



20<sup>th</sup> April 2020

The Planning Secretary  
Department of Planning, Industry & Environment  
320 Pitt Street  
Sydney, NSW 2000

Attention: Megan Fu  
Project: Nihon University Newcastle Campus - SSD 9787  
Re: Conditions of Consent C19

Dear Megan,

Reference is made to SSD 9787 Conditions of Consent C19 in relation to the Landscaping requirements for the development.

We have carried out extensive consultation with the NSW Heritage Council to revise the landscape plan to address the requirements of the condition of consent. Enclosed is correspondence from the NSW Heritage Council in relation to the submission of revised landscape plans satisfying the conditions of consent with the following is noted:

- conditions C19[a], [b], [c], [e], [f] and [h] are considered to have been addressed,
- condition C19[d] partially addressed with the following changes to be made:
  - the planting of two Prunus 'Shimidsu Sakura' [Japanese Flowering Cherry] should not be planted in front of the 1890 former Newcastle Courthouse building, with no objection to planting them in front of the new buildings,
  - the location of flag poles in front of the 1890 former Newcastle Courthouse building is considered inappropriate, there is no objection to locating them in front of the new buildings.

We have communicated acceptance of the recommended changes with NSW Heritage Council and attached the Revised Landscape drawing addressing condition C19[d]. In relation to the changes made to the landscape plan the following is noted:

- the two Prunus 'Shimidsu Sakura' [Japanese Flowering Cherry] have been removed from in front of the 1890 former Newcastle Courthouse building and relocated in front of the new buildings,
- the flag poles have been removed from in front of the 1890 former Newcastle Courthouse building and relocated in front of the new residential building,
- all trees have been removed from in front of the 1890 former Newcastle Courthouse building to ensure that the limits placed of planting height are achieved.

Should you require further clarification on the Revised Landscape plan please feel free to contact either Katherine Daunt or Edward Clode at dwp Australia Pty.

Yours sincerely,

  
Edward Clode  
Design Director  
Registered Architect – NSW ARBN 4100  
Email: [edward.c@dwp.com](mailto:edward.c@dwp.com)  
File: 17-0347\_A-d01-20\_let  
Encl.: Heritage NSW, DOC20/198412-4  
200306 nihon landscape moir rev c 20.04.2020

Copy: Certifier - Dix Gardener Group [Newcastle] Pty Ltd



Our ref: DOC20/198412-4

Edward Clode  
Design Director  
dwp  
19 Harris Street,  
PYRMONT NSW 2009

By email: [edward.c@dwp.com](mailto:edward.c@dwp.com)

Dear Mr Clode,

**Compliance with Consent Condition C19 Landscaping for Nihon University Newcastle Campus – SSD 9787.**

Thank you for your correspondence dated 8 March 2020 regarding consent condition C19 Landscaping for the above State Significant Development.

The proposed SSD affects the State Heritage Register (SHR) item Newcastle Court House (SHR no. 00796) located at 9 Church Street, Newcastle, NSW 2300, with consent condition *C19 Landscaping* – requiring a revised Landscape Plan and endorsement by the NSW Heritage Council. See condition details below:

- C19 *Prior to the commencement of construction, the Applicant must prepare a revised Landscape Plan that provides a streetscape treatment that does not impede on the understanding of the former Newcastle Courthouse and its relationship to its environment and setting and submit a copy to the Planning Secretary. The plan must:*
- (a) *be prepared by a qualified heritage landscape consultant and submitted to the NSW Heritage Council, or its delegate, for endorsement;*
  - (b) *provide an analysis of the existing site frontage hardstand, fences and gates, colours and finishes and landscape elements within the precinct;*
  - (c) *demonstrate the retention of the existing heritage cast iron fence along the site frontage, including the iron palisade fence, sandstone plinth and sandstone piers, unless removal of sections is demonstrated to be essential for the functional requirements of the proposal (e.g. clearance required to establish the approved additional driveway crossover);*
  - (d) *provide for the planting of eight trees that are sympathetic to the heritage values of the item and ensure no planting grow higher than 1.5 m in directly in front of the former Newcastle Courthouse;*
  - (e) *detail the location, species, maturity and height at maturity of plants to be planted on-site;*
  - (f) *include species (trees, shrubs and groundcovers) indigenous to the local area;*
  - (g) *include the planting of trees with a pot container of 100 litres or greater;*
  - (h) *include the provision of street tree planting. Species and spacing of trees are to be sympathetic to the heritage values of the item and are to be determined in consultation with Council.*

The following document has been provided to satisfy the conditions of consent:

- 'Nihon University Heritage Landscape Plan' by Moir Landscape Architecture, dated 5 March 2020;

In addition to the landscape plan responding to Condition C19 (d), letters from Marline Building Services Engineers dated 6 March 2020, and Power Design and Energy Projects dated 5 March 2020 have also been submitted to satisfy condition (c).

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above document and found that it partially satisfies consent condition *C19 Landscaping*, specifically C19 (a), (b), (c), (e), (f), & (h).

C19 (d) requires the following changes are made to satisfy the condition:

C19 (d):

While the proposed planting of two *Prunus 'Shimidsu Sakura'* (Japanese Flowering Cherry) in front of the new Nihon University buildings is considered appropriate, planting the remaining four directly in front of the 1890 former Newcastle Courthouse building is not sympathetic to the heritage values of the site as they impose on the prominent view and position of the building on Bolton Street, which is directly linked to its significance.

The use of *Acer palmatum 'Atropurpureum'* Weeping Japanese Maple as shown in the updated landscape plan dated 5 March 2020 would be an appropriate alternative across the entire frontage of the former courthouse building and would comply with the condition not to grow higher than 1.5m, avoiding intrusion of the heritage frontage of the former courthouse.

Condition C19 (d) would be considered met if the above changes and recommendations are made and implemented as part of SSD 9787 prior to commencement of works. It is noted that condition c19 (g) requires the planting of trees with a pot container of 100 litres or greater.

The introduction of the flagpoles in front of the former courthouse building are not appropriate as they impact the significant views to the courthouse and do not meet the consent condition C19. Heritage NSW have no objections to flagpoles being positioned in front of the new buildings as part of the Nihon University Newcastle Campus.

If you have any questions regarding the above advice, please contact Timothy Olliver, Senior Assessment Officer at Heritage NSW, on [Timothy.Olliver@environment.nsw.gov.au](mailto:Timothy.Olliver@environment.nsw.gov.au) or 4927 3203.

Yours sincerely,



**Cheryl Brown**

Manager, North Assessments, Community Engagement, Heritage NSW, Department of Premier and Cabinet

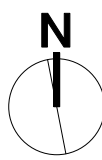
**As Delegate of the Heritage Council of NSW**





LOCALITY PLAN

Scale: NTS



# NIHON UNIVERSITY HERITAGE LANDSCAPE PLAN

Drawing Schedule

DWG NO.	DRAWING TITLE	ISSUE	DATE
LP00	COVER SHEET	REV C	20.04.2020
LP01	LANDSCAPE PLAN & DESIGN STATEMENT	REV C	20.04.2020
LP02	SITE ANALYSIS & PHOTOS	REV C	20.04.2020
LP03	STREET ELEVATION & SECTIONS	REV C	20.04.2020



Studio 1, 88 Fern Street | PO Box 111  
Islington NSW 2296  
Phone (02) 4965 3500 Fax (02) 4965 3555  
admin@moirlandscapearchitecture.com.au  
www.moirlandscapearchitecture.com.au

No.	Date	Revision
A	30.01.2020	FOR REVIEW
B	16.04.2020	FOR COORDINATION
C	20.04.2020	FOR REVIEW

PROJECT: <b>NIHON UNIVERSITY AUSTRALIA NEWCASTLE CAMPUS</b> 9 CHURCH STREET, NEWCASTLE, NSW 2300. LOT 1 D.P. 1199904	
CLIENT: <b>NIHON UNIVERSITY</b>	STATUS: FOR REVIEW

DRAWING: <b>COVER SHEET</b>	
PROJECT NUMBER: 1691	SHEET: 00 OF 03

DRAWN BY: CX	CHECKED BY: MW	APPROVED BY: MW
SCALE: NTS		REV: C
DATE: 20.04.2020		DRAWING: LP00



## Nihon Heritage Landscape Plan

The purpose of this report is to address the Conditions of Consent for the Nihon University Campus, Newcastle, in regards to the landscape design respecting the unique heritage characteristics of the former courthouse building and its relationship to its setting.

## Landscape Design Intent

The intent of the landscape design is to create comfortable outdoor places that's conducive to social interaction and respite for the students and staff. It acknowledges the juxtaposition of the 'old meets the new' through landscape treatments that are both respectful of the heritage setting and complementary of the bold new buildings. The public domain, consisting of the Church Street frontage, plays an important role in presenting the University Campus as a welcomed addition to the city's fabric that is respectful of its past. The landscape design incorporates heritage features such as the original brick pavers, and the cast iron gates and fence, into the streetscape to ensure the heritage values are intrinsically linked to the new development. The existing Magnolia street trees will be retained where viable to maintain the continuity of species along Church Street. If the trees are to be removed, they will be replaced with species in accordance with City of Newcastle's revised urban forest strategy. The majority of the students will be from Japan. Elements of traditional Japanese gardens have been represented throughout the campus in the landscape design. The Japanese Maples proposed in the forecourt plaza fronting Church Street provides a welcome reminder of home for visiting students.

### Site Analysis

The site is located in The Hill, set amongst a number of historic buildings aligning Church Street, on the fringes of the Newcastle CBD. It is characterised by the ornate architectural style of the historic courthouse building, 'sandwiched' between two buildings lacking of architectural interest or street presence. The ornate cast iron open style fence with sandstone pillars running along the full length of the site frontage is the only element linking the three buildings to its heritage. Remanences of the original brick paving, sandstone kerbs and a stand-alone sandstone plinth along sections of Church Street are also reminders of the history of the site. Street tree planting of Magnolias are located in front of the site and run along the full length of Church Street. The regularity of the single species of trees is a feature of the street. This broken only by a large Norfolk Island Pine directly to the west of the site, and a small number of semi-mature Norfolks to the east, providing a visual and cultural link to the large number of Norfolk Island Pines planted along the Newcastle coastline.

### Response to Conditions of Consent

A number of conditions directly related to the public domain, landscaping and the site's heritage have been applied to the development. The landscape plan addresses the conditions and justifies any deviations where is clearly articulated in the response to Conditions of Consent below;  
*C19 Prior to commencement of construction, the Applicant must prepare a revised Landscape Plan that provides a streetscape treatment that does not impede on the understanding of the former Newcastle Courthouse and its relationship to its environment and setting, and submit a copy to the Planning Secretary. The plan must;*

### PLANT SCHEDULE

Botanical Name	Common Name	Pot Size	Mature Height	Mature Spread	Note
<b>Trees</b>					
<i>Prunus 'Shimidus Sakura'</i>	Japanese Flowering Cherry	100 litre	4m	3m	Exotic
<b>Shrubs/groundcovers</b>					
<i>Acmena smithii 'Forest Flame'</i>	Acmena Forest Flame	200mm	1-2m	1m	Native to Newcastle
<i>Agapanthus africanus</i>	African Lily	140mm	0.5-1m	0.5-1m	Exotic
<i>Doodia aspera</i>	Prickly Rasp Fern	200mm	0.4 - 0.5m	0.4 - 0.6m	Native
<i>Gardenia jasminoides</i>	Cape Jasmine	200mm	1-2m	1.5-3m	Exotic
<i>Hymenocallis littoralis</i>	Spider Lily	200mm	0.3-0.6m	0.3-2m	Exotic
<i>Pittosporum tobira 'Miss Muffet'</i>	Dwarf Pittosporum	200mm	1m	1.5m	Exotic
<i>Syzygium pinnacle</i>	Pinnacle Lilly Pilly	300mm	6m	1-1.5m	Native
<i>Westringia fruticosa</i>	Coastal Rosemary	200mm	0.9 - 1.5m	0.9 - 1.2m	Native to Newcastle

- (a) Be prepared by a qualified heritage landscape consultant and submitted to the NSW Heritage Council, or its delegate, for endorsement  
*David Moir is registered as an approved heritage landscape consultant. David has overseen the Nihon University project and provided input into heritage landscape plan*
- (b) Provide an analysis of the existing site frontage hardstand, fences and gates, colours and finishes and landscape elements within the precinct.  
*The site analysis on Sheet LP02 provides an overview of the existing Church Street frontage with accompanying photographs highlighting the condition, colour and finishes of the existing heritage elements.*
- (c) Demonstrate the retention of the existing heritage cast iron fence along the site frontage, including the iron palisade fence, sandstone plinth and sandstone piers, unless removal of sections is demonstrated to be essential for the functional requirements of the proposal.  
*The street elevation of the proposal on Sheet LP03 clearly indicates the extent of fence to be retained / removed and how the existing sandstone piers have been relocated to form part street frontage heritage fence.*
- (d) Provide for the planting of eight trees that are sympathetic to the heritage values of the item and ensure no planting grow higher than 1.5m high directly in front of the former Newcastle Courthouse.  
*Due to level differences, retaining walls, utilities services, driveway access, pedestrian access and limited building setbacks from Church Street, there is limited space for the planting of trees. There is not enough space for eight trees within the site frontage. Two Japanese Flowering Cherry are proposed for their seasonal ornamental properties, scale in relation to the built form and a reminder of home for the Japanese students and staff. As demonstrated in LP03, gardens are planted with low shrubs and groundcovers so that views to the Courthouse building are not impeded.*
- (e) Detail location, species, maturity and height at maturity of plants to be planted onsite  
*Refer to LP01 for plant schedule including species height and width at maturity*
- (f) Include species (trees, shrubs and groundcovers) indigenous to the local area  
*There are a number of native species, including species indigenous to the area, proposed throughout the site. These are identified in the plant schedule on sheet LP01. Given the heritage characteristics and the landscape design intent to include planting reminiscent of home for the Japanese students, there is a proportion of exotic species within the plant mix.*
- (g) Include the planting of trees with a pot container of 100 litres or greater  
*As demonstrated in the plant schedule on sheet LP01 all trees to the front of the development will be supplied and planted in 100 litre pots*
- (h) Include the provision of street tree planting. Species and spacing of trees are to be sympathetic to the heritage value of the item and are to be determined in consultation with Council  
*The existing street trees in front of the site are Magnolias and form a continuous street tree planting theme along Church Street. It is the intention to retain the existing trees, however this is yet to be determined pending outcomes of the civil rectification works within Church Street. Any new street tree planting will be in accordance with objectives of the Newcastle Urban Forest Strategy which is currently under review. It is likely that the planting of Magnolias will occur, however this will need to be determined by City of Newcastle.*

### LEGEND

- Lot boundary
- Easement line
- Existing heritage fence & sandstone footing to be retained
- Existing heritage fence & concrete edge to be cut
- Heritage brick paving
- Sandstone paving
- Concrete paving
- Asphalt paving
- Heavy duty stone paving
- Concrete edge
- Signage wall by Architect
- Existing plinth to be retained
- Proposed removable bollards
- Proposed flag pole
- New street light refer to Engineer's detail
- Existing street light to be retained
- Existing sandstone pillar to be retained & relocated
- Existing electrical pit
- Existing Telstra pit
- Tactile ground surface indicator  
Colour: Black
- Drainage refer to Engineers detail.
- Stormwater pit refer to Engineers detail.
- Existing trees to be removed
- Existing trees to be retained
- Prunus 'Shimidsu Sakura'*  
Japanese Flowering Cherry
- Agapanthus africanus*  
African Lily
- Gardenia jasminoides*  
Cape Jasmine
- Hymenocallis littoralis*  
Spider Lily
- Westringia fruticosa*  
Coastal Rosemary
- Doodia aspera*  
Prickly Rasp Fern
- Acmena smithii 'Forest Flame'*  
Acmena Forest Flame
- Pittosporum tobira 'Miss Muffet'*  
Dwarf Pittosporum
- Syzygium pinnacle*  
Pinnacle Lilly Pilly



Studio 1, 88 Fern Street | PO Box 111

Islington NSW 2296

Phone (02) 4965 3500 Fax (02) 4965 3555

admin@moirlandscapearchitecture.com.au

www.moirlandscapearchitecture.com.au

No.	Date	Revision
A	30.01.2020	FOR REVIEW
B	16.04.2020	FOR COORDINATION
C	20.04.2020	FOR REVIEW

PROJECT:	<b>NIHON UNIVERSITY AUSTRALIA NEWCASTLE CAMPUS</b> 9 CHURCH STREET, NEWCASTLE, NSW 2300. LOT 1 D.P. 1199904
CLIENT:	<b>NIHON UNIVERSITY</b>
STATUS:	FOR REVIEW

DRAWING:	<b>LANDSCAPE PLAN &amp; STATEMENT</b>
PROJECT NUMBER:	1691
SHEET:	01 OF 03

DRAWN BY:	CX	CHECKED BY:	MW	APPROVED BY:	MW
SCALE:	1:150@A1	REV:	C	DRAWING:	LP01
DATE:	20.04.2020				





Existing Street Elevation  
(Images: Google Earth street view)



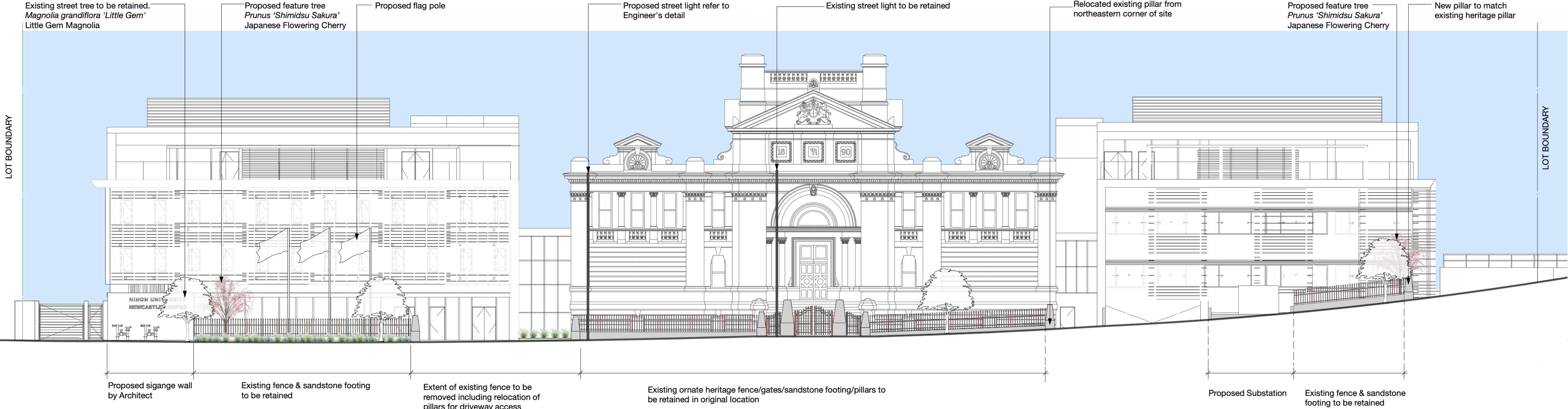
No.	Date	Revision
A	30.01.2020	FOR REVIEW
B	16.04.2020	FOR COORDINATION
C	20.04.2020	FOR REVIEW

PROJECT: <b>NIHON UNIVERSITY AUSTRALIA NEWCASTLE CAMPUS</b> 9 CHURCH STREET, NEWCASTLE, NSW 2300. LOT 1 D.P. 1199904	
CLIENT: <b>NIHON UNIVERSITY</b>	STATUS: FOR REVIEW

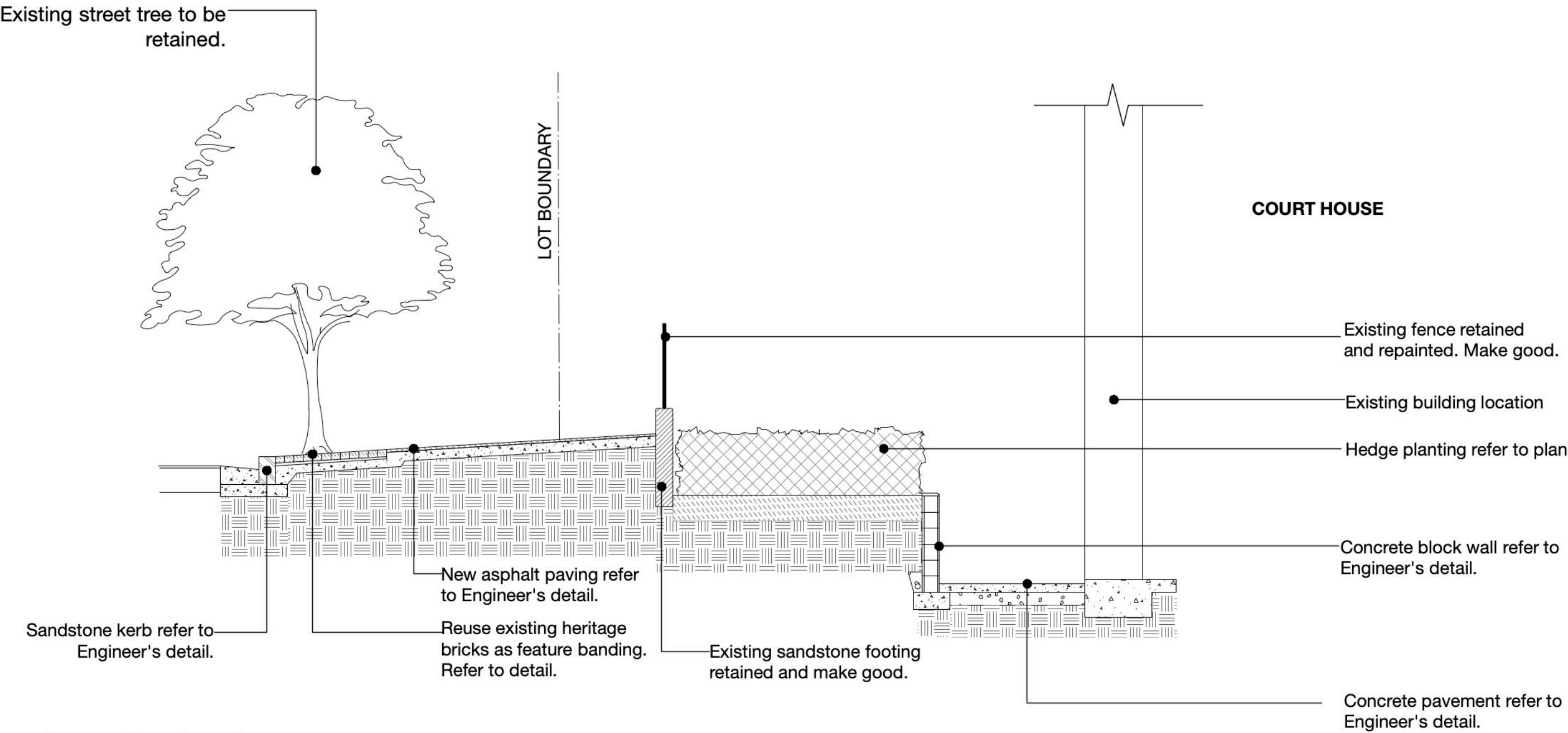
DRAWING: <b>SITE ANALYSIS &amp; PHOTOS</b>	
PROJECT NUMBER: 1691	SHEET: 02 OF 03

DRAWN BY: CX	CHECKED BY: MW	APPROVED BY: MW
SCALE: NTS		REV: C
DATE: 20.04.2020		DRAWING: LP02

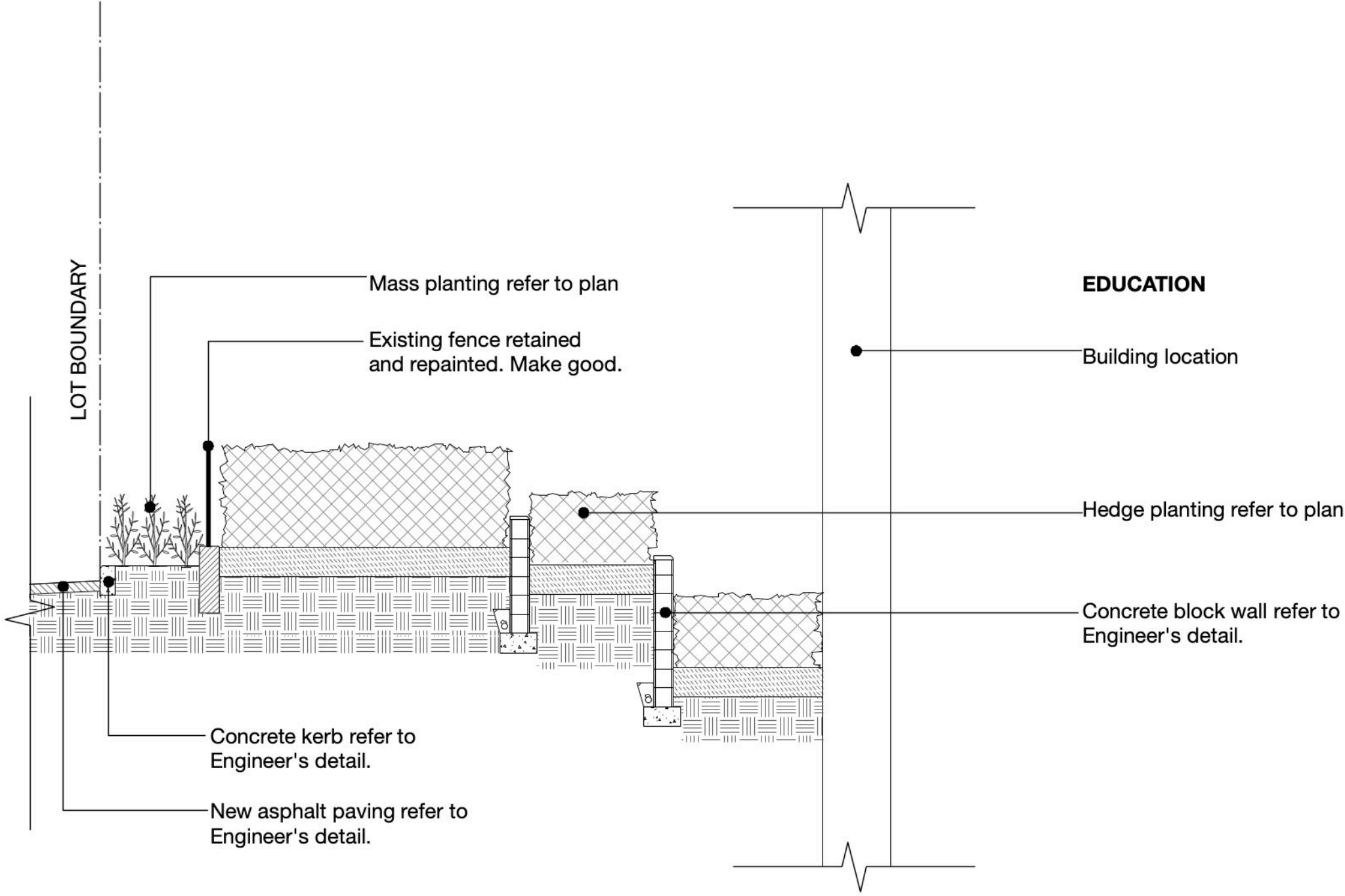




**Proposed Street Elevation**  
scale: 1:130@A1



**Cross Section A**  
scale: 1:50@A1



**Cross Section B**  
scale: 1:50@A1



Studio 1, 88 Fern Street | PO Box 111  
Islington NSW 2296  
Phone (02) 4965 3500 Fax (02) 4965 3555  
admin@moirlandscapearchitecture.com.au  
www.moirlandscapearchitecture.com.au

No.	Date	Revision
A	30.01.2020	FOR REVIEW
B	16.04.2020	FOR COORDINATION
C	20.04.2020	FOR REVIEW

PROJECT:	<b>NIHON UNIVERSITY AUSTRALIA NEWCASTLE CAMPUS</b> 9 CHURCH STREET, NEWCASTLE, NSW 2300. LOT 1 D.P. 1199904
CLIENT:	<b>NIHON UNIVERSITY</b>
STATUS:	FOR REVIEW

DRAWING:	<b>STREET ELEVATION &amp; SECTIONS</b>
PROJECT NUMBER:	1691
SHEET:	02 OF 03

DRAWN BY:	CX	CHECKED BY:	MW	APPROVED BY:	MW
SCALE:	NTS	REV:	C	DRAWING:	LP03
DATE:	20.04.2020				