

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

Date of Application: 7 August 2013

Date of Decision: 13 September 2013

Date of Notification
 of Decision:  September 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, under 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

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 2A3. A third alternative Gambling Area is delineated in the plan attached as Schedule 34. A fourth alternative Gambling Area is delineated in the plan attached as Schedule 3A5. A fifth alternative Gambling Area is delineated in the plan attached as Schedule 46. A sixth alternative Gambling Area is delineated in the plan attached as Schedule 4A7. A seventh alternative Gambling Area is delineated in the plan attached as Schedule 57A. An eighth alternative Gambling Area is delineated in the plan attached as Schedule 5A8. A ninth alternative Gambling Area is delineated in the plan attached as Schedule 6. A tenth alternative Gambling Area is delineated in the plan attached as Schedule 6A.
- 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, 2A, 3, 3A, 4, 4A, 5, 6A, 6 and 6A, 7, 7A and 8.

SCAL's submissions

4. SCAL submitted, in summary, as follows:

- (a) It wants to relocate the Jade Dragon restaurant from level 1 to level 3. Initially the restaurant will be positioned in the space previously occupied by the Blend Café, but it intends to expand the facility into the area currently housing the Baccarat Room.
- (b) As part of the restaurant will be housed in an area which is designated as Gambling Area, it seeks a redesignation to exclude this area. This will ensure that patrons dining at the restaurant will not be subject to an age restriction.
- (c) It currently has two other applications before the Commission to redesignate the Gambling Area at the Auckland casino. The outcome of those applications may have some bearing on the schedules for which approval is sought in this application.

- (d) This application seeks approval for a new schedule 2A, with amendments to all other schedules to remove the area in question from the designated gambling area.

The Secretary's submissions

5. The Secretary submitted that the application raised no issues of regulatory concern.

Analysis

6. SCAL has applied to redesignate the Gambling Area at the Auckland casino, to exclude an area which will eventually be occupied by the relocated Jade Dragon restaurant. SCAL's proposal, which will reduce the Gambling Area, raised no issues of regulatory concern.
7. SCAL has sought approval for a number of Gambling Area schedules to cover the outcomes of previous applications to the Commission; outcomes which were not known when the current redesignation application was made, but which are now known.
8. The Commission has amended conditions 9 and 9A to incorporate those Schedules that have been approved, and removed reference to those Schedules that are no longer relevant, resulting in Schedules 1, 2, 2A, 3, 4, 5 and 6 being approved.

Decision

9. The Commission approved:
- (a) the redesignation of the Gambling Area in the manner proposed, under condition 9 of SCAL's venue licence and section 139 of the Act; and
- (b) 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 2A. A third alternative Gambling Area is delineated in the plan attached as Schedule 3. A fourth alternative Gambling Area is delineated in the plan attached as Schedule 4. A fifth alternative Gambling Area is delineated in the plan attached as Schedule 5. A sixth alternative Gambling Area is delineated in the plan attached as Schedule 6.

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, 2A, 3, 4, 5 and 6.

- 10. Schedules 1, 2, 2A, 3, 4, 5 and 6 are **attached**.

Right of appeal

- 11. 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.



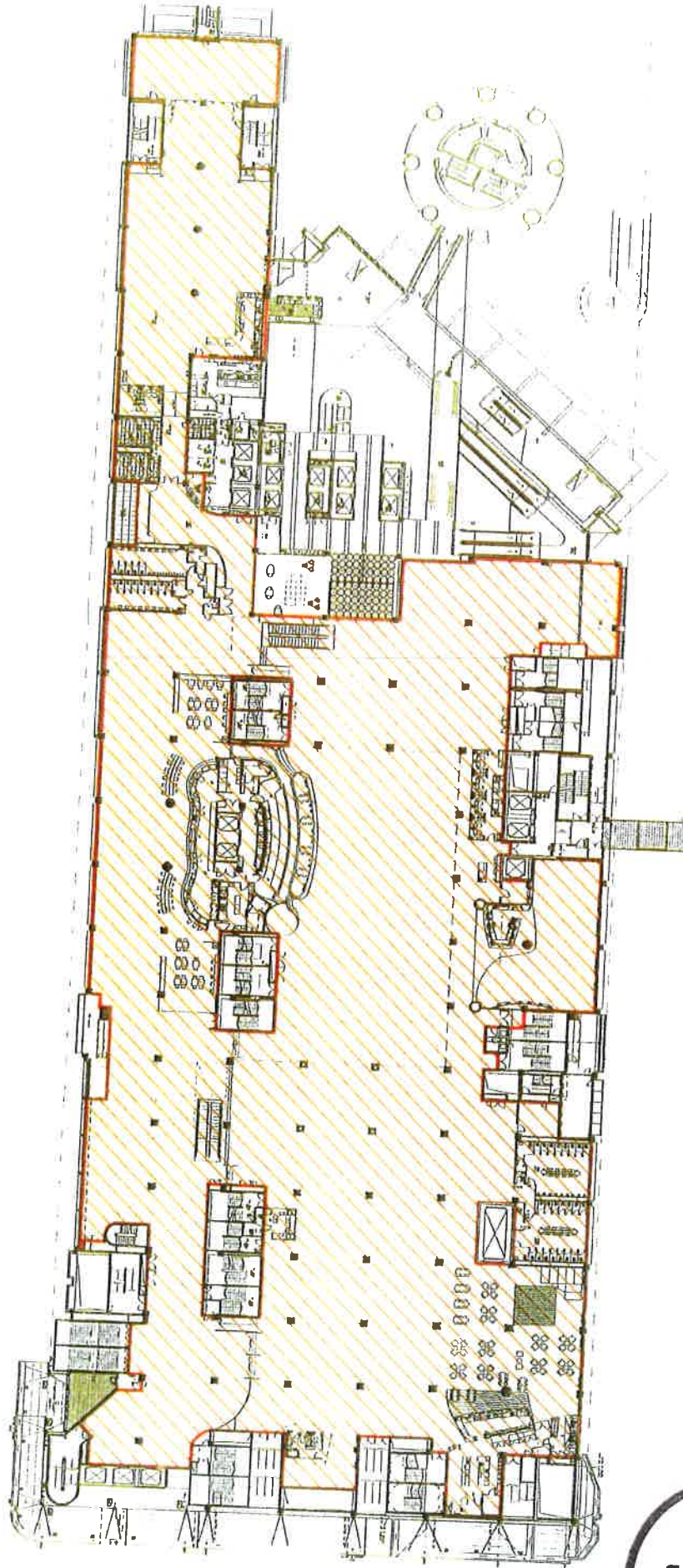
Lisa Hansen
Gambling Commissioner

for and on behalf of the
Gambling Commission

20

September 2013





GAMING AREA: 6,874m²



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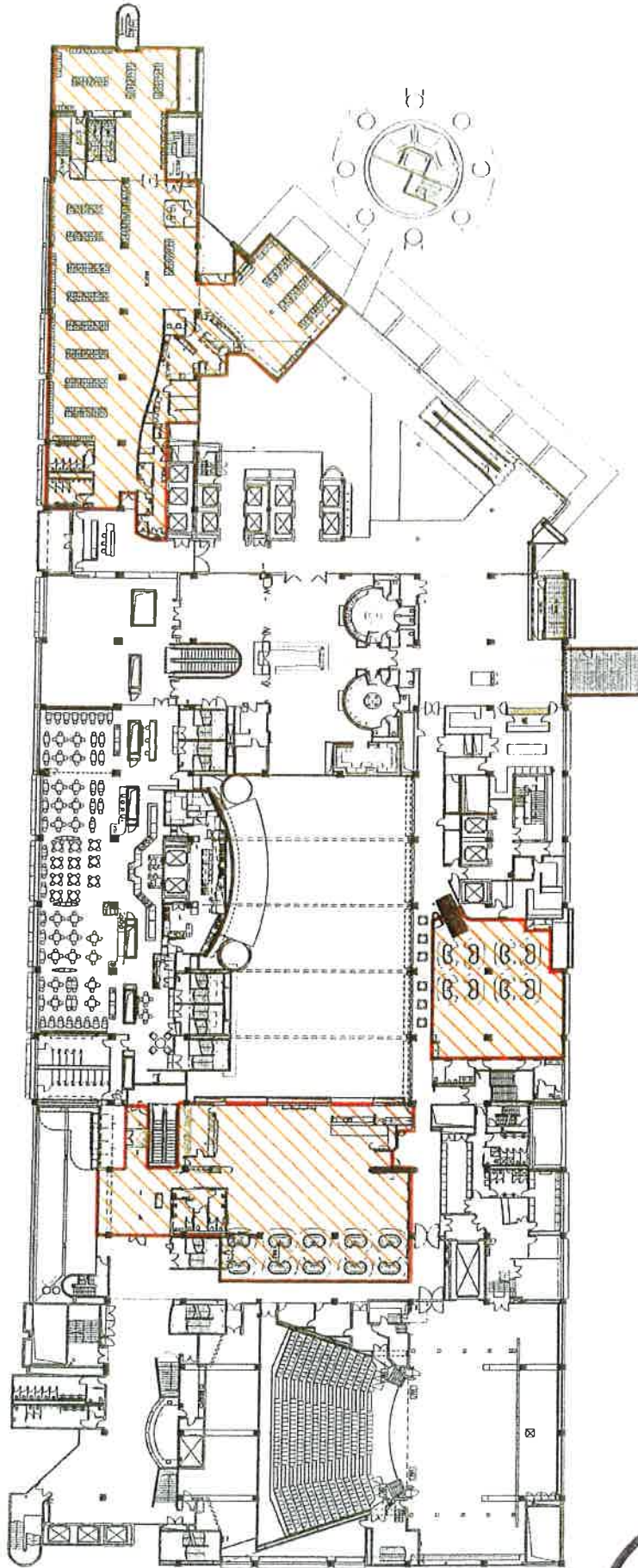
SECRET AND PROTECT

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 Project No: SKC-2011-001
 Date: 21/11/2012

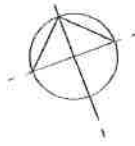
SKY CITY - PODIUM
 LEVEL 2 GAMING AREAS
 CURRENT
 21/11/2012

Author	Project Manager
Check	Client
Scale	Revision
Sheet No	Sheet Total

Schedule 1

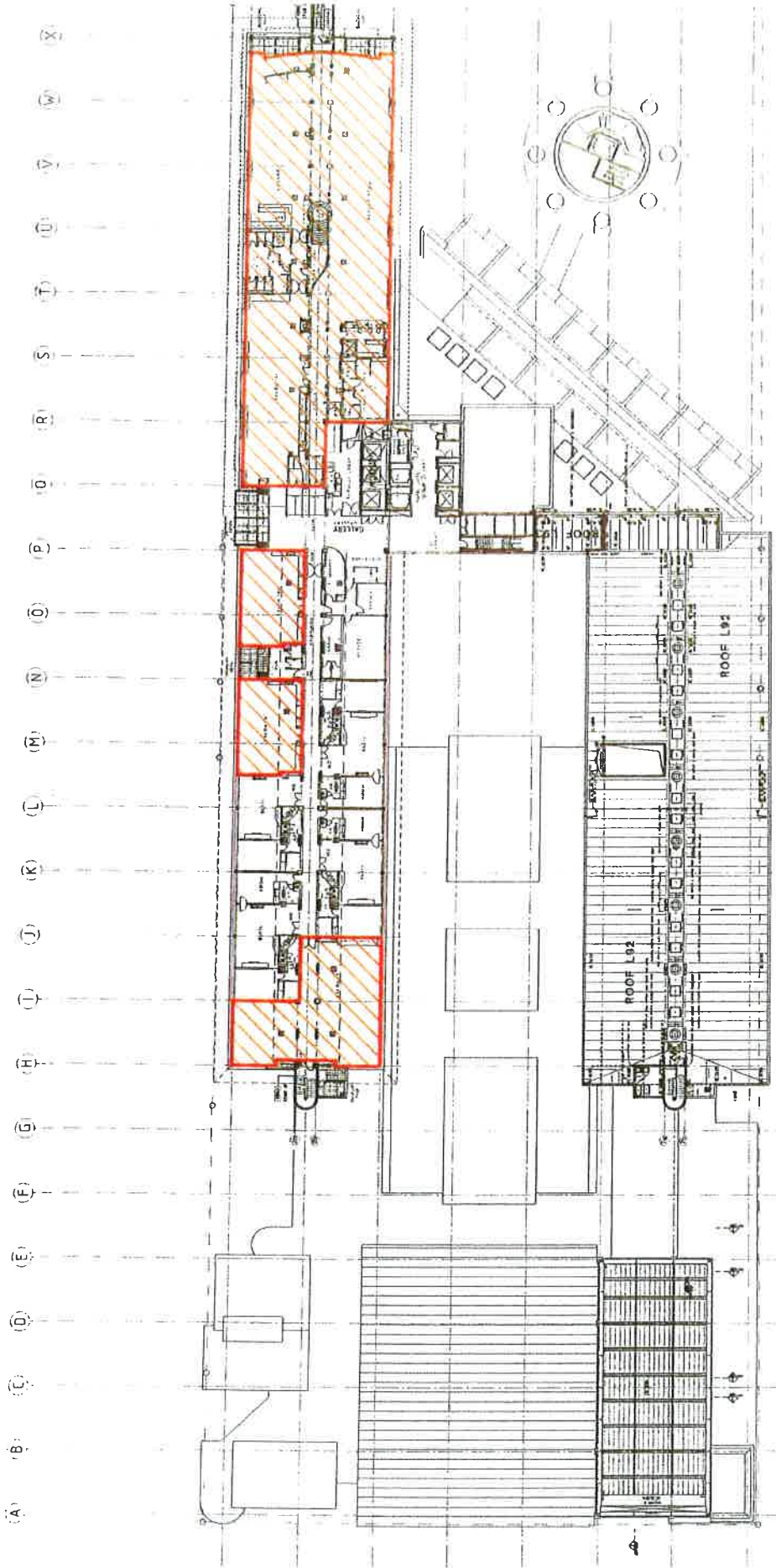


GAMING AREA: 2,036m²



<p>CLIENT AND PROJECT</p> <p>SKY CITY ENTERTAINMENT GROUP GAMING LAYOUTS</p> <p>SKY CITY ENTERTAINMENT GROUP</p>		<p>DATE: 06/11/2012</p> <p>PROJECT: SKY CITY - POOLIUM LEVEL 3 GAMING AREAS incl. Nilions Club Room Extension</p>	
<p>CALL: 06 93570888 FAX: 06 93570889</p> <p>Level 13 used for Gaming Area Gaming Area</p>		<p>SKY CITY ENTERTAINMENT GROUP</p> <p>SKY CITY ENTERTAINMENT GROUP</p>	
<p>DATE: 06/11/2012</p> <p>PROJECT: SKY CITY - POOLIUM LEVEL 3 GAMING AREAS incl. Nilions Club Room Extension</p>		<p>SKY CITY ENTERTAINMENT GROUP</p> <p>SKY CITY ENTERTAINMENT GROUP</p>	

Schedule 1



GAMING AREA: 1,309m²



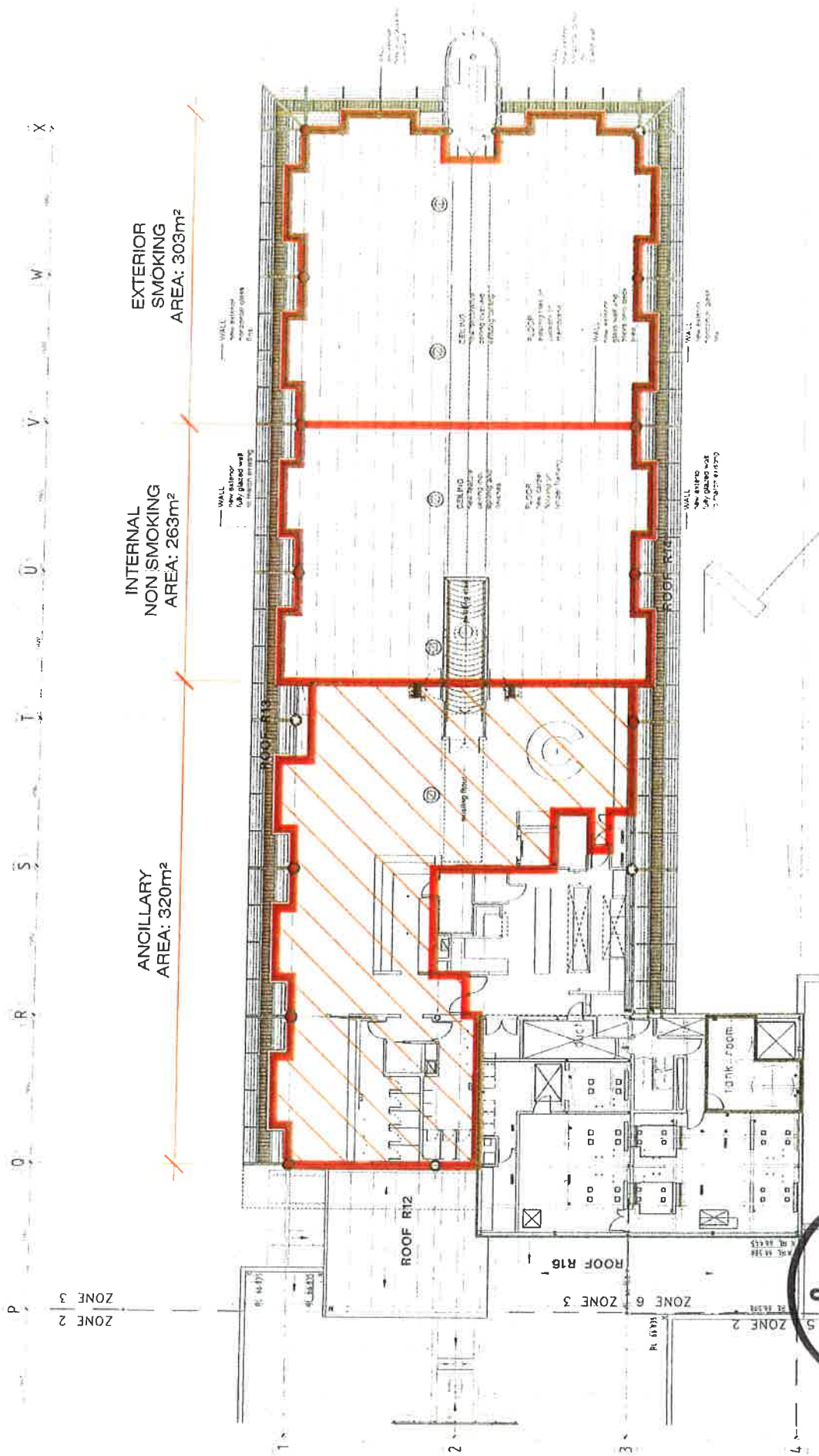
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<p>Client: Sky City Entertainment Group Project: Sky City - VIP Gaming Date: 15/10/2012</p>	<p>Architect: Moller Architects Project No: 15/10/2012</p>	<p>Scale: 1:500 Drawing No: 15/10/2012-01</p>	<p>Author: [Name] Checker: [Name] Date: 15/10/2012</p>



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Schedule 1



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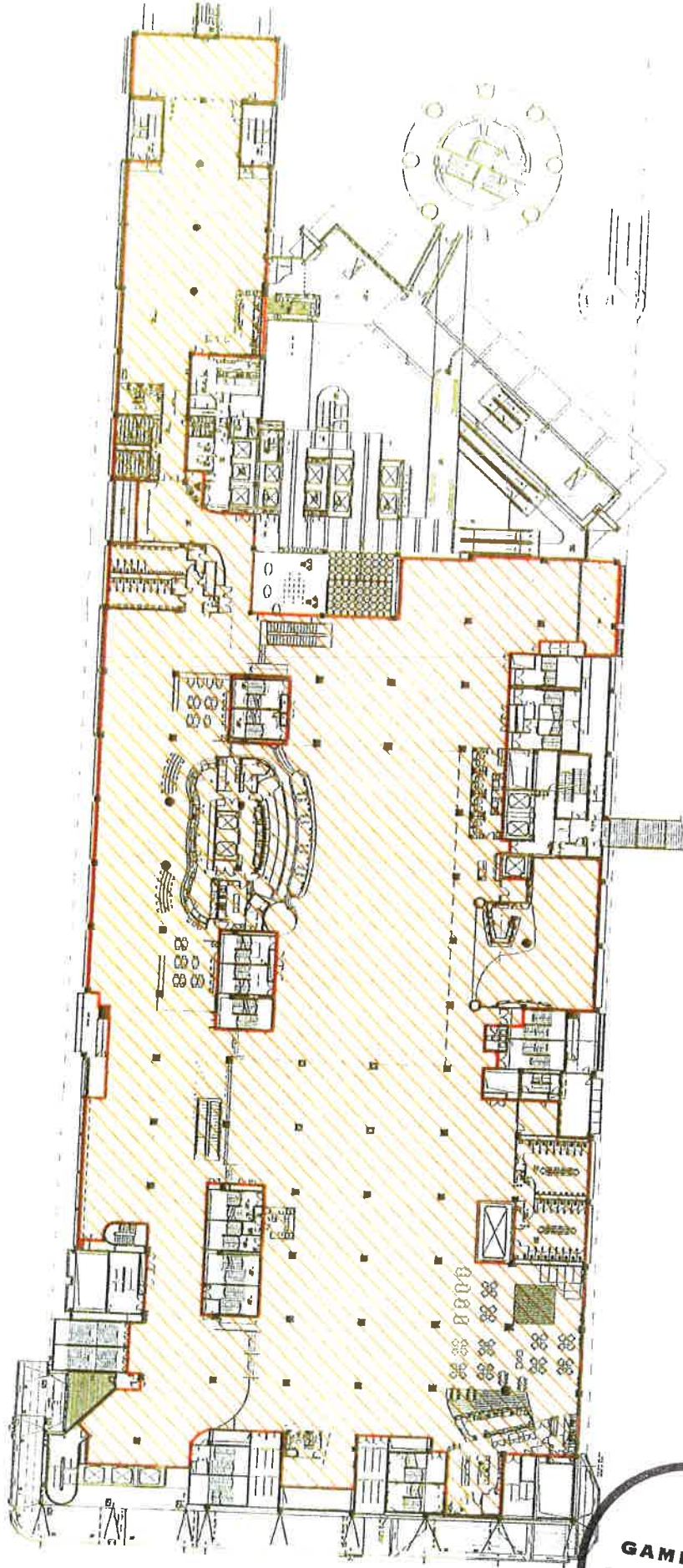
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SKY CITY - VIP GAMING
LEVEL H6
GAMING AREAS
4/12/2012

Schedule 2



GAMING AREA: 6,674m²

**GAMBLING
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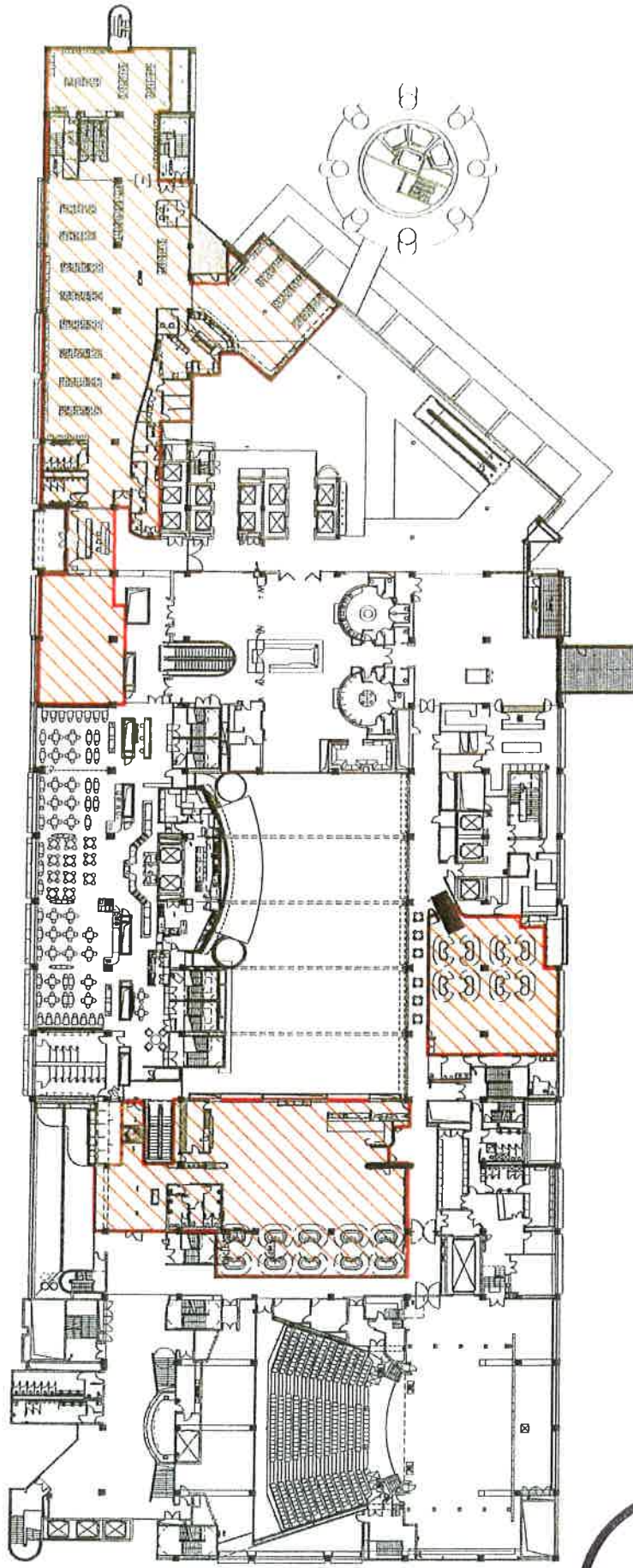
CLIENT AND PROJECT

Project Name	SKY CITY - PODOJIV
Project No.	111-2011
Client	Sky City Entertainment Group
Architect	Moller Architects
Scale	1:100
Date	21/1/2012
Drawn by	[Name]
Checked by	[Name]
Project Manager	[Name]

SKY CITY - PODOJIV
LEVEL 2 - GAMING AREAS
CURRENT
21/1/2012

Sheet No.	111-2011-01
Scale	1:100
Date	21/1/2012
Drawn by	[Name]
Checked by	[Name]
Project Manager	[Name]

Schedule 2

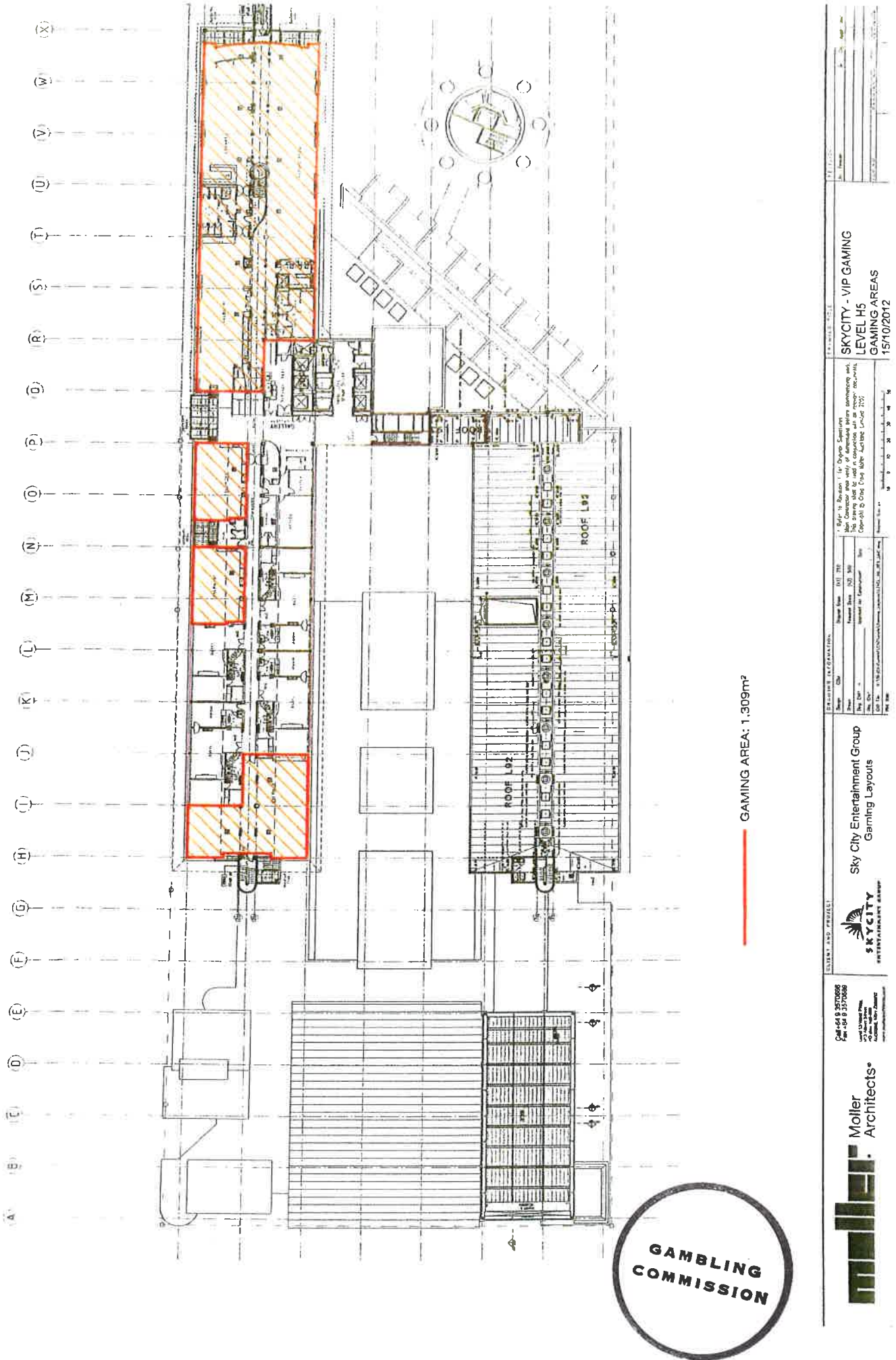


GAMING AREA: 2,246m²



<p>CALL US 9 3570858 Fax 266 9 3570888 Level 11, 111 St. Andrew Street Auckland, New Zealand www.moller-architects.com</p>		<p>PROJECT AND PROJECT SKY CITY ENTERTAINMENT GROUP Gaming Layouts</p>		<p>DATE: 06/11/2012 PROJECT: SKY CITY - PODIUM LEVEL 3 - GAMING AREAS incl. Nations Club & Platinum Rm Extn.</p>	
<p>PROJECT INFORMATION Name: SKY CITY Project No: 1111 2011 Client: SKY CITY ENTERTAINMENT GROUP Architect: MOLLER ARCHITECTS</p>		<p>DESIGNED BY: MOLLER ARCHITECTS DRAWN BY: MOLLER ARCHITECTS CHECKED BY: MOLLER ARCHITECTS SCALE: 1:100</p>		<p>REVISIONS No. Description 1. Initial Design 2. Final Design</p>	

Schedule 2



Project No.	15/10/2012
Client	SKY CITY - VIP GAMING
Level	LEVEL H5
Area	GAMING AREAS
Date	15/10/2012

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

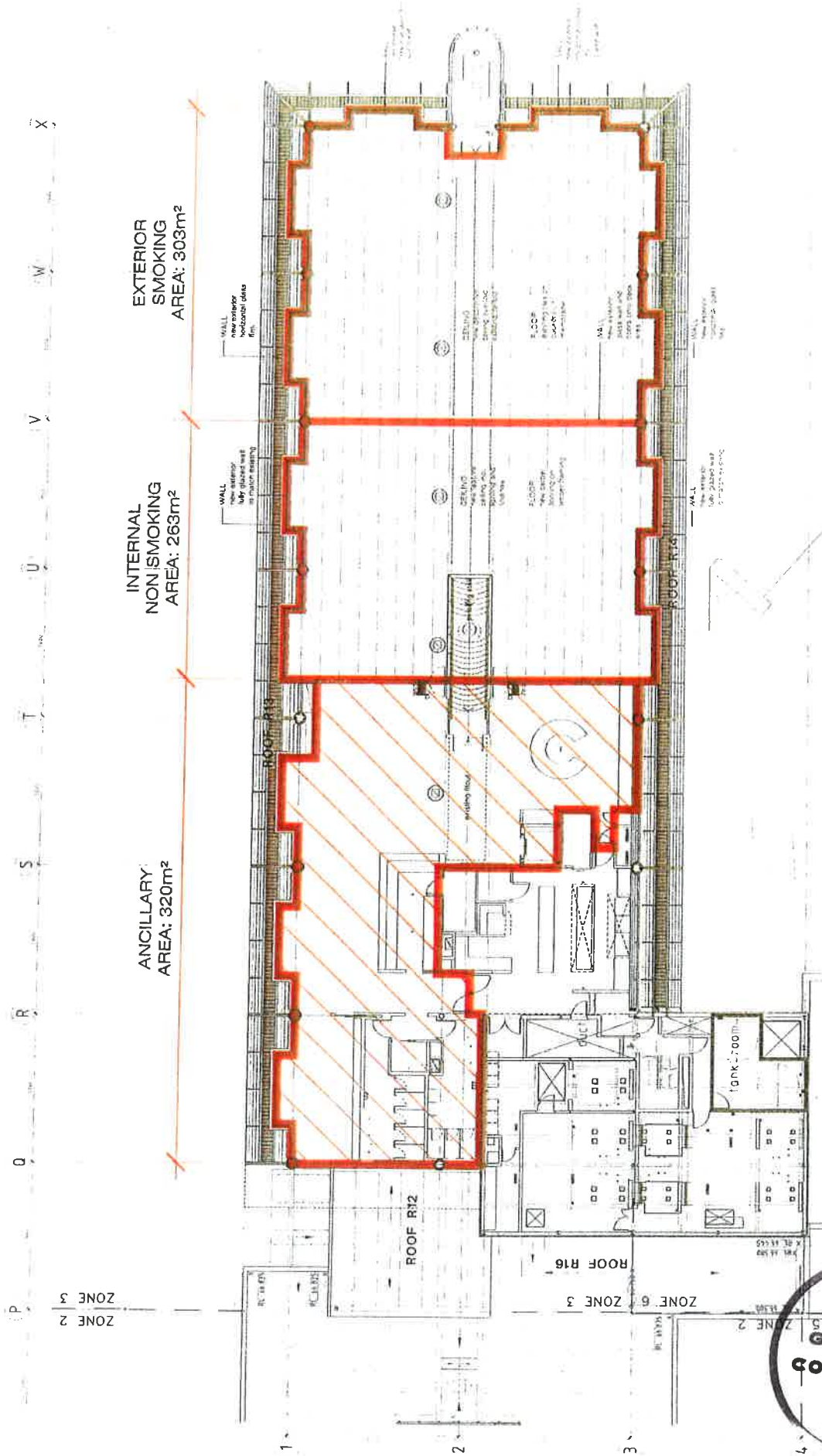
Author	Chen	Drawn	Chen	DTI	7/12
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File No.		File No.			

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Schedule 2



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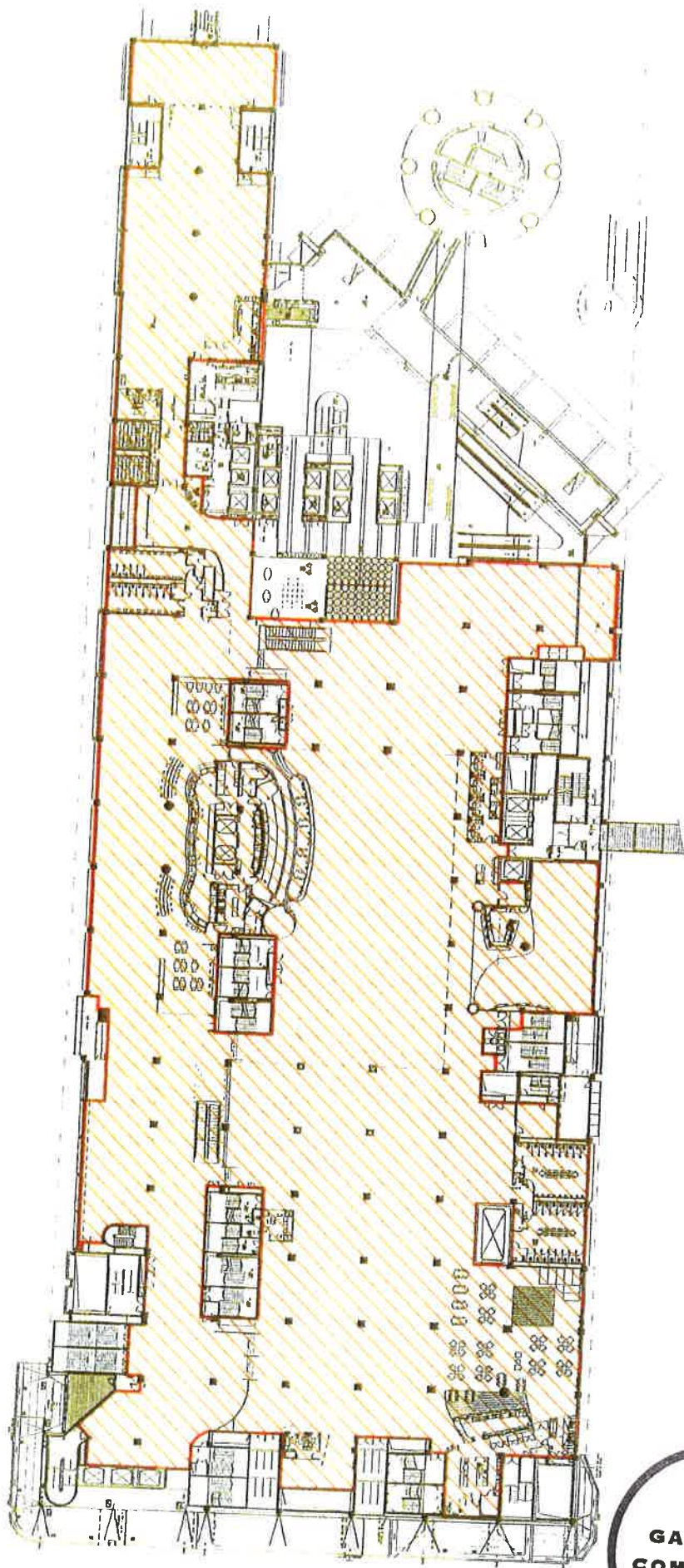
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SKY CITY - VIP GAMING
 LEVEL H6
 GAMING AREAS
 4/12/2012



GAMING AREA: 6,874m²



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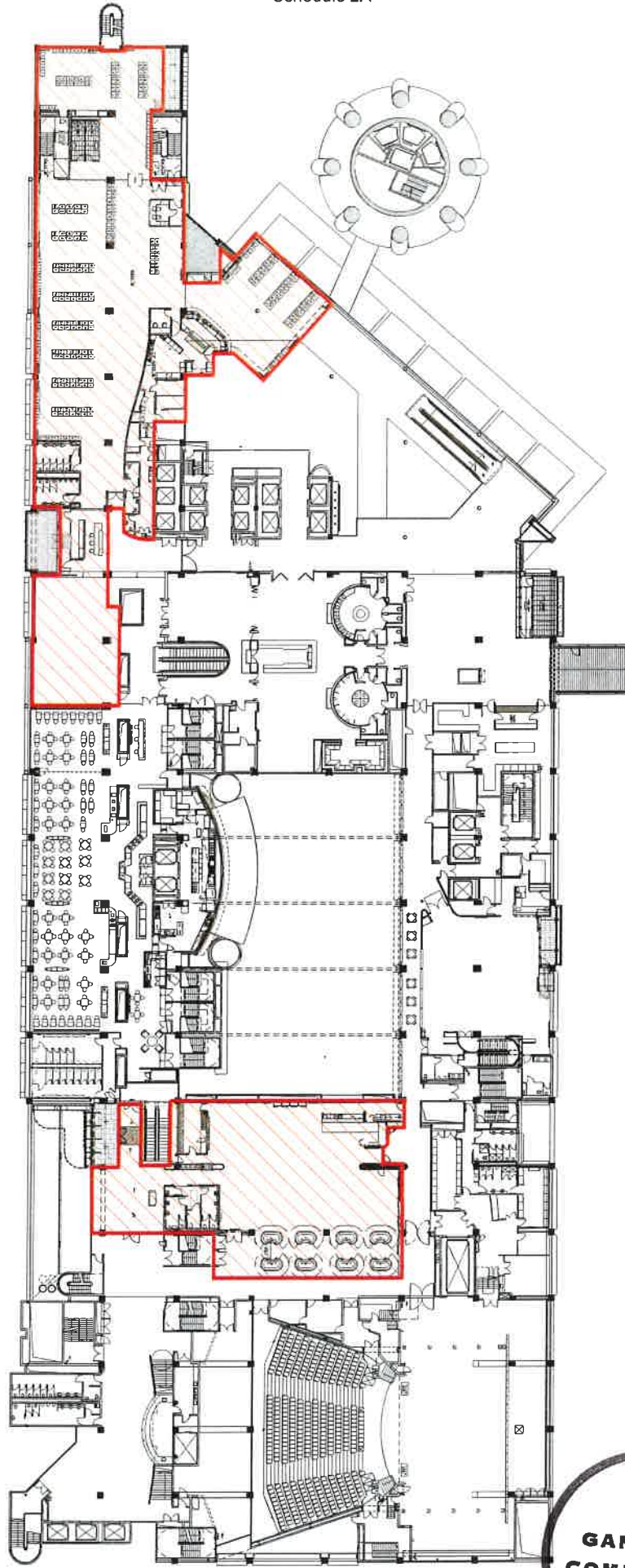
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ENTERTAINMENT GROUP

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SKYCITY ENTERTAINMENT GROUP
21/1/2012

SKYCITY - PODIUM
LEVEL 2 GAMING AREAS
CURRENT

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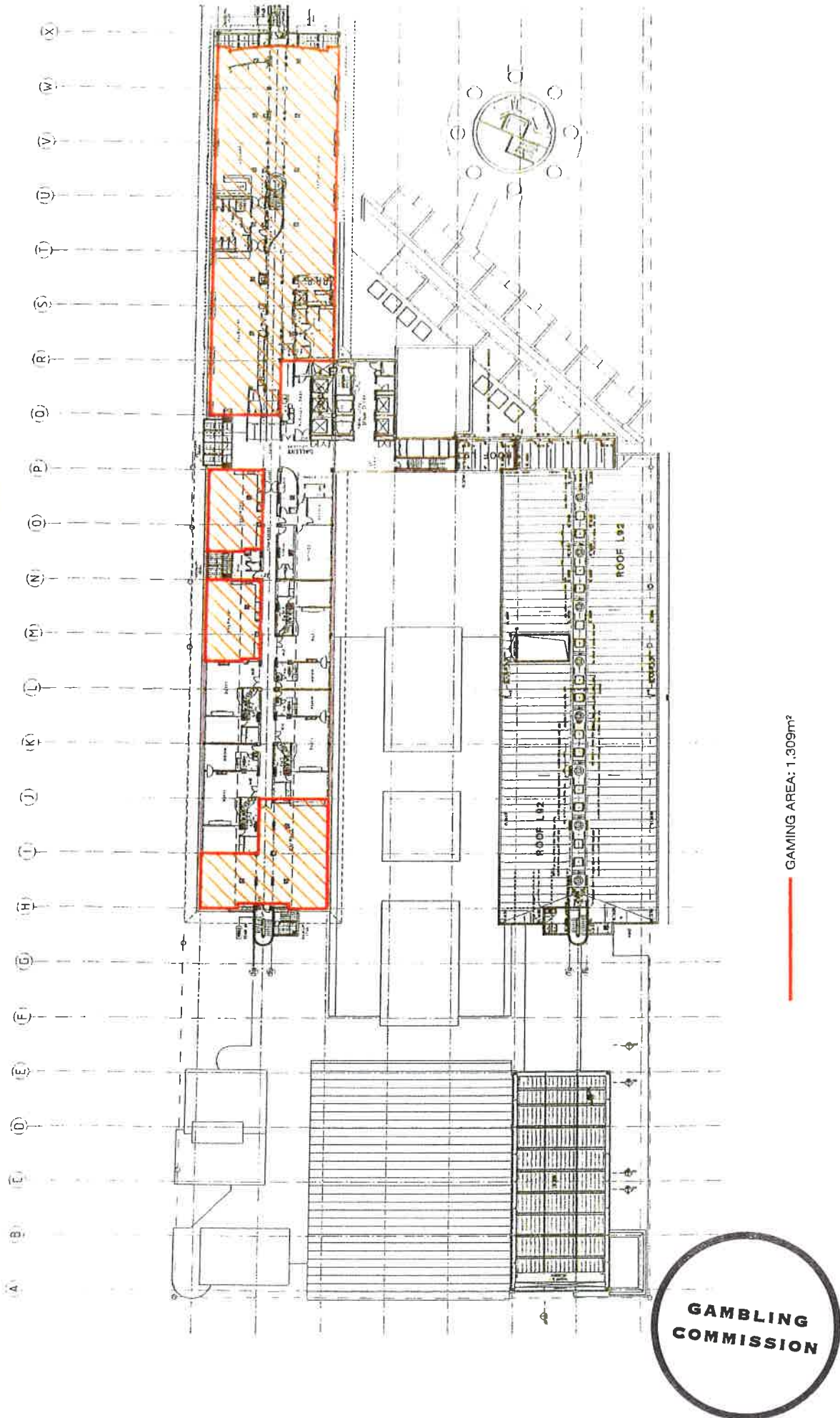


GAMING AREA: 1,994m²

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<p>PROJECT AND PROJECT</p>		<p>DATE: 07/08/2013</p>		<p>NO. OF SHEETS: 11</p>		
<p>DATE: 07/08/2013</p>		<p>DATE: 07/08/2013</p>		<p>DATE: 07/08/2013</p>		
<p>DATE: 07/08/2013</p>		<p>DATE: 07/08/2013</p>		<p>DATE: 07/08/2013</p>		

Schedule 2A



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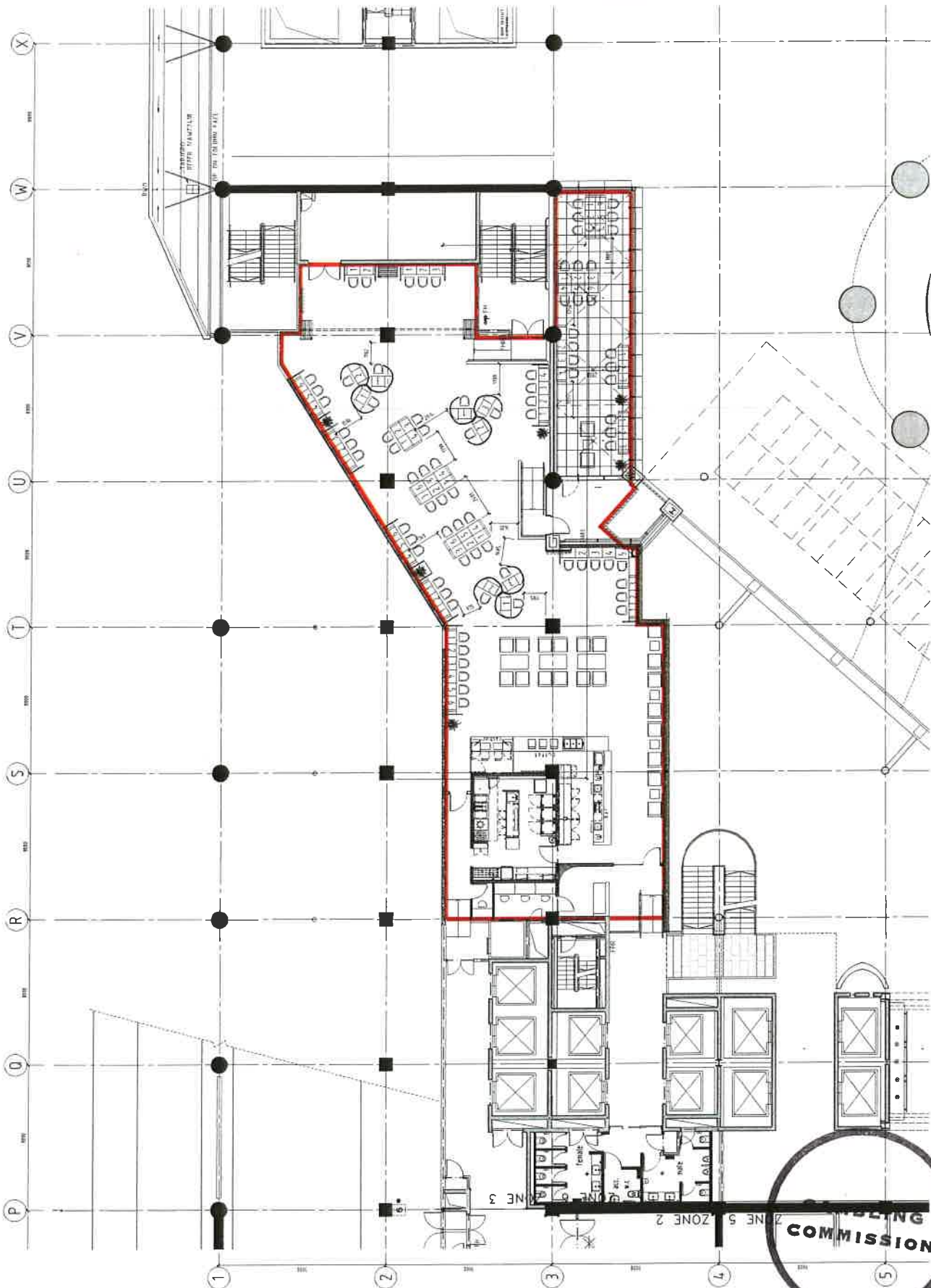
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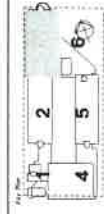
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Project No: 017 292
Drawing No: 02 300
Drawing Title: GAMING LAYOUTS
Date: 15/10/2012
Scale: 1:100
Author: [Name]
Checked: [Name]
Approved: [Name]

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



GAMING AREA: 495m²



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DATE	2 August 2013	PROJECT NO.	A5335
CLIENT	Sky City Entertainment Group		
ARCHITECT	Moller Architects		

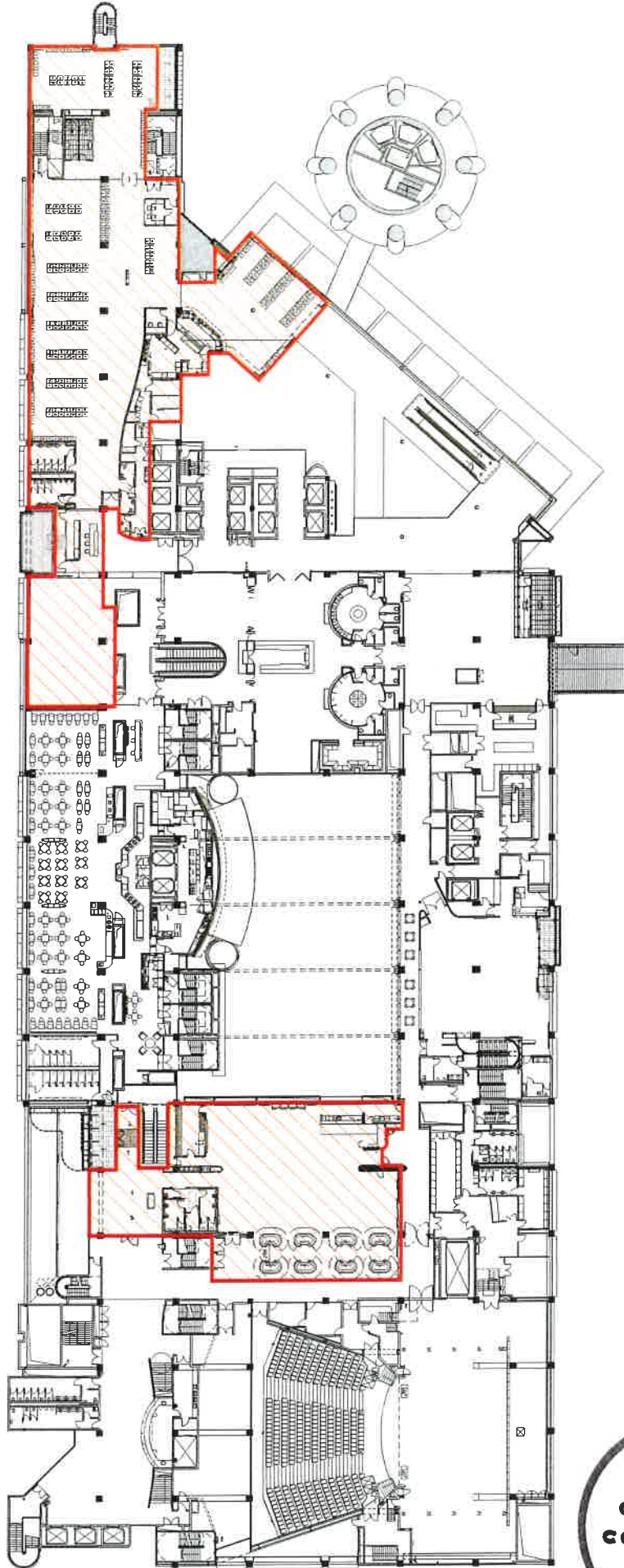
PROJECT TITLE
**VIP PLATINUM BLACK
 GAMING AREA**
 2 August 2013

CREATED IN AUTOCAD
 Author: MULLER
 Project No: 333 1380
 Revision No: 002 1 2013
 Date: 08/02/13
 Project No: 333 1380
 Date: 08/02/13

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GAMING COMMISSION



GAMING AREA: 1,994m²



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SKY CITY
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Project: SKY CITY
 Scale: 1:500
 Date: 07/08/2013

SKY CITY - PODIUM
 LEVEL 3 GAMING AREAS incl.
 Nations Club & Platinum Rm Extn.
 07/08/2013

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Project No: SKY CITY
 Drawing No: SKY CITY
 Date: 07/08/2013

Schedule 3

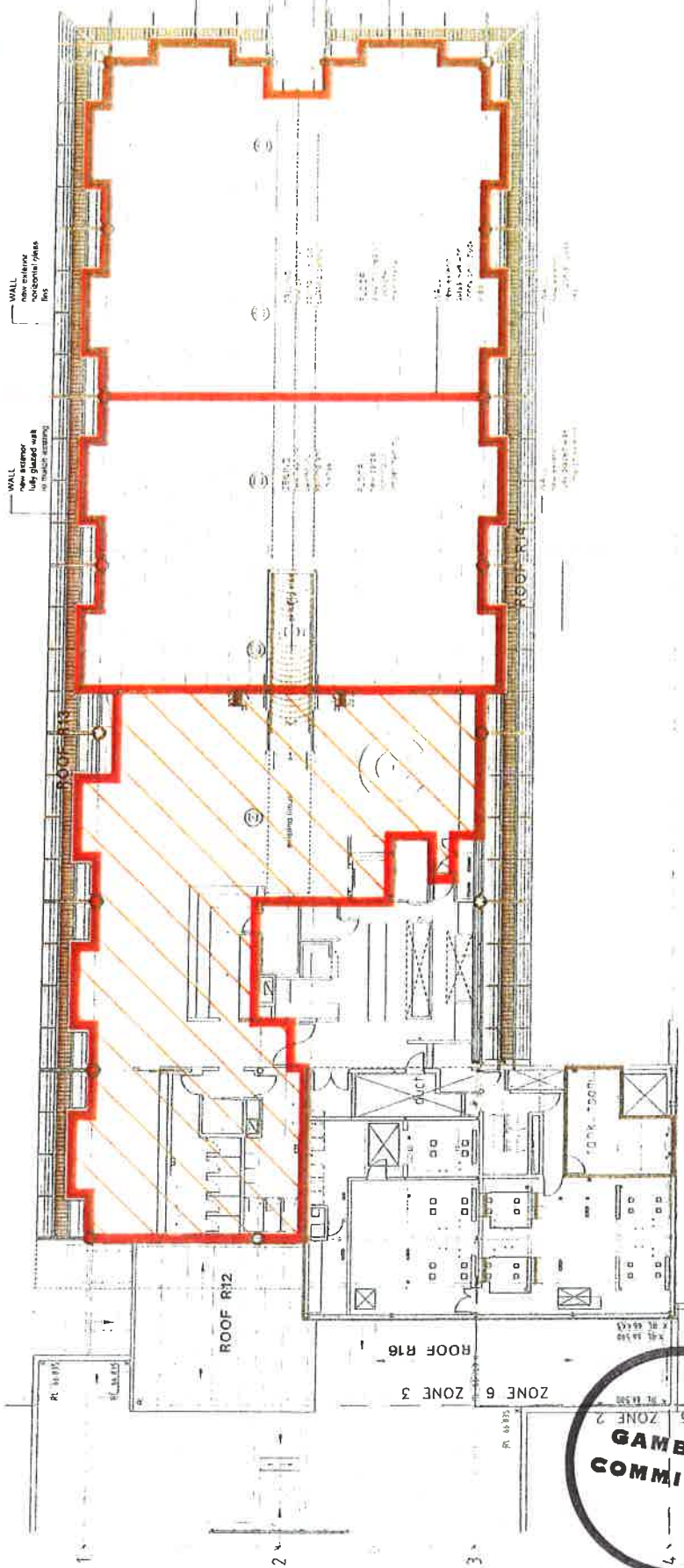
P Q R S T U V W X

ZONE 2
ZONE 3

ANCILLARY
AREA: 320m²

INTERNAL
NON-SMOKING
AREA: 263m²

EXTERIOR
SMOKING
AREA: 303m²



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For add 9 3570000
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Las Vegas, NV 89101
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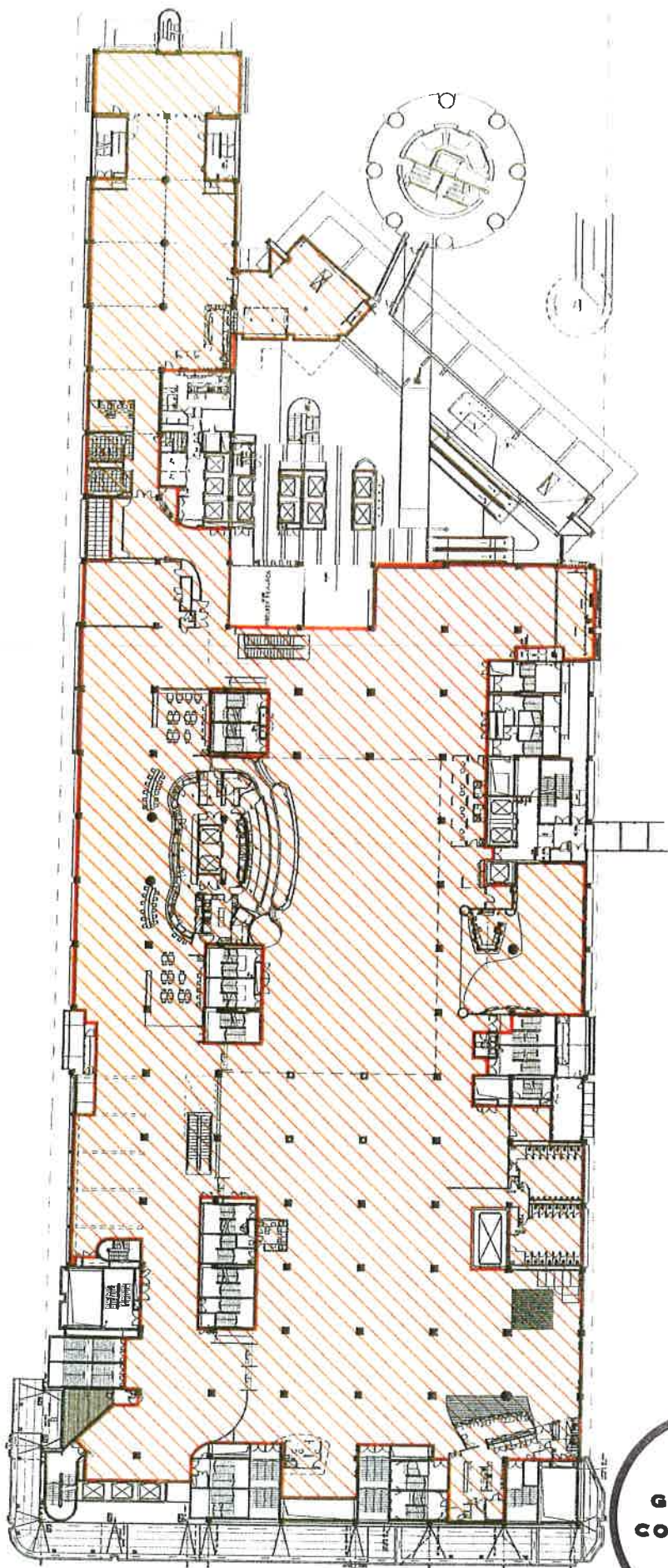


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SKYCITY - VIP GAMING
LEVEL R6
GAMING AREAS
4/14/2012

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Schedule 4



GAMING AREA: 7,031m²



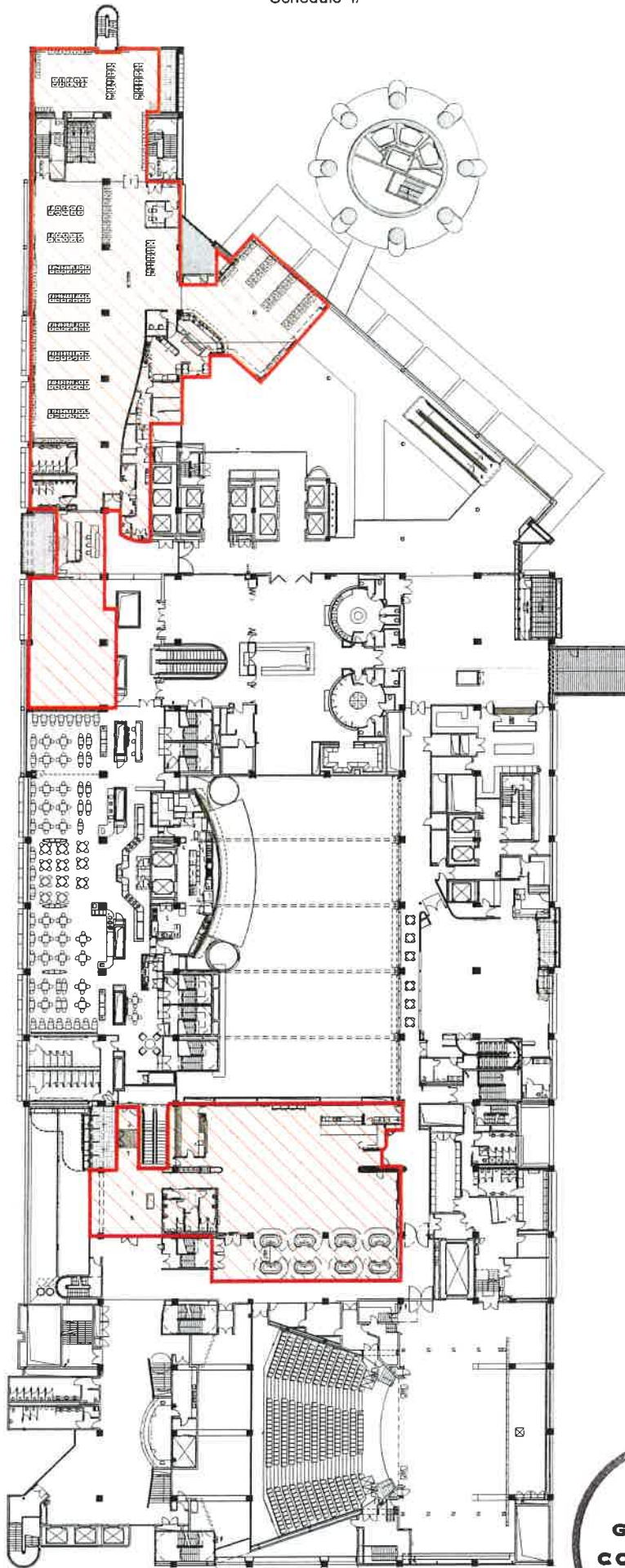
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SKY CITY
 INTERACTIVE GAMING GROUP

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DATE: 2/11/2012
 PROJECT: SKY CITY - PODIUM
 SHEET: LEVEL 2 GAMING AREAS incl. Diamond Room Extension

SKY CITY - PODIUM
 LEVEL 2 GAMING AREAS incl.
 Diamond Room Extension
 2/11/2012



GAMING AREA: 1,994m²

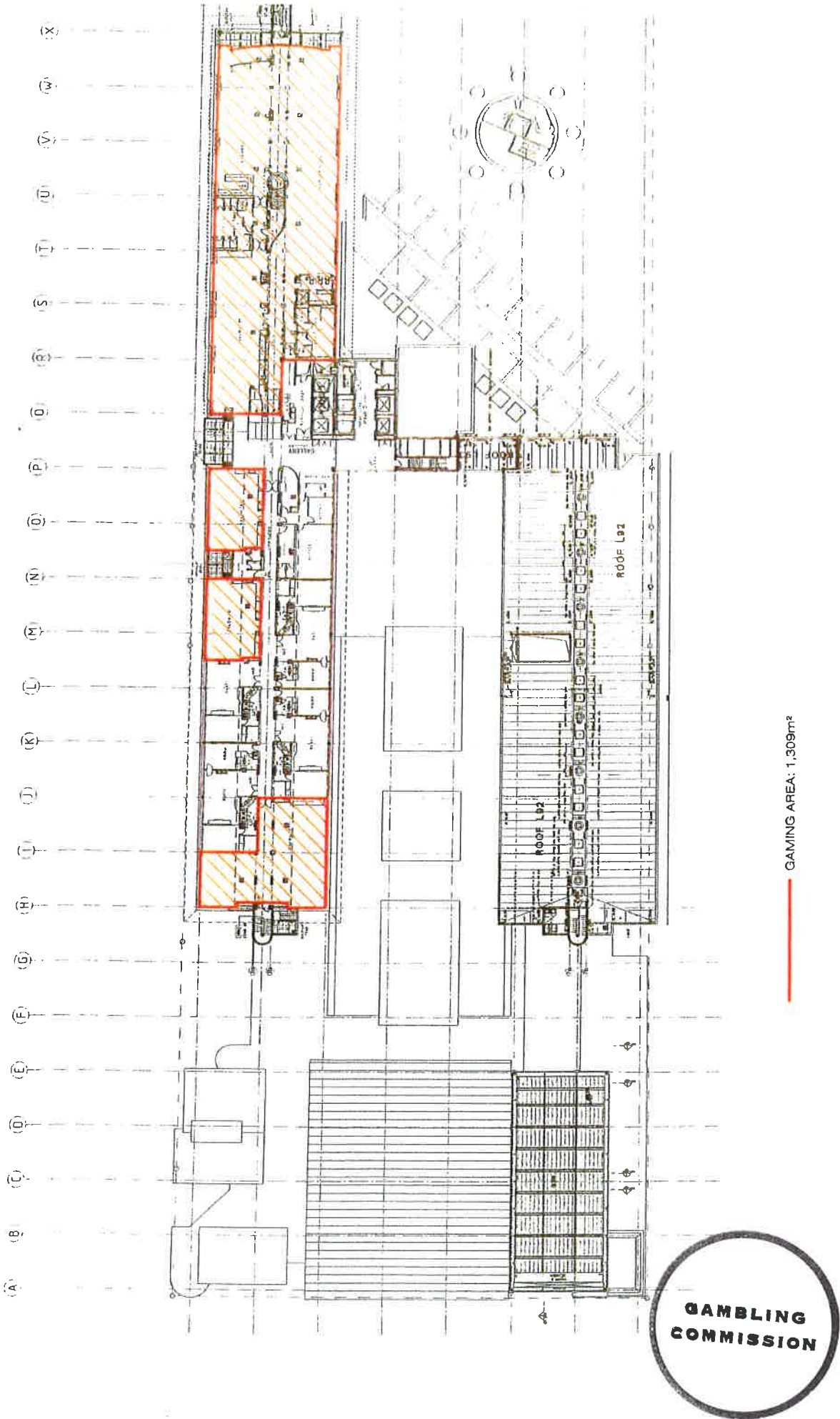


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				SHEET NO. 13 OF 13	DRAWING NO. 13

* Refer to Revision 1 for Original Specifications
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SHEET NO. 13 OF 13
 DRAWING NO. 13

Schedule 4



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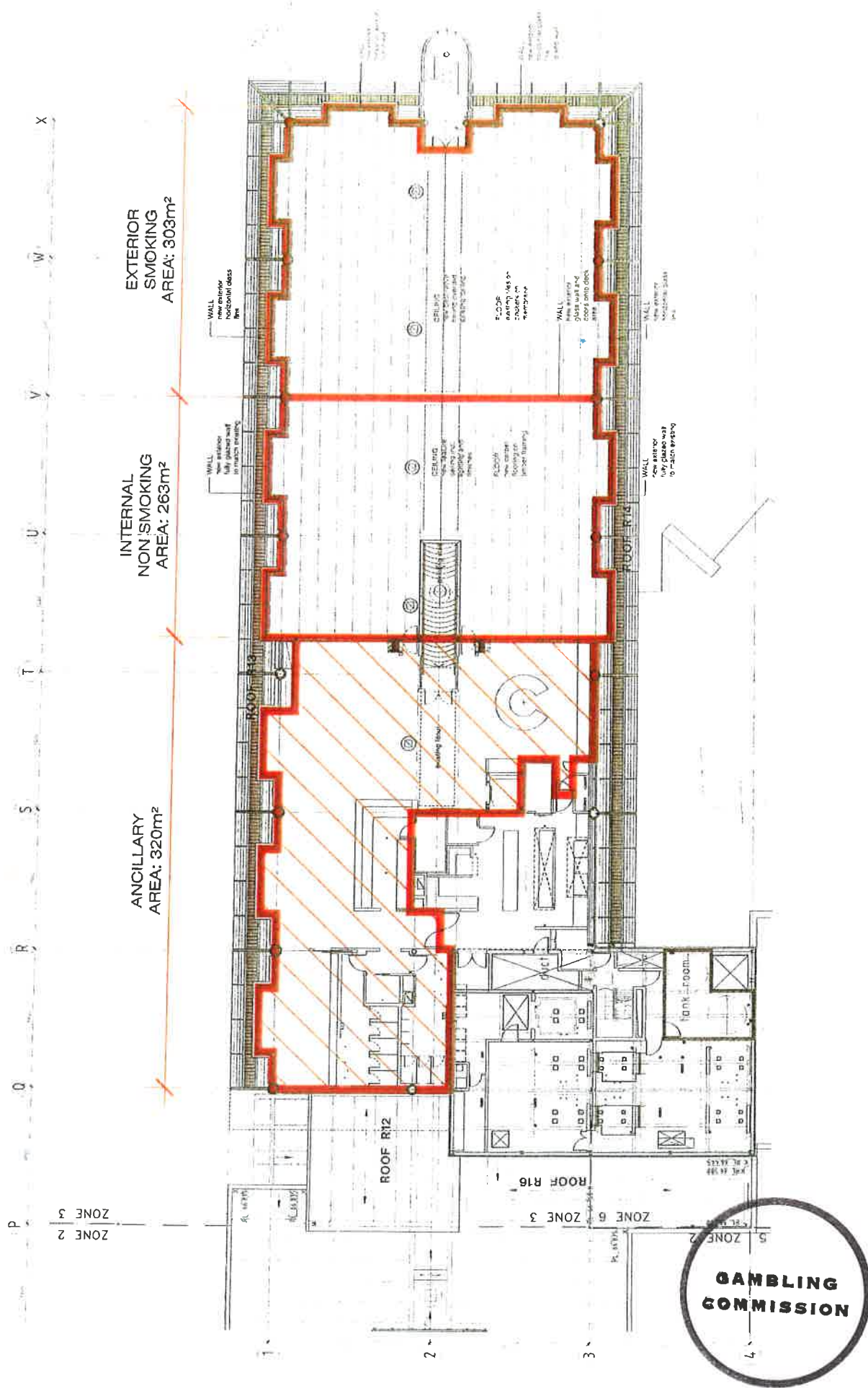
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SKY CITY ENTERTAINMENT GROUP
GAMING LAYOUTS

SKY CITY ENTERTAINMENT GROUP

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

Schedule 4



PLAN NO. 201008
 DATE: 08/20/08
 PROJECT: Sky City Level H6
 ARCHITECT: Moller Architects

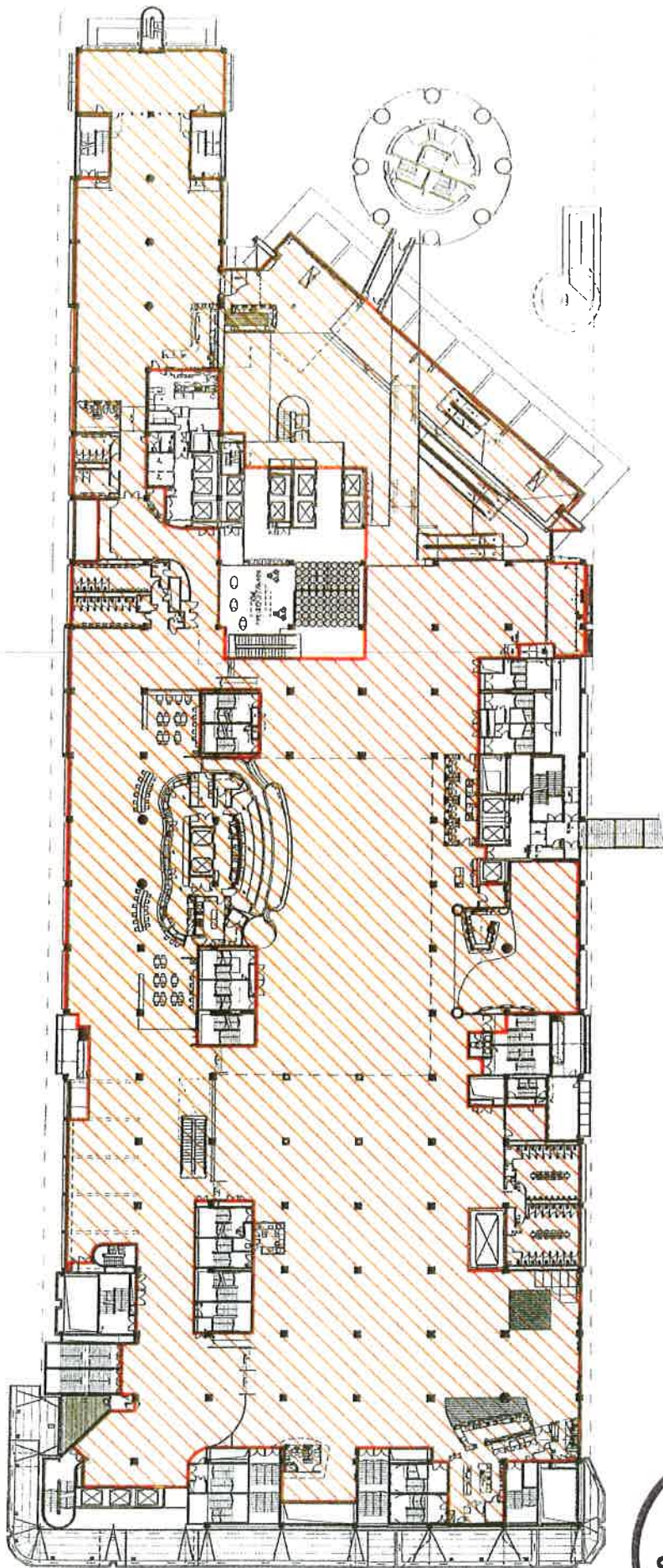


Sky City Entertainment Group
 Gaming Layout

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

REVISIONS
 NO. DATE DESCRIPTION
 1 04/12/12

Schedule 5



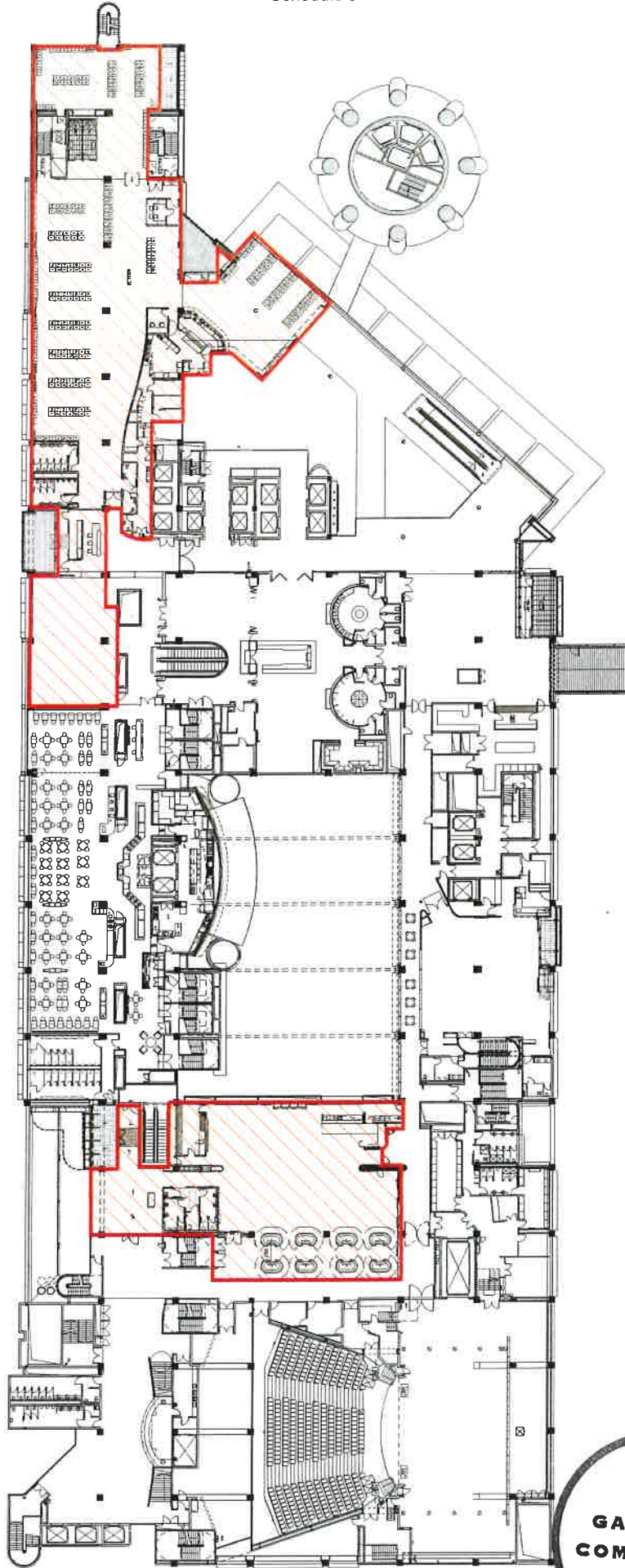
GAMING AREA: 7,791 m²



<p>DATE: 21/11/2012 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT TITLE: SKY CITY - PODIUM LEVEL 2 GAMING AREAS incl. Diamond Extension & Atrium Infill 21/11/2012</p>	<p>PROJECT NO.: [Number] SHEET NO.: [Number] TOTAL SHEETS: [Number]</p>	<p>SCALE: 1:100 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT NO.: [Number] SHEET NO.: [Number] TOTAL SHEETS: [Number]</p>	<p>PROJECT NO.: [Number] SHEET NO.: [Number] TOTAL SHEETS: [Number]</p>	<p>PROJECT NO.: [Number] SHEET NO.: [Number] TOTAL SHEETS: [Number]</p>	<p>PROJECT NO.: [Number] SHEET NO.: [Number] TOTAL SHEETS: [Number]</p>
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Sky City Entertainment Group
 Gaming Layouts

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GAMING AREA: 1,994m²



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PROJECT AND PROJECT
 Name: SkyCity Entertainment Group
 Client: SkyCity Entertainment Group
 Design: Moller Architects
 Date: 07/08/2013

SKYCITY ENTERTAINMENT GROUP

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 Gaming Layouts

PROJECT TITLE
 SKYCITY - PODIUM
 LEVEL 3 GAMING AREAS Incl.
 Nations Club & Platinum Rm Extn.
 07/08/2013

REVISIONS
 No. Description Date
 1 Initial Design 07/08/2013

SKYCITY ENTERTAINMENT GROUP
 GAMING AREAS
 LEVEL 3
 07/08/2013

PROJECT TITLE
 SKYCITY - PODIUM
 LEVEL 3 GAMING AREAS Incl.
 Nations Club & Platinum Rm Extn.
 07/08/2013

Schedule 5

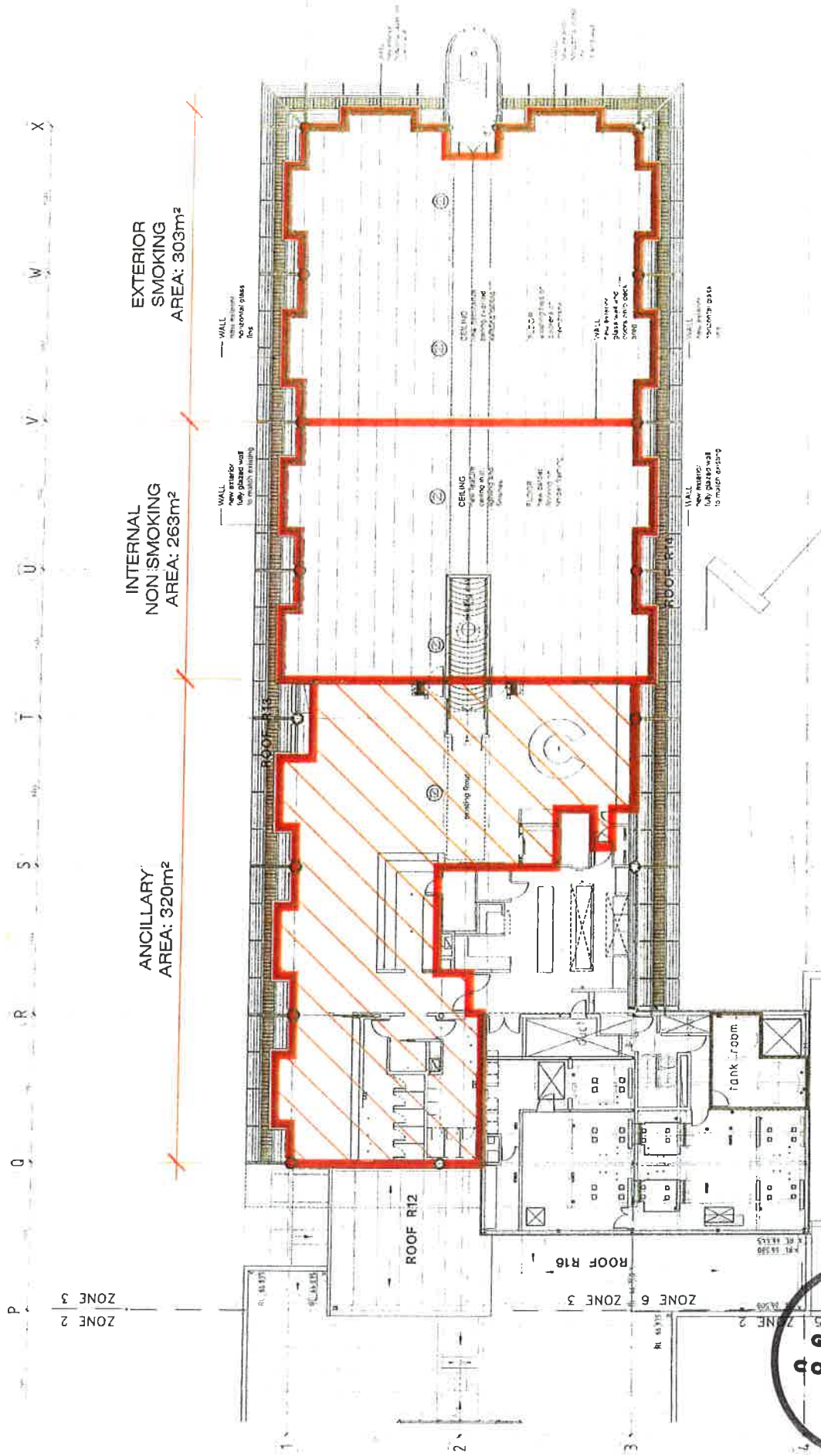


GAMING AREA: 1,309m²



<p>CLIENT AND PROJECT</p> <p>SKY CITY ENTERTAINMENT GROUP GAMING LAYOUTS</p>		<p>SKY CITY ENTERTAINMENT GROUP</p>	
<p>DATE: 15/10/2012</p> <p>PROJECT: SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS</p>		<p>DATE: 15/10/2012</p> <p>PROJECT: SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS</p>	
<p>CLIENT: SKY CITY ENTERTAINMENT GROUP</p> <p>PROJECT: SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS</p>		<p>DATE: 15/10/2012</p> <p>PROJECT: SKY CITY - VIP GAMING LEVEL H5 GAMING AREAS</p>	

Schedule 5



ANCILLARY AREA: 320m²

INTERNAL NON SMOKING AREA: 263m²

EXTERIOR SMOKING AREA: 303m²

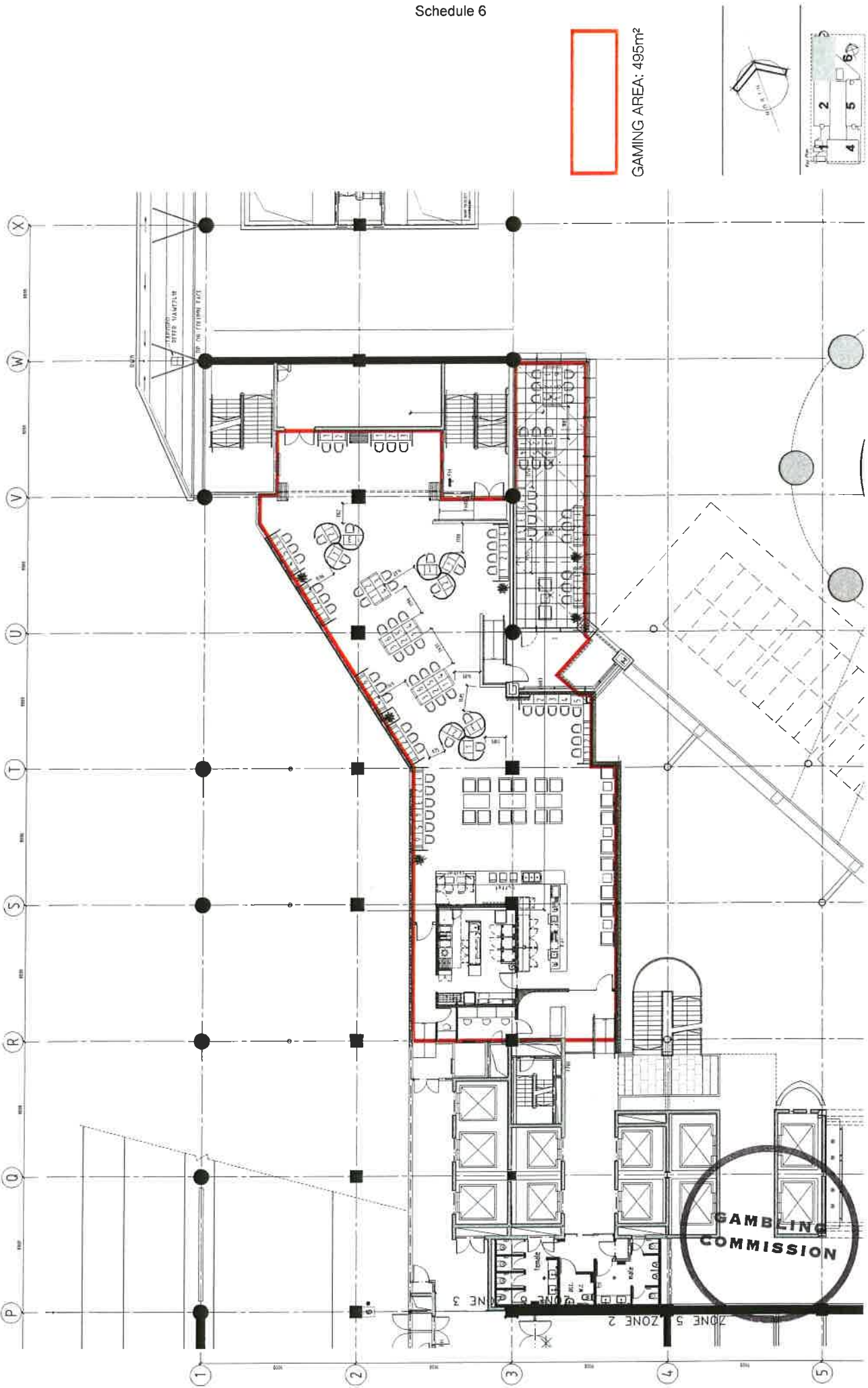


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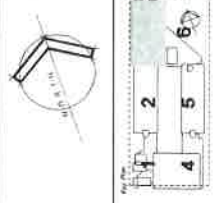
Client and Project
 Sky City Entertainment Group
 Gaming Layouts

SKY CITY
 ENTERTAINMENT GROUP

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

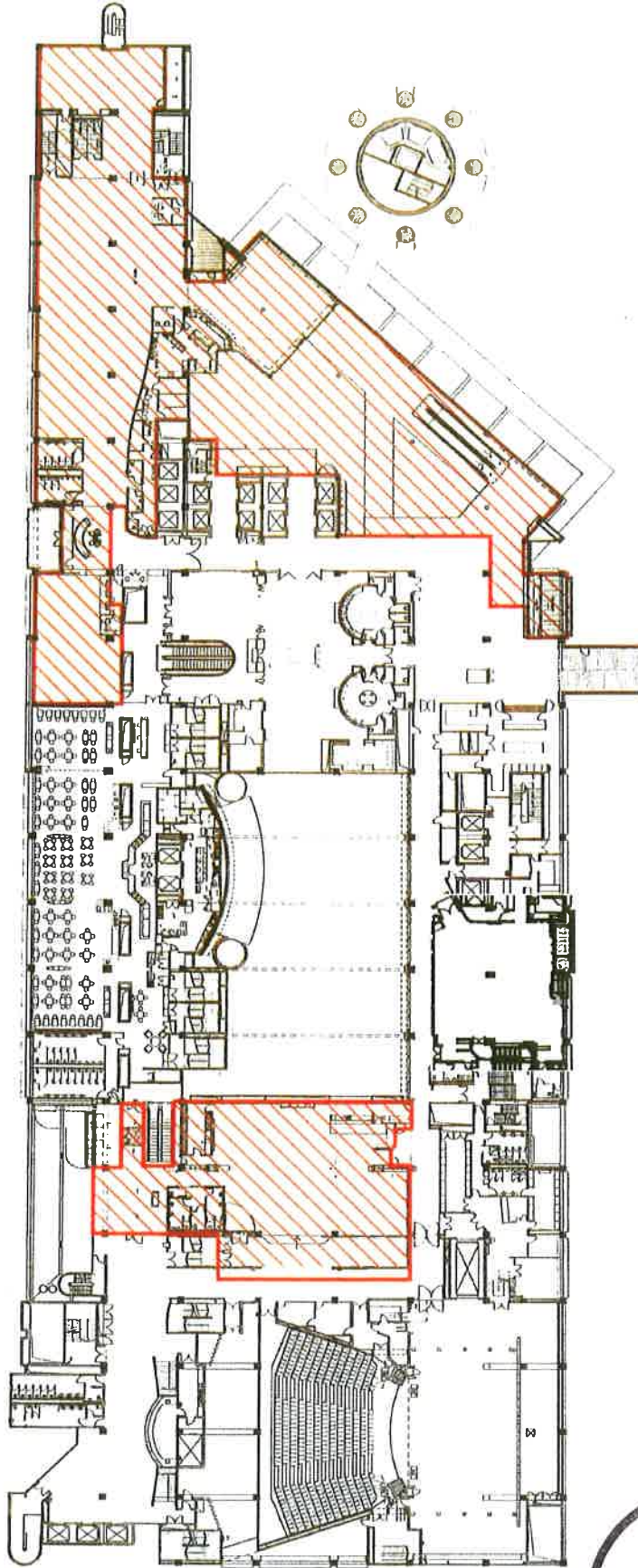


GAMING AREA: 495m²



<p>CLIENT AND PROJECT</p> <p>SKY CITY ENTERTAINMENT GROUP</p>		<p>DATE: 2 AUGUST 2013</p> <p>PROJECT: VIP PLATINUM BLACK GAMING AREA</p>	
<p>DESIGNER: MOLLER ARCHITECTS</p> <p>DATE: 2 AUGUST 2013</p> <p>SCALE: 1:100</p> <p>PROJECT NO: A53395</p>		<p>DATE: 2 AUGUST 2013</p> <p>SCALE: 1:100</p> <p>PROJECT NO: A53395</p>	
<p>CALL: 64 9 327616</p> <p>FAX: 64 9 327619</p> <p>177 ARABICA STREET</p> <p>4TH FLOOR, SUITE 401</p> <p>NEW ZEALAND</p> <p>WWW.MOLLERARCHITECTS.COM</p>		<p>FOR REVIEW ONLY</p> <p>DATE: 2 AUGUST 2013</p> <p>PROJECT: VIP PLATINUM BLACK GAMING AREA</p> <p>DATE: 2 AUGUST 2013</p> <p>SCALE: 1:100</p> <p>PROJECT NO: A53395</p>	

Schedule 6



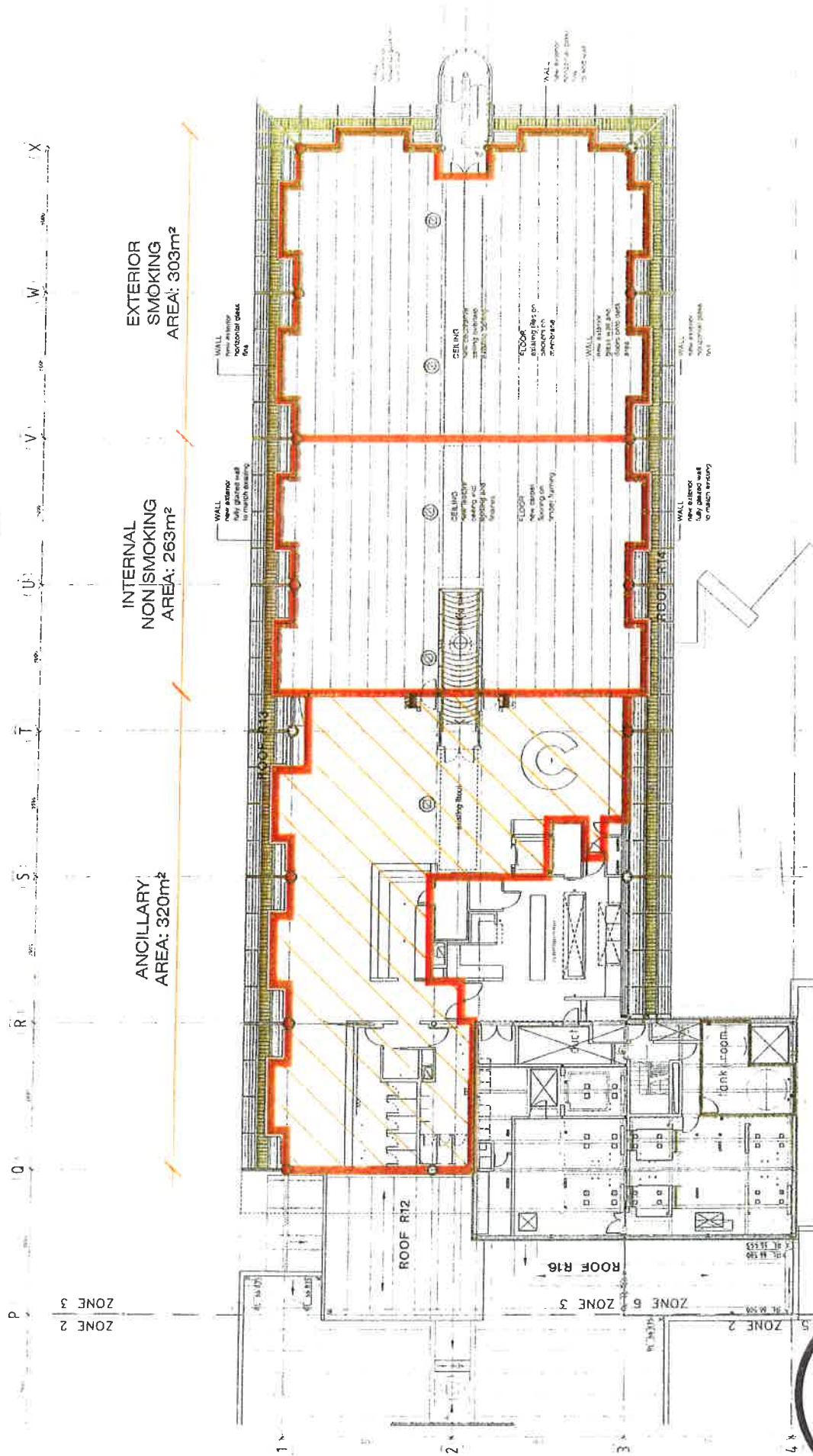
GAMING AREA: 3,008m²



<p>SKY CITY ENTERTAINMENT GROUP SKY CITY ENTERTAINMENT GROUP</p>		<p>SKY CITY - PODIUM LEVEL 3 GAMING AREAS PROPOSED EXPANSION 27/03/2013</p>	
<p>Client: SkyCity Entertainment Group Project: Sky City Entertainment Group Location: Auckland, New Zealand Date: 27/03/2013</p>	<p>Scale: 1:500 Author: [Name] Check: [Name] Date: 27/03/2013</p>	<p>Project No: [Number] Drawing No: [Number] Revision: [Number]</p>	<p>Project Name: [Name] Project Address: [Address] Project Contact: [Name] Project Phone: [Phone]</p>

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Schedule 6



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Sky City Entertainment Group
Gaming Layouts

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