

6 February 2009

Mr Sam Haddad
Director-General
Department of Planning
23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001

Attn: Jason Perica

Dear Mr Haddad,

Star City Pty Limited

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Star City Casino
Determination of Major Project MP08_0098
Alterations and additions to Casino Complex and Hotel Development on
the Switching Station site – Union St/Pirrama Rd, Pyrmont
Section 75W – Modification of Minister's approval – Condition B4

Reference is made to the Major Project determination and conditions of approval issued by the Minister for Planning on 27 January 2009 for the abovementioned development. Discussions have been held between the Department and Star City Pty Ltd concerning modification to certain conditions of approval to enable construction certificates to be issued and work to commence.

On behalf of Sydney Harbour Casino Properties Pty Ltd, Star City P/L are submitting this Modification of Minister's approval under Section 75W of the Environmental Planning & Assessment Act, 1979 (EPA Act). This Section 75W application seeks to modify the terms of the condition of approval for Major Project MP08_0098 in respect to condition B4 - Sydney Metro Authority as detailed in the attached schedule.

This Section 75W modification is submitted on the basis of permitting excavation to commence on the Switching Station site, with a restriction that excavation is to be limited to within 5 metres of the Metro rail tunnel until an Agreement is reached with Sydney Metro Authority.

The reason for the modification of the wording is to allow excavation to commence which is anticipated to take several weeks until the 5 metre stand-off limit is reached. This will give sufficient comfort to Sydney Metro Authority that Star City has reached agreement on the legal document.

Star City Casino is committed to ensure that the redevelopment of the Casino and the new hotel development will be integrated with the ultimate design for the rail tunnel and nearby station with pedestrian accessibility being a priority for the Casino. In this regard Star City Casino is prepared to work with the Sydney Metro Authority to achieve the best possible outcome in respect of this important public transport link with the city.

This Section 75W modification does not change the intent of the Minister's approval and is seeking to modify the condition to enable excavation to commence with a limitation of 5 metres from the rail tunnel until the agreement is reached. The modification sought is consistent with the existing approval and under Section 75W (2) is considered a matter that the Director-General can determine.

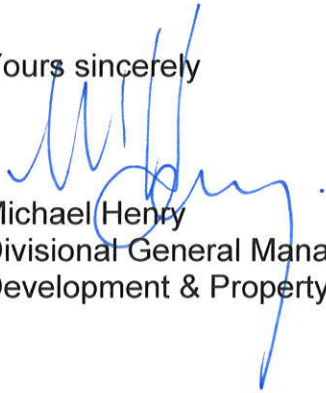
An environmental assessment report is not considered necessary as the reasons given for the modification to the conditions is included in the attached schedule listing the amendment. Under Section 75W(3) the Director-General can determine whether an environmental assessment report is required and it is considered that the modification is self explanatory and does not require further environmental assessment.

The appropriate fee of \$750 has been paid in accordance with Clause 245K of the EP & A Regulations to accompany this modification application.

Star City P/L is desirous to resolve this modification of condition B4 as soon as possible to enable excavation to commence on the Switching Station site.

Should you have any questions concerning the modification application please contact my Divisional Manager – Strategy & Commercial Development Michael Henry on 9657 7553.

Yours sincerely



Michael Henry
Divisional General Manager
Development & Property Management

Star City Casino

Amendment to Conditions of Approval

Under Section 75W to Major Project No. 08_0098

(File No. S08/00820)

Alterations and additions to Casino Complex and Hotel Development on the switching stations site

Union Street/Parramatta Rd, Pyrmont

Requested amendment to condition of approval as detailed:

B4 Sydney Metro Authority

(1) The Proponent is to enter into an Agreement with Sydney Metro Authority to address the potential impacts of the approved development on the CBD Metro prior to the issue of a Construction Certificate ***involving excavation works for any excavation within 5 metres of the rail tunnel on the Switching Station site.***

Reason:

- From discussions with Sydney Metro Authority the limit to excavation to within 5 metres of the rail tunnel will allow sufficient time for the agreement to be reached with the Authority.
- Star City Casino is currently negotiating with the Sydney Metro Authority in respect to the legal Agreement. However the request is to permit excavation to commence, which is anticipated will take several weeks before the 5 metres stand-off is reached. This will allow sufficient time to reach agreement on the legal document with the Metro Authority.