

## STATEMENT OF HERITAGE IMPACT

PROPOSED RESIDENTIAL SUBDIVISION  
20 & 20A CANTWELL ROAD, LOCHINVAR  
ADJACENT TO  
HOLY TRINITY ANGLICAN CHURCH (ITEM #I104)



Prepared by EJE

Prepared for: EXP Cantwell Pty Ltd

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## INTRODUCTION

EJE Heritage has been requested to provide a Heritage Assessment and subsequent Heritage Impact Statement for a proposed 139 lot residential subdivision, which will require the widening of Cantwell Road, reshaping of the Cantwell Road / New England Highway intersection and subsequent boundary adjustment of 56 – 60 New England Highway, Lochinvar NSW. This address contains the Holy Trinity Anglican Church Lochinvar, NSW.

The initial section of the report places the site within an historical context, and examines the physical condition and context of the current building. With the history and physical condition and context of the building understood, a heritage assessment of the site can be completed using the NSW Heritage Branch guidelines encompassing the Australia ICOMOS Burra Charter 2013 heritage values: historical significance; aesthetic significance; scientific significance; and social significance.

The Statement of Heritage Impact that follows examines the proposed works, identifying any impacts which the proposal might have on the significance of the heritage items, and any measures which should be taken to mitigate any negative impacts, if these are in fact identified.

The Historical Context section of this report was prepared by Sophie McCarthy.  
This Statement of Heritage Impact was prepared by EJE Heritage. The project team consisted of:

- Barney Collins – (Director), Conservation Architect
- Stephen Batey – Architect and Heritage Consultant
- Sophie McCarthy – Architectural Assistant

Unless otherwise acknowledged, photographic images are by EJE Heritage.

Text which has been amended for this revision E issue has been identified with bold type and/or *bold italics*.

## METHODOLOGY

This report has been undertaken in accordance with the NSW Heritage Office publications, Assessing Heritage Significance and Statements of Heritage Impact, together with the Australia ICOMOS, The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013.<sup>1</sup>

## CONSTRAINTS AND LIMITATIONS

EJE is not qualified to offer structural opinions. This report is not intended to convey any opinion as to the structural adequacy or integrity or integrity of the structure, nor should it in any way be construed as so doing. Similarly, the author's observations are limited to the fabric only: they do not comment upon the capacity, adequacy, or statutory compliance of any building services.

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<sup>1</sup> Burwood: Australia ICOMOS, 2013.

## 1. THE HERITAGE ITEM

### 1.1 SITE DESCRIPTION

#### 1.1.1 Heritage Item

The Holy Trinity Anglican Church (Lot 2 DP1214402) is listed as a Heritage Item of Local significance in Maitland City Council's Local Environmental Plan 2011. No works are proposed on the Church itself but the proposed residential subdivision will require a road widening and intersection upgrade which will affect the gazetted curtilage of the church inclusive of its landscaping and its entry gateposts. Some of these gateposts incorporate memorial plaques.

#### 1.1.2 Heritage Listings

The (church) site and building are listed as a Heritage Item of Local significance in Maitland City Council Local Environmental Plan 2011, Schedule 5 Part 1, as hereunder:

Suburb	Item	Address	Description	Significance	Item No.
Lochinvar	Holy Trinity Church	New England Hwy	Lot 2, DP 1214402	Local	I104

The subject site is not within a Heritage Conservation Area.



Figure 1. Heritage Map. Subject site outlined in orange. The blue cross-hatch is the State Heritage Register curtilage of Nowland's Coach House. Source: Mecone Mosaic

Note, that due to a boundary adjustment which occurred in 2014, the heritage curtilage covers only part of the allotment.

The subject site is in proximity to further Heritage Items of Local/State significance, as hereunder:

Suburb	Item	Address	Description	Significance	Item No.
Lochinvar	Victoria House	7 Cantwell Road	Lots 60 and 61, DP 778897	Local	I101

Victoria House AKA Nowlands Coach House was gazetted on the State Heritage Register (SHR #02077) on the 18th of August 2023. The Maitland LEP listing has not yet been updated with its State Significance.

### 1.1.3 Site and its Context

The subject site is proposed as 20 and 20A Cantwell Road. The real property descriptions of the lots included in the proposed residential subdivision are as follows:

- Lot 2, DP818314
- Lot 35, DP975690
- Lot 36, DP975690
- Lot 37, DP975690
- Lot 38, DP975690

The curtilage of the Holy Trinity Anglican Church, which will be affected by the road widening and intersection upgrade, is identified as being 60 New England Highway, Lochinvar, NSW. The real property description of the Church is Lot 2, DP1214402. The dwelling house, 'Trinity House,' is identified as 7 Cantwell Road, Lochinvar, NSW. The real property description of 'Trinity House' is Lot 1, DP1214402.

The site is located within the Maitland City Council Local Government Area. The site is zoned R1 General Residential and C3 Environmental Management.

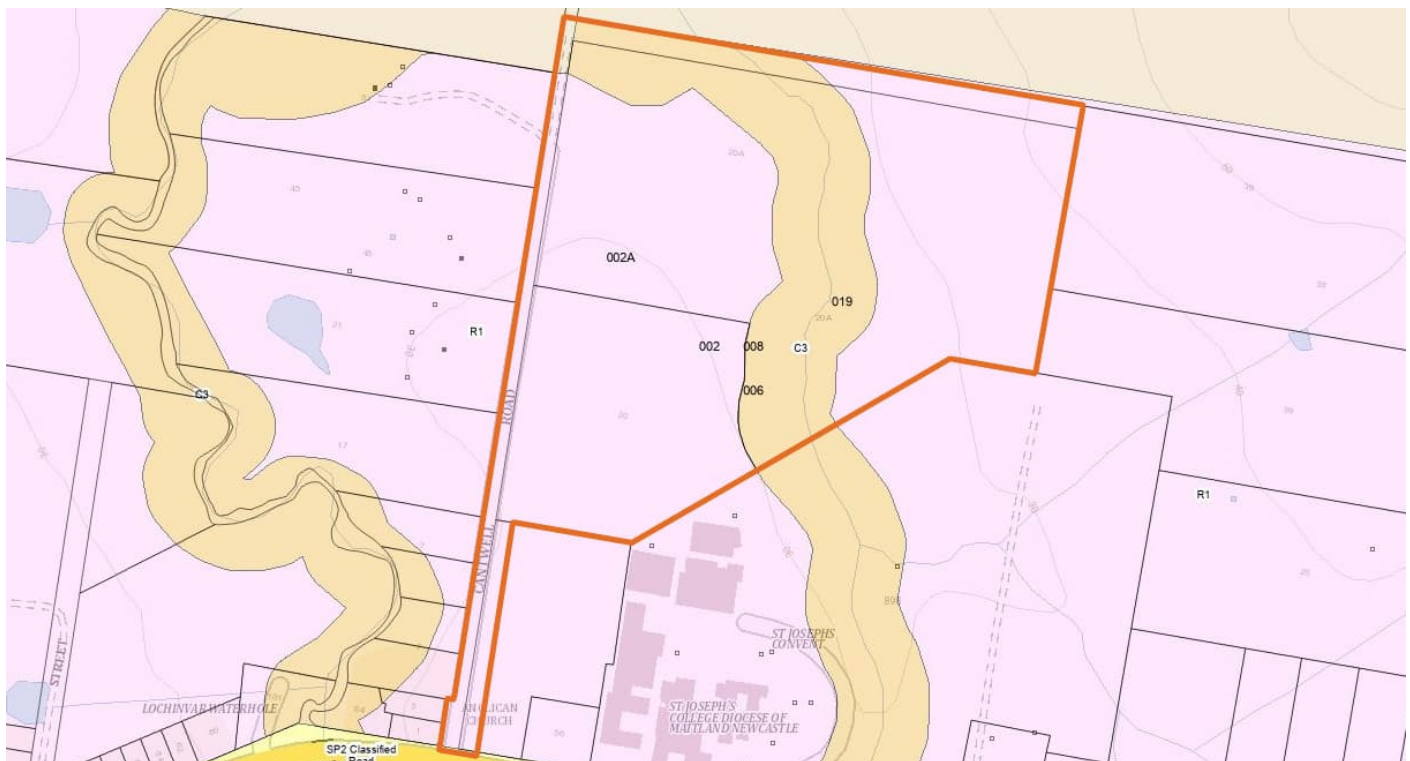


Figure 2. Land Zoning Map. Subject site outlined in orange. Source: Mecone Mosaic.

### 1.1.4 Proposed Works Area



Figure 3. Aerial of subject site and surrounds. Subject site outlined in orange. Source: Nearmap (by license).

## 1.2 SITE SUMMARY HISTORY

### 1.2.1 Documented History

#### 1.2.1.1 Traditional Owners

This section generally references Mary Dallas Consulting Archaeologists' 2010 report: Draft Aboriginal Heritage Assessment and Management Plan – Portions of the Lochinvar Urban Release Area, Lochinvar, Hunter Valley, NSW. The authors of this report are gratefully acknowledged.

The connection of Aboriginal people to the Hunter Region's landscape is well established, with documented evidence of their occupation there extending back for more than 17,000 years.<sup>2</sup> The traditional inhabitants of today's Lochinvar area would likely have been part of the Wonnarua, who as part of their nomadic lifestyle based their wattakaa<sup>3</sup> (campsites) around sources of water such as the present Lochinvar Creek. The landscape would have been significantly more densely forested in the time of the Wonnarua, likely exhibiting eucalypt woodland comprising of species such as Silvertop Stringybark, Yellow Box, and Red Gum.<sup>4</sup> This landscape would have also provided bush tucker sustenance for the Indigenous inhabitants, as well as material for the construction of tools and shelters, and the habitat of animal food sources such as the womboin<sup>5</sup> (kangaroo).

The introduction of European people to the landscape brought varied interactions with Indigenous groups, and these were not always in conflict. A settler's description of his observation of a group of Indigenous people in the 1820's describes how the local inhabitants had some relationship with Surveyor Henry Dangar for example:

"... I accompanied Mr. Dangar about 30 miles up the River Hunter... I saw a good deal of the country, and something of the habits of the wild natives, several of whom we saw perfectly naked, on one of their hunting expeditions, crossing our track, and in the act of forming themselves in a circle round their kangaroo game, They were acquainted with Mr. Dangar, whose duties as a surveyor had led him to pass much of his time in the Bush or Forest. Some civilities passed between them when we separated in pursuit of our respective businesses."<sup>6</sup>

An 1840 painting of Lochinvar house, in close proximity to the subject site, also depicts a genial relationship between Indigenous people and European landholders. The adoption of the Indigenous place name Kaludah for the name of this property by the 1850's also is indicative of harmony between the parties.<sup>7</sup>

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<sup>2</sup> Baker, N. (1994). Moffats Swamp Dune. Final report on archaeological salvage, testing and analysis. As cited in Mary Dallas Consulting Archaeologists. (2010). Draft Aboriginal Heritage Assessment and Management Plan – Portions of the Lochinvar Urban Release Area, Lochinvar, Hunter Valley, NSW.

<sup>3</sup> Miller, J. (1985). Koori: A Will To Win. The Heroic Resistance, Survival & Triumph of Black Australia. London: Angus & Robertson.

<sup>4</sup> Kovac, M. & Lawrie, J.W. (1991). Soil Landscapes of Singleton 1:250,000 Sheet. Sydney: Soil Conservation Service of NSW. As cited in Mary Dallas. (2010).

<sup>5</sup> Miller, J. (1985).

<sup>6</sup> Dawson, R. (1831). The Present State of Australia: A Description of the Country, Its Advantages and Prospects, with Reference to Emigration: and a Particular Account of the Manners, Customs, and the Condition of Its Aboriginal Inhabitants. London: Smith, Elder and Co. p.8.

<sup>7</sup> Wood, L. (Compilation) (N.D.). Lochinvar History Resource Material. Vol. 1-3. Newcastle: Newcastle Region Public Libraries.

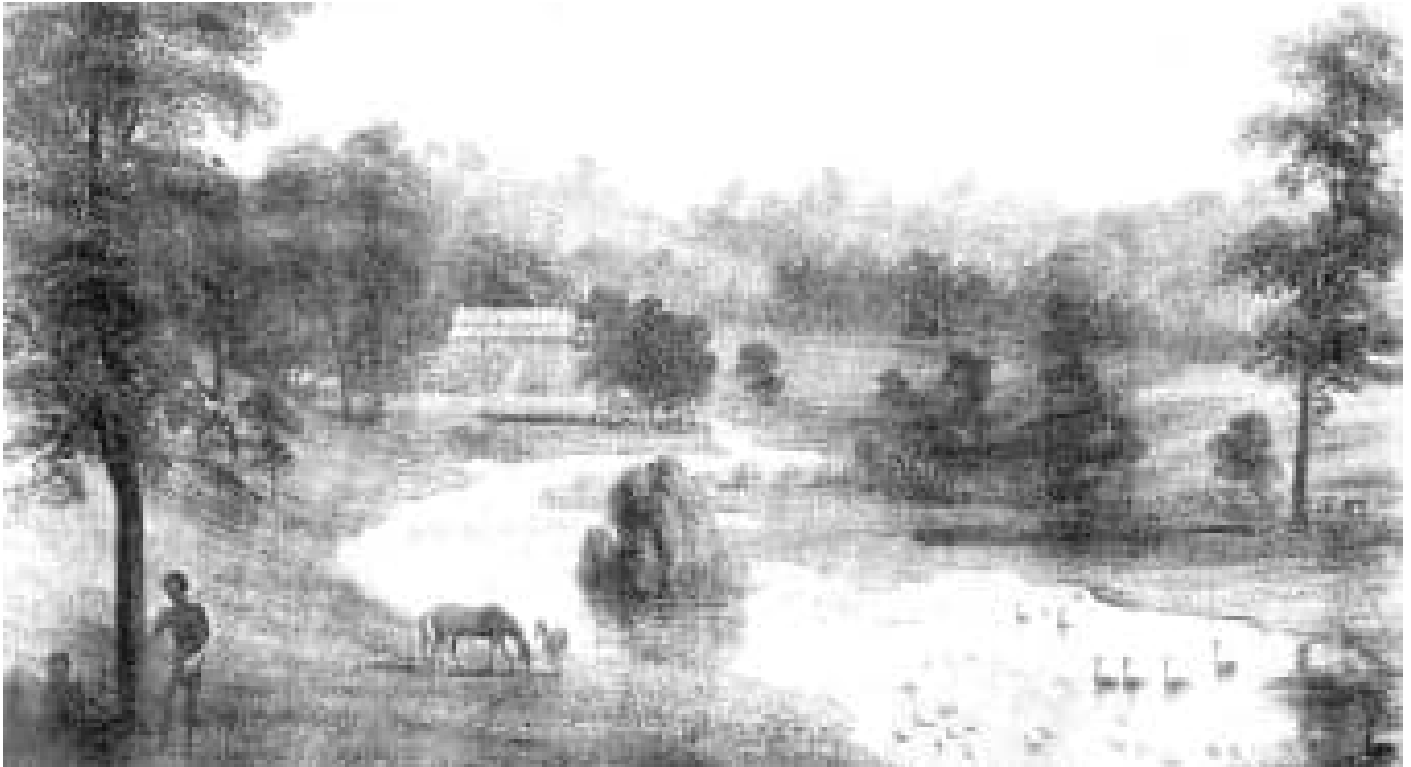


Figure 4. 'Lochinvar, New South Wales, the Residence of James Forbes Beattie Esquire.' 1840. Artist Unknown. Note the apparently peaceful interaction between the Indigenous people and the European estate. Source: Wood, L. Lochinvar History Resource Material.

With increasing European settlement and subsequent dispossession of their hunting grounds and homelands, more violent interactions did occur. In 1826, Lochinvar settler Leslie Duguid claimed that Aboriginal People had "...burnt all the grass on the several farms, killed some men...speared several Cattle, and threatened to destroy the Wheat of the ensuing Harvest".<sup>8</sup>

The impact of introduced European diseases would have by this time begun its destructive impact on Aboriginal populations across the region. By 1911, it is recorded that only 79 Wonnarua people resided in the Singleton area,<sup>9</sup> with the increasing spread of European agriculture and development forcing groups away from the once forested areas of the valley such as Lochinvar.

<sup>8</sup> Wood, L. (2005). Lochinvar: A History of the Township and Local District. Self-Published. p.5. As cited in Mary Dallas. (2010). p.27.

<sup>9</sup> Miller, J. (1985).

### 1.2.1.2 Further Evidence of Aboriginal Ownership

Mary Dallas Consulting Archaeologists' 2010 report Draft Aboriginal Heritage Assessment and Management Plan – Portions of the Lochinvar Urban Release Area, Lochinvar, Hunter Valley, NSW, gives a broad analysis of the archaeological evidence of historic Aboriginal occupation of land in the Lochinvar area.

Field study was made of the property adjacent to the subject sites, at All Saints College, and it was noted that "Four open campsites and one isolated artefact have previously been recorded by archaeological survey and excavation within the study area"<sup>10</sup> (next to the church). It was described that in the Lochinvar area in general, surviving aboriginal archaeological deposits were most likely to be limited to surface and subsurface stone artefacts and evidence of campsites, and that these would generally be concentrated along creek lines. Many of such items and areas were identified in the report around the township of Lochinvar and neighbouring areas.

The report includes the area of the present subject site in its "desktop review" area (i.e. no field study was undertaken), and it was noted that these areas had "...been assessed as retaining archaeological potential and should be the subject of further archaeological assessment inclusive of comprehensive ground survey..."<sup>11</sup>

It is thus shown that there is potential for items of Aboriginal heritage to be located on the subject land, but it is also noted in the report that the likelihood of evidence of Aboriginal deposits does significantly decrease when more than 100m away from permanent water sources, and the majority of this site would be encompassed within this category.

The site as existing today is within the boundaries of the Mindaribba Local Aboriginal Land Council.

### 1.2.1.3 European Settlement

The first recorded example of European exploration in the area was in 1801. In June, a party lead by Colonel William Paterson including Surveyor Francis Barrallier journeyed from Sydney to map the then called 'Coal River' (now Newcastle), including exploration of the Wonnarua country around the Hunter and Williams Rivers, probably reaching as far as Lochinvar/ Branxton.<sup>12</sup> Barrallier returned in November of that year with surveyor Charles Grimes and travelled this time up then called 'New River'<sup>13</sup> (now Paterson River), to within a few kilometres of the present day village of Vacy. Barrallier produced the earliest known sketch map of the region the following year (see Figure 5).

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<sup>10</sup> Mary Dallas. (2010). p.60.

<sup>11</sup> Mary Dallas. (2010). p.88.

<sup>12</sup> Miller, J. (1985). In: Mary Dallas. (2010)

<sup>13</sup> Boyle, H. (N.D.). A Synopsis of the History of the Paterson River Valley. Newcastle Region Public Libraries.



Figure 5. Barrallier's 1802 Map of his explorations of the Hunter, Williams and Patterson Rivers. The rough area of the subject site is circled in red. North is to the right of the page. Sketch of the Discoveries Made in the Interior of NSW in 1802 together with the Survey of Coal Harbour in 1801 by Ensign F. Barrallier of the NSW Corps. Kew: The National Archives (UK).

Further surveying work was made of the area in the late 1810's and early 1820's. Free settlement of the area had previously been constrained because of the operation of the penal settlement in Newcastle. With the movement of punitive operations to Port Macquarie and the opening of Newcastle port to free trade in 1822, the Hunter Valley was suddenly available for wider scale European settlement.

#### 1.2.1.4 Colonial Land Grants

The first known<sup>14</sup> European settlements in the area were established in the early 1820's by merchant/trader Thomas White Melville Winder, and businessman Leslie Duguid. Duguid's grant extended west from today's Station Lane and Cantwell Road (adjacent to the subject site). Duguid named the area Lochinvar.<sup>15</sup>

Thomas Winder took possession of land to the east of today's Cantwell Road progressively, forming a large estate that became known generally as Windermere; this property encompassed the lands of today's subject site. On 31 October 1821, Winder was granted 760 acres of land on the Hunter River from Governor Brisbane, originally to be called "St Ives", along with seven transported convicts to work the property.<sup>16</sup> By 1831 Winder had accumulated another 2600 acres alongside this through subsequent purchases and acquisitions. In 1835 Winder added another 1400 acres to his property, to be known as "Windella

<sup>14</sup> An unreferenced source in Wood, L. (2005). Lochinvar History Resource Material suggests that the first land grants in Lochinvar commenced in 1818, but no more detail could be found as such.

<sup>15</sup> Mitchell, C.J. (1984). Hunter's River. Sydney: John Ferguson Pty Ltd.

<sup>16</sup> Wood, L. (Compilation) (N.D.). Lochinvar History Resource Material. Volume 1, Section 1, Early Landholders: 3 – Thomas Winder. Newcastle: Newcastle Region Public Libraries.

Downs” – the subject site is within this portion.<sup>17</sup> In his properties around the Lochinvar area Winder established a 30-acre vineyard, one of the earliest in the Hunter Valley, and also a boiling down works in partnership with Charles Nott and W.C Wentworth. It is known that he also grew wheat on the plains around Lochinvar Creek<sup>18</sup> and raised some dairy cattle.<sup>19</sup> Winder made some property dealings with Wentworth on his estates in the area, though sources disagree as to whether a sale or lease of the Windermere estate to Wentworth in 1835 actually went through.<sup>20</sup> In 1851, Winder moved away from the area, and advertised his properties in the area for sale.

Duguid had previously subdivided and sold his estate in 1840, and the township of Lochinvar itself had begun to form within these new lots around the newly formed highway.<sup>21</sup> The agricultural economy of the area continued to grow, with the farming of cattle, sheep, maize, barely, oats and potatoes as well as the beginnings of viticulture forming the primary industry of the area.<sup>22</sup> By the 1850's, the township of Lochinvar was well established, and contained several hotels, a store, a post office, and due to the grace of Winder, also its first church.

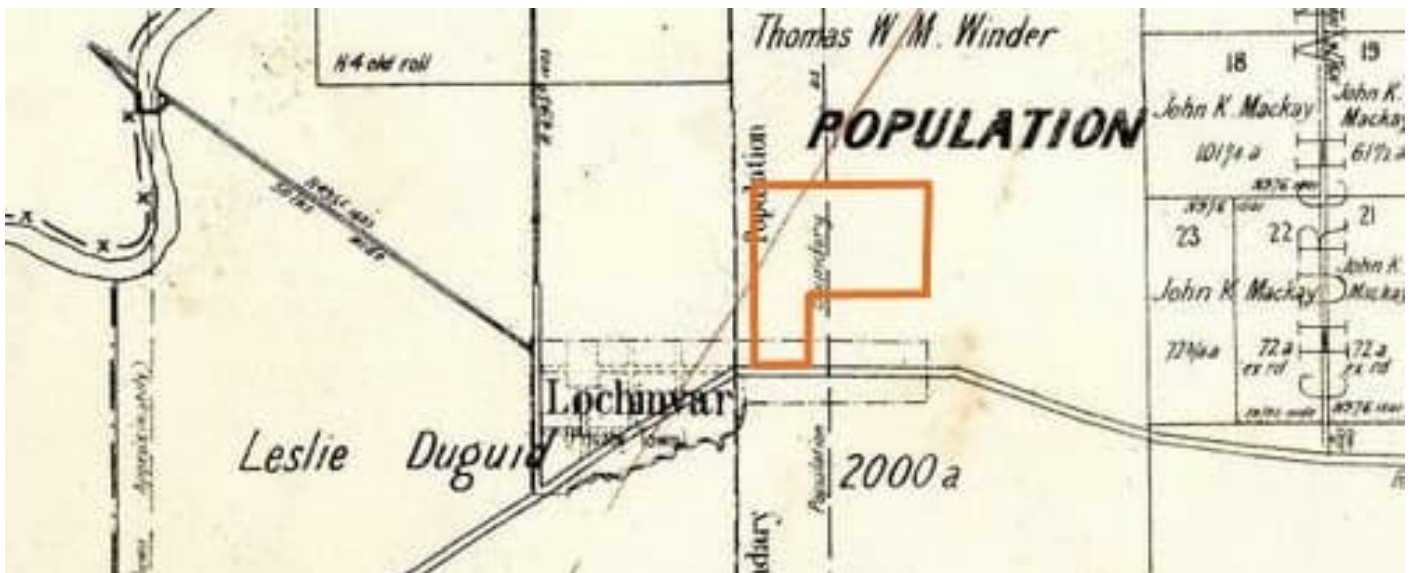


Figure 6. Extract from Gosford Parish Map 1885. The boundaries of the early properties of Winder and Duguid are shown. The subject site is indicated in orange. Source: NSW Land & Property Information: Historical Lands Records Viewer.

<sup>17</sup> Mitchell, C.J. (1984). And Roberts, J.H. (1989). Lochinvar – A Parish History: Holy Trinity Lochinvar – Celebrating the Centenary 1890 – 1990. Newcastle: Diocese of Newcastle

<sup>18</sup> Mary Dallas. (2010).

<sup>19</sup> Wood, L. (N.D.).

<sup>20</sup> See for example: Mitchell, C.J. (1984). And Guildford, E. (1967). Winder, Thomas White Melville (1789 – 1853). Melbourne University Press.

<sup>21</sup> Mary Dallas. (2010).

<sup>22</sup> Wood, L. (2005). In: Mary Dallas. (2010).

1.2.1.5 1851 – First Subdivision<sup>23</sup>

At the time of the subdivision and sale of his properties in 1851, Winder wanted to allow land for a church, and on the 22<sup>nd</sup> of December sold 4 acres of land, Lots 2 and 3 of his Windella Downs Subdivision, to the Church Property Trust of the Church of England for the modest price of 10 shillings. The approximate boundary of this first property is outlined in Figure 8 below.

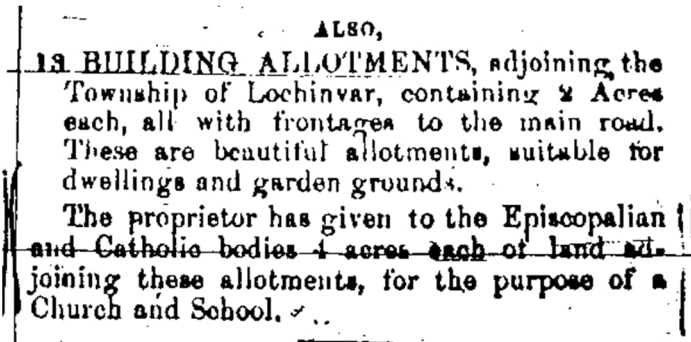


Figure 7. The Maitland Mercury 14 June 1851 advertising the gift of land from Winder to the Church (and also to the Catholic Church, presumably that opposite to the subject site today across the New England Highway).

It is recorded that in 1853, Lots 1 and 4 of the Same subdivision were owned by Irish settler Thomas Hickey, the Lochinvar poundkeeper. The pound itself was directly on the eastern border of the parsonage in Lot 4. Thomas died in 1860, but the pound was operated by his widow Mary Hickey until her retirement in 1864. Thomas' will noted that Lot 1, the site of today's church, had houses built on it. This likely included the Hickey family home, named "Church Hill," where Mary lived until her death in 1873.<sup>24</sup>

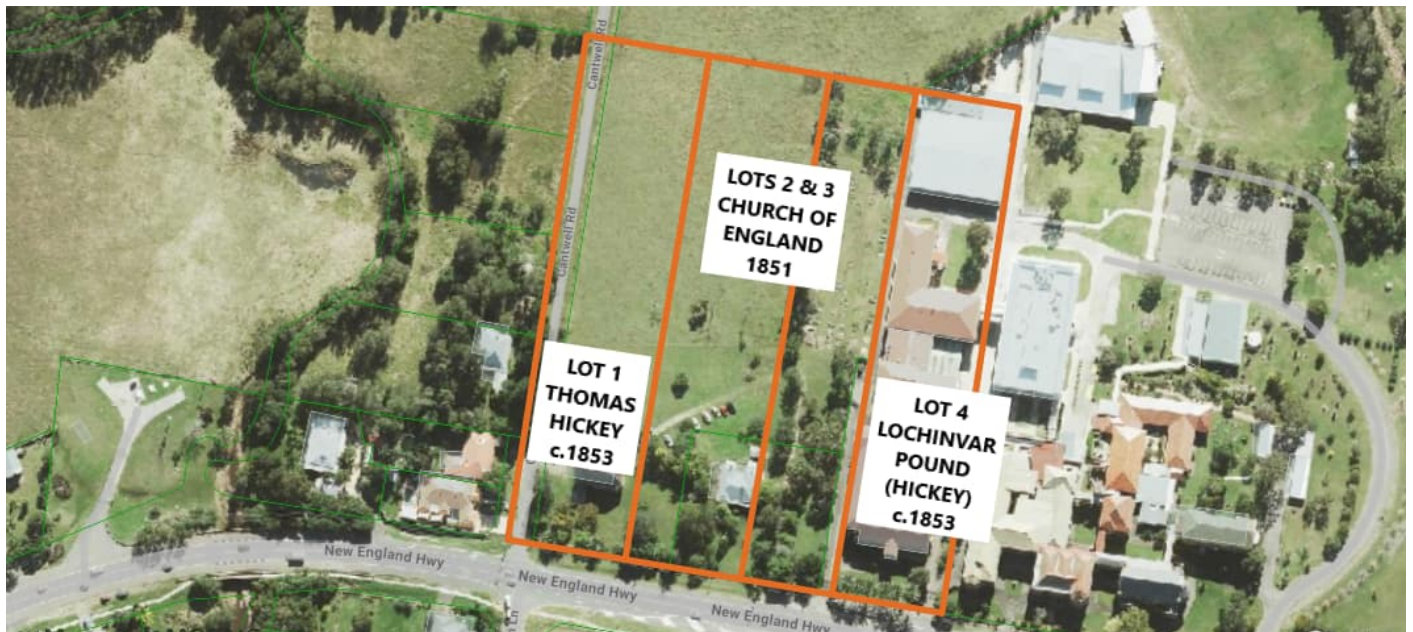


Figure 8. Indicative outline of first Church property, 1851, and ownership of surrounding properties c.1853.

<sup>23</sup> Unless otherwise noted information here is generally referenced from Roberts, J.H. (1989).

<sup>24</sup> Thomas, A. & Thomas L. (2012). Poundkeeping in Early Lochinvar. In Maitland and District Historical Society Inc. (2012). Bulletin of Maitland and District Historical Society Inc. Volume 19, Number 3, August 2012.

1.2.1.6 The First Lochinvar Holy Trinity Church

In 1848, William Tyrell had become the first Anglican Bishop of Newcastle, and he put forward the policy of building only small wooden churches in regional missions until the investment in the district of a stone or brick building was shown to be worthwhile. The agricultural district around Lochinvar was not all together prosperous in the mid-19<sup>th</sup> century due to climatic hardships, and the charity needed to construct a considerable church was not readily available. Grants for the construction of a church building on the site were slowly collected through the early 1850's and around £270 pounds was available by 1855. A small timber clad church was constructed in the same year, with space left for a parsonage building and burial ground. The building was described to be lined with calico, and generally in a "primitive" condition.<sup>25</sup>

The parish of Lochinvar was first under the charge of the Reverend Arthur Wayne in 1854, then the Reverend Arthur gamble until 1855, and thence the Reverend Lovick Tyrell (the nephew of Bishop Tyrell).<sup>26</sup>

A comfortable brick parsonage was next constructed on the site between 1857 and 1858.<sup>27</sup> The builder was reportedly John King, the brick layer J.S. Brown, and the brick maker a Mr. Howard. The parsonage was first occupied by the incumbent Reverend Tyrell from 1858 to 1863, then by the Reverend Alfred Glennie until 1870.



Figure 9. Holy Trinity Church, 1851. Peter Capp in Roberts J.H. (1989). Lochinvar – A Parish History



Figure 10. The Reverend Lovick Tyrell. Roberts J.H. (1989). Lochinvar – A Parish History

<sup>25</sup> The Reverend Lovick Tyrell quoted in: The Maitland Mercury and Hunter River General Advertiser, 4 December 1890.  
<sup>26</sup> Thomas, A. & Thomas L. (2012). The Reverend Lovick Tyrell. In: Maitland and District Historical Society Inc. (2012). Bulletin of Maitland and District Historical Society Inc. Volume 19, Number 4, November 2012.  
<sup>27</sup> Ibid.

1.2.1.7 Expansion of the Lochinvar Church Land<sup>28</sup>

On 11<sup>th</sup> February 1886, the property of the Holy Trinity Church was expanded significantly with the purchase of 46 acres of land adjacent for use as the clergyman’s glebe land. Lots 30 to 38 of Winder’s original Windella Downs subdivision were purchased by the Trustees of the Church of England Property Trust from Walter Henry Hungerford, Jane Wilkinson, John Alfred Wilkinson and Thomas Onus, for the sum of £230-9-4. One source that on 11<sup>th</sup> March 1889, Lot 1 of the subdivision was also purchased for £60,<sup>29</sup> although another source claims that this land was a gift from the owners.<sup>30</sup> The owners of this site included Stephen James Hickey (assumed to be a son of Thomas and Mary Hickey), Ann Veronica Moy and Joseph Moy. Regardless of the financial circumstances, this new land was noted to have been acquired in preparation for the construction of a new church building.



Figure 11. Lots 30-38 were purchased by the church to form the rector’s glebe land in 1886, and Lot 1 was acquired in 1889, in preparation for the construction of a new church. Boundaries shown in orange are indicative only. Source: Nearmap (by license).

<sup>28</sup> Unless otherwise noted information here is generally referenced from Roberts, J.H. (1989).

<sup>29</sup> Roberts, J.H. 1989.

<sup>30</sup> The Maitland Mercury and Hunter River General Advertiser, 2 June 1891.



1.2.1.8 Construction of the New Church<sup>31</sup>

Construction of the new brick church to replace the aging timber structure began in 1889 on Lot 1 of the property. The foundation stone was laid Tuesday 4<sup>th</sup> December, as advertised in the Maitland Mercury:



Figure 13. The Maitland Mercury and Hunter River General Advertiser, 4 December 1890.

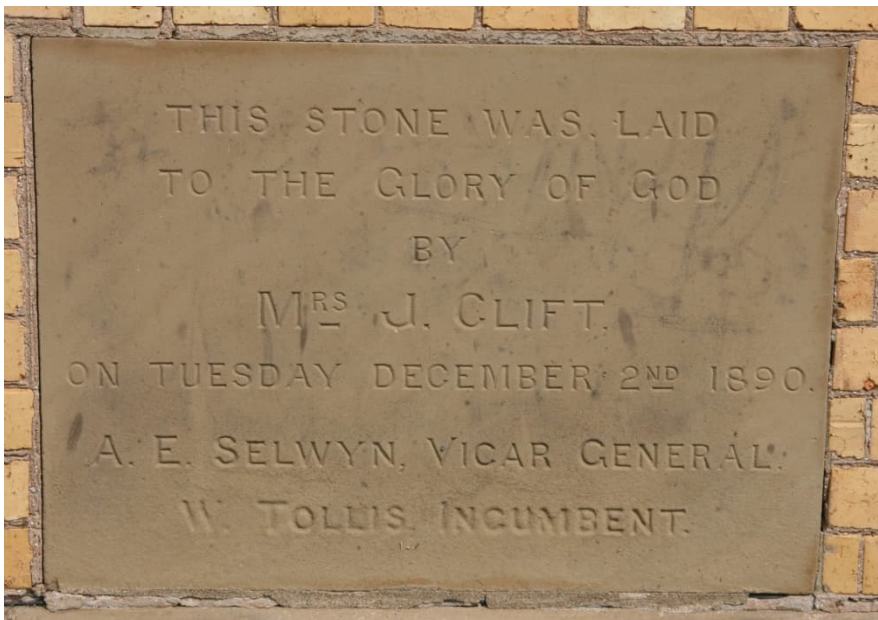


Figure 14. The foundation stone, extant today.

<sup>31</sup> Unless otherwise noted information here is generally referenced from Roberts, J.H. (1989).

On the 4<sup>th</sup> December a lengthy article appeared in the same paper, giving a detailed description of the proceedings:

"Holy Trinity Church, Lochinvar  
LAYING THE MEMORIAL STONE.

The people belonging to the Church of England at Lochinvar have for some years worshipped in a wooden building, which has served its time and is now becoming very dilapidated. Soon after the advent of the new incumbent, the Rev. W. Tollis efforts were made towards erecting a new and more suitable building-one more in keeping with the township, the purpose for which it is to be used, and the comfort of worshippers. The work of supplying a design was entrusted to Messrs. Lee and Scobie, of West Maitland, and they have supplied a neat and attractive building that will be when finished an ornament to the place. The people seized with the work of erection have adopted the principle of proceeding as funds are available. The foundations are already in, and are surmounted with a base course of stone just completed, the contractor for which was Mr. R. Dumbrell, of West Maitland.

The plan shows a neat and handsome building, built of brick on a stone base course set on a concrete foundation. The church will be built east and west, the porch and door facing the main road. It will be 56 feet long and 23 feet 6 inches wide, inside measurement. The walls will be 16 feet to the wall plate and the total height to ridge 34 feet, while at the western end will be a bell turret rising 18 feet higher. The eastern end is finished with a three-sided apse which will form the chancel, the depth of which will be 12 feet 6 inches. The walls are to be erected of yellow wire cut bricks, with dressings of red bricks, which will beautify the outside and also make unnecessary the work of colouring the walls inside. The window sills and buttress weatherings will be of stone. On the north side of the eastern end of the nave is an organ chamber, communicating with the church by an arched opening. This chamber is 14 feet 6 inches by 10ft. 6in., and adjoining this is a vestry 9ft. by 14ft., the wall of which terminates in an apse as the main building. On the south-west corner of the nave a porch 6ft. 6in. by 7ft. 6in. gives access to the church. There is a gable roof to the perch finished in front with carved bargeboards and finial. The west end of the building terminates in a gable, also ornamented with bargeboards and surmounted with a bell turret. All the windows are lancet shaped, and comprise three on each side, a pair in each face of the apse, and a pair in the western end, surmounted by a circular one. Ventilation is also amply provided for both in the apse and west gable. The roof is an open timbered principal one, and will be lined inside with diagonal boards, all to be varnished, and to be covered with red wood shingles. When funds are available it is intended that the porch, aisles, and chancel shall be tiled. The church is to seat about 225 persons.

...

The stone is laid on the base course at the end of the apse. It bears the following inscription: "This stone was laid to the glory of God by Mrs. J. Clift, on Tuesday, December 2nd, 1890. A. E. Selwyn, Vicar General. W. Tollis, Incumbent. "The stone having been prepared, Mrs. Clift was handed a handsome silver trowel and a small mallet, and having smoothed the mortar and tapped the stone after it was properly lowered, she said, " I declare this 'stone well and truly laid." The trowel was of silver with bone handle, and had inscribed on it "Presented to Mrs. J. Clift on the occasion of laying the foundation stone of Holy Trinity Church, Lochinvar, December 2nd, 1890.

... "32

<sup>32</sup> The Maitland Mercury and Hunter River General Advertiser, 4 December 1890. p3.

The Maitland Mercury followed the progress of the construction of the church, noting in 1892 that "A new church at Lochinvar is rapidly approaching completion under the energetic efforts of the Rev. W. Tollis..."<sup>33</sup> The building was completed and paid for in 1893, and the church consecrated by Bishop Stanton on April 28<sup>th</sup>. The previous timber building was noted to be still standing at this time. Another detailed account of the proceedings was given in the local paper, and this included a description of the finished building:

"The building consists of a nave 41ft. long by 23ft. 6in. wide with a chancel 12ft. 6in. deep, having an apsidal termination. On the north east corner are placed the organ chamber and vestry, respectively 14ft. 6in. x 10ft. and 14ft. 6in. x »ft., also with an apsidal finish, and with an arched opening from the former into the nave. At the south-west corner is placed the porch, 8ft. 6in. x 7ft. The base course through-out is in stone, hammer-dressed in coursed work, with all sills and buttress weatherings in chiselled work. The walls inside and out are built with wire-cut yellow bricks, with red brick dressings, strings, etc., having moulded and chamfered red bricks to all arched openings. The walls are finished with a corbel table, in which pressed brick with tooth ornament is introduced. The style used is of the Lancet period. The apse is lighted by three two light openings, the nave with five single ditto and by large two light openings, with a bull's eye over in the west end, over which comes a three-light louvred opening, the head of which is the top stone. The roof is open timbered, covered with boarding and Bangor slates, and is surmounted with a picturesque octagonal bell turret, louvred, the apses having above them ornamental finials and ventilators. The chancel is tiled, and the windows are filled with tinted cathedral glass. The windows in the chancel are all memorial, and are OB the way from England, white glass being placed temporarily in the openings. The donors are Mr. S. Clift, junior, one; Mrs. Tollis, one; Mrs. S. Capp, one; Messrs. Doyle Brothers, two. A handsome painted reredos, the gift of Messrs. Doyle Brothers adorns the chancel, but is rather out of sight, and might with advantage be lifted. Two handsomely carved oak chairs are in the chancel, Miss Winder's gift; the lectern, also of carved oak, is the donation of Mr. Walter Green. The following are other gifts: S. and M. Tuckey, kneeling stools; Messrs. Wolfe, Gorrick, and Co., brass book desks; a Sydney lady, vases; Mrs. Joseph Clift, a carpet and kneeling cushions; Mrs. M. Capp, cloth for holy table; Dr. Walker, prayer book; Mrs. Walker, communion service book; Messrs. Capper and Sons, brass rod for organ chamber; Mr. James Kerr, blue cashmere curtain; Messrs. D. Cohen and Co., oil cloth for aisles; the Sunday School and Messrs. Brackley Brothers, stone font; the Rev. W. H. H. Yarrington and Mr. John Rourke, tiling for entrance to chancel; the Diocesan Book Depot, bible for lectern, Mr. E. King gave a gate for the main entrance, and Mr. Brown a gate for the side entrance. The ground on which the church is built is the gift of Mr. Joseph Clift, but £5 was contributed by Mr. Brown for the same purpose. We understand that while the parishioners generally have given freely according to their means, Mr. J. Clift and Mr. Jas. Doyle have borne the chief cost of the new church, say between £1500 and £1800 altogether. The seating of Kauri pine, is the work of Messrs. Norman and Sons of West Maitland, and all other internal woodwork mentioned among the gifts, was theirs also. Mr. Jas. Richardson executed the brick work and Mr. Noad of East Maitland the roof, these having been separate contracts, undertaken as the means of the building committee enabled them to proceed. Mr. A. C. Lee was the architect, and received on Thursday encomium on every hand for having designed a building comely within and without. One special feature of the edifice is the finish of every part; there is nothing commonplace or shabby; the ornamentation is as elaborate as the means at the disposal of the architect would allow; and the workmanship throughout is as praiseworthy as the design. Holy Trinity new church is a pretty addition to the Lochinvar landscape, and will win the admiration of all who traverse the Great Northern

<sup>33</sup> The Maitland Mercury and Hunter River General Advertiser, 2 June 1892. p6.

road. The chief stone was laid by Dean Selwyn, then Administrator of, the diocese, on December 2, 1890, and the Bishop laid the top stone on May 29, 1891. The church will seat about 185 people."<sup>34</sup>

It appears that media sources did not seem to agree on the capacity of the church itself:

"The consecration of the new Church of England, "Holy Trinity," Lochinvar, took place on April 27, the Bishop of Newcastle performing the ceremony, assisted by other clergymen who we represent. The Bishop also preached ' an appropriate sermon, and selections of sacred music were rendered by the choir. The church is well built of brick and will accommodate about 300 people."<sup>35</sup>

The memorial windows noted to have been awaiting delivery at the building's opening were installed in 1893:

"The Bishop of Newcastle recently dedicated six windows in the new church at Lochinvar, erected to the memory of. William Clift, Stanley Tollis, John Doyle, Ellen Doyle, Charles Capp, and Mary Brown."<sup>36</sup>

In 1896, the Reverend W. Tollis announced that a special effort should be made to remove the remaining debt from the Church, that being £180.<sup>37</sup> Later articles describe how the church had been built entirely without debt until the contract was awarded for the construction of the roof, when the rector elected to borrow £200 in order to finish the enclosure before "adverse seasons set in."<sup>38</sup>

#### 1.2.1.9 The Parsonage/Trinity House

At the same time as the construction of the new church, architects Lee and Scobie advertised a tender for alterations and additions to the 'Trinity Parsonage, Lochinvar,'<sup>39</sup> although it is not known if any work then took place. In 1904, there are references in local papers to fundraising events in aid of the repairs to the Church's existing rectory,<sup>40</sup> but in 1905 it seems that hope for repair of the existing building was abandoned and the construction of an entirely new building was desired.<sup>41</sup> Later articles declared that "the effects of the weather had rendered the erection of a new building necessary."<sup>42</sup>

The onset of WWI no doubt interrupted the proceedings, and the construction of a new rectory building was stalled until 1919, with the foundation stone laid 31 October by Miss Louisa Doyle of Kaludah.<sup>43</sup> The plans for the new brick dwelling, located on the site of the previous one, were prepared by Mrs. Milton Capp, and the building contractor was Mr. H.P. Conolly of Stockton.<sup>44</sup> The cost of the dwelling was £1725.<sup>45</sup>

<sup>34</sup> The Maitland Mercury and Hunter River General Advertiser, 29 April 1893. p4.

<sup>35</sup> Australian Town and Country Journal, 6 May 1893. p10.

<sup>36</sup> Newcastle Morning Herald and Miners' Advocate, 21 August 1893. p4.

<sup>37</sup> The Maitland Weekly Mercury, 24 October 1896.

<sup>38</sup> The Maitland Weekly Mercury, 24 December 1898. p5.

<sup>39</sup> The Maitland Mercury and Hunter River General Advertiser, 25 August 1888. p3.

<sup>40</sup> For example: The Maitland Weekly Mercury: 16 April 1904, 16 July 1904.

<sup>41</sup> The Maitland Weekly Mercury, 9 September 1905.

<sup>42</sup> The Maitland Daily Mercury, 1 November 1919. p6.

<sup>43</sup> The Maitland Daily Mercury, 3 November 1919.

<sup>44</sup> The Maitland Daily Mercury, 1 November 1919.

<sup>45</sup> Roberts, J.H. (1989).

This building is today known as Trinity House, and is present on the east side of the subject site. The building was rented privately for a time after 1960, then used as a church centre and youth club, and today is vacant and somewhat run-down.

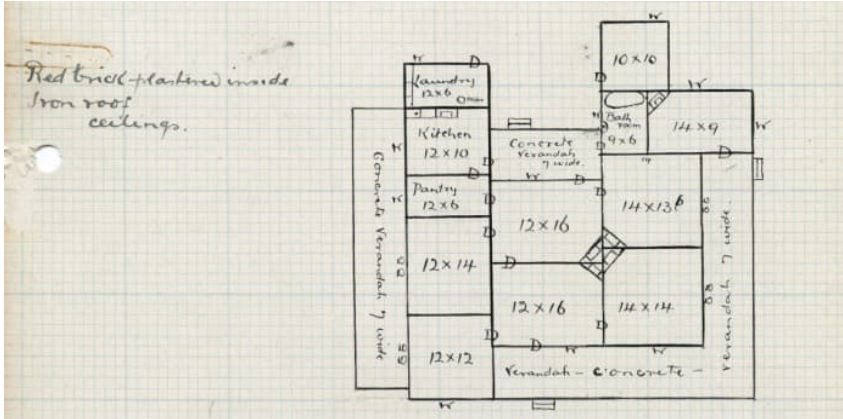


Figure 15. Plan of the Rectory at Lochinvar, text reads: "The Rectory – Lochinvar, parish of Lochinvar, erected 1919, Red brick, plastered walls inside, iron roof, ceilings, over 40ft from any building." Source: University of Newcastle Special Collections.

#### 1.2.1.10 The Burial Ground

The area of the cemetery at the rear of lots 2&3 north of Holy Trinity Church and Trinity House was part of the original 1851 land acquisition, and as noted previously a site was allocated for a burial ground with the 1855 construction of the first timber church. The earliest burials noted on headstones within the cemetery today are from 1855,<sup>46</sup> with burials then continuing to the recent years. The headstones and monuments of the site are generally in very good condition, although as expected the older sandstone headstones show signs of weathering. It is described in A Parish History that there have been many more burials in the cemetery than there are memorial stones present.

#### 1.2.1.11 The Church in Recent Years

J.H. Robert's "Lochinvar – A Parish History," gives a good summary of the building condition and grounds in 1990:

"Holy Trinity stands today much as it was when first built, in good order, well looked after and much loved by its minders. The memorial windows have been vandal-proofed and a wrought iron gate erected on the porch to protect those windows also.

The choir seats were removed and rearranged in 1968. In 1969 Mr Allen made a prayer desk and table from one of the original chairs and built a cupboard for storing hymn and prayer books. Four seats (sic) of veils and buses were donated in 1962. A path from the front gate was gavelled (sic) in March 1968 while the proceeds from the sale of the Gosforth Church were used to repair the roof in May 1968. In September, 1969 the Convent paid half the cost of a fence between the two properties. The Roman Catholic Church has made several offers to buy the Glebe land over the years but it has remained a source of income from agistment, although there have been suggestions of growing pine forests, peas and even a retirement village. A new organ was purchased for \$1,300 in 1977.

The old paling fence has long ago been replaced by a brick and pipe fence with memorial gates and posts. The entrance has been relocated to Cantwell Lane in recent years owing to the increased traffic on the highway. A rose garden in memory of past worshippers was planted in August 1988. Stone seats to be dedicated to the

<sup>46</sup> Olsen, P. (N.D.) Australian Cemeteries Index - Lochinvar Anglican Cemetery.

Memory of Harry Atkins are to be erected near the rose garden, a grove of trees near the cemetery was dedicated to the memory of Jim Roberts in 1989."<sup>47</sup>



Figure 16. Holy Trinity Church in 1914. Author unknown. Hunter Living Histories.



Figure 17. Holy Trinity Church in 1950. In Wood, L. (N.D.). Lochinvar History Resource Material – Volume 3, Section 1, 3 – Holy Trinity Anglican Church. Newcastle Region Public Library

<sup>47</sup> Roberts, J.H. (1989). p16.

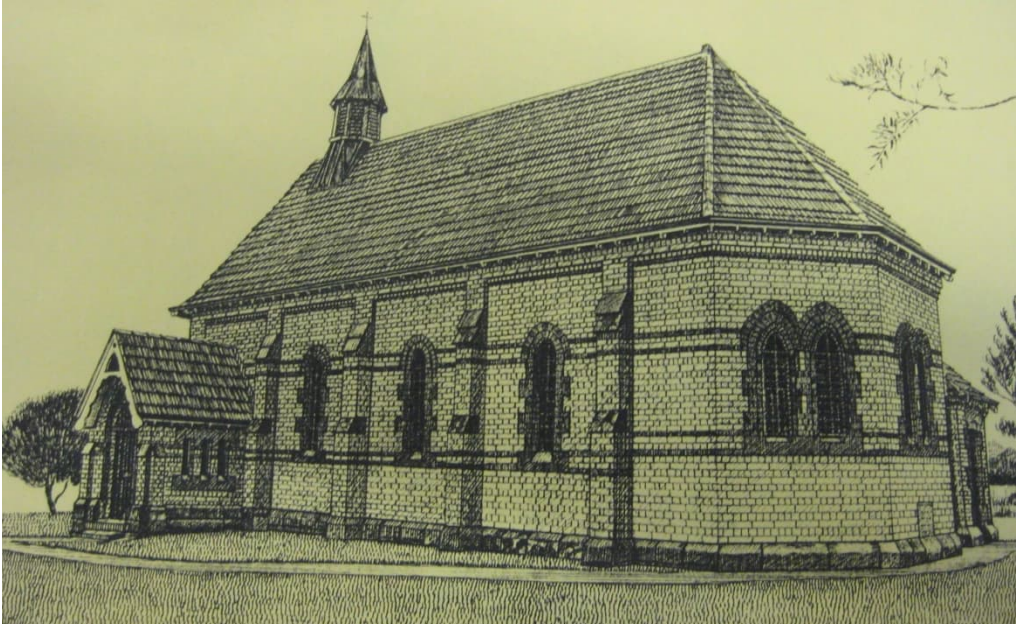


Figure 18. Sketch of Holy Trinity Church in 2000. In Wood, L. (N.D.). Lochinvar History Resource Material – Volume 3, Section 1, 3 – Holy Trinity Anglican Church. Newcastle Region Public Library

The following figures show the changes in the built form of Lochinvar between 1950 and 1975. It is apparent that little natural vegetation existed on the sites at this time. It is noted in A Parish History (in 1989) that the many trees planted on the site were the result of the "Arbor Days" of Rector C.E. Hampson, incumbent from 1977 to 1982.<sup>48</sup>



Figure 19. Aerial Photograph. NSW Department of Lands Singleton Area Runs 19/11/52 Frame 5041, in Mary Dallas. (2010).



Figure 20. 1975 Aerial Photograph. NSW Department of Lands. Accessed via University of Newcastle Special Collections

<sup>48</sup> Roberts, J.H. (1989).



Figure 21. 2010 Aerial Photograph. Nearmap (by license)



Figure 22. 2024 Aerial Photograph. Nearmap (by license)

### 1.2.1.12 Victoria House (Nowlands Lochinvar Coach House and Setting)

The following historical information about Victoria House has been extracted from the NSW Heritage Inventory, for the listing 'Nowland's Lochinvar Coach House and Setting':

"Leslie Duguid, a Scot from Aberdeen, received a land grant of some 2000 acres in the Hunter Valley in 1822. This included the area, which would later be named "Lochinvar." Convicts were assigned to work the land in return for him providing them with food, clothing and housing. Duguid spent most of his life in Sydney, but made some capital improvements to his Lochinvar Estate. One of the improvements included "Lochinvar House," (not to be confused with Nowlands Lochinvar Coach House). In 1839, Duguid initiated procedures to sell his Lochinvar grant. In July 1840, Henry Nowland, a wheel-right, coach builder and publican from Wilberforce, purchased eleven of these lots (Lots 59-69) totalling approximately 48 acres. He onsold some of these lots, but kept some of them, one of the lots on which he constructed the Nowlands Lochinvar Coach House. Henry Nowland made his name and fortune from his regional coach network, from his Royal mail, hotels and other government contracts. He built a number of inns in the region, including Nowlands Halfway House (aka Chain of Ponds) and "The Royal," in Muswellbrook. He expanded his coach and mail network include all the overland mail contracts from Morpeth to Moreton Bay. The Nowlands Lochinvar Coach House was therefore a significant stop along this important colonial trade, transportation and communication route between the developed areas in Newcastle, Maitland and the developing inland settlements and townships. The house was used as a coaching station for approximately 16 years, after which the rail network was established in the area, modernising transport.

There were many sly grog premises operating around Lochinvar. However, John Keys, an ex-convict from Ireland, received a pardon and was eventually able to obtain a publican's licence in 1850, which he operated out of the Nowlands Lochinvar Coach House until 1852. The Nowlands Lochinvar Coach House was then re-named to Cross-Keys Hotel.

Johannes Wenz, was one of the first German vinedressers that was brought out to Australia to assist in improving the quality of local wine production. They brought with them several grape varieties, including Riesling from the Rhinegau region. The vinedressers and their families were required to work to contracts of up to six years. Following the conclusion of this contract in 1843, Johannes Wenz moved his family to Lochinvar, where he assisted in the establishment of a vineyard consisting of German and French grape varieties at the nearby Lochinvar Estate. Johannes Wenz applied for the transfer of the Cross Keys licence from John Keys, but was unsuccessful. After he died, his wife Juliana managed to obtain the licence before eventually transferring it to her son in law, who operated it until 1858. After this period, the house was exclusively used as a residence. The current owners, Lisa and Allan Thomas have owned the property for John Sanger Brown, a builder who built many significant local buildings in Lochinvar, purchased the Cross Keys as a home for his family in 1858 and re-named it "Holbeach," after moving from his home in Lincolnshire, England. He and members of his family, are buried in the Lochinvar Anglican Cemetery, not far from Holbeach. After John Sanger Brown's death in 1894, Holbeach was inherited by his son, after which several owners have owned the property as a residence until the present date."<sup>49</sup>

<sup>49</sup> NSW Heritage, Item Details - Nowlands Lochinvar Coach House and Setting, p.2.

## 1.2.2 Previous Physical Changes

- 1851-3 Allotments acquired for the church and surrounding properties
- 1886-9 Allotments acquired for the clergyman's glebe land
- 1889-93 Current Holy Trinity Church erected and opened
- 1928 Memorial Gates erected on New England Highway side.
- C1945 Flagpole erected at Trinity House
- 1968 Choir seats removed and rearranged
- 1968 Roof repairs
- 1969 New fence between convent and church property
- 1977 New organ purchased
- C1980 Old paling fence replaced by brick and pipe rail fence
- C1988 Entry moved from New England Highway to Cantwell Rd because of the highway works
- 1988 Rose Garden planted near burial grounds
- 1989 Grove of trees near burial ground dedicated to Jim Roberts
- 2014 Boundary adjustment between existing Lots 1 & 2; DP1102770
- c2016 New signage board installed near the New England Highway. Former signage which was partly attached to the fence was removed.
- 2022 Catholic Diocese purchase allotments of glebe land for new subdivision
- 2025 EXP Cantwell Pty Ltd purchased the allotments to complete the subdivision project

## 1.2.3 Physical Analysis

### 1.2.3.1 Site

The site of the proposed residential subdivision is open paddock set well back from the north side of the New England Highway. The land slopes gently to the north and to the centre of the site where the watercourse and its riparian zone traverse the site. The site is generally free of tree coverage except at the watercourse, otherwise the ground surface is fallow or for grazing. It has existed as open paddock space since 1886 when it was assigned as the clergyman's glebe land. Current fencing to the paddocks is a combination of wire on timber posts and star pickets, or post-and-rail rural fencing.

As soon as one enters Cantwell Road, which leads to the site of the proposed residential subdivision, it is noticeable how narrow the carriageway is. Cantwell Road's surface is sealed for the first 50 metres and has concrete kerb and gutter for only the first 15 metres on the west side. (Approximately 7 metres on the east side). Beyond these limits, Cantwell Road is an unsealed single width carriageway which runs off into grass verges and rural fencing to both east and west sides. Cantwell Road terminates approximately 300 metres north of its New England Highway intersection at a fenceline. Power poles with overhead wiring and street lighting occur along the east side of the road.

The east side of Cantwell Road is the subject site described above and the Holy Trinity Anglican Church described below. Travelling north along the west side of Cantwell road are two residential properties adjacent to the New England Highway, Victoria House (Nowlands Lochinvar Coach House) described below and then three rural residential properties.



Figure 23: Looking north across the site of the proposed subdivision from near the rear boundary of the church.



Figure 24: Looking north along Cantwell Road from near the side gates to the church.



Figure 25: Looking south along Cantwell Road toward the New England Highway showing the narrowness of the current carriageway and the typical fencing of the vicinity.



Figure 26: The intersection of Cantwell Road and the New England Highway. This is the part of the intersection which requires upgrading and reshaping.

### 1.2.3.2 Holy Trinity Anglican Church

Holy Trinity Anglican Church is a single storey brick church dating from 1890. The architectural style of the building is nominally Federation Gothic, although the design and construction of the building occurred across the border of the Victorian and Federation architectural periods. The building (externally) is generally featuring its original fabric, other than the few exceptions noted following: The tile roof of the building appears to date from around the 1960's and the steel guttering is probably of this era also; PVC downpipes have been installed in places; steel gates, a contemporary concrete access ramp and steel handrail has been installed to the south-west porch, steel mesh screens have been added to the memorial windows. The brick columbarium to the north of the building is a contemporary addition.



Figure 27: The north side of the Holy Trinity Anglican Church looking south from Cantwell Road. The intersection of the New England Highway is just beyond the trees.



Figure 28: The west façade of the Holy Trinity Anglican Church looking east from Cantwell Road between the gateposts which were installed c1988.



Figure 29: The memorial gates near the New England Highway looking toward the church.



Figure 30: The front setback of the church looking toward the New England Highway, the gates and the intersection with Cantwell Rd.

The memorial gates near the New England Highway are tall, approximately 1.8m high rendered masonry piers which rest on rock-faced square stone bases and have pointed gothic styled stone or cast-stone capitals. Each pier sits on a concrete footing, most of which are concealed below ground. Between the piers are wrought iron gates and fence panels which have a double-tiered row of palisades with ball shaped tips.

Either side of the gate posts are lower, approximately 1.6m masonry fences. Each pier of the fence is rectangular in plan, rendered masonry, with a cast stone cap and a single stepped corbel on each of the four sides. The piers have an indent on the roadway side for a plaque, but not all piers have a plaque installed. Between the piers are a low masonry wall with a chamfered top and two horizontal pipes which are paint finished.

The gateposts on the Cantwell Road side clearly take their design cues from the earlier fence and gateposts but are decidedly separate and simpler. They consist of square-planned, rendered masonry piers approximately 1.6m high, with an unembellished pointed cap. Low masonry walls and twin horizontal pipes link the gateposts either side of the entranceway.

### 1.2.3.3 Trinity House

Trinity House is single storey brick dwelling dating from 1919. The building was formerly the rectory building associated with the adjacent Church. The architectural design of the building could be described generically as an inter-war bungalow, though the building appears generally to be utilitarian in design. It appears that most of the external features of the building are original, other than a few external PVC downpipes and vent pipes, and a concrete access ramp and steel handrail located on the west side of the building.

### 1.2.3.4 Victoria House (Nowlands Lochinvar Coach House)

The following description of Victoria House has been extracted from the NSW Heritage Inventory, for the item 'Nowland's Lochinvar Coach House and Setting':

#### "Physical Description:

The Nowland's Lochinvar Coach House is situated on 7 Cantwell Road, near what is now the New England Highway, formerly referred to as the Gret North Road. Leslie Duguid, one of the first European settlers of the area, was given a 2000-acre land grant in 1822 and named it "Lochinvar." Part of the land was later subdivided into smaller lots, of which Henry Nowland, a wheelwright, coach builder and publican from Wilberforce, purchased lots 59-69 and Nowland's Lochinvar Coach House was subsequently constructed in 1840. The house is constructed in the Georgian vernacular style, with course hewn mudstone block foundations, a slate damp course and convict-made bricks laid in a pattern known as Wessex bond. It was stated in an advertisement of the sale of the subdivided Lochinvar Estate in The Australian newspaper, Sydney on 17<sup>th</sup> March 1840 that "There is an abundance of brick earth and stone on the Estate." The house was simple in construction and built for the climate, accommodating a wraparound veranda. The layout consists of four central rooms and an appended kitchen, bisected by a central hallway. Two additional rooms can be found on either side of the house, which served as likely private accommodation for the manager/publican. Each main room originally had a fireplace in each of the four central rooms, each served by two chimneys. Two fireplaces have since been removed in the 1920's and the remaining two fireplaces are served by one remaining chimney.

#### Physical Condition:

The current physical condition of the house is good. There are very few cracks in the foundation, or walls or obvious degradation of the original fabric. Over the years minor modifications of the house have taken place to ensure its integrity. It is likely that the original hipped roof would have consisted of timber shingles, but this has at some stage been replaced with roofing iron. The roofing iron is supported by round sapling timber rafters stayed by rough-hewn sapling timber. The ceiling itself is supported by round timber poles that have been laid horizontally across the tops of the walls. While the majority of the double sash windows are mostly original with the exception of missing muntins, a couple of the rooms in the house have modified windows. The door lintels and windows are bound by hewn mudstone. The hardwood timber ceiling and floor is mostly original, however, due to previous rot in one of the rooms on the southern side of the house, part of the floor and original timber floor joists is a later replacement completed in 1998. At some stage, one of the original brick fireplaces as removed, hence allowing moisture ingress to this room. The western verandah is a later addition from the 1960's consisting of fibro walls and louvres, to provide additional protection against the hot sun. The timber planks to the front entrance of the house veranda have been replaced in 1990 due to timber rot. The archaeological potential of the house and property is high. While cleaning soot out of one fireplace, the current owners have discovered items belonging to previous owners including a John Gosnell & Co. shaving cream lid dating between 1840-1850. A hewn mudstone basin has also been discovered near what was formerly the kitchen. Timber and iron coach wheels have been found on the property in degraded condition. The overgrown garden vegetation around the house is dense, and consists of both mature native and non-native vegetation. It is highly likely that archaeological potential exists within the property and grounds, which could reveal additional history of the place.<sup>50</sup>

<sup>50</sup> NSW Heritage, Item Details – Nowlands Lochinvar Coach House and Setting, p.4.



Figure 31: Looking toward Victoria House (Nowland's Lochinvar Coach House) from Cantwell Rd. The building is set back from the road but the landscaping extends right up to it.



Figure 32: The east façade of Victoria House (Nowland's Lochinvar Coach House) through the landscaping. Image Source *NSW Heritage*.



Figure 33: Some of the significant tree planting at the front of the former coach house (looking north). It is notably substantial in size and was likely intended originally to have been a landmark visible in the distance.



Figure 34: Some of the significant tree planting at the front of the former coach house (looking south). It is notably substantial in size and was likely intended originally to have been a landmark visible in the distance.

## 2. SIGNIFICANCE ASSESSMENT

The NSW heritage assessment criteria encompass four generic values in the Australian ICOMOS Burra Charter 2013: historical significance; aesthetic significance; scientific significance; and social significance.

These criteria will be used in assessing heritage significance of the place.

The basis of assessment used in this report is the methodology and terminology of the Burra Charter 2013; James Semple Kerr, *The Conservation Plan: A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*;<sup>51</sup> and the criteria promulgated by the Heritage Branch of the NSW Office of Environment and Heritage. The Burra Charter 2013, Article 26, 26.1, states that:

Work on a place should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

Places and items of significance are those which permit an understanding of the past and enrich the present, allowing heritage values to be interpreted and re-interpreted by current and future generations.

The significance of the place is determined by the analysis and assessment of the documentary, oral and physical evidence presented in the previous sections of this document. An understanding of significance allows decisions to be made about the future management of the place. It is important that such decisions do not endanger its cultural significance.

The NSW Heritage Manual, prepared by the former NSW Heritage Branch and Department of Urban Affairs and Planning, outlines the four broad criteria and processes for assessing the nature of heritage significance, along with two added criteria for assessing comparative significance of an item.

### Heritage Significance Criteria

The NSW assessment criteria listed below encompass the following four values of significance:

- Historical significance
- Aesthetic significance
- Research/technical significance
- Social significance

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<sup>51</sup> (7<sup>th</sup>ed). Burwood: Australia ICOMOS, 2013.

Listed below are the relevant Heritage Assessment Criteria identified in the Heritage Act:

Criterion (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Criterion (e) An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural places; or cultural or natural environments).

An Assessment of Significance requires that a level of significance be determined for the place. The detailed analysis uses the levels of significance below:

LOCAL	Of significance to the local government area.
STATE	Of significance to the people of NSW.
NATIONAL	Exhibiting a high degree of significance, interpretability to the people of Australia.

## ANALYSIS OF HERITAGE SIGNIFICANCE

The State Heritage Inventory has a listing for the Holy Trinity Anglican Church but it has no Assessment of Significance or Statement of Significance for the item. A new Assessment of Significance and Statement of Significance for the Church have been prepared by EJE below from the historical research which has been undertaken. Victoria House (Nowland's Lochinvar Coach House) was listed in the State Heritage Register in 2023, and consequently its Assessment of Significance and Statement of Significance are up-to-date and have been quoted directly below.

### Historical Significance

Criterion (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

#### Holy Trinity Anglican Church:

The Holy Trinity Church has significance in this category for its long-term role in the establishment and support of religious worship in the township of Lochinvar. The cemetery has significance in this category as a record of the historic burials and memorials of the people in the township. Trinity House has some significance in association with the operation of the Church.

#### Victoria House (Nowland's Lochinvar Coach House):

"The Wonnarua people are the traditional owners in the Hunter Valley. According to the Wonnarua dreamtime the Hunter Valley was created by the great spirit, Baiame (Byamee). Several massacres occurred on Wonnarua Country at the time of colonial settlement, in the 1820's.

The Nowland's Lochinvar Coach Station is of state heritage significance as one of only a small number of colonial coach houses surviving in NSW. Constructed in 1840, the coach house was an important means of servicing inland transport and communications during the development of early inland settlement. The coach house, later known by other names, serviced the coach and Royal Mail route along the Great North Road until 1858. The use of the building as a coach house pre-dates the Cobb and Co coach business, which started operating in 1853.

The nominated property is also important to the history of early German migration to the area. German expertise in viticulture was highly valued during the early days of the Colony and selective migration was arranged. Upon completion of contracts, German families dispersed to areas such as the Hunter region, where environmental conditions were ideal for the establishment of vineyards. The Wenz family was one such family who moved to the Hunter Valley and eventually settled at Nowland's Lochinvar Coach House."<sup>52</sup>

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

#### Holy Trinity Anglican Church:

The Holy Trinity Church has significance in this category in association with the past and present members of the Anglican Parish of Branxton-Greta-Lochinvar, with the past and present members of the clergy, in particular with the Reverend W. Tollis (incumbent at the time of the church's construction), and with the regional architects Lee and Scobie as a refined piece of their architectural portfolio. The cemetery has significance in association with all that are

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<sup>52</sup> NSW Heritage, Item Details – Nowlands Lochinvar Coach House and Setting, p.2.

buried there. Trinity House has some significance in association with the lives of the clergy that lived and worked within the building across its history.

Victoria House (Nowland's Lochinvar Coach House):

"The Nowland's Lochinvar Coach Station is of state heritage significance for its historical association with the owner, Henry Nowland, who developed the early coach and Royal mail network known as Nowland's Line of Coaches. The network extended from Morpeth through to Moreton Bay in Queensland.

Several important people are associated with the property, including Leslie Duguid, who became the Managing Director of the Commercial Banking Company in Sydney in the 1830s. Leslie Duguid owned the land prior to it being purchased and developed by Henry Nowland. The coach house, eventually re-named Cross Keys, became licenced premises in 1850 and for a short period managed by the ex-convict, John Keys.

Johannes Wenz (anglicised to John Wince), was one of the first German vinedressers from the Wiesbaden area that was recruited to work for Edward Macarthur in 1837, with the aim of improving the quality of local wine production. The Germans brought with them cuttings of various grape varieties and were contracted to MacArthur for six years at Camden near Sydney. Following the conclusion of this contract in 1843, Johannes Wenz moved his family to Lochinvar, where he established a vineyard consisting of German and French grape varieties at the nearby Lochinvar Estate. The transfer of the Cross Keys licence from John Keys was unsuccessfully sought by Johannes Wenz. After he died, his wife Juliana successfully obtained the licence before eventually transferring it to her son in law, who operated it until 1858.

Henry Nowland sold the property in 1858 after the arrival of rail to the district. The property was purchased by Englishman and local property developer John Sanger Brown, who renamed the former coach house "Holbeach," and used it as a family residence. John Sanger Brown and members of his family are buried at the Lochinvar Cemetery, some 200 metres from Holbeach."<sup>53</sup>

### Aesthetic And Technical Significance

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Holy Trinity Anglican Church:

The Holy Trinity Church has significance in this category as a simple but well-refined piece of architecture and masonry construction, which has been well maintained and preserved across its 125-year lifespan. Trinity House lacks such refinement in terms of its architecture and construction, and as such has little significance in this category.

Victoria House (Nowland's Lochinvar Coach House):

"Nowland's Lochinvar Coach House was built by convict labour utilising locally sourced materials. It is of state significance for its mid-19th century Australian Georgian Colonial style of architecture for its intactness and lack of major modification to the property since its construction in 1840.

The property features symmetrical facades and rooms typical of this time period, with the distribution of rooms off a central hallway and a verandah that offers protection from the summer sun. The double hung sash windows are constructed from cedarwood framed by mudstone stone lintels and the brickwork has been laid in the Flemish (Wessex) bond pattern.

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<sup>53</sup> NSW Heritage, Item Details – Nowlands Lochinvar Coach House and Setting, p.4.

It has remained relatively untouched over time, with only minor modifications despite continuous occupation of the property and varying uses. It has been carefully cared for by the current owners, who have lived in the property for the past 35 years. The patina and condition of the building's original fabric are readily discernible. The patina and condition of the building's original fabric are readily discernible.

Much of the original gardens is overgrown with both native and non-native species of vegetation. Trees that were typical of the era, front the property, including Bunya Bunya and Hoop pine. On the few occasions that the current owners have disturbed ground, discoveries have been made including burnt shell material. This may constitute part of an ancient Aboriginal shell midden, or forms part of the location where the handmade bricks were made for the coach house. Coach wheels have also been discovered in varying states of decay. It is likely that further archaeological deposits exist within the property and grounds.<sup>54</sup>

### Social Significance

Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Holy Trinity Anglican Church:

The Holy Trinity Church, Trinity House building, garden curtilage, columbarium and cemetery of the site have special significance for the past and present Anglican community of Lochinvar, as a place of spiritual activities including worship, memorial and burial.

Victoria House (Nowland's Lochinvar Coach House): was not noted as being of social significance in the State Heritage Register listing.

### Research Significance

Criterion (e) An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Holy Trinity Anglican Church:

There is potential for the site to hold archaeological research significance for pre-colonial Indigenous relics, the footings/sub-surface remnants of the site's first church and rectory, and for unmarked burial sites. The cemetery itself is significant in terms of local historical research.

Victoria House (Nowland's Lochinvar Coach House): was not noted as being of research significance in the State Heritage Register listing.

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<sup>54</sup> NSW Heritage, Item Details – Nowlands Lochinvar Coach House and Setting, p.3.

### Rarity Significance

Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Holy Trinity Anglican Church:

The site as a whole does not display significance in this category, as its pattern of historical development is fairly analogous to that of other similar small churches across regional NSW.

Victoria House (Nowland's Lochinvar Coach House): was not noted as being of rarity significance in the State Heritage Register listing.

### Representative Significance

Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural places; or cultural or natural environments).

Holy Trinity Anglican Church:

The site as a whole displays significance in this category as it is a well-maintained and picturesque example of a rural colonial Anglican Church site.

Victoria House (Nowland's Lochinvar Coach House):

"The Nowland's Lochinvar Coach House is of state significance as a continually inhabited place of business and residence in the Maitland area from the time of construction in 1840 to the present day. The former coach house provides relatively unmodified physical evidence of successive occupancies and uses of the site initially as a coach station, through to commercial use as an inn and licensed premises, and later as a private residence.

The development and functions of the site are integrally related to the development of the Great North Road, which eventually became the New England Highway. The Nowland's Lochinvar Coach House served as a wayside inn and Royal Mail run on the long and often arduous horse and cart journeys through the mountains. An old coach wheel can still be found on the property today, evidencing this time period. The wheel has a wooden felloes, spokes and nave, with iron tyres and collar.

In its evolution from a coach house to roadside inn, then to a residence, the Nowland's Lochinvar Coach House is of state significance as representing the pattern of historic development of key locations in small settlements throughout New South Wales.

The building itself is representative of vernacular building methods of the Old Colonial Period (1788-1840) using locally sourced materials in a remote location."<sup>55</sup>

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<sup>55</sup> NSW Heritage, Item Details – Nowlands Lochinvar Coach House and Setting, p.3.

## 2.1 STATEMENT OF SIGNIFICANCE

### Holy Trinity Anglican Church:

The development of the Holy Trinity Church site is a well-documented and representative example of the pattern of development of regional NSW Churches during colonial times. The Church site's history is closely linked with the development of the township of Lochinvar itself, with its origins as a gift to the Parish from the first European landholder Thomas Winder.

The site is strongly associated with the lives and work of the earliest clergy members such as the Reverend Lovick Tyrell; visible remnants of this period are no longer apparent on the site, however the continuing use of the site for the purposes of Anglican worship continues this association intangibly. The Holy Trinity Church building extant on the site is strongly associated with the work of the Reverend W. Tollis, proponent of the building's construction and incumbent at that time. The building is significant architecturally as a refined piece of work by regional architects Lee and Scobie. The Holy Trinity Church, Trinity House building, garden curtilage, columbarium and cemetery of the site have special significance for the past and present Anglican community of Lochinvar, as a place of spiritual activities including worship, memorial and burial.

The site is as such determined as possessing a High degree of significance in a Local context, for its contribution to the cultural and spiritual development of Lochinvar.

### Victoria House (Nowland's Lochinvar Coach House):

"The Nowland's Lochinvar Coach House is located on the traditional lands of the Wonnarua people. It was constructed in 1840 by Henry Nowland as part of an extensive coach and Royal Mail network, is of State heritage significance as one of the few surviving early examples of a coach station along a major inland colonial transport route. Nowland's Coach House and transport service predated the Cobb and Co enterprise making it historically important to the growth and development of NSW in the early colonial period.

The coach house has state significant historic associations with pioneering families in the Maitland area such as Leslie Duguid, the original owner of the land on which the coach house sits. He was a local businessman, landowner and Manager of the Commercial Banking Company in the 1830s. Another important historic association is the property's connection with one of the first German settlers in the Hunter area and associated with the development of the wine industry in Camden and the Hunter.

The house has aesthetically significant values at a State level as a good example of a mostly intact and unmodified 1840s house constructed in the Georgian Colonial vernacular style, using bricks fired on the property, and other locally sourced materials. The house interiors are relatively simple in form and finish, but it retains much of the original fabric from the time of construction, despite its varied history as a coach station, inn, general store, post office and residence.

In its evolution from a coach house to roadside inn, to a residence, the Nowland's Lochinvar Coach House is of State significance as representative of the pattern of historic development of key locations in small settlements throughout New South Wales.

The building itself is representative of vernacular building methods of the Old Colonial Period (1788 – 1840) using locally sourced materials in a remote location."<sup>56</sup>

<sup>56</sup> NSW Heritage, Item Details – Nowlands Lochinvar Coach House and Setting, p.2.

## 2.2 SIGNIFICANCE OF THE PROPOSED WORK AREA

The site for the proposed residential subdivision to the north of the church lies beyond the curtilages of the identified heritage items. It is in the vicinity of the protected items but beyond the set boundaries of their significance. The site contains no fabric, spaces, landscaping or movable items of heritage significance.

The area used to be the glebe land for the clergy of the Holy Trinity Anglican Church and may be considered as possessing a significant historic use. A glebe is traditionally land which is used to physically provide for the clergy and the church. Traditionally this would have been achieved by cultivation and/or grazing the land and using the produce. In the case of this parcel of land, it was used to provide for the Anglican Church through its recent sale. In turn it will provide accommodation for the population of Lochinvar.

The land for the proposed subdivision makes only minor contribution to the historic and aesthetic significance of the church and/or former Coach House. Both items bear closer connections to the New England Highway which led to their positioning, than the fields beyond them.

The site for the proposed residential subdivision may demonstrate little significance.

The work area required for the proposed widening of Cantwell Road is mostly beyond the identified heritage items and their curtilages. The work area north of the heritage curtilages contains typical rural fencing, power poles and sporadic planting, but does not contain any fabric, spaces, landscaping or movable items of heritage significance.

Along the west side of the Holy Trinity Anglican Church, it is proposed to widen the road into the heritage curtilage of the church item. This will cause the western property boundary of the church to move east 6.5 metres and the corner of the allotment reduced to provide an intersection upgrade between Cantwell Road and the New England Highway. The listing for the Church includes its garden setting as part of the significance of the item. This is taken to refer to the rose garden, columbarium, Canary Island Palm Trees and other exotics fronting the New England Highway, and the memorial gateposts and fence.

The trees beside Cantwell Road are mainly ad-hoc planting of one Silky Oak and various other species which all exist underneath the power lines. Typically, the fabric in the works area for the road widening is of little significance. The exception in this area is the gate posts, memorial, and tree and hedge planting associated with them. The gate posts, fence and first memorials along the New England Highway are from 77 years after the acquisition of the land and erection of the first church, and 35 years after the completion and opening of the current church. They are an addition to the grounds. They do possess some social and aesthetic significance due to their design, positioning and the esteemed people they commemorate. They may demonstrate moderate significance for their contribution to the church item. Similarly, the tree planting along the New England Highway side may demonstrate moderate significance for its contribution to the church's garden setting. The church signboard near the New England Highway is recent installation dating from c2016 and is of little significance.

The gateposts on the Cantwell Road side are dated to circa 1988, 95 years after the opening of the current church and 60 years after the main gateposts. They were installed as a result of necessary upgrades to the New England Highway which halted vehicular access from the highway itself. The reason for their installation and the position they were placed in were largely determined as a practical solution to a problem faced at the time. The memorial affixed to one of the posts dates from 2001 and bears only incidental associations with the gateposts themselves. These gateposts are of little significance for their contribution to the church item.

In contrast, on the west side of Cantwell Road, the landscaping of Victoria House (Nowland's Lochinvar Coach House) is of importance to this State listed item. The Bunya Bunya trees and Hoop Pines are specifically listed in the aesthetic significance of the item as being typical of the era in which the coach house was established. They are highly distinctive and would have been landmark planting deliberately chosen to be seen for great distances around by coach travellers. The trees along the street boundary of the former Coach House could be graded as being of at least moderate significance but also in a State not local context due to the listing of the item in the State Heritage Register.

### 3. PROPOSED WORKS

#### 3.1 THE PROPOSAL

The primary scope of the proposal is the staged subdivision of Lot 2 DP 1214402 and Lots 1 & 2 DP 1299958 to create 139 residential lots and new road infrastructure in part of the Lochinvar Urban Release Area. These large rural allotments were historically associated with the Holy Trinity Church but do not have any established heritage significance.

To enable the primary scope of the proposed works will require the widening, resurfacing and kerb-and-guttering of approximately 600 metres of Cantwell Road north of its intersection with the New England Highway. The intersection of the New England Highway with Cantwell Road will also require reshaping and upgrading to provide the necessary slip lanes and turning area for vehicles accessing and exiting the proposed subdivision. The upgrade works required for Cantwell Road and its intersection will encroach upon the curtilage of the Holy Trinity Anglican Church.

Cantwell Road's surface is sealed for the first 50 metres and has concrete kerb and gutter for only the first 15 metres on the west side. (Approximately 7 metres on the east side). Beyond these limits, Cantwell Road is an unsealed single width carriageway which runs off into grass verges and rural fencing to both east and west sides. Cantwell Road terminates approximately 600 metres north of its New England Highway intersection at a fenceline. The unsealed surface will be scraped back and additional width will be created to achieve a 7.0m wide carriageway plus 2.5m parking lane between the New England Highway and the southern boundary of the subdivision site. New power infrastructure will be installed underground along the eastern side in the widened section of road corridor. New street-tree planting and a new boundary fence will be installed along the western side of Cantwell Road.

At the intersection of the New England Highway, a number of trees will need to be removed, part of the corner will need to be excavated and reshaped, the boundary fence to the Highway will need to be demolished all in order to create the necessary turning space required for the anticipated traffic. The property boundary lines along the west side of Cantwell Road and around its intersection with the New England Highway will need to be re-aligned.

The following documents were reviewed in regards to the scope of the proposed works and any resultant heritage impacts:

Dwg No.	Dwg. Title	Date	Rev
23290-C100	COVER SHEET	14-01-26	8
23290-C101	GENERAL ARRANGEMENT PLAN	14-01-26	8
23290-C102	PLAN SHEET (1 OF 4)	14-01-26	8
23290-C103	PLAN SHEET (2 OF 4)	14-01-26	8
23290-C104	PLAN SHEET (3 OF 4)	14-01-26	8
23290-C105	PLAN SHEET (4 OF 4)	14-01-26	8
23290-C106	CANTWELL ROAD LONGITUDINAL SECTION	14-01-26	8
23290-C107	CANTWELL ROAD CROSS SECTIONS (1 OF 6)	14-01-26	8
23290-C108	CANTWELL ROAD CROSS SECTIONS (2 OF 6)	14-01-26	8
23290-C109	CANTWELL ROAD CROSS SECTIONS (3 OF 6)	14-01-26	8
23290-C110	CANTWELL ROAD CROSS SECTIONS (4 OF 6)	14-01-26	8
23290-C111	CANTWELL ROAD CROSS SECTIONS (5 OF 6)	14-01-26	8
23290-C112	CANTWELL ROAD CROSS SECTIONS (6 OF 6)	14-01-26	8
23290-C113	ROAD 1 LONGITUDINAL SECTION	14-01-26	8
23290-C114	ROAD 1 CROSS SECTIONS (1 OF 5)	14-01-26	8
23290-C115	ROAD 1 CROSS SECTIONS (2 OF 5)	14-01-26	8

23290-C116	ROAD 1 CROSS SECTIONS (3 OF 5)	14-01-26	8
23290-C117	ROAD 1 CROSS SECTIONS (4 OF 5)	14-01-26	8
23290-C118	ROAD 1 CROSS SECTIONS (5 OF 5)	14-01-26	8
23290-C119	ROAD 2 LONGITUDINAL SECTION	14-01-26	8
23290-C120	ROAD 2 CROSS SECTIONS (1 OF 2)	14-01-26	8
23290-C121	ROAD 2 CROSS SECTIONS (2 OF 2)	14-01-26	8
23290-C122	ROAD 3 LONGITUDINAL SECTION	14-01-26	8
23290-C123	ROAD 3 CROSS SECTIONS (1 OF 2)	14-01-26	8
23290-C124	ROAD 3 CROSS SECTIONS (2 OF 2)	14-01-26	8
23290-C125	ROAD 4 LONGITUDINAL SECTION	14-01-26	8
23290-C126	ROAD 4 CROSS SECTIONS (1 OF 5)	14-01-26	8
23290-C127	ROAD 4 CROSS SECTIONS (2 OF 5)	14-01-26	8
23290-C128	ROAD 4 CROSS SECTIONS (3 OF 5)	14-01-26	8
23290-C129	ROAD 4 CROSS SECTIONS (4 OF 5)	14-01-26	8
23290-C130	ROAD 4 CROSS SECTIONS (5 OF 5)	14-01-26	8
23290-C131	NOT USED		
23290-C132	ROAD 5 LONGITUDINAL SECTION	14-01-26	8
23290-C133	ROAD 5 CROSS SECTIONS (1 OF 2)	14-01-26	8
23290-C134	ROAD 5 CROSS SECTIONS (2 OF 2)	14-01-26	8
23290-C135	ROAD 6 LONGITUDINAL SECTION	14-01-26	8
23290-C136	ROAD 6 CROSS SECTIONS (1 OF 2)	14-01-26	8
23290-C137	ROAD 6 CROSS SECTIONS (2 OF 2)	14-01-26	8
23290-C138	ROAD 8 LONGITUDINAL SECTION	14-01-26	8
23290-C139	ROAD 8 CROSS SECTIONS (1 OF 5)	14-01-26	8
23290-C140	ROAD 8 CROSS SECTIONS (2 OF 5)	14-01-26	8
23290-C142	ROAD 8 CROSS SECTIONS (3 OF 5)	14-01-26	8
23290-C142	ROAD 8 CROSS SECTIONS (4 OF 5)	14-01-26	8
23290-C143	ROAD 8 CROSS SECTIONS (5 OF 5)	14-01-26	8
23290-C144	ROAD 9 LONGITUDINAL SECTION	14-01-26	8
23290-C145	ROAD 9 CROSS SECTIONS	14-01-26	8
23290-C146	NOT USED		
23290-C147	NOT USED		
23290-C148	TYPICAL SECTIONS (1 OF 2)	14-01-26	8
23290-C149	TYPICAL SECTIONS (2 OF 2)	14-01-26	8
23290-C150	BASIN 1 DETAIL PLAN	14-01-26	8
23290-C151	BASIN 2 DETAIL PLAN	14-01-26	8
23290-C152	REGRADE PLAN (1 OF 3)	14-01-26	8
23290-C153	REGRADE PLAN (2 OF 3)	14-01-26	8
23290-C154	REGRADE PLAN (3 OF 3)	14-01-26	8
23290-C155	SITE SECTIONS AND RETAINING WALL DETAILS	14-01-26	8
23290-C156	CUT/FILL RELIEF PLAN	14-01-26	8
23290-C157	SOIL AND WATER MANAGEMENT PLAN	14-01-26	8
23290-C158	SOIL AND WATER MANAGEMENT DETAILS (1 OF 2)	14-01-26	8
23290-C159	SOIL AND WATER MANAGEMENT DETAILS (2 OF 2)	14-01-26	8
23290-C160	NEW ENGLAND HIGHWAY INTERSECTION PLAN	14-01-26	8
23290-C161	NEW ENGLAND HIGHWAY INTERSECTION TURNING MOVEMENT PLAN	14-01-26	8

23290-C162	DRAINAGE RESERVE SECTIONS (1 OF 3)	14-01-26	8
23290-C163	DRAINAGE RESERVE SECTIONS (2 OF 3)	14-01-26	8
23290-C164	DRAINAGE RESERVE SECTIONS (3 OF 3)	14-01-26	8
A250603AC_01 1/2	PROPOSED SUBDIVISION OF LOTS 1&2 DP1299958	21-01-2026	1
A250603AC_01 2/2	PROPOSED SUBDIVISION OF LOTS 1&2 DP1299958	21-01-2026	1

## 3.2 BACKGROUND

### 3.2.1 Pre-Lodgement Consultation

The concept for the proposed subdivision was presented to Maitland City Council at a Pre-lodgement meeting on the 26<sup>th</sup> of October 2023. At this first meeting it was identified that widening Cantwell Road would have the potential to encroach on established heritage curtilages and stated that a Heritage Impact Statement “may be required.” It was after this meeting that EJE was engaged to provide heritage advice and reporting.

A second Pre-lodgement meeting was held at the Maitland City Council office on the 18<sup>th</sup> of July 2024. Numerous issues relating to the physical and legal conditions present at the site were discussed. The heritage significance of the neighbouring sites and potential impacts was only one item out of five which were discussed.

The minutes for the meeting were particular about the requirement of a Heritage Impact Statement which would assess impacts of the whole of the development upon the significance of the nearby heritage items. Sections and clauses of particular concern to the Council were highlighted in the pre-lodgement minutes.

### 3.2.2 Considerations of Alternatives

Initial sketches of the potential road widening indicated a uniform additional width which ran parallel to the Cantwell Road Boundaries. Subsequent design development was able to reduce the width removed from the adjacent properties but required further shaping of the intersection with the New England Highway.

Early considerations of the road widening to Cantwell Road distributed the widening evenly to both east and west sides of Cantwell Road. This was discounted in favour of widening only to the east side for two important reasons. The first being that the item and curtilage of Victoria House (Nowland’s Lochinvar Coach House) on the west side of Cantwell Road were recently gazetted on the State Heritage Register as being of significance to the State of NSW whereas the Holy Trinity Church and its grounds are of local significance only.

The second reason was that the tree planting in the front of Victoria House (Nowland’s Lochinvar Coach House) were specifically noted in the description of the significance of the item which was prepared as recently as 2023. In comparison, the planting and landscaping in the grounds of the Holy Trinity Church is not mentioned at all in the listing for Holy Trinity Church which was updated in April 2024. It was however described and quantified by EJE in their heritage assessment of the church prepared in 2014 which has been quoted in this report. The impacts to the significance of curtilage, planting and landscaping have been assessed later in this report against the most stringent and comprehensive assessments of their significance.

The upgrade of the intersection at the New England Highway has been designed to permit entry and exit of both 12.5m rigid trucks (which will include garbage collection trucks, removalist trucks and delivery trucks) and Semi-Trailer trucks. It is envisaged in the future that more traffic, particularly heavy traffic will enter and exit the site from the direction of Windella Road. This is scheduled for Stage 3 of the Lochinvar Urban Release, so until such time as it occurs, Cantwell Road will need to be upgraded as proposed.

### 3.2.3 Initiatives to Mitigate Impacts

As discussed immediately above, the proposal has been prepared to avoid impacts to the significant fabric, curtilage and landscaping of the State-listed Victoria House (Nowland's Lochinvar Coach House). In regards to the locally significant Holy Trinity Church the following initiatives are proposed to ameliorate the impacts to the fabric, curtilage and landscape elements of the grounds.

It is proposed to:

- Move the (non-original) 1928 Memorial Gates and gateposts inclusive of their memorial plaques 4.7 metres north on their existing axis and re-set them on new foundations. This will retain historically significant fabric and socially significant memorials and conserve them on a compatible position on the grounds which avoids the intersection upgrades.
- Rebuild the (non-original) 1928 fence which follows the property boundary west of the gates and contains no memorials both to close the 4.7 metre shift of the gates and along the new alignment of the boundary which follows the proposed intersection upgrade. The fence would be rebuilt with the piers at the same spacing as existing and reuse the existing horizontal pipe rails and pier cappings. This will retain some historic fabric and conserve it in a compatible position on the grounds which avoids the intersection upgrades.
- Move the (non-original and relatively recent) c1988 Memorial Gates (Gateposts) on Cantwell Road approximately 5.1 metres east and 9.5 metres north and set them on new foundations. This will retain some historic fabric and a socially significant memorial and conserve it. The new position of the gate, currently on-axis with the church, would still provide a grand view of the church building upon entry however would be oblique rather than in elevation.
- Move the recent signboard behind the existing fence which faces the New England Highway near the intersection of Cantwell Road, to a new position behind the rebuilt fence facing the intersection of the New England Highway and Cantwell Road. This will not impact significant fabric, but maintains an appropriate relationship between the church, the intersection, the fence and the sign.
- Remove trees which will clash with the road widening, carriageway and footpath. Generally these trees are not significant and are an ad-hoc collection of planting along the verge of Cantwell Road.<sup>57</sup> The exceptions are a Canary Island Palm which is part of a row and two Jacarandas which make up a pair. The Canary Island Palm is proposed to be relocated on the site and landscape architects documentation is included with the DA documents. The loss of these two paired Jacaranda trees will alter the composition of the garden planting, however will not be immediately noticeable because of the relocation of the gates into the space which they previously occupied. Compensatory Planting including street trees has been scheduled by the Landscape Architect's documentation to make up for the loss of the ad-hoc planting along Cantwell Road.

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<sup>57</sup> One of the ad-hoc trees is a native Silky Oak, but it does not possess any identified significance.



## 4. HERITAGE IMPACT ASSESSMENT

### 4.1 MATTERS FOR CONSIDERATION

The considerations below assume that the works are undertaken as described above inclusive of the works to relocated gateposts and gates as recommended to ameliorate impacts.

#### 4.1.1 Fabric and Spatial Arrangements

The proposed 139 lot residential subdivision will have no impacts upon significant fabric or spatial arrangements of either of the nearby heritage items as all works will be located beyond the curtilages of the heritage items. The future development of the subdivision for detached residences will similarly have no impacts upon significant fabric or spatial arrangements. Maitland DCP 2011 Chapter C.4 – Heritage Conservation clause 8 Subdivision of Land requires that a proposal should not substantially alter the density of development such that the character and heritage significance of the heritage item or Conservation Area is adversely affected. This particular requirement may not be appropriate to enforce within the established Urban Release Area. The proposed subdivision is at a much lower elevation than the heritage items and is effectively concealed from the New England Highway through Lochinvar by the natural topography. The density resultant from the future residential development will not adversely affect the character or significance of the listed items in typical views of these items. If there is a concern as to the effect of density in views, each dwelling proposed within the subdivision will need to be assessed on merit through the development application process at Council.

The road widening which will be necessary to provide access to the residential subdivision has been positioned to avoid the curtilage of Victoria House (Nowland's Lochinvar Coach House) so will have no impacts to significant fabric or spatial arrangements of that item.

By avoiding the curtilage of the State Heritage Register listed item Victoria House (Nowland's Lochinvar Coach House), the necessary road widening will be pushed into the established heritage curtilage of the locally listed Holy Trinity Anglican Church and will affect some fabric and its garden setting.

- None of the works will impact significant fabric or spatial arrangements of the Holy Trinity Church building itself.
- The (non-original) 1928 Memorial Gates and gateposts inclusive of their memorial plaques, which are all graded as being of moderate significance for their contribution to the church item are proposed to be relocated approximately 2.1m northwards. The gateposts, gates and plaques will all be retained, thus the heritage fabric will be retained, it will be positioned on new footings. The gateposts, gates and plaques will be moved, which will change the spatial arrangement of the item's setting, but will be moved on-axis of the church transept and entrance thus minimising the change to the spatial arrangement and conserving significance.
- The (non-original) 1928 fence which follows the property boundary west of the gates and contains no memorials has been graded as being of moderate significance for its contribution to the church item. It is proposed to be demolished and rebuilt along the new alignment of the boundary which follows the proposed intersection upgrade. The footings and masonry is expected to be new out of necessity, but the horizontal pipe rails and the cappings to the fence posts are able to be reinstated on the new fence to minimise the loss of original fabric. The location of the fence along the new boundary line will replicate the relationship the fence has with the boundary albeit on the new alignment thus minimising the change to the spatial arrangement.
- The (non-original and relatively recent) c1988 Memorial Gates (Gateposts) on Cantwell Road are graded as being of little significance for their contribution to the church item, and only exist because of a c1988 upgrade to the New England Highway. It is proposed to relocate these gateposts approximately 1.8m east on their existing axis and set them on new foundations. The fabric will be retained and the change to the spatial arrangement will be of little consequence. There will be no more than negligible impact to fabric or spatial arrangements.

- The trees which will clash with the road widening, carriageway and footpath are generally graded as non-significant and are an ad-hoc collection of planting along the verge of Cantwell Road, inclusive of a native Silky Oak. The exceptions are a Canary Island Palm which is proposed to be located and a pair of Jacarandas which may demonstrate moderate significance. The loss of these two Jacaranda trees will alter the composition of the garden planting, however new compensatory planting will be provided as per the Landscape Architect's documents. This new planting is designed to remain low which will serve to open up a prominent view of the church from the intersection which has not existed since before the existing trees grew to substantial size. The newly available view will ameliorate the impact of the loss of tree planting. The resulting impact to significant fabric and spatial arrangements will be negligible.
- The church signboard near the New England Highway is recent installation dating from c2016 and is of little significance. It is proposed to be moved to behind the reconstructed boundary fence. Impact to significant fabric and spatial arrangements through the relocation of this sign is negligible.

The new road surface between the New England Highway and the proposed subdivision will be repaved as shown in the typical section of drawing C149. The sealed surface will be contained well inside the limits of the boundary lines. Excavation for drainage, subbase and road base is minimised by building the sealed surface up above existing ground level. This initiative reduces the excavation and the potential for ground disturbance in the space between the heritage curtilages of the Holy Trinity Anglican Church and Victoria House (Nowland's Lochinvar Coach House).

#### 4.1.2 Settings, Views and Vistas

Maitland DCP 2011 Chapter C.4 – Heritage Conservation clause 6 New Development in the Vicinity of Heritage Items has the objective to ensure that new buildings provide a setting for the adjoining heritage item so that its historical context and heritage significance are maintained.

No new buildings are proposed in conjunction with this application which is for the subdivision of 139 residential allotments. Future dwelling houses proposed in the subdivision will all need to be assessed on merit in regards for their impact upon the adjoining heritage item(s) through the Development Application process with Council. Impacts to Settings, Views and Vistas can be assessed on a case-by-case basis at that time.

The primary views of the Holy Trinity Church are from the New England Highway as the existing pastoral land at the rear is not commonly accessed. The topography of the overall site drops away from the New England Highway such that the proposed subdivision, and even the future dwellings will not be viewed in the primary views of the church. They will be unaffected. The church itself is an internalised space and there are no views or vistas from within the actual building.

The cemetery to the rear of the church currently has views and vistas across the existing rural lands to the north, east and west. All will be affected by the introduction of the Urban Release Area and the residential development that will follow it. The curtilage of the church possesses additional open ground north and west of the cemetery itself which will permit the context of the church and cemetery to be understood into the future. Impact to setting views and vistas to the rear of the site is minimised.

Views of the church itself may be affected by the loss of two trees and the relocation of the gateposts, gates, masonry fence and signboard. As described above, the loss of the trees will open up views to the church and its spire from the road and particularly from the intersection which may have a positive impact upon significance. The relocation of gateposts, gates and signboard, along with new compensatory and street tree planting and the reconstruction of the fence along the revised boundary will make minimal changes to the views available from the road. The retention of significant fabric and the reconstruction of the fence in the existing style and configuration will ensure impacts to views and setting resulting from these works will be negligible.

Views to the church from the north end of Cantwell Road are rarely seen at this point in time, and is not a primary view to the item, but will become more common when the subdivision goes ahead as people will travel along Cantwell Road toward the highway. The view is currently quite open to the side of the church building but limited toward the front by the existing ad hoc planting. The ad hoc planting will be removed, and replaced by new street tree planting which will open up existing views. The Canary Island Palm tree which is to be relocated has been recommended in a position back from the road where views through to the church will remain visible. The street tree planting and boundary fencing will retain the character of a rural road. Views from the north will be on the whole enhanced.

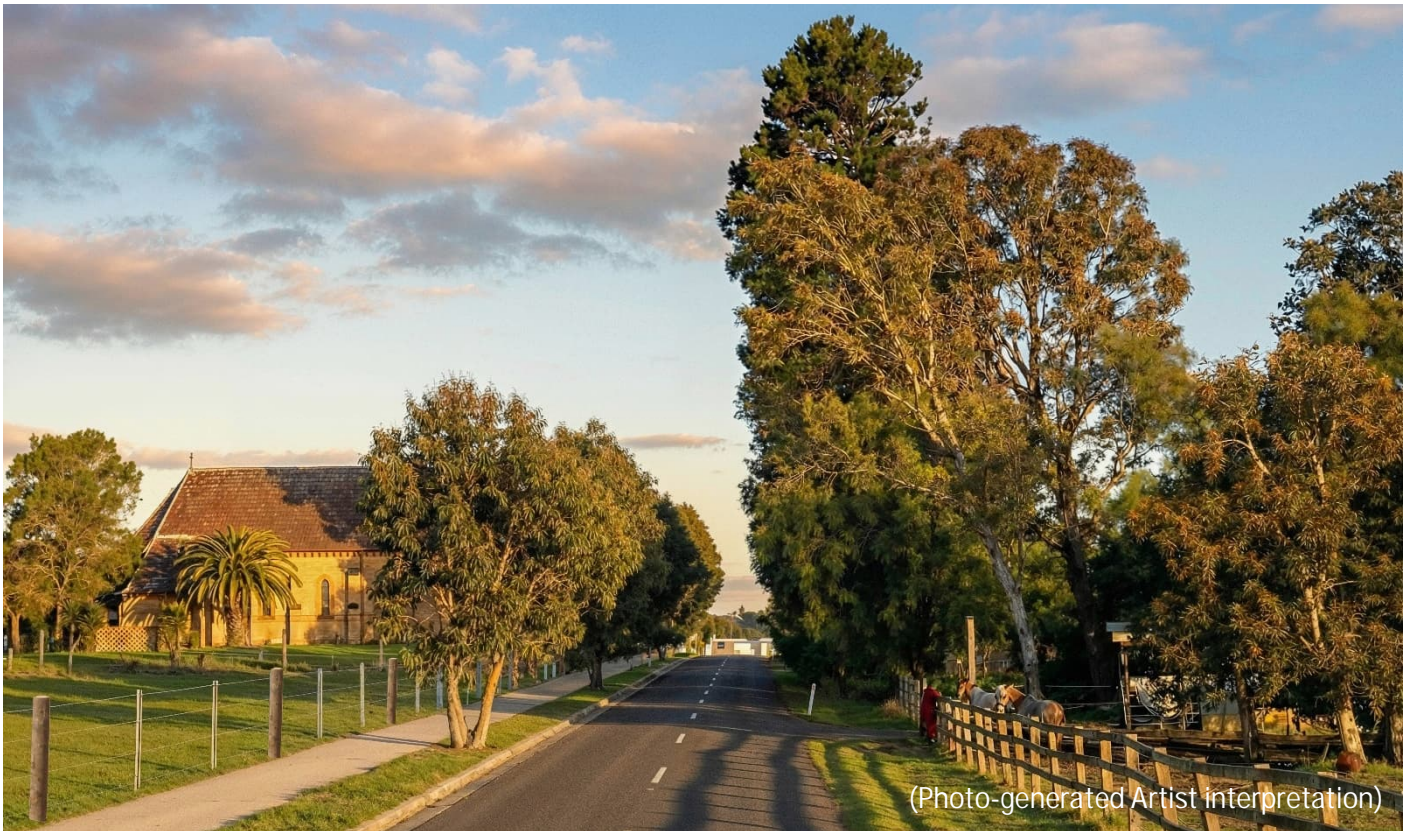


Figure 36: View of the church from Cantwell Lane heading north toward New England Highway showing road widening, street tree planting and approximate position of relocated Palm Tree.

Views to Victoria House (Nowland's Lochinvar Coach House) are from Cantwell Road. Thick planting around the former Coach House prevents views to the Coach House from other directions. The large conifers at the front of the curtilage will have been landmark trees identifying the Coach House position in views and vistas into Lochinvar. The conifers have been identified in the State Heritage Register listing for the item and have thus been retained and protected in the design of the works. Setting views and vistas associated with Victoria House (Nowland's Lochinvar Coach House) will not be impacted by the proposed works.

#### 4.1.3 Landscape

There are many trees and garden beds within the site and curtilage of the Holy Trinity Anglican Church. The significance of the planting varies greatly. Non-significant ad-hoc planting exists along the eastern verge of Cantwell Rd and will be removed as part of the road widening works with nil impact. Moderately significant trees and planting exists within the setback between the New England Highway and the church which provides some of the visible setting of the church. The way the tree planting is arranged in deliberate rows and pairs indicates that it was designed at the time of planting. One Canary Island Palm and two Jacarandas are necessary to remove or relocate to enable the incorporation of the turning lane from Cantwell Road onto the

New England Highway. The relocation of one and loss of two moderately significant trees will be offset by the opening up of views to the church which will be realised particularly at the intersection. Compensatory planting is proposed to offset the loss of the Silky Oak and other ad-hoc planting along the Cantwell Road verge where the road widening will occur. Planting of moderate to high significance exists around the cemetery and columbarium at the rear of the church. None of this planting will be affected or impacted by the proposed works. The existing rural fencing between the church site and Cantwell Road will be rebuilt in a like-for-like manner along the new boundary alignment minimising impacts to views.

As mentioned above, the State Heritage Register listing of Victoria House (Nowland's Lochinvar Coach House) includes mention of two conifers, Bunya Bunya and Hoop Pine, which would have been landmark trees identifying the Coach House from afar. The proposed works have been designed to retain these trees which are significant enough to warrant mention in the State Heritage Register. The impacts of the road widening works upon the health of the significant Pine trees have also been assessed by an Arborist whose report is included with the updated documents for the project. The works will not impact significant landscaping of Victoria House (Nowland's Lochinvar Coach House).

#### 4.1.4 Use

No change of use will occur as a result of the current proposal. The proposed subdivision has been anticipated by the creation of the Urban Release Area as well as the re-zoning of the subject site as general residential which will enable the change of use of the current paddocks to dwellings. The listed items of the Holy Trinity Church and Victoria House (Nowland's Lochinvar Coach House) will retain their current uses.

#### 4.1.5 Demolition

The demolition of approximately 12.5m of masonry fence will be required in order to upgrade the intersection of Cantwell Road with the New England Highway to enable the anticipated traffic which will traverse the road. The memorial gateposts at the church would be relocated onto new footings rather than be demolished. The horizontal pipe rails of the existing fence would be reinstated into a new reshaped fence which would follow the adjusted boundary around the intersection.

Any minor impacts generated by the demolition of part of the fence would be ameliorated by the reincorporation of original fabric into the new fence. The relocation of the memorial gate-posts as shown in the sketch diagram above would avoid any impact to significance.

#### 4.1.6 Curtilage

The proposed subdivision of 139 residential lots does not involve works in the established heritage curtilage of either the Holy Trinity Church or Victoria House (Nowland's Lochinvar Coach House). The proposed subdivision boundaries will lie adjacent to the established curtilage of the Holy Trinity Church.

The curtilage of the church at its northern end adjacent to the proposed subdivision is quite open and undeveloped containing open area, the cemetery, a row of tree planting, and other sparse planting. To protect the character of the curtilage of the church, into the future, the subdivision has been designed with a 10 metre drainage easement at its southern edge and a 22.5m wide road. The easement and road will provide an additional buffer between the church curtilage and the future residential development. The easement and road will also permit views through from Cantwell Road past future development into the drainage reserve and basin at the centre of the proposed subdivision which will also protect the character of the church's curtilage as it adjoins the proposed subdivision.

Chapter F9 Lochinvar URA Section 1.7 – Aboriginal & European Heritage has as its primary objectives that Heritage items, buildings with heritage significance and conservation areas to be protected. Development Control 3 makes particular reference to Victoria House (Nowland's Lochinvar Coach House) and the Holy Trinity Church. The clause also requires a curtilage map be

provided. Figure 1 of this report provides the required map. This section of the report provides the curtilage assessment in regards to potential impacts.

The subdivision of 139 residential lots, as designed with its easement as a buffer ensures that the Holy Trinity Church and its full curtilage are protected in compliance with the URA clause.

The road widening and intersection upgrade necessary for the creation of the proposed subdivision will encroach upon the curtilage of the Holy Trinity Church at the intersection extending the full depth of the site. As discussed in earlier considerations, the road widening has been designed in the way it has to avoid the curtilage and significant planting at the front of Victoria House (Nowland's Lochinvar Coach House) which is a State Heritage Register item. The works for the intersection upgrade will have a minor impact upon the curtilage of the Holy Trinity Church but avoids impacts to both the Church building itself and Victoria House (Nowland's Lochinvar Coach House) thus minimising impact overall.

The impacts to the Holy Trinity Church item curtilage relate to its garden and landscape elements and not the primary aspect of the item which is the church building itself. Recommendations have been provided to minimise impacts to the church's setting and curtilage through the retention on historic fabric and reconstruction of the boundary fence to follow the new boundary. No memorials or garden planting will be wholly lost. Two Jacaranda trees and several ad-hoc trees and large shrubs along Cantwell Road will need to be lost to enable the intersection upgrade, though will be compensated for by planting scheduled in the Landscape Architect's documents. The existing rural fencing between the church site and Cantwell Road will be rebuilt in a like-for-like manner along the new boundary alignment minimising impacts to views.

The potential for the corner of the church site to be opened to facilitate addition views of the church itself may provide an enhancement to the setting and curtilage of the item.

#### 4.1.7 Moveable Heritage

Victoria House (Nowland's Lochinvar Coach House) and the Holy Trinity Church do not have any Moveable heritage items identified in their listings. Because of the nature of the buildings, however, and especially the church there are likely to be building contents which demonstrate some significance. None of these potential moveable heritage items will be affected by the proposed residential subdivision of the allotments north of the listed items.

#### 4.1.8 Aboriginal Cultural Heritage

An Aboriginal Heritage Impact study has been prepared for this application separate to this document. Please refer to the Aboriginal Heritage Impact Report for consideration of this element.

#### 4.1.9 Historical Archaeology

None of the subject site is identified as being of historical archaeological significance. Furthermore, with a long history of having been rural land, there is unlikely to be anything discoverable within the ground that can not also be discovered on neighbouring rural properties. The cemetery at the rear of the Church site may have some archaeological potential, but is not a part of any of the proposed development and will not be affected by works. Victoria House (Nowland's Lochinvar Coach House) is known to have archaeological potential, but the potential for ground disturbance and archaeological finds is avoided by proposing the road widening away from the Victoria House curtilage and building the road level up outside the curtilage.

The proposal will not have any impact upon historical archaeology.

#### 4.1.10 Natural Heritage

No part of the subject site or adjacent sites are classified as possessing natural heritage values. This clause is not applicable.

#### 4.1.11 Conservation Areas

The subject site and adjacent heritage items are not located within a Heritage Conservation Area. This clause is not applicable.

#### 4.1.12 Cumulative Impacts

The proposed subdivision of the subject site for residential purposes will naturally lead to the cumulative impact of residential development on what is currently open paddocks. As this area is already set aside as Urban Release Area, this cumulative impact is not only anticipated but expressly desired by the City of Maitland. In some cases of residential development and densification adjacent to existing heritage items, the City of Maitland has requested design guidelines be prepared which would control bulk, scale, density and materials of new development so that the heritage item would not be encapsulated or obscured. EJE believe that there is sufficient planting, distance and elevation drop between the listed items and the eventual residential development that design guidelines may not be needed.

#### 4.1.13 The Conservation Management Plan

There is no Conservation Management Plan prepared for Victoria House (Nowland's Lochinvar Coach House) or the Holy Trinity Anglican Church items or their subject sites. This clause is not applicable.

#### 4.1.14 Other Heritage Items in the Vicinity

The primary object of this application is the residential subdivision which is not a heritage item. The necessary road widening will affect a heritage curtilage and will be adjacent to Victoria House (Nowland's Lochinvar Coach House). Any perceived impacts to be caused by this project are all in regards to the nearby heritage items. Because this is the case, the potential impacts to other heritage items in the vicinity have all been discussed in the general clauses above and below and won't be discussed further here.

#### 4.1.15 Commonwealth/National Heritage Significance

None of the heritage items in the vicinity of the works are of Commonwealth or National Heritage Significance and are not on either of those lists. This clause is not applicable.

#### 4.1.16 World Heritage Significance

None of the heritage items in the vicinity of the works are of World Heritage Significance and is not on the UNESCO list. This clause is not applicable.

#### 4.1.17 Compliance with the Maitland LEP 2011 Clause 5.10 Heritage Conservation

(1) *Objectives* The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Maitland,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

This report, and the separate Aboriginal Heritage Impact study have been prepared to provide up-to-date information on the environmental heritage of Maitland pertinent to the site and proposed development, consequently to provide assessment of impacts and recommendations to minimise or mitigate impacts to an acceptable level so that the heritage significance of all relevant items is conserved commensurate to this objective.

(2) *Requirement for consent* Development consent is required for any of the following—...

This report is provided as part of the documentation seeking development consent for the proposal

(5) *Heritage assessment* The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Recommendations have been provided in this report for the management of the heritage item(s) within vicinity of the proposed works and minimise impacts to their significance.

#### 4.1.18 Compliance with the Maitland DCP 2011 Part C4 Heritage Conservation

##### 8. Subdivision of Land

###### Objectives:

- To ensure that the subdivision of land respects the heritage significance of the item or the conservation area.
- To ensure that the subdivision layout has regard to the heritage significance of the item or the conservation area in relation to the siting and design of the proposed built forms.

The individual and relative heritage significance of the two listed items in the vicinity of the proposed residential subdivision have been carefully assessed and considered by EJE. Advice affecting the design and assessment of impacts have been carried out to ensure that heritage significance is respected by the proposed works as well as the future building forms which will result.

###### General Requirements:

- a. The proposal should not substantially alter the density of development such that the character and heritage significance of the heritage item or Conservation Area is adversely affected.

The density of the subdivision proposal is set by the controls for the Lochinvar Urban Release Area and Maitland LEP minimum lot size. Several factors contribute to ensure that the character and significance of the heritage items is unaffected by the proposed density. These factors include; the distance from the Highway to the site, the drop in elevation from the Highway to the site, the established tree planting in front of and behind the heritage items, the open ground and cemetery to the north of the church, and the 10m easement to provide additional buffer to the future residences.

- b. The allotment and building spacing, i.e. frontage widths, side and front boundary setbacks, should be typical of surrounding development such that:

- i. the rhythm of buildings in the Conservation Area is maintained;
- ii. so vistas and views to and of any heritage items in the vicinity, especially the principal elevations of buildings, are not interrupted or obscured;
- iii. so the landscape quality of the Conservation Area streetscape is retained;
- iv. so the setting of the heritage item and a satisfactory curtilage, including important garden and landscape elements, is retained.

The proposal does not affect a conservation area thus items i & iii are not applicable. Vistas and views to the heritage items are discussed in detail in section 4.1.2 above. The essential elements being that vistas which include the Bunya Bunya and Hoop Pines of Victoria House (Nowland's Lochinvar Coach House) will be maintained, and that views to the Holy Trinity Church (including its principal elevations and its spire) may be opened up and enhanced by the intersection upgrade proposed.

The important landscape elements are discussed in section 4.1.3 above with the essential elements being that the Bunya Bunya and Hoop Pines of Victoria House (Nowland's Lochinvar Coach House) will be maintained, the significant fabric of the gateposts will be retained albeit relocated, and the loss of planting in the church grounds minimised acknowledging the potential enhancement of views.

- c. The scale and form of proposed new development should not detract from the significant and dominant heritage elements of the item or the Conservation Area's streetscape.

The future residential development of the proposed subdivision will be a minimum of 134m from Victoria House (Nowland's Lochinvar Coach House) and 177m from the Holy Trinity Church building itself. The scale and form of the future development is not likely to detract from the heritage elements. The future development will remain unknown until applications are made through Council at which point the scale and form of the new development can be assessed by Council on a case by case basis.

- d. The details of required works and services, such as design and materials for kerbing and guttering, access crossings and the like should be consistent with original elements of the item or Conservation Area.

The proposal does not affect a conservation area. The kerbing, guttering and crossings proposed will be compatible with those elements already installed at the intersection of Cantwell Road and the New England Highway.

## 5. SUMMARY AND RECOMMENDATIONS

The current proposal for residential subdivision has not only been anticipated, but has been actively encouraged by Maitland City Council through the creation of the Lochinvar Urban Release Area. Council has been able to provide guidance and feedback on the proposal during the design development phase through the Pre-lodgement protocols established. The future density and character of the residential area which the site will become will be able to be assessed on a case by case basis by Council as development applications are submitted. Due to a number of factors including distance, elevation, screen planting and proposed buffers, EJE have no concerns regarding impact to the significance of the listed items that the future residential area might cause.

The proposed subdivision is in the vicinity of two heritage items though itself does not affect the gazetted curtilage of either. It is only the proposed road infrastructure upgrade, which is necessary to carry out the subdivision proposal, that has potential impact upon heritage items. EJE provided advice early in the process to push the proposed road widening away from Victoria House (Nowland's Lochinvar Coach House) because it has only recently been elevated to the State Heritage Register and the tree planting on its street boundary is named specifically in its listing.

This has resulted in works which directly affect the curtilage of the Holy Trinity Church, though not the church building itself. What will be affected is the southwest corner of the site and the reduction of the western boundary by 6.5 metres to the whole of the site depth. Also affected will be the (non-original) memorial gateposts and a small portion of (non-original) tree planting. So that these affected portions do not result in detrimental impacts to the significance of the church item EJE has provided recommendations in section 3.2.3 Initiative to Mitigate Impacts above. If these recommendations are carried out, the impacts to the Holy Trinity Church item will be reduced to a negligible level and would be acceptable.

A summary of the recommended initiatives to mitigate impacts is to relocate the (non-original) memorial gateposts onto new footings, reconstruct part of the (non-original) boundary fence to follow the new boundary but reusing the original horizontal pipe rails and pier cappings, relocate the (recent) church sign board, and open up the views from the intersection to the church within its grounds. Compensatory and new street-tree planting which would be easy to manage and would not grow to obstruct views is proposed in the Landscape Architects documentation.

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### Newspapers

Australian Town and Country Journal

The Maitland Daily Mercury

The Maitland Mercury

The Maitland Mercury and Hunter River General Advertiser

The Maitland Weekly Mercury

### Online Resources

Genealogy.com: <https://www.genealogy.com/>

Google Maps: <https://www.google.com.au/maps>

Mecone Mosaic: <https://www.mecone.com.au/mosaic/>

Nearmap (by license): <http://au.nearmap.com/>

University of Newcastle: Cultural Collections: <https://www.flickr.com/photos/uon/>

NSW Land & Property Information: Historical Lands Records Viewer: <http://images.maps.nsw.gov.au/>

NSW LPI: NSW Globe: <http://globe.six.nsw.gov.au/>

NSW LPI: Spatial Information Exchange: <http://maps.six.nsw.gov.au/>

## LEGISLATION

[Heritage Act 1977 \(NSW\)](#)

[Environment Planning and Assessment Act 1979 \(NSW\)](#)

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)

[National Parks and Wildlife Act 1974 \(NSW\)](#)

## MORE INFORMATION

[Australian Heritage Database](#) – Department of Climate Change, Energy, the Environment and Water (Cth) webpage

[Commonwealth Heritage List](#) – Department of Climate Change, Energy, the Environment and Water (Cth) webpage

[Heritage](#) – Environment and Heritage (part of Department of Planning and Environment) webpage

[Manage Heritage Items](#) – Environment and Heritage (part of Department of Planning and Environment) webpage

[State Heritage Inventory](#) – Environment and Heritage (part of Department of Planning and Environment) webpage

[UNESCO World Heritage List – properties in Australia](#) – UNESCO World Heritage Convention website