



# Development Application Report

Change of Use Presbytery Building (Dwelling House) to Educational  
Establishment and 2 into 2 Lot Subdivision

65 New England Highway  
Lochinvar  
Lot 3 & 4 DP1241101

Applicant: Catholic Schools Office Diocese of Newcastle and Maitland  
January 2025

**Limitations Statement**

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## Precis

A Development Application has been prepared on behalf of the Catholic Schools Office Diocese of Newcastle and Maitland for the change of use of the Presbytery Building (Dwelling House), located at 65 New England Highway Lochinvar, from a Dwelling House to Educational Establishment.

The proposed use will provide additional space for learning support and ancillary functions of the adjoining St Patricks Public School. A subdivision, being the reconfiguration of boundaries, is therefore also sought to allow the building to form part of the school site.

Whilst the building is not listed as a local heritage item under the Maitland Local Environmental Plan 2011 it is located within the same allotment as the Catholic Cemetery (I105) and the general proximity of other heritage items. Accordingly this application is made in specific reference to Clause 5.10 of the Maitland Local Environmental Plan 2011 and the Heritage Act 1977, along with all other relevant planning instruments.

The proposal has been the subject of detailed design consideration, including inputs from both Heritage and Disabled Access consultants.

The proposed works will therefore have no impact on the historical elements of the site and its context whilst facilitating improved usability, safety and equitable access to the building.

Council is therefore encouraged to support this application.

## 1.0 Introduction

This report has been prepared in support of a Development Application for the change of use of the Presbytery Building (Dwelling House), located at 65 New England Highway Lochinvar, from a Dwelling House to Educational Establishment. A 2 into 2 lot subdivision (boundary adjustment) is also sought by this application.

This report includes:

- Outline of the site's opportunities and constraints
- The proposed development
- Statement of Environmental Effects
- Response to all relevant planning instruments

### 1.1 Applicant

The landowner and applicant for this application is the Trustees of the Roman Catholic Church for the Archdiocese of Newcastle.

### 1.2 Site Description

The subject site is located at 65 New England Highway Lochinvar and is described as Lot 3 and 4 DP1241101.

The site is an irregular shape with an area of approximately 37,560m<sup>2</sup>.

An aerial photo of the site is provided by **Figure 1**.

**Figure 1 Subject Site**





The site contains the Presbytery Building, Place of Public Worship and the Catholic Cemetery (Local Heritage Item I105).

**Figure 2 Existing Building as viewed from the New England Highway**



**Figure 3 Church as Viewed from Presbytery Building**





**Figure 4 Presbytery Building as viewed from Cemetery**



**Figure 5 Rear of Presbytery Building**





## 2.0 Site Analysis

### 2.1 Site Context

The site is located within the education precinct of Lochinvar, adjoined to the east by St Patricks Primary School and to the north by St Joseph High School. St Nicholas Early Education Centre is located to the west of the site, as per **Figure 1**.

### 2.2 Site Opportunity and Constraints

The key opportunities and constraints of the site include:

- The building is located within the same allotment as the Catholic Cemetery, Local Heritage Item (I105). A Heritage consultant was therefore appointed to complete a detailed investigation into the history of the site and buildings and complete detailed Statement of Heritage Impact. This assessment confirms that the change of use and associated works, and proposed boundary realignment, will not impact on the heritage significance of the item
- The proposed works are largely contained to the existing building footprint. No vegetation will therefore be impacted by this application
- There are no known easements or other restrictions encumbered on the allotment that would preclude the proposed works and use
- The site is currently serviced by an onsite effluent disposal system. This will be decommissioned and the building will be connected to reticulated sewer via the school site
- The site is not identified as being within Mine Subsidence District, flood prone or impacted by bushfire threat

## 3.0 Background

The existing Presbytery Building is currently annexed to the St Patricks Church with the building formerly used for the accommodation of the serving Priest.

The building is no longer considered to be suitable for this purpose and has not been used for over 10 years. Subsequently the building, and grounds, have fallen into a state of disrepair.

The Catholic Schools Office has seen an opportunity to adapt the structure for a use ancillary to the St Patricks Primary School, providing learning support services away from the existing classroom buildings.

This learning support will include:

- One on one learning opportunities for students
- Small group learning support activities
- Parent and teacher meetings
- Storage

This application will ensure the building is used in accordance with the ongoing demands of the Diocese.

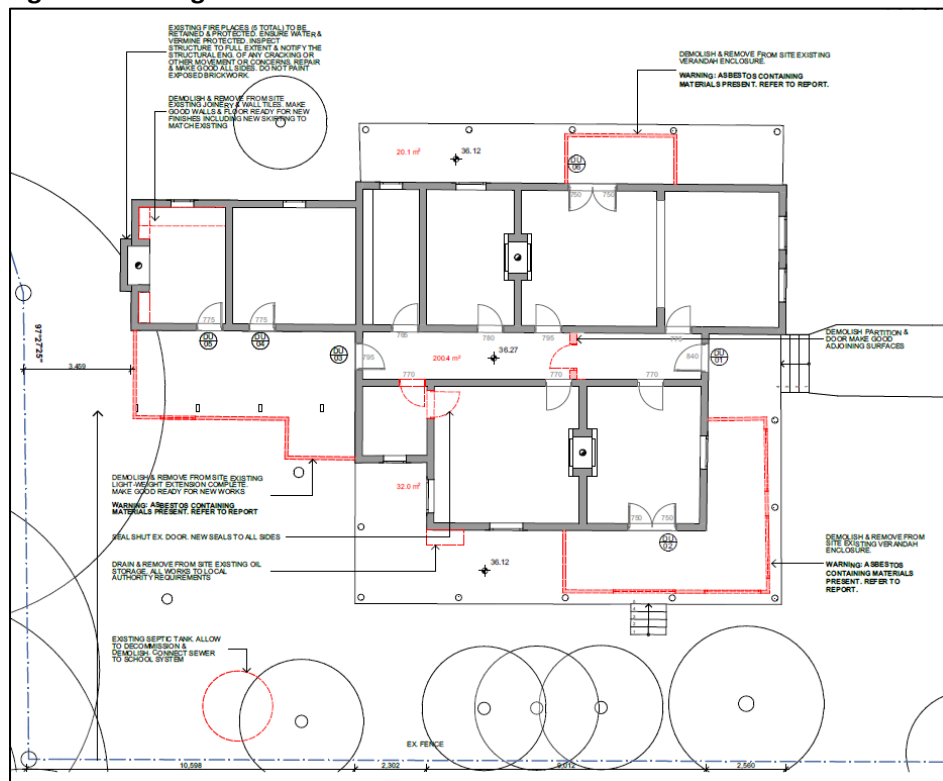
## 4.0 The Proposal

The proposal seeks the following:

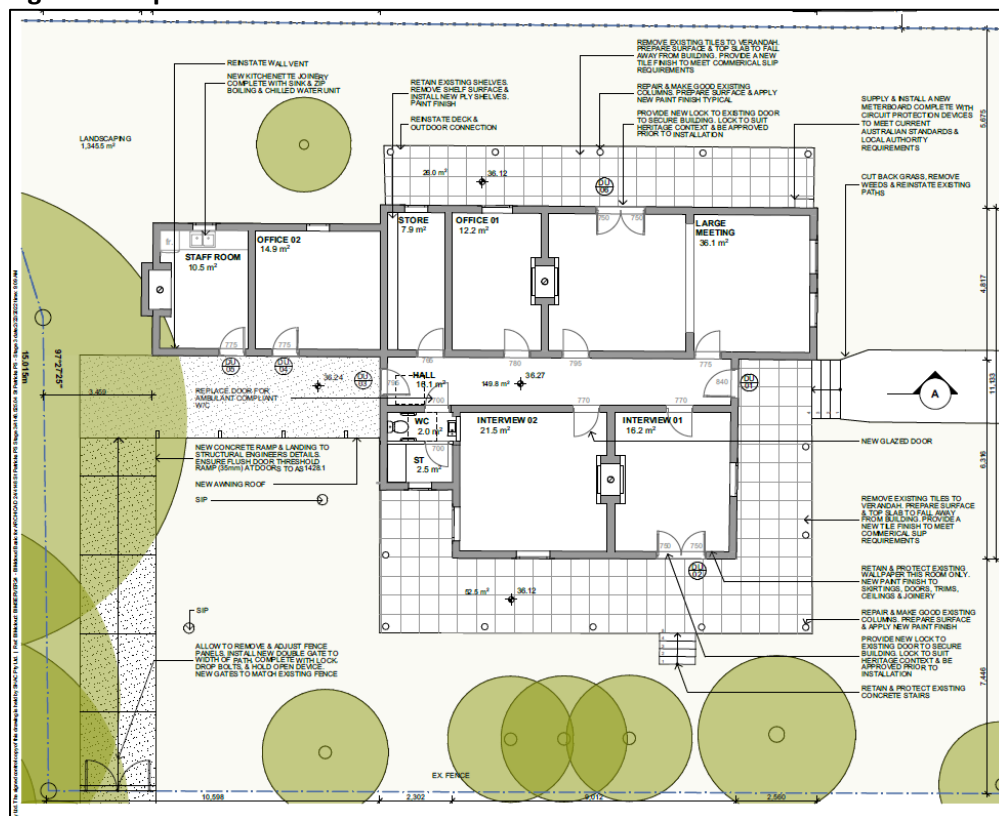
- Formal change of use of building from Dwelling House (as defined by the Maitland Local Environmental Plan 2011) to Educational Establishment
- Removal of verandah enclosures and lightweight extension at the rear
- Internal alterations to improve disabled access and improved amenities
- Provision of path from existing school to the building
- Boundary adjustment to reflect proposals ancillary function of Educational establishment

The existing floor plan and demolition detailed are indicated by **Figure 6** and proposed floor plan at **Figure 7**.

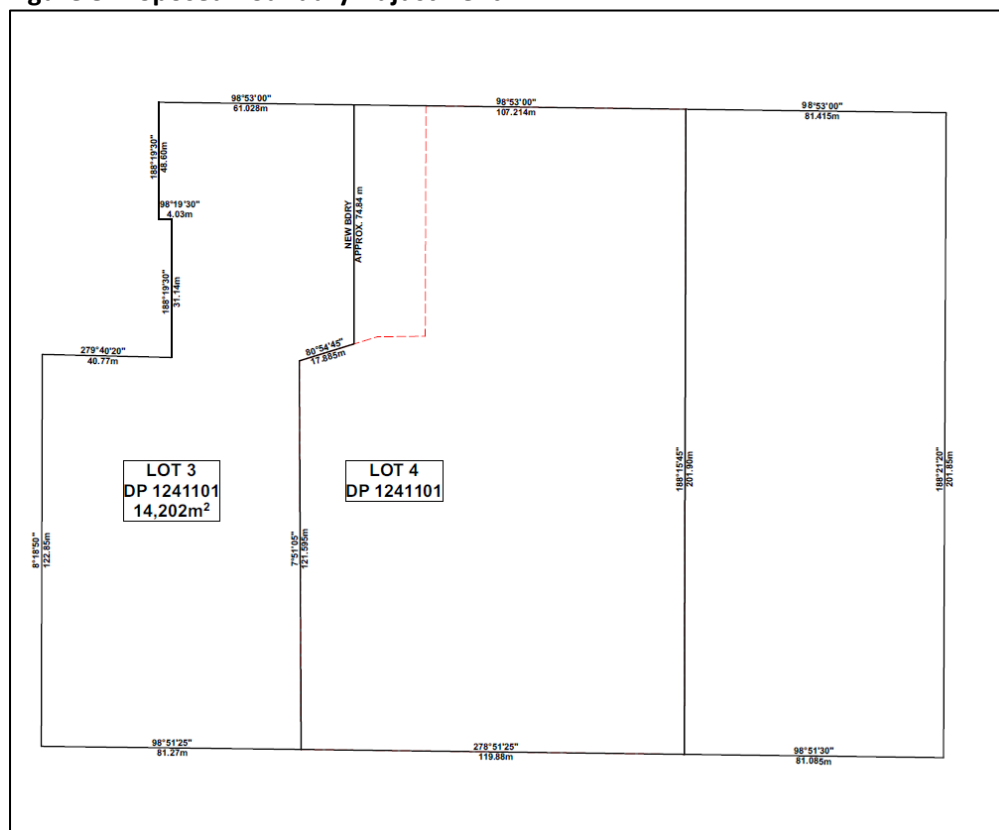
**Figure 6 Existing Floor Plan and Demolition Details**



### Figure 7 Proposed Floor Plan



### Figure 8 Proposed Boundary Adjustment



As detailed in **Section 3.0** the use will be ancillary to the existing Educational Establishment.



All access to the building will be via the existing school, no separate access will be sought, or is required, for the proposal.

No additional staff or student numbers form part of this application and the existing play areas and available spaces for students will not be altered by this application. No play areas are sought around the curtilage of the building.

## 5.0 Statement of Environmental Effects

The following provides an outline of how the proposed development has considered any possible environmental impacts, and the measures utilised to reduce/mitigate these impacts, as required by the Environmental Planning and Assessment Regulations (2021).

### 5.1 Existing Site Conditions

The site has previously been used for residential purposes, ancillary to the Place of Public Worship.

Accordingly there would appear to be no known previous contaminating land uses of the site.

The decommissioning of the effluent disposal system will occur in accordance with suitable council conditions.

No contamination assessment is deemed to be required.

### 5.2 Site Topography

The proposed works will be undertaken predominately within the footprint of the existing building, whilst the proposed pathway will follow the existing contours of the site.

No significant change is required to the site's topography, no retaining walls are sought by this application.

### 5.3 Stormwater/Sediment and Erosion Control

The proposed development will result in a similar extent of hardstand, relative to the overall site area of the Presbytery and the Educational Establishment.

Existing stormwater management measures will be retained for the existing dwelling whilst water falling on the proposed path will be dispersed over adjoining grassed areas without concentrating flows to any adjoining allotments.

Sediment and erosion control details provided on the plans of the proposal.

### 5.4 Traffic and Access

The proposal has responded to the existing traffic and access network as follows:

- The change of use will be ancillary to the existing school and seeks no additional staff or students. Accordingly the existing parking and access arrangements provided to the school will suitably accommodate the proposal, no changes required to the parking and access provided to the school sought by this application
- The proposal will therefore not generate significant additional traffic to require upgrades to the existing road network

The application has therefore properly considered traffic and access.

### 5.5 Heritage

In response to the sites Heritage listings the application is supported by a Statement of Heritage Impact prepared by John Carr Heritage Design. The report is summarised as follows:

- The assessment includes a detailed history of the site to establish the historical significance of the Presbytery
- The assessment has included detailed analysis of the changes made to the building and its curtilage over time, and what is considered to be historically significant or detrimental to interpretation of its origins
- The heritage inputs were used to establish the suitability of removing the elements considered to be unsympathetic to the building heritage form
- The assessment concludes that the proposed works will preserve the building, but also enhance the place by reconstructing missing decorative elements such as the verandah detailed fretwork, removing former verandah infills and replacing plain internal doors with original recovered five panel doors from a rear lean-to area to be demolished

### 5.6 Social Impact

The proposal is deemed to provide only positive social outcomes including:

- Reuse of an existing vacant structure that will improve the functionality of the School
- Restoring and improving the historical significance of the structure

### 5.7 Waste Management

The proposed works will generate waste and a construction waste management plan therefore accompanies this application.

Operational waste will be stored and collected via the existing school waste management procedures.



## 6.0 Section 4.15 Assessment Response to Planning Instruments

An assessment of the proposal has been undertaken in accordance with Section 4.15 of the Environmental Planning and Assessment Act (1979) and the Environmental Planning and Assessment Regulations (2021).

### 6.1 Environmental Planning Instruments

#### 6.1.1 Heritage Act 1977

The subject site is identified as a local heritage item. Accordingly no specific address is required of the Heritage Act 1977, nor will the proposal be subject to referral to Heritage NSW.

#### 6.1.2 State EPI's

#### **State Environmental Planning Policy Transport and Infrastructure 2021**

### ***Chapter 2 Infrastructure***

### ***Subdivision 2 Development in or adjacent to road corridors and road reservations***

#### *2.118 Development with frontage to classified road*

The proposed change of use seeks no new vehicle access to the New England Highway.

#### *2.119 Impact of road noise or vibration on non-road development*

In accordance with the NSW Road Noise Policy, deemed to be the guidelines for the assessment of road noise in accordance with this clause, maximum noise levels applicable to the learning support areas will be in accordance with Australian Standard 2107:2000. As the proposal seeks no classrooms, and the building is set well back from the New England Highway which has a 50km/h maximum speed limit in this area, these standards are expected to be readily met by this application.

### ***Chapter 3 Educational Establishments and Child Care Care Centres***

#### *3.36 Schools – development permitted with consent*

In accordance with this clause the proposal is required to address the design quality principles with Schedule 8 of the SEPP. An address of these principles is provided at **Table 1**.

**Table 1 Response to Design Quality Principles**

Principle	Response
Principle 1—context, built form and landscape  Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site	The proposal responds to the context by utilising an existing structure that has fallen into disrepair for a purpose that will improve the functionality of the school.  The works will also remove non-sympathetic works of the building to provide an improved heritage response.

<p>conditions such as topography, orientation and climate.</p> <p>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.</p>	<p>The works will retain existing landscaping within both sites.</p> <p>The site is not identified as within an area</p>
<p>Principle 2—sustainable, efficient and durable</p> <p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>The proposal seeks to reuse an existing structure for ancillary purposes, avoiding the need for additional new construction. This will minimise waste and consumption of natural resources.</p> <p>The building layout will allow for a range of ancillary uses as detailed elsewhere in this report.</p>
<p>Principle 3—accessible and inclusive</p> <p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Note—</p> <p>Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.</p>	<p>The proposal has been informed by disabled access advice to ensure it is capable of use by persons of differing needs and capabilities.</p> <p>The building is ancillary to the primary school functions, and does not alter the primary entry arrangements for the school.</p>

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.	
<p>Principle 4—health and safety</p> <p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p>The proposal will not significantly alter the existing facilities within the school, nor change the safety and security of the school. Fencing around the new boundaries will be in accordance with existing school arrangements, maintaining the schools welcoming and accessible main entry point from the New England Highway.</p>
<p>Principle 5—amenity</p> <p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The proposed use of the existing building will provide a supportive function to the existing operation of the school.</p> <p>The use will therefore not impact on the indoor or outdoor learning spaces and play areas provided to the school.</p>
<p>Principle 6—whole of life, flexible and adaptive</p> <p>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</p>	<p>The proposal seeks the adaptive reuse of an under utilised structure that will support the existing function of the school.</p> <p>This will ensure the school is maximising available resources.</p>
<p>Principle 7—aesthetics</p> <p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the</p>	<p>The proposal seeks to restore the building to better reflect the sites historical context.</p> <p>The works will therefore be aesthetically pleasing and have a positive impact on the sites context.</p>



<p>site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</p>	
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### 6.1.3 Local EPI's

#### **Maitland Local Environmental Plan 2011**

##### *Land Use Table*

The site is zoned R1 General Residential.

Educational Establishments are permitted with consent within this zone.

The proposed use and works are deemed to be entirely consistent with the zone objectives.

#### *4.1 Minimum Subdivision Lot Size*

The proposed lot sizes resulting from the boundary adjustment will be significantly greater than the minimum lot size of 450m<sup>2</sup> applicable to the site.

#### *5.10 Heritage Conservation*

In accordance with Clause 5.10 (10) the proposed works are required to be supported by Statement of Heritage Impact. This report accompanies this application.

#### *6.2 Public utility infrastructure*

The site is mapped within an urban release area and Clause 6.2 is addressed as follows:

- Water – existing water connection to be utilised
- Electricity – already available to the site
- Sewer – existing effluent disposal system to be decommissioned, connection to reticulated sewer to be undertaken as part of the proposed works
- Stormwater – no significant run off anticipated from the proposed works
- Vehicular access – refer to **Section 5.4**.

#### *6.3 Development Control Plan*

The proposal is of a form that would not require a Development Control Plan as per sub clause (4) where the works are minor in nature and the subdivision is a boundary adjustment only.

## 6.2 Draft Environmental Planning Instruments

No draft EPI's applicable to the proposal.

## 6.3 Development Control Plans

The proposal responds to the relevant sections of the Maitland Development Control Plan as outlined by **Table 1**.

**Table 1 Response to Maitland Development Control Plan**

Section	Compliant	Comment
B6 Waste Not	Yes	A Construction Waste Management Plan accompanies this application.
C1 Accessible Living	Yes	A Disabled Access report accompanies this application
C4 Heritage Conservation	Yes	The proposal is supported by a detailed Statement of Heritage Impact, suitably addressing the requirements for heritage conversation from the DCP.
C10 Subdivision	N/A	Given the nature of the proposed boundary adjustment, which reflects the intended use of the structure, a detailed address of the subdivision design guidelines is not considered to be required.
C11 Car Parking	Yes	The proposed use represents an ancillary function of the existing school and will require no change to existing staff or student numbers within the school. As detailed under <b>Section 5.4</b> , no additional parking or changes to existing access to the school is required under this application.
F9 Lochinvar Urban Release Area	N/A	<p>The proposal involves the adaptive reuse of an existing structure that will improve the functionality of the existing school.</p> <p>The controls for the Urban Release Area are not deemed to be applicable to this proposal, which are intended to inform the layout and future development of the extensive vacant residential zoned land within the release area.</p>

## 6.6 Likely Impact of the Development

The Statement of Environmental Effects, and the response to the relevant planning instruments, demonstrate how the proposal has properly considered and responded to any likely impact of the development on the site and its context.

## 6.7 Suitability of the Site for the Development

The suitability of the site for the development has been demonstrated by the various sections of this report.

## 6.8 Submissions made in respect of Application

This Development Application will require notification to adjoining allotments.

Given the relatively low scale of the works, and improved responses to the sites historical context, no objection is anticipated.

Any submissions will be responded to as required by the assessing authority.

## 6.9 The Public Interest

The proposed development is deemed to be in the public interest by:

- Allowing for adaptive reuse of an existing underutilised building
- Improving the functionality of the school



## 7.0 Conclusion

This report demonstrates how the proposed change of use and alterations to the Presbytery building will improve the overall functionality of St Patricks Primary School and ensure the building more suitably responds to its historical context.

The application has responded to all relevant planning instruments and Council support for the application is therefore anticipated.