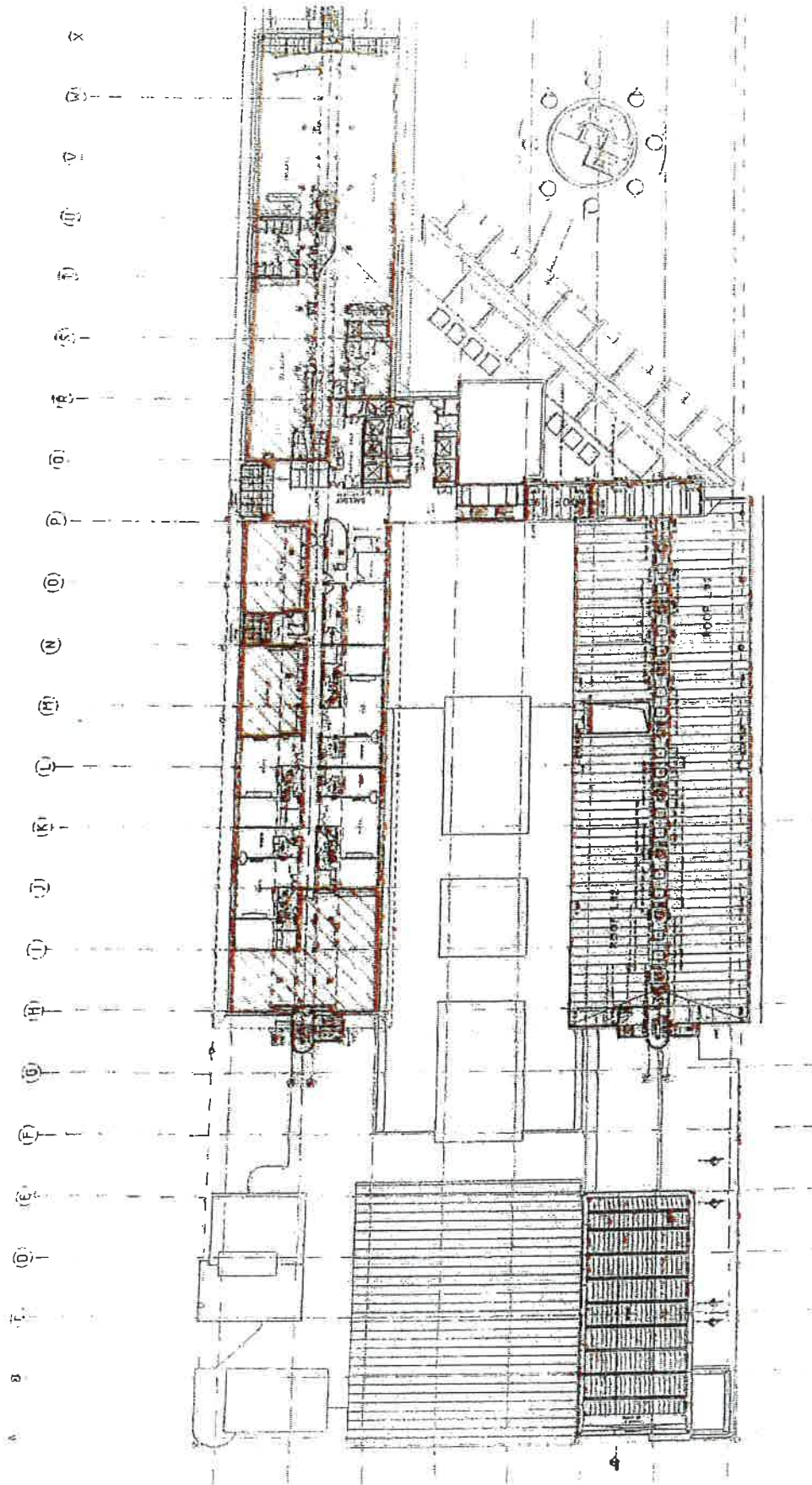
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Sky City Entertainment Group
 Gaming Layouts

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GAMING AREA: 1,309m²

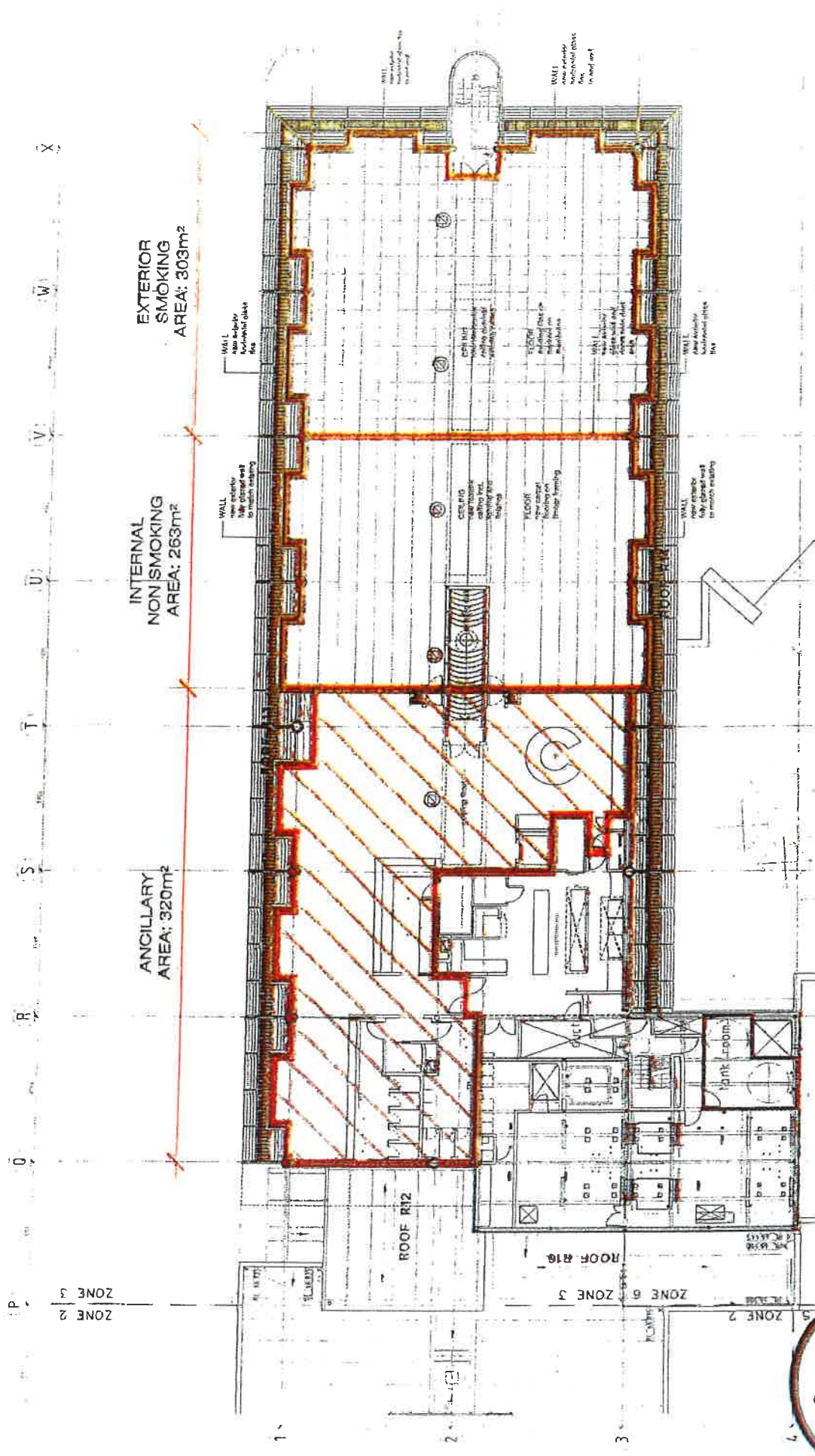
SKYCITY - VIP GAMING
LEVEL H5
GAMING AREAS
15/10/2012

Project Name	SKYCITY - VIP GAMING
Client	SkyCity Entertainment Group
Architect	Moller Architects
Scale	1:100
Date	15/10/2012
Drawn by	[Name]
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Approved by	[Name]

Sky City Entertainment Group
Gaming Layouts

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EXTERIOR
SMOKING
AREA: 309m²

INTERNAL
NON-SMOKING
AREA: 263m²

ANCILLARY
AREA: 320m²



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Scale: 1/8" = 1'-0"

Project: Sky City - VIP Gaming Level H6 Gaming Areas

Date: 4/12/2012

Author: [Name]

Checker: [Name]

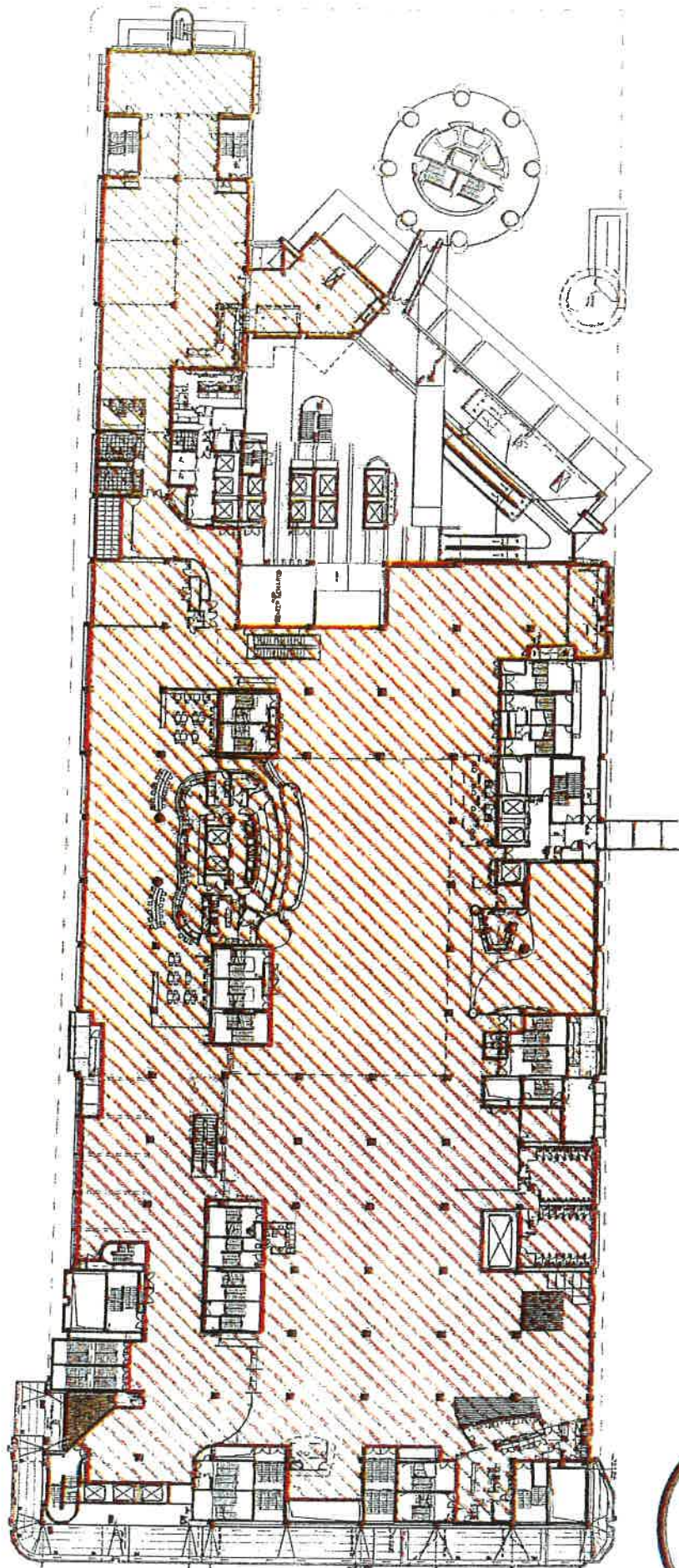
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Revision: [Number]

Notes: [List of notes]



GAMING AREA: 7,031m²



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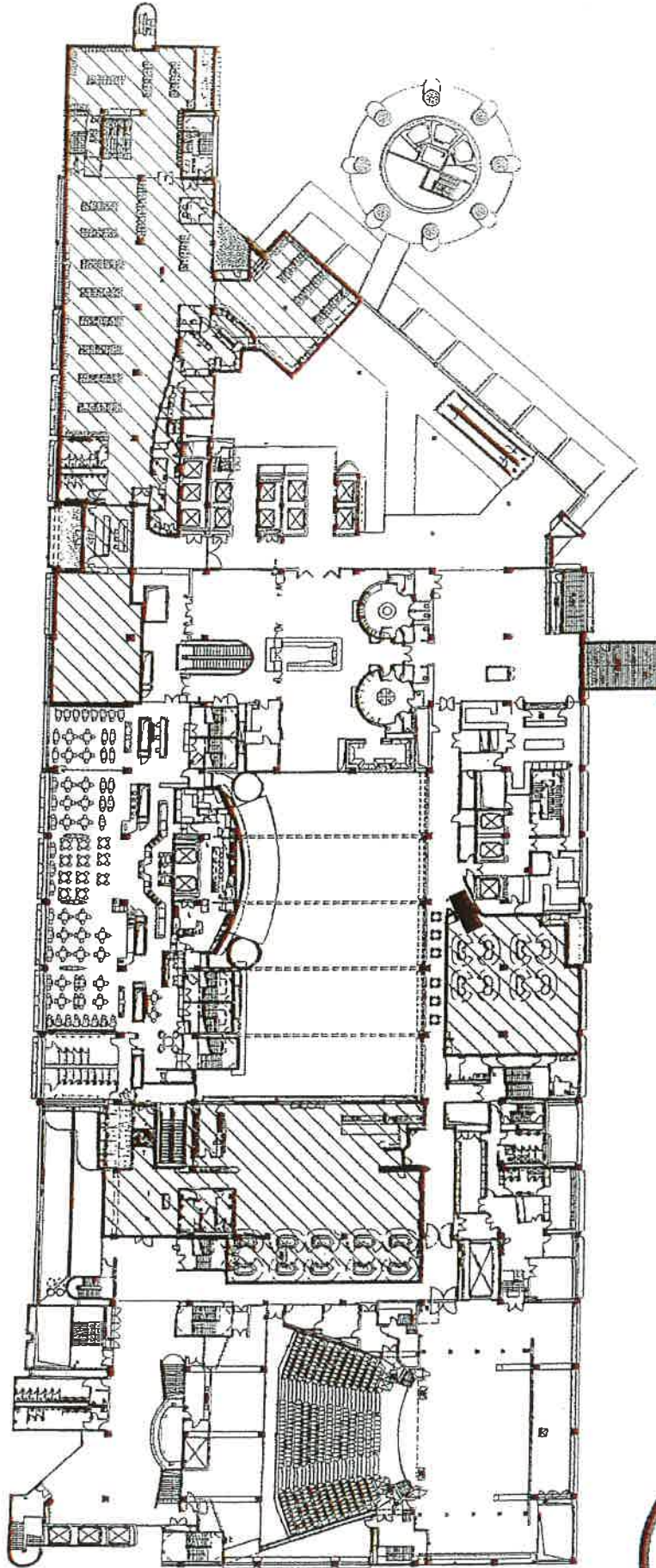
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 Project: Sky City - Podium Level 2
 Scale: 1:500
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SKY CITY - PODIUM
 LEVEL 2 GAMING AREAS Incl.
 Diamond Room Extension
 21/11/2012

NO.	DATE	DESCRIPTION	BY	CHKD



GAMING AREA: 2,245m²



REVISIONS	
No.	Description

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

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 Architect: Moller Architects
 Date: 06/11/2012

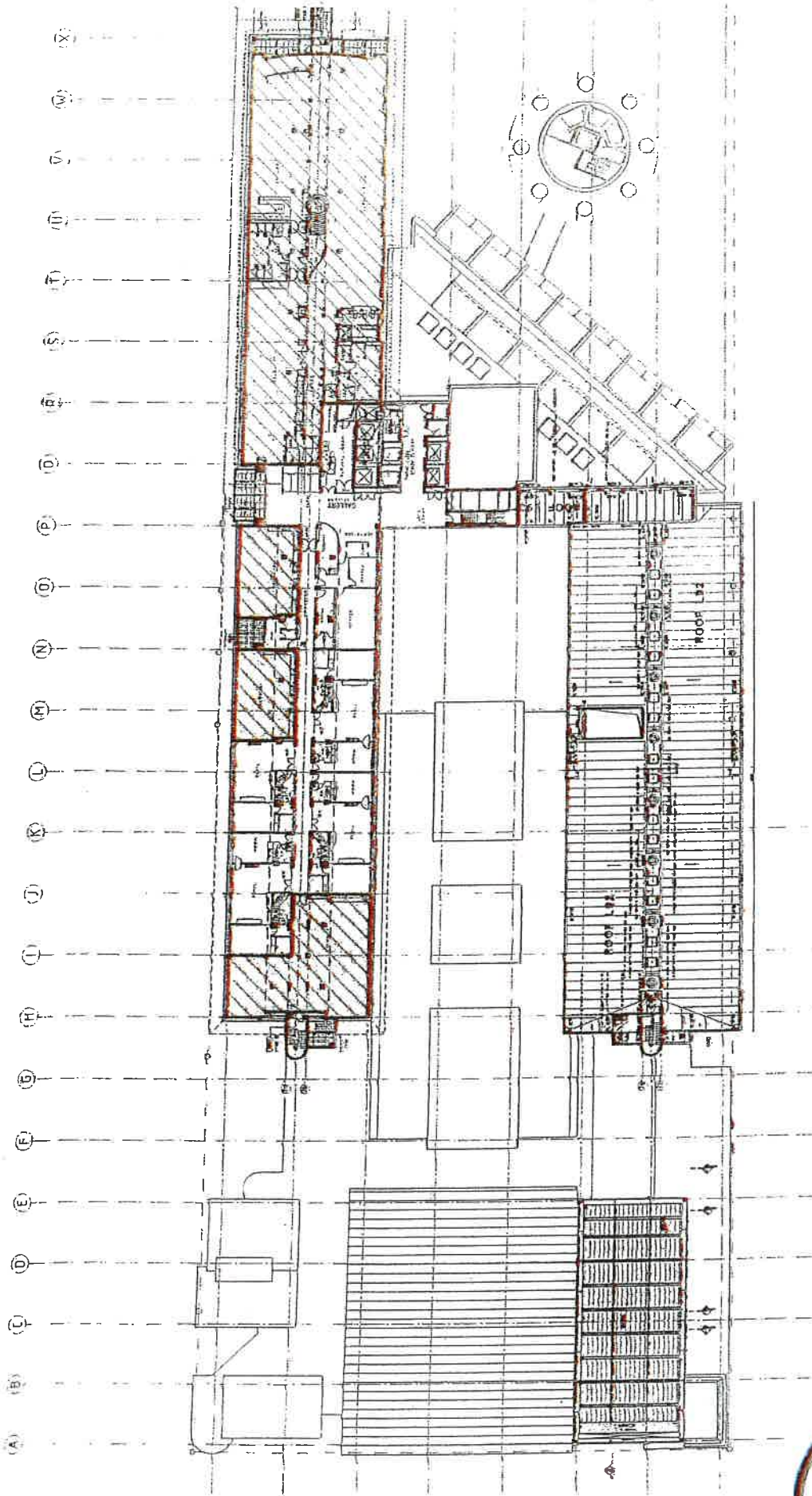
DRAWING INFORMATION	
Name	Scale

Sky City Entertainment Group
 Gaming Layouts



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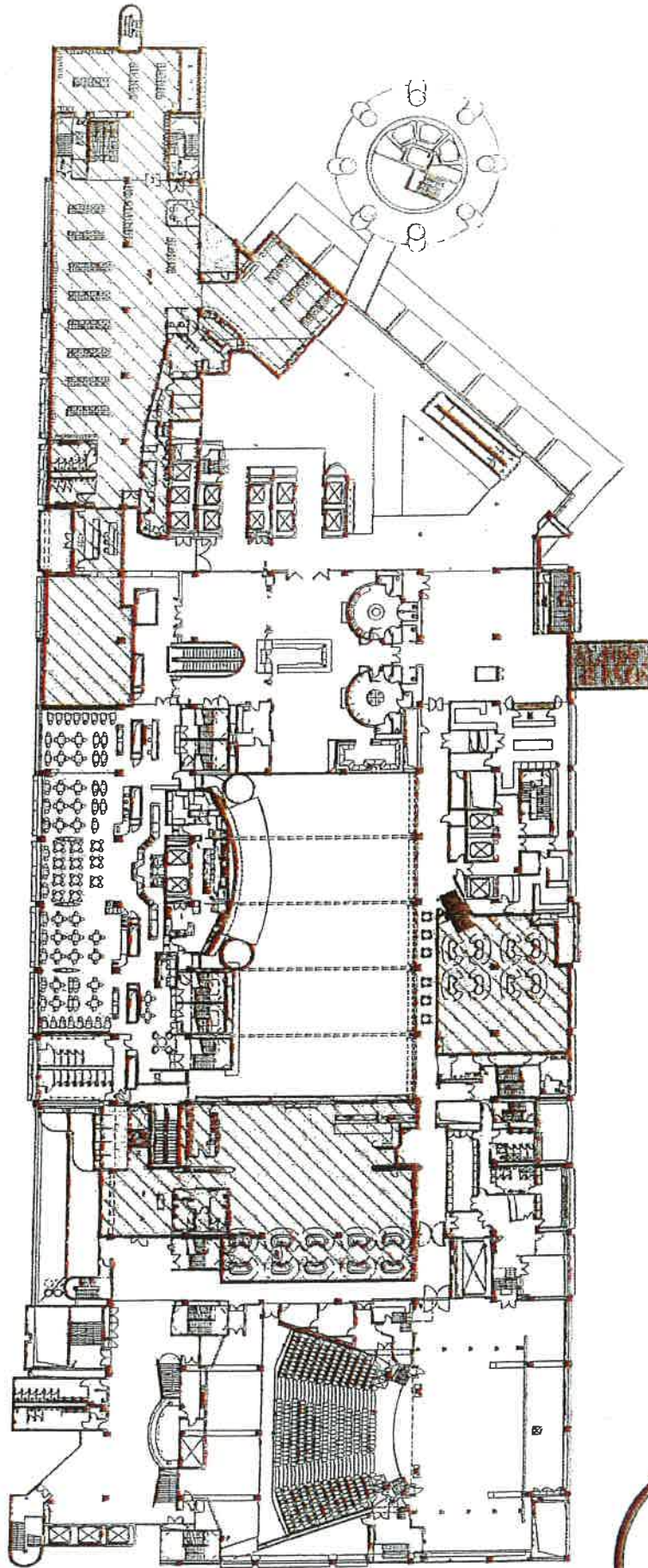
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GAMING AREA: 1,309m²



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<p>Call 08 9 247 0099 Fax 08 9 247 1000 100 Victoria Road Melbourne VIC 3000 www.skycity.com.au</p>		<p>Moller Architects</p>																	
<p>SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS 15/10/2012</p>		<p>PROJECT INFORMATION</p> <table border="1"> <tr> <td>Name:</td> <td>Project No.:</td> <td>Client:</td> <td>Scale:</td> </tr> <tr> <td>Address:</td> <td>Project No.:</td> <td>Project No.:</td> <td>Project No.:</td> </tr> <tr> <td>Site No.:</td> <td>Project No.:</td> <td>Project No.:</td> <td>Project No.:</td> </tr> <tr> <td>Site No.:</td> <td>Project No.:</td> <td>Project No.:</td> <td>Project No.:</td> </tr> </table>		Name:	Project No.:	Client:	Scale:	Address:	Project No.:	Project No.:	Project No.:	Site No.:	Project No.:	Project No.:	Project No.:	Site No.:	Project No.:	Project No.:	Project No.:
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GAMING AREA: 2,246m²



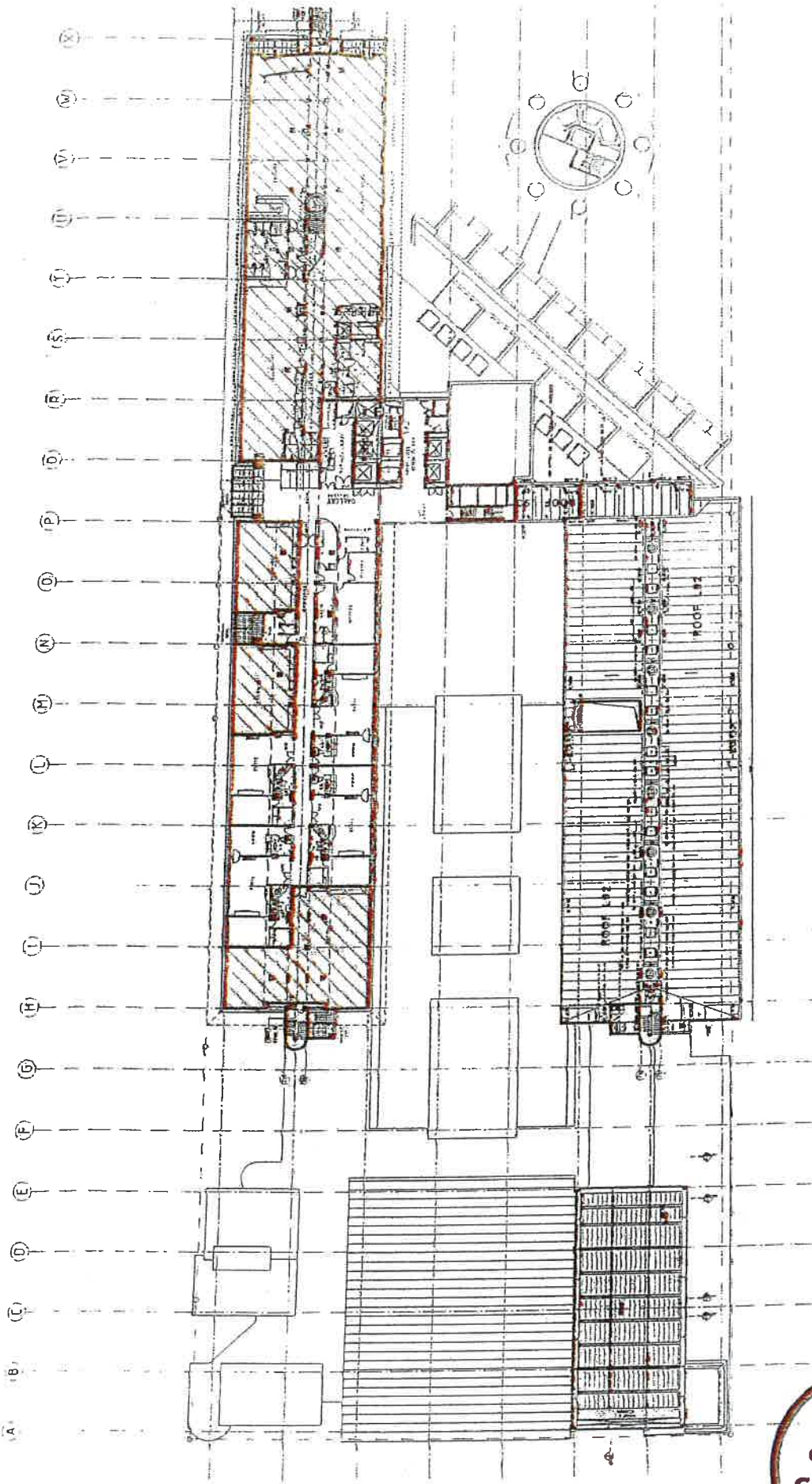
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SKY CITY - PODIUM
LEVEL 3 GAMING AREAS Incl.
Nailton's Club & Platinum Rm Extn.
06/11/2012

CLIENT INFORMATION	Project No: 101 000	Project Name: SKY CITY	Date: 06/11/2012	Scale: 1:100
DESIGNER INFORMATION	Project No: 101 000	Project Name: SKY CITY	Date: 06/11/2012	Scale: 1:100
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GAMING AREA: 1,309m²



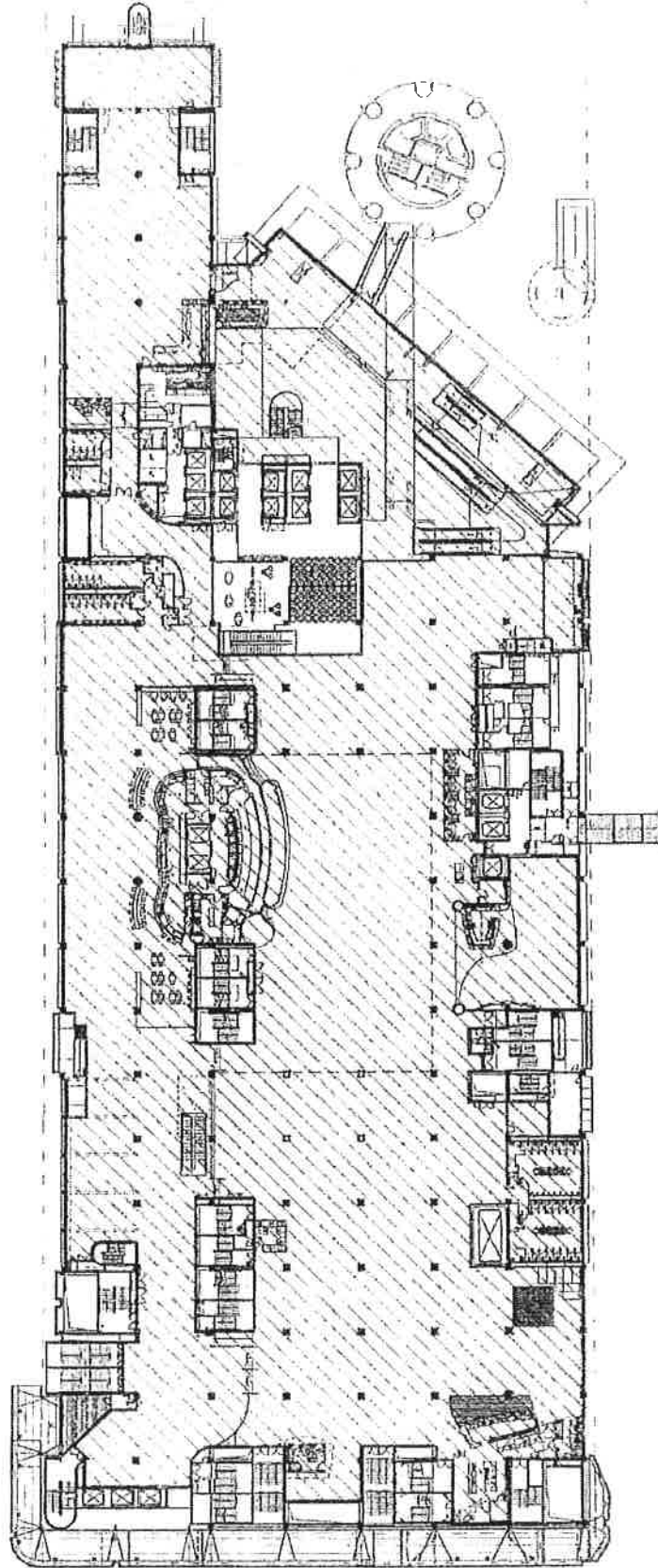
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 SKY CITY - VIP GAMING
 LEVEL H5
 GAMING AREAS
 15/11/2012

CLIENT: SKY CITY RESTAURANT & ENTERTAINMENT GROUP
 PROJECT: SKY CITY - VIP GAMING LEVEL H5
 DATE: 15/11/2012
 DRAWING NO: SKY-CITY-VIP-GAMING-LEVEL-H5-01

SCALE: 1:100
 SHEET NO: 1 OF 1
 TOTAL SHEETS: 1

DESIGNER: MOLLER ARCHITECTS
 ARCHITECT: MOLLER ARCHITECTS
 DRAWING: MOLLER ARCHITECTS
 CHECKED: MOLLER ARCHITECTS
 APPROVED: MOLLER ARCHITECTS

MOLLER ARCHITECTS
 1000 GARDNER STREET
 SUITE 1000
 VANCOUVER, BC V6C 1G5
 TEL: 604-681-1111
 FAX: 604-681-1112
 WWW.MOLLERARCHITECTS.COM



— GAMING AREA: 7,791m²



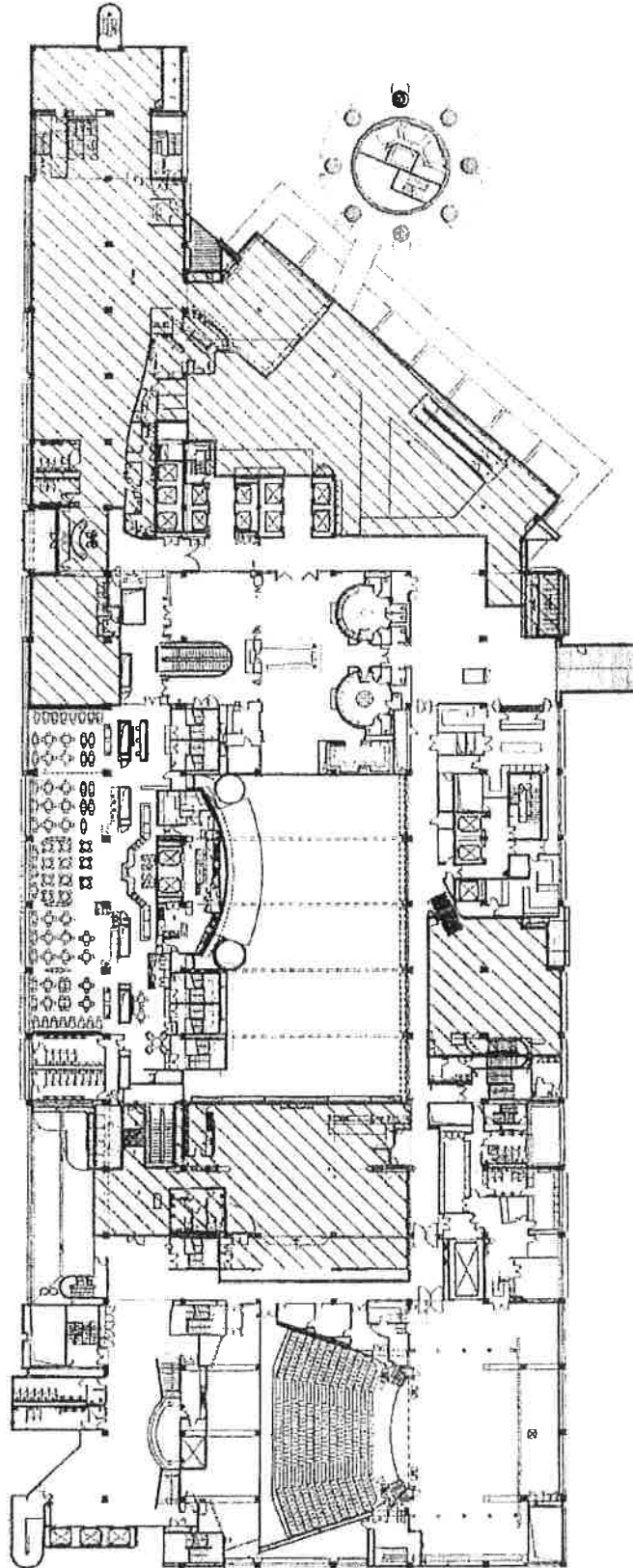
Project Name	SKYCITY - PCDIUM
Level	LEVEL 2 GAMING AREAS Incl. Diamond Extension & Atrium (left)
Date	21/11/2012
Scale	1:100
Author	
Checked	
Drawn	
Discipline	
Sheet No.	
Total Sheets	

SKYCITY - PCDIUM
 LEVEL 2 GAMING AREAS Incl. Diamond Extension & Atrium (left)
 21/11/2012

SKY CITY ENTERTAINMENT GROUP
 GAMING LAYOUTS

CALL 08 250 0000
 Fax 08 250 0000

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— GAMING AREA: 3,008m²



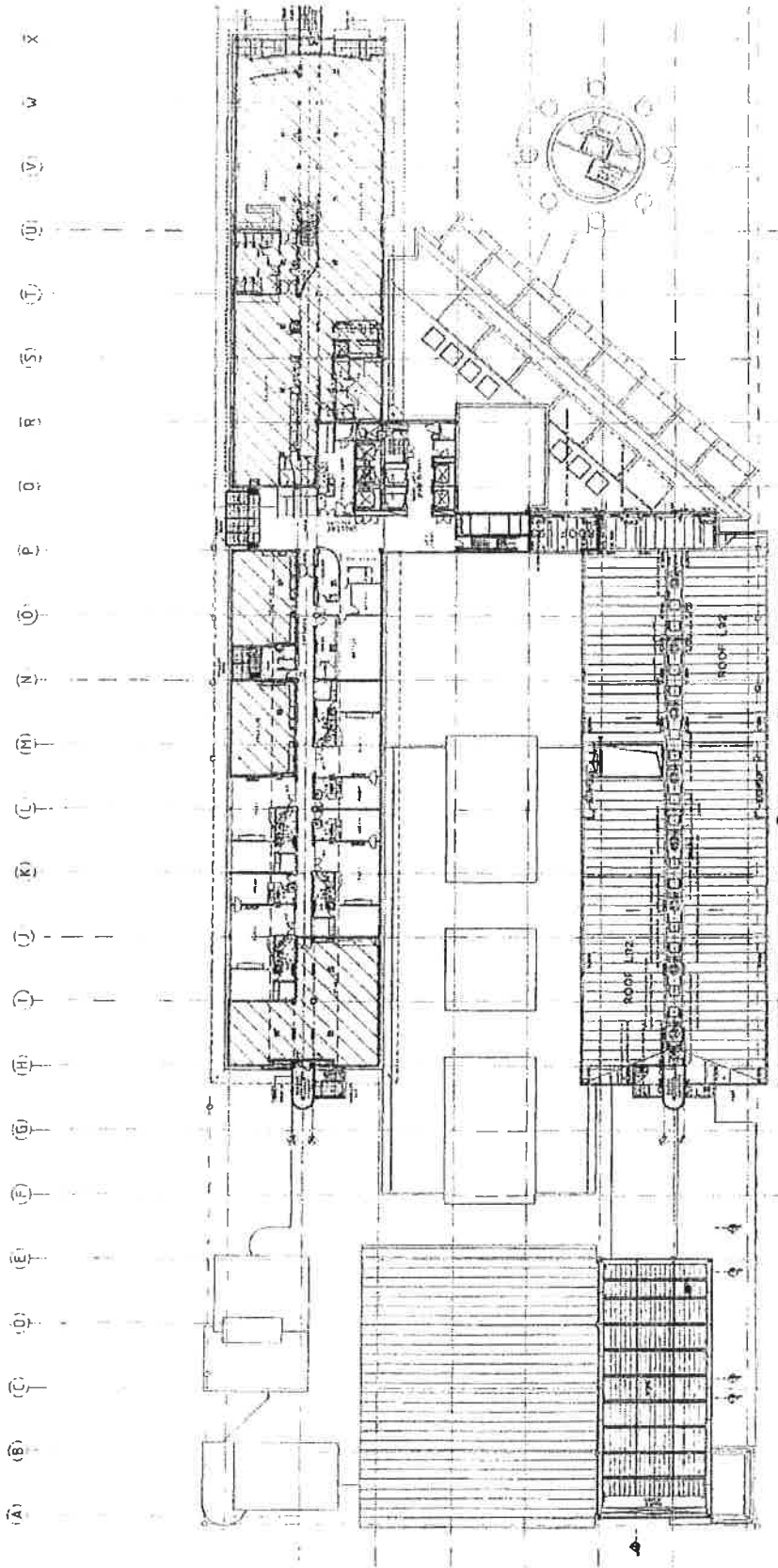
Call us on 0117 924 0000
 100 Victoria Street
 Bristol, BS1 6AG
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SKYCITY
 ENTERTAINMENT GROUP
 Sky City Entertainment Group
 Gaming Layouts

Project No: 12/03/2013
 Project Name: SKYCITY - PODIUM LEVEL 3 GAMING AREAS
 Proposed Expansion
 27/03/2013

SKYCITY - PODIUM LEVEL 3 GAMING AREAS
 PROPOSED EXPANSION
 27/03/2013



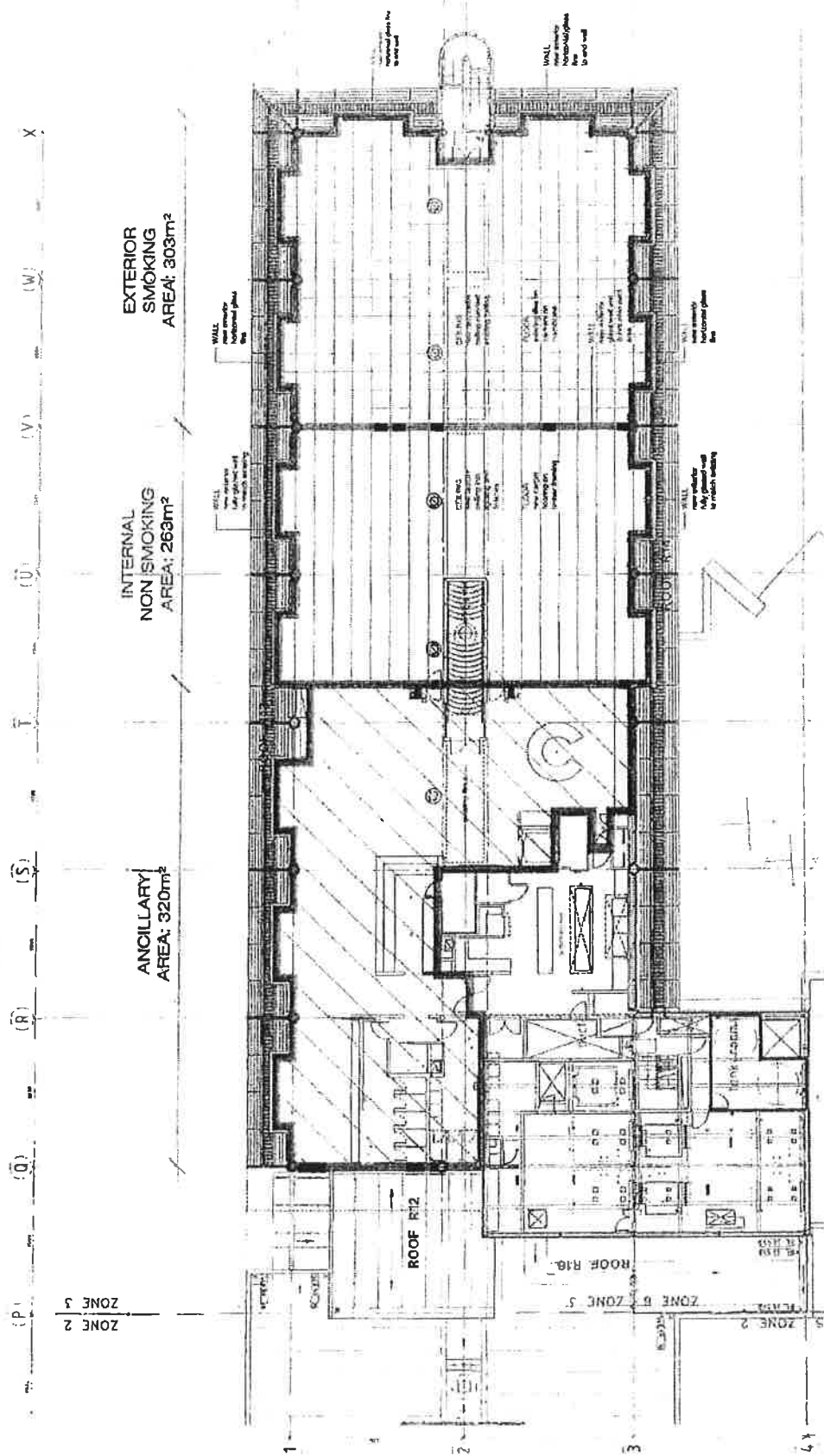
GAMING AREA: 1,309m²



<p>Sky City Entertainment Group Gaming Layouts</p>		<p>SKYCITY RECREATION</p>	
<p>Project Name: SKYCITY - VIP GAMING Level M5 Gaming Areas</p>		<p>Scale: 1:100 Date: 15/10/2012</p>	
<p>Prepared by: [Name] Checked by: [Name] Approved by: [Name]</p>		<p>Project No: [Number] Revision: [Number]</p>	

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For all enquiries contact:
Moller Architects
100 Queen Street
Auckland, New Zealand



EXTERIOR SMOKING AREA: 303m²

INTERNAL NON-SMOKING AREA: 269m²

ANCILLARY AREA: 320m²

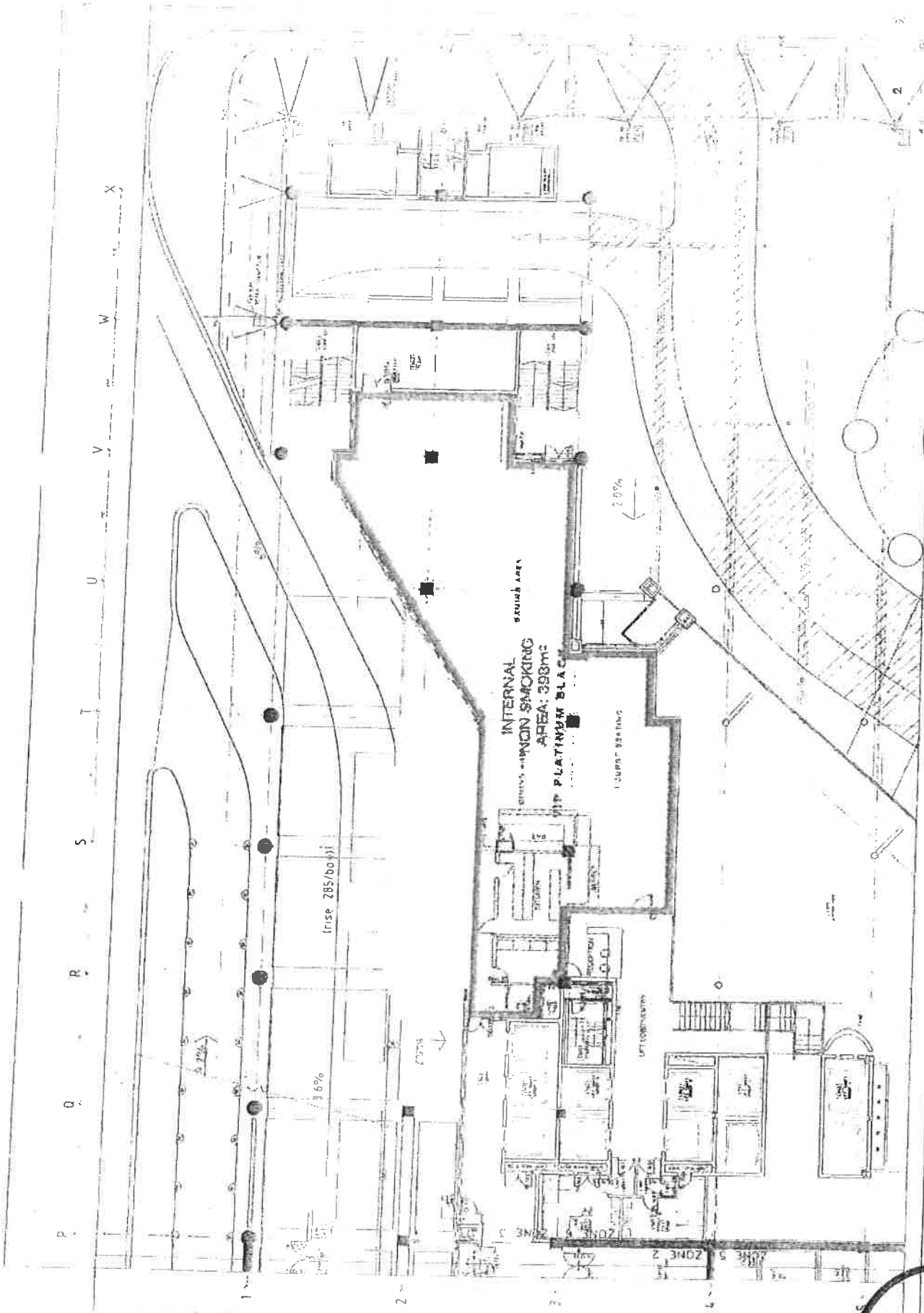
<p>SKY CITY - VIP GAMING LEVEL H6 GAMING AREAS 4/17/2012</p>
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Sky City Entertainment Group
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and more information
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VIP PLATINUM BLACK
FLOOR PLAN

AS335 1213

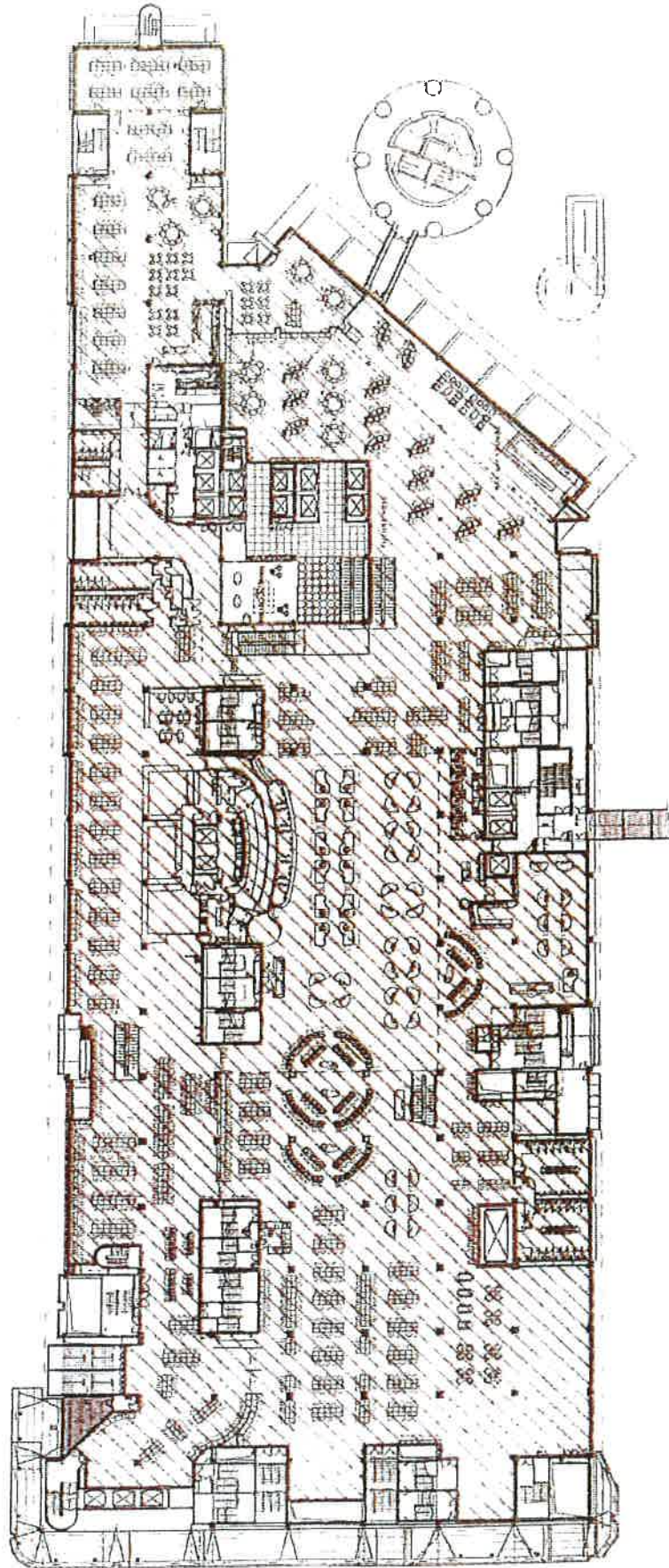
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Call us at 207-888-8888
 Fax us at 207-888-8888
 1000 Main Street
 Portland, ME 04101
 www.skycityentertainment.com

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GAMING AREA: 7,873m²



Project No.	08/012013
Client	SkyCity Entertainment Group
Architect	Moller Architects
Scale	1:100
Date	08/01/2013

SKYCITY - PODIUM
LEVEL 2 GAMING AREAS
Diamond Extension & Atrium Infill

Author	...
Checked	...
Drawn	...
Scale	1:100
Date	08/01/2013

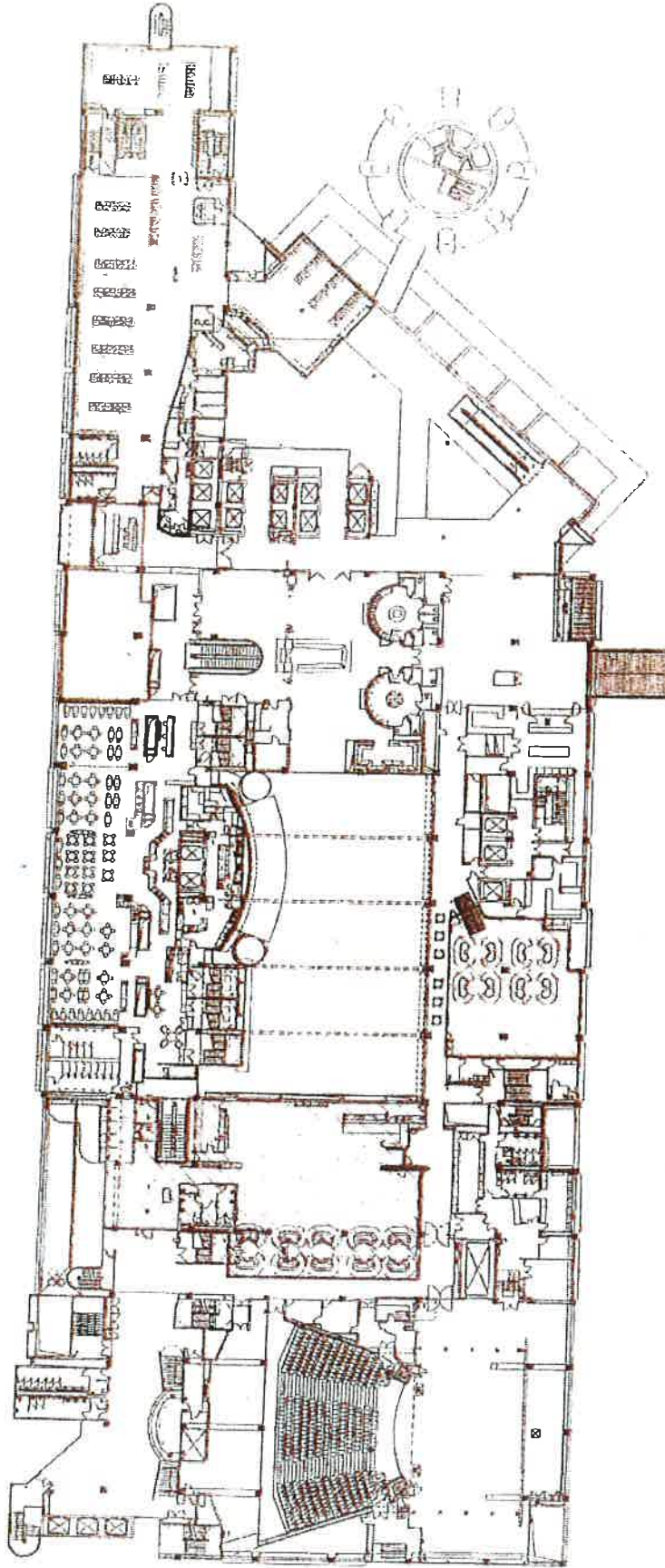
Sky City Entertainment Group
Gaming Layouts



08/01/2013
08/01/2013

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GAMING AREA: 2,246m²



2nd Floor & 3rd Floor
 Level 11, 12 and 13
 210 Collins Street
 Melbourne, Victoria 3000
 Tel: +61 (0)3 9212 2200
 Fax: +61 (0)3 9212 2201

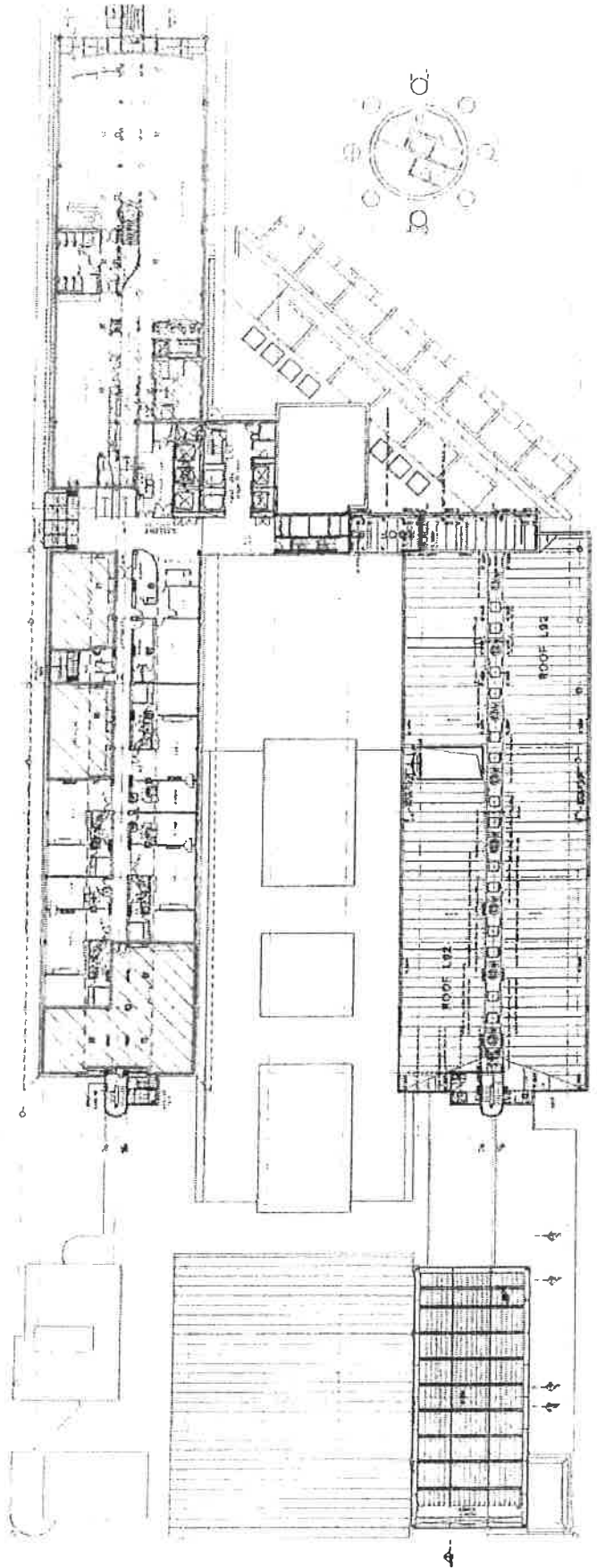


Sky City Entertainment Group
 Gaming Layouts

SKYCITY - PODIUM
 LEVEL 3 - GAMING AREAS Incl.
 Nations Club & Platinum Rm. Entry
 06/11/2012

NO.	REVISION	DATE	BY	CHKD
1	ISSUE FOR PERMIT	06/11/2012		
2	ISSUE FOR PERMIT	06/11/2012		
3	ISSUE FOR PERMIT	06/11/2012		
4	ISSUE FOR PERMIT	06/11/2012		
5	ISSUE FOR PERMIT	06/11/2012		
6	ISSUE FOR PERMIT	06/11/2012		
7	ISSUE FOR PERMIT	06/11/2012		
8	ISSUE FOR PERMIT	06/11/2012		
9	ISSUE FOR PERMIT	06/11/2012		
10	ISSUE FOR PERMIT	06/11/2012		

A 3 C D E F G H I J K L M N O P Q R S T U V W X



GAMING AREA: 1,309m²



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 Fax us on 020 7000 0001
 Email us on info@mollier.com

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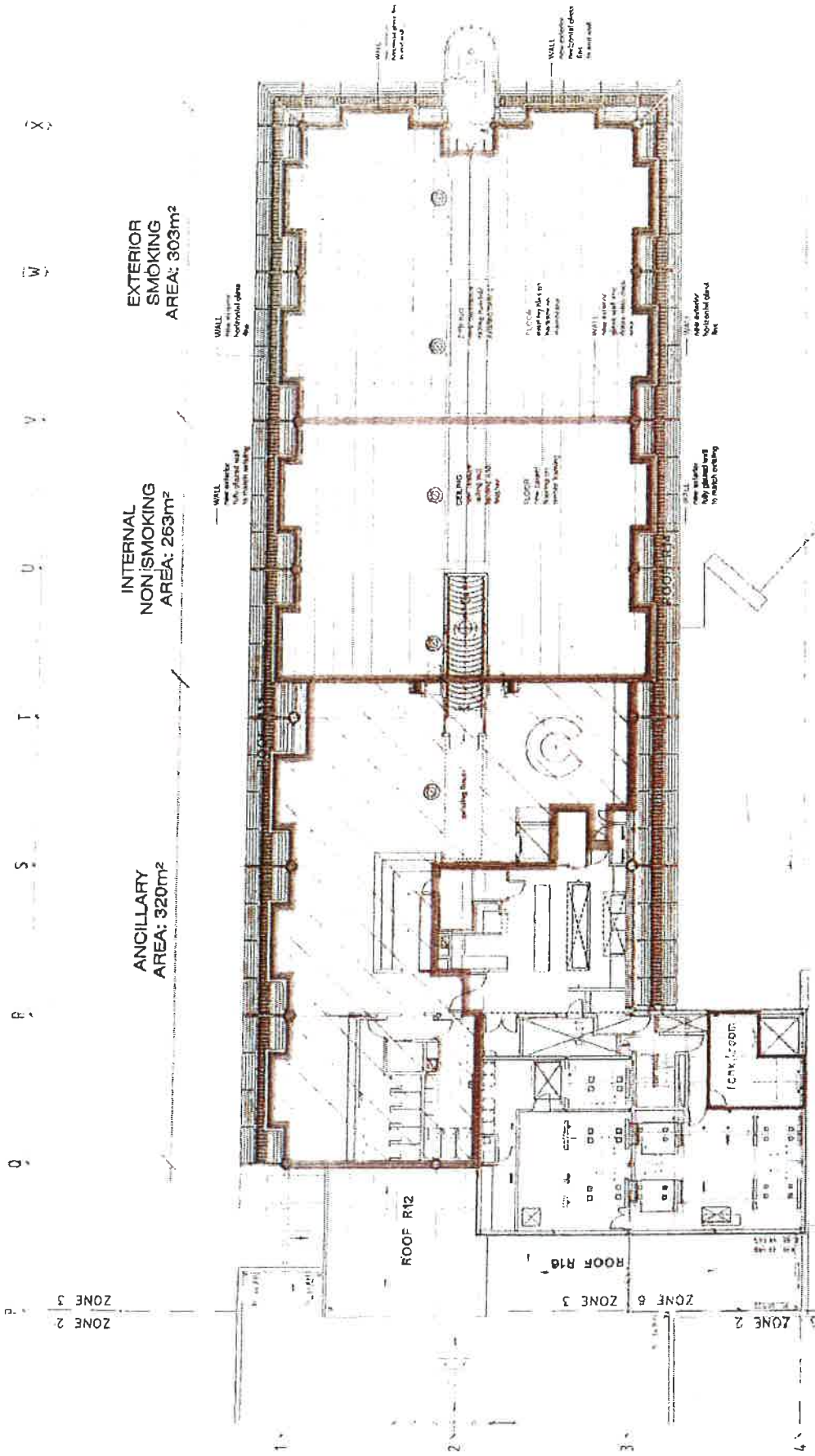


Sky City Entertainment Group
 Gaming Layouts

Project Name: SKY CITY - VIP GAMING
 Level: H5
 Date: 15/10/2012

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

Author	...
Checked	...
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Scale	...
Sheet No.	...
Project No.	...
Date	...



EXTERIOR SMOKING AREA: 303m²

INTERNAL NON-SMOKING AREA: 263m²

ANCILLARY AREA: 320m²

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

Sky City Entertainment Group
 Gaming Layouts

SKY CITY
 ENTERTAINMENT GROUP

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Moller Architects
 GAMBLING COMMISSION