

Attachment C

Submissions

18 June 2025

Manager Planning Assessments, City of Sydney
GPO Box 1591
Sydney, NSW, 2001

Re: Department of Communities and Justice Submission DA/2025/406 – 65 Martin Place Sydney

Dear Sir/Madam,

I write on behalf of the Department of Communities and Justice (DCJ) regarding the Development Application (DA) for the Reserve Bank of Australia Head Office at 65 Martin Place, which directly adjoins the Land and Environment Court of NSW at 225 Macquarie Street.

The Land and Environment Court is a critical part of the NSW judicial system and operates continuously throughout the year without any defined shutdown period. It houses highly sensitive courtrooms equipped with advanced audio-visual link (AVL) and digital recording systems. These systems ensure procedural fairness, reliable evidence capture, and remote access to judicial hearings. Excessive noise and vibration from nearby construction activities pose a significant risk to these operations, potentially degrading audio quality, compromising accurate transcriptions, and, in severe cases, could result in mistrials and appeals that disrupt court proceedings.

To mitigate these risks, DCJ has carefully reviewed the proposed development in consultation with technical experts and stakeholders across our Enterprise Audio Visual Technology Department, Digital Records and Video Monitoring Department, Recording Services Branch, and Court Operations within the Land and Environment Court. Based on this review, a number of matters concerning acoustics and vibration during construction have been identified. In order to address these issues, DCJ requests that, if the DA is approved, the consent be issued with conditions that require the construction of the development to be undertaken so as to not detrimentally impact court hearings and operations. It is requested that conditions which reflect best practice and lessons learned from other court precinct developments, including the Downing Centre Local Court and the development adjacent to Central Local Court (371-375 Pitt St Sydney) be implemented.

In summary, DCJ requests that the following measures be secured through conditions of consent. Suggested conditions have been drafted and attached as an appendix at the end of this submission.

1. Acoustic and vibration testing and monitoring plan:

In order to mitigate the acoustic and vibrational impact of the adjoining construction works on court recordings, we request that a robust acoustic and vibration testing and monitoring plan be prepared in consultation with DCJ and endorsed before any construction begins (similar to that implemented at the construction site at 371-375 Pitt St, Sydney, directly adjacent to Central Local Court). To maintain the integrity of court recordings and AVL transmissions, ambient noise levels must be controlled within the following thresholds:

- **Maximum Noise Range:**
 - 15–20 dB: Suitable for high-fidelity Court environments with recording facilities
- **Noise Isolation:** Courtrooms require effective noise isolation to preserve speech intelligibility and ensure accurate transcription.
- **Vibration Considerations:** If construction activities may cause structural vibrations, ambient noise levels should be maintained below 25 dB to avoid interference with sensitive recording equipment.

This plan will ensure real-time monitoring of noise and vibration, keeping ambient noise within a safe recording range of 15–200 dB, and below 25 dB if structural vibration occurs. This is essential to protect the quality and accuracy of Court recordings and ensure that outcomes do not result in mistrials and appeals.

2. Restriction of noisy works during court sitting hours:

To prevent disruption of hearings, DCJ requests that no noisy or vibration-generating works occur during Court sitting hours (9:00 am–5:00 pm, Monday to Friday, excluding public holidays). This aligns construction activity with operational needs and reduces the risk of delays or adjournment of Court proceedings.

3. Comprehensive dilapidation report:

The Land and Environment Court shares a common wall with the RBA building between ground level and level 3, however it is expected that the development will impact this shared wall across all levels. DCJ would therefore like to request that a detailed dilapidation survey be prepared by a qualified structural engineer prior to works commencing, documenting the current condition of the Court building. This protects the structural integrity of the Court and ensures any construction-related damage is clearly attributable and addressed.

DCJ remains committed to working constructively with the developer and Council to safeguard Court operations and the fair delivery of justice. It is requested that a clear plan be prepared in consultation with DCJ outlining how construction will be scheduled and communicated in advance to avoid conflict with Court schedules. This proactive approach allows DCJ to plan hearings and manage risks collaboratively with the developer.

These matters are critical to ensuring the ongoing integrity of Court operations while enabling the safe and timely delivery of this important remediation project.

Should you have any questions or wish to discuss the wording of draft Conditions of Consent, please contact Catherine Colville, Senior Manager Environment & Heritage Planning, at catherine.colville@dcj.nsw.gov.au or [REDACTED]

Thank you for your consideration.

Yours sincerely,

[REDACTED]

Catherine Colville

Senior Manager Environment & Heritage Planning
Department of Communities and Justice

Appendix 1: Requested Conditions of Consent

1. Acoustic and Vibration Testing and Monitoring Plan (AVTMP)

- a) An Acoustic and Vibration Testing and Monitoring Plan (AVTMP) must be submitted to and approved by Council's Area Planning Manager and endorsed by the NSW Department of Communities & Justice (DCJ) prior to the issue of any Construction Certificate. The AVTMP must:
 - i. Establish maximum ambient noise thresholds for the Land and Environment Court of NSW building during construction activities as follows:
 - i. Maximum range: 15-20dB
 - ii. Where vibration occurs, ambient noise must be maintained below 25dB
 - ii. Detail how construction noise and vibration will be managed and monitored to avoid interference with the Land and Environment Court's recording and AVL equipment;
 - iii. Provide details of real-time acoustic and vibration monitoring devices to be installed in the Land and Environment Court building at the developer's cost, with the type, placement and calibration to be approved by DCJ before installation;
 - iv. Include clear procedures for immediate notification to DCJ and suspension of works if monitoring detects any exceedance of agreed thresholds;
 - v. Include provisions for ongoing monitoring and reporting in consultation with DCJ for the duration of construction.

A Construction Certificate must not be issued until a AVTMP prepared in accordance with this condition is endorsed by DCJ and approved by Council. Any AVTMP approved by under this condition must be complied with at all times while the development is under construction.

2. Restricted Works During Court Sitting Hours

- a) No construction activities that generate noise or vibration above existing ambient levels are to be undertaken between 9:00 am and 5:00 pm Monday to Friday, excluding public holidays, unless otherwise approved in writing by the Department of Communities & Justice (DCJ). Any audible or vibration-related disruption to court operations during these hours may, at the sole discretion of the Land and Environment Court of NSW, result in immediate suspension of the works until satisfactory mitigation measures are agreed with DCJ.

3. Dilapidation Report

- b) A detailed Dilapidation Report must be prepared by a suitably qualified and independent structural engineer at the cost of the developer and submitted to Council and the Department of Communities & Justice (DCJ) prior to the issue of any Construction Certificate. This report must document the existing condition of all adjoining structures, finishes, shared walls, and services within the NSW Land and Environment Court building at 225 Macquarie Street. A copy of the Dilapidation Report must be provided to DCJ for review and confirmation prior to any construction works commencing. A Construction Certificate is not to be issued until a Dilapidation Report is endorsed by DCJ.