

# Penrith Lakes Development Application 2 Modification

Heritage Impact Assessment

Report to Arup

March 2025



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## EXECUTIVE SUMMARY

Penrith Lakes Development Corporation is seeking approval to modify two of the consents it has in place to support the importation of material into the Penrith Lakes site, located 62 km northwest of the Sydney CBD. Under the modifications the proposal is to import an additional 9.7 million tonnes of material across the eastern position of the site and consequently raise the landform to achieve immunity against the risk of a flood that has a 1-in-500 chance of occurring year. This would provide a level of protection onsite that is consistent with site's published Water Management Plans.

To support this, two State Significant Development modification applications were submitted to the Department of Planning, Housing, and Infrastructure to amend the existing conditions that were previously approved on 1 May 2020.

This Heritage Impact Assessment has been prepared in support of the modification of two State Significant Development consents issued for the Penrith Lakes Scheme. It is understood that following the modification applications being reviewed, the Department of Planning, Housing, and Infrastructure has made a request for further information. The request is based on the comments by Heritage NSW which were provided in a letter of advice on environmental heritage.

As per the Department of Planning, Housing, and Infrastructure's request, this Heritage Impact Assessment is to consider the impacts of increase in the import of fill material on two listed heritage items within the Penrith Lakes Scheme: McCarthy's Cemetery and The Poplars. Whilst physical impacts are not anticipated, the proposal has the potential to impact the setting and views to and from these items.

### Overview of findings

The report has identified the following conclusions:

The Poplars site is **not** listed on a heritage register as an item of heritage significance, however it does possess heritage significance at the local and state level as identified by the 2010 GML Conservation Management Plan for the Penrith Lakes Scheme and its entry on the State Heritage Inventory.

The Poplars site is of local heritage significance due to its historic, aesthetic, social, and archaeological research values, as well as representativeness and rarity of the plantings in its garden. The site is overall representative of nineteenth and early twentieth century agricultural settlements of the Castlereagh area

McCarthy's Cemetery is listed in the State Environmental Planning Policy (Precincts – Western Parkland City) as Heritage Item no. 3, and according to the 2015 Conservation Management Plan prepared by GML for McCarthy's Cemetery, has heritage significance at national, State, and local levels as a heritage landscape.

McCarthy's Cemetery is of national, State, and local heritage significance due to its historic, aesthetic and social values, as well as its representativeness and rarity as the oldest Catholic burial ground in NSW, containing the earliest known European grave in the region.

Based on the *2 Year Plan – Lot 4 Phase 1 & 2* drawings by J. Wyndham Prince for Penrith Lakes DA2 Modification which were issued on 13 March 2024, the proposed works would result in the following heritage impacts:

- The proposed works would likely result in **little to no** physical impacts to McCarthy's Cemetery or The Poplars site
- The proposed works likely cause a **minor adverse** visual impact to both McCarthy's Cemetery and The Poplars site
- Overall, there would be a **minor adverse** cumulative impact to McCarthy's Cemetery, The Poplar's site, and their respective settings.
- Significant views from within The Poplars site toward McCarthy's Cemetery and the Blue Mountains and Cranebrook Escarpments are already obstructed by the previously approved raising of the landform and current vegetation overgrowth within the site; there would be **little to no** additional adverse impact to these view lines
- Significant views from within McCarthy's Cemetery toward The Poplars site and the Blue Mountains and Cranebrook Escarpment would experience **minor adverse** impacts as a result of the proposed increase in landform height

## Approval pathway

The proponent is seeking State Significant Development approval from the Department of Planning, Housing and Infrastructure for the modifications of the previously approved Development Applications.

## Recommendations and mitigation measures

Consideration should be given to the following recommendations:

- As partial submersion has been identified inside the curtilage of The Poplars site, an assessment of potential remedial measures to both rectify and prevent future water damage should be conducted as a means of protecting significant heritage fabric and plantings within the site.
- Appropriate protective measures should be taken in accordance with the proposed works' standard operating procedures to ensure that effects of heavy vehicle movements (ie, dust, vibration, collisions, etc) do not adversely impact McCarthy's Cemetery and The Poplars site
- Care should be taken that the proposed deposition of fill and associated heavy vehicle movements do not accidentally preclude future public access to McCarthy's Cemetery.

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## 1.0 INTRODUCTION

### 1.1 Project background

Penrith Lakes Development Corporation (PLDC) is seeking approval to modify two of the consents it has in place to support the importation of material into the Penrith Lakes site, located 62 km northwest of the Sydney CBD. Under the modifications the proposal is to import an additional 9.7 million tonnes of material across the eastern position of the site and consequently raise the landform to achieve immunity against the risk of a flood that has a 1-in-500 chance of occurring year. This would provide a level of protection onsite that is consistent with site's published Water Management Plan – Stage 1, dated 2012.

To support this, two State Significant Development (SSD) modification applications were submitted to the Department of Planning, Housing, and Infrastructure (DPHI) to amend the existing conditions that were previously approved on 1 May 2024.

- Modification 12 of DA2 to amend condition 49C to read:
  - “49C – The importation of VENM and ENM shall be limited to 22.7 million tonnes at a maximum rate of three million tonnes per year”
- Modification 10 of DA3 to amend condition 41C to read:
  - “41C – The importation of VENM and ENM shall be limited to 22.7 million tonnes at a maximum rate of three million tonnes per year”

Both modifications were placed on exhibition between 13 November 2024 and 26 November 2024. Following this, the Planning Secretary requested that PLDC submit a response to the issues raised in submissions as required under section 104 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

Following the modification applications being reviewed, DPHI has made a request for further information, particularly concerning potential intrusions into the 40 metre buffer zones identified for both heritage items in a 2015 Conservation Management Plan (CMP) by GML. The request is based on the comments by Heritage NSW which were provided in a letter of advice on environmental heritage. It is understood that no HIA or Statement of Heritage Impact (SoHI) were previously prepared as part of the modification applications.

PLDC have advised that intrusions into the buffer zone have previously been approved in 2 year plans, which permitted works up to the boundary of both The Poplars site's and McCarthy's Cemetery's heritage curtilages. These previous works have altered the landforms around The Poplars site, and on the eastern side McCarthy's Cemetery. No works are proposed to take place within the boundaries of these heritage items.

This Heritage Impact Assessment (HIA) has been prepared in support of the modification of the two SSDA consents issued for the Penrith Lakes Scheme (the Scheme). As per the DPHI request, this HIA is to consider the impacts of increase in the import of fill material on two listed heritage items of local significance within the Scheme: McCarthy's Cemetery and The Poplars. As per advice issued by DPHI for the project in a letter dated 13 November 2024, whilst physical impacts are not anticipated, the proposal has the potential to impact the setting and views to and from these items.

### 1.2 Study area

The study area consists of three lots located in the Penrith City Council Local Government Area (Penrith LGA). They consist of Lot 4 DP 1277824, Lot 5 DP 1256056, and Lot 3 DP 1255572. These

lots are located in Castlereagh, NSW. Lot 4 DP 1277824 wholly surrounds the other two lots, which contain two heritage items that are being investigated as part of this HIA:

- 'The Poplars' (Lot 5 DP 1256056), Castlereagh Road, Castlereagh; no longer listed on a heritage register
- 'McCarthy's Cemetery' (Lot 3 DP 1255572), Old Castlereagh Road, Castlereagh; listed as Heritage Item No. 3 on the Western Parkland City SEPP 2021



Figure 1: Location of the heritage items within the Penrith Lakes Scheme area

### 1.3 Authorship

This report has been prepared by Daniel Dompierre-Outridge (Heritage Consultant) with input and review provided by Scott MacArthur (Principal) and Anita Yousif (Projects Director), all from Artefact Heritage.

### 1.4 Limitations

Aboriginal and non-Aboriginal archaeology are excluded from the scope of this report. Additionally, while there are heritage items in the area surrounding the study area, these are at a considerable distance from the proposed works, and are unlikely to experience significant impacts as a result of the proposed works. An assessment of the surrounding items' heritage significance is therefore not included in this report. Their positions relative to the study area are illustrated below in Figure 2.



Figure 2. Positions of the heritage items outside of the Penrith Lakes Scheme

## 2.0 LEGISLATIVE CONTEXT

### 2.1 Overview

This section discusses the heritage management framework, notably legislative and policy context, applicable to the proposed development and study area.

### 2.2 Identification of heritage listed items

Heritage listed items were identified through a search of relevant state and federal statutory and non-statutory heritage registers:

- World Heritage List (WHL)
- Commonwealth Heritage List (CHL)
- National Heritage List (NHL)
- State Heritage Register (SHR)
- Section 170 Heritage and Conservation Registers
- NSW State Heritage Inventory database
- Penrith Local Environmental Plan (LEP) (2010)
- Register of the National Estate (RNE)
- National Trust of Australia (NSW) register
- State Environmental Planning Policy (SEPP) (Precincts – Western Parkland City) 2021

Items listed on these registers have previously been assessed against the heritage assessment guidelines relevant to their peak governing body. Items that are of Commonwealth, National and World heritage significance have been assessed in accordance with the Environmental Protection and Biodiversity Conservation Act 1999 (the EPBC Act). Items of state or local significance have been assessed against the NSW Heritage Assessment guidelines. Assessments of heritage significance as they appear in relevant heritage inventory sheets and documents, are provided in this assessment.

There are several items of legislation that are relevant to the current study area. A summary of the relevant Acts and the potential legislative implications are provided below.

### 2.3 Environment Protection and Biodiversity Conservation Act 1999

#### 2.3.1 National Heritage List

The National Heritage List (NHL) has been established to list places of outstanding heritage significance to Australia, including places overseas. There are nine matters of national environmental significance, these include Australia's world heritage properties (as listed on the World Heritage List [WHL]), national heritage places, wetlands of international importance (listed under the Ramsar Convention), migratory species, listed threatened and ecological communities, Commonwealth marine areas, the Great Barrier Reef Marine Park, nuclear actions including uranium mining, and water resources in relation to coal seam gas developments and large coal mining developments.

There are **no** heritage items listed on the NHL within the study area.

## 2.4 Heritage Act 1977

The NSW *Heritage Act 1977* (Heritage Act) provides protection for items of ‘environmental heritage’ in NSW. ‘Environmental heritage’ includes places, buildings, works, relics, movable objects or precincts considered significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Items considered to be significant to the State are listed on the SHR and cannot be demolished, altered, moved or damaged, or their significance altered without approval from the Heritage Council of NSW.

### 2.4.1 State Heritage Register

The SHR was established under Section 22 of the Heritage Act and is a list of places and objects of particular importance to the people of NSW, including archaeological sites. The SHR is administered by Heritage NSW, and includes a diverse range of over 1,500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW. For works to an SHR item, a Section 60 application must be prepared for works that are not exempt under Section 57(2) of the Heritage Act.

There are **no** items listed on the SHR within the study area.

### 2.4.2 Conservation Management Plans

Under Section 38A of the Heritage Act, if a Conservation Management Plan (CMP) is prepared for an item listed on the SHR, the Heritage Council of NSW may endorse the plan, and use the CMP to make regulations or provisions in relation to the SHR item. A CMP is not required under the Heritage Act, however the Heritage Council of NSW continues to recommend the preparation of CMPs as best practice heritage management documents for places of State Heritage significance and to consider suitable site-specific exemptions.

There have been a number of CMPs prepared to assist in the management of the area, including a 2006 CMP for the Penrith Lakes Scheme and a 2008 CMP for McCarthy’s Cemetery, both prepared by Stedinger Associates. However, the Penrith Lakes Scheme’s setting has been drastically altered since the CMPs were issued in 2008.

The latest CMP written for the Penrith Lakes Scheme was prepared by Godden Mackay Logan (GML) for the Penrith Lakes Development Corporation (PLDC) in September 2010.<sup>1</sup> The CMP identifies two sites as being of heritage significance within the study area:

- The Poplars
- McCarthy’s Cemetery

There is an additional CMP prepared by GML in 2015 for McCarthy’s Cemetery specifically.<sup>2</sup> This report makes use of the GML CMPs from 2010 and 2015, as being more recent and more applicable to the assessment of potential heritage impacts in the Penrith Lakes Scheme.

## 2.5 State Environmental Planning Policy (Precincts – Western Parkland City) 2021

Chapter 5 *Penrith Lake Scheme* of the *State Environmental Planning Policy (Precincts – Western Parkland City 2021)* was updated to include the changes to legislation which were proposed in the

<sup>1</sup> GML, *Penrith Lakes Scheme Conservation Management Plan*, September 2010

<sup>2</sup> GML, *McCarthy’s Cemetery Conservation Management Plan*, November 2015

State Environmental Planning Policy (Precincts—Western Parkland City) Amendment (Penrith Lakes Scheme) 2023. It now contains the following objectives pertaining to the management of heritage items in its purview:

- 
- a) to identify and protect items of the environmental heritage,
  - b) to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,
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The SEPP identifies McCarthy’s Cemetery as a listed heritage item; it does not identify the Poplars site as a listed heritage item.

## 2.6 Summary of heritage listings

### 2.6.1 Penrith Lakes DA2 Modification

The study area comprises the Penrith Lakes Scheme, which contains one heritage item that is listed on one heritage register as outlined in Table 1. The curtilage of this item is illustrated in Figure 1.

**Table 1: Results of register searches for the study area and adjacent heritage items**

Register	Study Area/Item	Other items
SEPP (Precincts – Western Parkland City) 2021	‘McCarthy’s Cemetery’, listed as Heritage Item No. 3 on the SEPP 2021	N/A

It should be noted that although The Poplars heritage item appears to no longer be listed on a heritage register (whether statutory or non-statutory), it was previously listed on the Penrith LEP 1991 as item CR-8 and has an entry on the State Heritage Inventory (SHI) website. Furthermore, Heritage NSW have requested more information on potential impacts to views to and from The Poplars site as well as McCarthy’s Cemetery heritage items in response to PLDC’s application to modify the proposed importation of fill.

This report therefore contains an assessment of both The Poplars site and McCarthy’s Cemetery as heritage items, based on information made available in previous research and reports such as CMPs and SHI listings. The curtilage of The Poplars site is also illustrated above in Figure 1.

### 3.0 CHRONOLOGICAL TIMELINE

For a complete historical background of the study area including The Poplars site and McCarthy's Cemetery, see the 2010 CMP prepared by GML for the Penrith Lakes Scheme.

The following chronological timeline for the Penrith Lakes Scheme has been reproduced from the GML CMP<sup>3</sup>.

Year	Day and Month	Event
1789	June	Watkin Tench arrives at Nepean River with first European exploration party to area
1799	-	A major flood of the Nepean River
1803	1 July	Mary Collett receives a land grant at 'Birds Eye Corner'
1804	4 June	John Lees receives a land grant at Castlereagh. Later he gives part of this grant for a Methodist Church to be erected
1804	11 August	James McCarthy receives land grant which he later names Cranebrook Farm
1806	-	A major flood of the Nepean River. First burial in McCarthy's Catholic Cemetery
1809	-	A major flood of the Nepean River
1810	6 December	Governor Lachlan Macquarie names Castlereagh as one of his five towns
1811	-	Surveyor James Meehan marks out the streets and square
1811	-	A major flood of the Nepean River
1811	-	Hadley Park built
1814	28 April	A glebe house and school complete for Rev Henry Fulton in Church Street
1814	11 July	Rev Henry Fulton's school opened. Called the Classical Academy for Young Gentlemen, this school was the first secondary school in Australia.
1814	-	First burial in Castlereagh Anglican cemetery
1817	7 October	The first Methodist chapel in the southern hemisphere opened, erected by John Lees
1822	-	John Single builds Nepean Park
1825	-	Rev Henry Fulton's school closed
1835	-	Conrad Martens visits and paints Castlereagh area
1836	4 August	Ann Fulton, wife of Henry Fulton, dies

<sup>3</sup> GML, *Penrith Lakes Scheme – Conservation Management Plan*, September 2010, p. 42-43

1836	-	John Lees dies at Castlereagh
1840	17 November	Rev Henry Fulton dies and is buried at Castlereagh Cemetery on 19 November
c. 1841	-	Landers Inn (originally Odd Fellows Inn) and stables building erected
1848	-	Methodist Chapel opened – the second on the site
1858	1 May	Castlereagh school opened (closed in 1935)
1878	11 December	Christchurch Anglican Church consecrated. Replaces Fulton's church in Church Street which had been destroyed by fire in c. 1870
1878	28 January	John Single of Nepean Park estate dies
1879	3 March	Upper Castlereagh School opened (closed 1975)
c. 1880	-	First and gravel extraction begins at Birds Eye Corner by Emu Gravel and Road Metal Company
1880-1900	-	Artists such as Julian Ashton, Charles Conder and Arthur Streeton drawn to area to paint
c. 1890	-	Dairy farming begins in Castlereagh
1895	9 September	Municipality of Castlereagh proclaimed
1896	-	Streeton paints <i>The Purple Noon's Transparent Might</i> at Castlereagh
1911	26 September	William Hart flies over Castlereagh and up the river to Edinglassie, the first aeroplane flight in the district
1923	-	First cotton grown in Australia at Castlereagh by G. A. Bond and Co on the corner of Church Lane and Castlereagh Road
1935	17 December	Castlereagh School closed
1948	December	Elections held for the new council
1949	1 January	Castlereagh, Mulgoa, St Marys and Penrith Shires amalgamated to form the Municipality of Penrith
1957	-	The present Castlereagh School erected
1980	-	Penrith Lakes Scheme established
1995	June	Development application (DA3) to quarry 403 hectares approved
2000	-	Sydney Olympics uses first stage of Penrith Lakes for rowing and regatta events

In addition, the 2010 CMP provides the following historical development information for The Poplars site and McCarthy's Cemetery.

## The Poplars

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- *Located on part of the 150 acres originally granted to Rosetta Marsh in 1809, who later married and became Rosetta Terry. The property (then known as 'Islington') was inherited by daughter Maria Foxglove Hosking in 1845. The first slab structure is thought to have been built around this time (pre. 1850).*
  - *In 1875 the western portion of 'Islington' comprising 100 acres was purchased by Richard Cosgrove. The property was later sold to Edward Cass in 1905, who is likely to have constructed the second slab cottage.*
  - *The 100 acre property was purchased by Andrew Salmond in 1921. He is thought to have constructed in 1922.*
  - *Much of the garden was planted in the 1930s from cuttings that were collected from the local area and seeds that were obtained from the Royal Botanic Gardens, Sydney. It was not formally planned.*
  - *Following WWI, Poplars were commonly planted in commemoration of battles fought in France, reaching their peak between the 1920s and 1940s.*
  - *Property remained in Salmond family ownership until 1962, except for the house allotment, was sold to Rio Pioneer Gravel. The house was sold at this time to DUAP (NSW Dept of Planning).<sup>4</sup>*
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## McCarthy's Cemetery

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- *Part of original 100 acre grant to James McCarthy in 1804. Private cemetery within farm setting of the McCarthy homestead in 1806, later becoming established as a Roman Catholic burial ground for the region, however not dedicated as a Roman Catholic Cemetery until 1838 (Archbishop John Bebe Polding). Most of the graves in the cemetery date from the 1830s.<sup>5</sup>*
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<sup>4</sup> GML, *Penrith Lakes Scheme CMP*, September 2010, p. 160

<sup>5</sup> GML, *Penrith Lakes Scheme CMP*, September 2010, p. 134

## 4.0 PHYSICAL CONTEXT

### 4.1 Site Inspection

A site inspection was conducted on 22 January 2025 by Daniel Dompierre-Outridge (Heritage Consultant) and Anita Yousif (Director, Projects) of Artefact Heritage. The aim of the site inspection was to inspect the area of proposed impacts and to identify heritage items, significant heritage fabric of the items and view lines that may be affected by the project. The inspection was undertaken on foot and a photographic record was made.

#### 4.1.1 Context

The setting of the study area is in part composed of a wide, flat plain of grassland; the landscapes within the curtilages of McCarthy's Cemetery and The Poplars contain substantial quantities of trees. Other sections of the study area, for instance the ground surrounding The Poplars site, are composed of newly deposited fill and are largely devoid of vegetation. The foothills of the Blue Mountains are visible to the west of the study area; smaller hills are visible in the landscape to the north and east of the study area.

Although much of the land in the study area has been artificially raised and flattened, the landscape within the heritage items' curtilage specifically has remained at or near their original heights. This has resulted in the heritage items essentially sitting in depressions in the landscape, which are lower than the wider landscape. Views between McCarthy's Cemetery and The Poplars are at least partially obstructed by the landform. The Poplars site sits lower in the terrain than the McCarthy's Cemetery, and whose vegetation is considerably overgrown.



**Figure 3. Photograph of the landscape in the study area between McCarthy's Cemetery and The Poplars, facing northeast**



**Figure 4. Photograph of the study area landscape west of McCarthy's Cemetery, with the Blue Mountains in the background**



**Figure 5. Zoomed-in photograph of The Poplars site taken from McCarthy's Cemetery, facing north**



**Figure 6. Zoomed-in photograph of McCarthy's Cemetery taken from The Poplars site, facing south**



**Figure 7. Photograph of the raised terrain around McCarthy's Cemetery, facing southwest**



**Figure 8. Photograph of the raised terrain around The Poplars site, facing southeast**



Figure 9. Photograph of newly deposited fill near The Poplars site, facing east



Figure 10. View from within The Poplars site in the direction of McCarthy's Cemetery, facing south

#### 4.1.2 McCarthy's Cemetery

The grounds contained within the boundaries of McCarthy's Cemetery are generally kept trim and the grass cut short, with a wire fence surrounding the perimeter; some areas have been allowed to become overgrown with tall grass and weeds. There are numerous gravestones in various states of repair, or disrepair, within the cemetery. Some have been erected as recently as 2016, as the cemetery is still in use by the direct descendants of the individuals/families buried there. A number of trees also remain standing within the cemetery, planted in lines parallel to the perimeter.



Figure 11. Photograph of McCarthy's Cemetery interior, facing north



Figure 12. Photograph of a group of grave markers and possible cenotaphs in McCarthy's Cemetery, facing southwest



Figure 13. Photograph of McCarthy's Cemetery interior, facing east



Figure 14. Photograph from the cemetery's western edge, facing south



Figure 15. Photograph of a gravestone dating to 1847 in McCarthy's Cemetery



Figure 16. Photograph of a gravestone dating to 2016 in McCarthy's Cemetery

### 4.1.3 The Poplars

The Poplars site is entirely surrounded by a berm composed of newly deposited fill; a machinery laydown area sits to the southwest of the site. The interior of the site contains a number of extant early buildings constructed with a variety of materials including bricks, sandstone, wood, and corrugated metal sheets. Much of the site is overgrown with trees and dense undergrowth. The eastern edge of the site is partially submerged, which may indicate the stormwater drainage system is not adequately addressing the needs of the site.



Figure 17. Photograph of the entrance to The Poplars site, facing north



Figure 18. Photograph of the gate at the entrance to the Poplars site



**Figure 19. Photograph of standing water at the eastern edge of the Poplars site**



**Figure 20. Photograph of The Poplars site exterior, facing east**



**Figure 21. Photograph of a low sandstone wall within The Poplars site, facing**



**Figure 22. Photograph of the machinery laydown area to the southwest of The Poplars site, facing north**



**Figure 23. Photograph from within The Poplars site in the direction of McCarthy's Cemetery, facing south**

## 5.0 SIGNIFICANCE ASSESSMENT

### 5.1 Methodology

Determining the significance of heritage items or a potential archaeological resource is undertaken by utilising a system of assessment centred on the *Burra Charter* (Australia ICOMOS 2013). The principles of the charter are relevant to the assessment, conservation and management of sites and relics. The assessment of heritage significance is outlined through legislation in the Heritage Act and implemented through the *NSW Assessing Heritage Significance*,<sup>6</sup>

If an item meets one of the seven heritage criteria and retains the integrity of its key attributes, it can be considered to have heritage significance (see Table 2). The significance of an item or potential archaeological site can then be assessed as being of local or State significance.

'*State heritage significance*', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

'*Local heritage significance*', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.<sup>7</sup>

**Table 2. NSW heritage assessment criteria**

Criteria	Description
<b>A – Historical Significance</b>	An item is important in the course or pattern of the local area's cultural or natural history.
<b>B – Associative Significance</b>	An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.
<b>C – Aesthetic or Technical Significance</b>	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
<b>D – Social Significance</b>	An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.
<b>E – Research Potential</b>	An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.
<b>F – Rarity</b>	An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.
<b>G - Representativeness</b>	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).

<sup>6</sup> Dept. of Climate Change, Energy, the Environment, and Water, 2025

<sup>7</sup> This section is an extract based on the Heritage Office Assessing Significance for Historical Archaeological Sites and Relics 2009:6.

## Integrity

Integrity relates to whether all the attributes that convey heritage significance are extant within the subject site and not eroded or under threat<sup>8</sup>. Integrity is a measure of the wholeness and intactness of the place and its attributes. Examining the conditions of integrity, therefore requires assessing the extent to which the subject site or element:

- a) includes all elements necessary to express its heritage significance;
- b) is of adequate size to ensure the complete representation of the features and processes which convey the property's heritage significance;
- c) suffers from adverse effects of development and/or neglect.

**Table 3: Levels of Integrity**

Level	Definition
High	The physical fabric of the property and/or its significant features is in good condition, and the impact of deterioration processes controlled. A significant proportion of the elements necessary to convey the totality of the heritage significance conveyed by the property is included <sup>9</sup> .
Moderate	The physical fabric of the property and/or its significant features have undergone some modifications. The changes may be reversible.
Low	The physical fabric of the property and/or its significant features have undergone substantial modifications and the original is irretrievable
N/A	Modern and / or intrusive fabric
Unknown	Elements that cannot be evaluated (ie. natural ventilation systems where their continued operation cannot be determined, fabric that cannot be inspected)

## 5.2 Existing heritage assessments

### 5.2.1 Statement of Significance

#### 5.2.1.1 The Poplars

The 2006 CMP for the Penrith Lakes Scheme prepared by Stedinger Associates contains an assessment of significance of The Poplars heritage item, including a statement of significance for the site. However, The Poplar's setting has been drastically altered since the CMP was issued in 2006: with the ongoing use of the study area as a fill drop-off zone, the landform has effectively isolated The Poplars item from its surrounds. As shown in the photographs from the site inspection in Section 4.0 above, views from within the site in all directions are entirely obstructed by the extant fill, as well the overgrown vegetation throughout the site. This report therefore relies on the more recent statement of significance provided by GML in their 2010 CMP for the Penrith Lakes Scheme, reproduced below:

<sup>8</sup> Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, ICOMOS 2011, p10.

<sup>9</sup> Sheridan Burke, The long and winding road: a challenge to ICOMOS members, in *Changing World, Changing Views of Heritage: heritage and social change* ICOMOS, 2010

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*The Poplars comprises a densely vegetated allotment containing remains of a private residence and associated outbuildings. It is an important landmark in the Penrith Lakes Scheme landscape, providing a reference point from various locations.<sup>10</sup>*

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### Summary for significant criteria

The Poplars site has heritage significance at the local level for its historical, associative, aesthetic, and social values. It also has social heritage significance at the local level.

#### 5.2.1.2 McCarthy's Cemetery

The 2015 CMP prepared by GML provides the following statement of significance for McCarthy's Cemetery:

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*McCarthy's Cemetery (RES 30) is of high historical, associational, aesthetic, social and scientific significance at national, State and local levels as a cultural landscape. The cemetery has considerable historic significance as the oldest Catholic burial ground in NSW, dating from 1806 and representing deliberate denominational separation contemporary with the earliest official recognition of the Catholic faith by the Colonial government during the 1820s.*

*The oldest known European grave in the Penrith district is also found in this cemetery. The cemetery is directly associated with the McCarthy family, prominent pioneers in the Cranebrook area for over 170 years. Inscriptions in the cemetery, a number of which predate Civil Registration, provide an important record of the genealogical links, biographical detail and history of the area's Catholic families. As the site of burial of well-known early settlers of the district and their descendants, the cemetery's ongoing respect, use and maintenance by the community is indicative of its social significance. The cemetery itself contains important remnants of early landscaping and traditional remembrance plants.*

*The archaeological remains at the McCarthy's cemetery site have the potential to contribute important data about the first Catholic settlers and their descendants including funerary practices and belief systems. The analysis of material remains could reveal the pattern of social and economic status of the community as well as their tastes and lifestyles. The site demonstrates a long period of occupation and has the potential to yield an archaeological resource that is generally intact and legible.*

*Although McCarthy's Cemetery has been a prominent and notable element of the cultural landscape of Cranebrook/Castlereagh, it is currently situated within an active quarry site which has for some time impacted on its aesthetic appreciation and the public's visual access to the place.*

*The variety of grave markers (many which are in poor to fair condition) and associated historic plantings give this cemetery aesthetic value. Some grave monuments are intact, others in need of repair, but much of the cemetery's original fabric remains. Considerable disturbance appears to have occurred as a result of neglect, natural causes and vandalism in the past and the original context and*

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<sup>10</sup> Godden Mackay Logan, *Penrith Lakes Scheme Conservation Management Plan*, September 2010

setting of the cemetery have fundamentally changed. Its former physical and visual relationship with McCarthy's Farm and McCarthy's Lane has changed. Notwithstanding this, McCarthy's Cemetery has retained much of its nineteenth century fabric, form, intangible values and the character of a rural cemetery.

It is both rare, as the earliest known example of its type and representative of a simply planned early nineteenth-century cemetery.<sup>11</sup>

## 5.2.2 Assessment of Significance

### 5.2.2.1 The Poplars

The 2010 CMP prepared by GML for the Penrith Lakes Scheme provides the following assessment of significance in Table 4 for The Poplars heritage item. Though there has been ongoing deposition of fill in the area, the following assessment remains accurate to the extant conditions of the heritage item.

**Table 4. Heritage significance assessment for The Poplars**

Criteria	Discussion
	<i>Demonstrates early settlement of the Castlereagh area.</i>
<b>A) Historical Significance</b>	<i>Demonstrates through fabric and layout phases of use from earliest European settlement through the nineteenth and early twentieth century agricultural expansion when smaller land holdings appeared in the area with development of dairy farming.</i>
<b>B) Associative Significance</b>	<i>Original grantee Rosetta Marsh and husband Samuel Terry, Maria Foxglove Hosking, Richard Cosgrove and Edward Cass. Also has long associations with the Salmond family.</i>
<b>C) Aesthetic Significance</b>	<i>Prominent landmark and reference point in the landscape. Plant species are distinctive.</i>
<b>D) Social Significance</b>	<i>Landmark value.</i> <i>Poplar plantings associated with commemoration of battles fought in France during World War One, (reaching their peak between the 1920s and 1940s).</i>
<b>E) Research Potential</b>	<i>Demonstrates early construction materials and techniques.</i> <i>High archaeological potential.</i>
<b>F) Rarity</b>	<i>Pise House is rare at the local level.</i>
<b>G) Representativeness</b>	<i>Plant species in the garden are representative of tastes and characteristics of gardens of the 1930s and 1940s. The site is representative of nineteenth and early twentieth century agricultural settlements of the Castlereagh area.</i>

### 5.2.2.2 McCarthy's Cemetery

The 2010 CMP prepared by GML for the Penrith Lakes Scheme provides the following assessment of significance in Table 4 for McCarthy's Cemetery heritage item.

<sup>11</sup> GML, *McCarthy's Cemetery Conservation Management Plan*, September 2010

**Table 5. Heritage significance assessment for McCarthy's Cemetery**

Criteria	Discussion
<b>A) Historical Significance</b>	<ul style="list-style-type: none"> <li>• McCarthy's Cemetery is the oldest Catholic burial ground in NSW and one of the earliest consecrated Catholic cemeteries in Australia</li> <li>• McCarthy's Cemetery was initially the private burial ground of the McCarthy family and soon after was a cemetery for other early and prominent Roman Catholic settlers in the Cranebrook and Penrith district. James and Mary McCarthy first occupied the area in 1795</li> <li>• The first burial was that of Elizabeth McCarthy in 1806, the oldest known European burial in the Penrith district</li> <li>• McCarthy's Cemetery is of significance in relation to the history of settlement in Castlereagh and its Catholic families, such as the Longs and the McCarthy's</li> <li>• McCarthy's Cemetery has been in near continual use by the McCarthy family, their neighbours, and their descendants in the Penrith area for over two centuries</li> </ul>
<b>B) Associative Significance</b>	<ul style="list-style-type: none"> <li>• The cemetery contains the burials of and are associated with James McCarthy, his family and descendants, as well as other local and district families important in the development of the Penrith area</li> <li>• The cemetery is associated with the historic McCarthy Farm complex (no longer surviving) and McCarthy Lane (partially intact) and was part of the original land grant made to ex-convict James McCarthy in 1804</li> <li>• The cemetery is associated with Bishop Bede Polding, who consecrated the site in 1838 (possibly 1835)</li> </ul>
<b>C) Aesthetic Significance</b>	<ul style="list-style-type: none"> <li>• McCarthy's Cemetery is situated within an active quarry site, temporarily reducing the aesthetic appeal of this site (<b>Note:</b> the site is no longer an active quarry)</li> <li>• The cemetery is itself a prominent and notable element within this landscape</li> <li>• Although in poor to fair condition, the variety, detailing and placement of grave markers gives this cemetery aesthetic value. Its funerary monuments include some fine examples of monumental masonry representative of their period</li> <li>• The cemetery is significant as an aesthetically pleasing and harmonious cultural landscape, with strong aesthetic values based on the quality and character of individual and grouped elements such as grave monuments and plantings, viewed from within and outside the site</li> <li>• McCarthy's Cemetery has an impressive, but simple layout. Its square plot is surrounded by a perimeter planting of mature Kurrajong and elm trees and a reconstructed split post and rail fence which all contribute to the aesthetic qualities of the site</li> </ul>
<b>D) Social Significance</b>	<p>A cemetery is a microcosm of the community which developed it, containing not only the human remains of the past members of that community, but also reflecting the religious beliefs, genealogical backgrounds, levels of affluence, artistic tastes and creative accomplishments of the people who made up the community.</p> <ul style="list-style-type: none"> <li>• The cemetery is important for its associations with the early pioneers of New South Wales, Penrith and their descendants. Early settler's graves are usually considered socially significant by the majority of the community, as is reflected in listing of the cemetery on the Penrith LEP heritage schedule and the Register of the National Trust of Australia (NSW)</li> <li>• McCarthy's Cemetery has been in continuous service for over 200 years as the final resting place of many families from the Penrith district (1806–Present)</li> </ul>

Criteria	Discussion
<p><b>E) Research Potential</b></p>	<ul style="list-style-type: none"> <li>• <i>The cemetery holds a special significance for individuals and the wider community as a result of personal sentiment and/or attachment to those buried, community attitudes and respect</i></li> <li>• <i>The early settler burials provide a genealogical link to the present community that is being increasingly recognized as people research their family histories</i></li> <li>• <i>The cemetery reflects the religious beliefs and customs of the local Catholic community and is likely to have spiritual and cultural importance for groups and individuals associated with the Catholic Church.</i></li> <li>• <i>The continued use of the cemetery by members of the local Catholic community is evidence of its social value</i></li> </ul> <hr/> <p><i>From an archaeological perspective McCarthy's Cemetery is considered to be of significance. Despite disturbance to surface features and changes to its setting, the site has the potential to provide information not available from other sources and research opportunities that will contribute to our knowledge of the past. This is assessed in Section 4.3.</i></p> <ul style="list-style-type: none"> <li>• <i>The cemetery contains a collection of grave markers and associated elements that demonstrate developments and variation in architectural and artistic styles and approaches. The grave markers are also physical evidence of the quality of workmanship and earlier artisan practices that are being lost as a consequence of social change or technological advances.</i></li> <li>• <i>As a tangible record, the cemetery is likely to contribute to our knowledge of the lives and deaths of Catholic settlers of the area from the early nineteenth century. It contains inscriptions and memorials which pre-date the 1856 Civil Register of births, deaths and marriages in New South Wales, and may be the only primary record of some of those buried. Genealogical information may differ from that in historical records.</i></li> <li>• <i>Funerary monuments demonstrate the skills of the monumental masons and artisans who produced them, the social standing and beliefs of the departed and their relatives and the tastes and fashions of the period. Inscriptions on headstones often provide considerable biographical information about people, their occupations, their ethnicity, and in some cases, the manner of their deaths. The physical and documentary evidence related to McCarthy's Cemetery has the potential to contribute to a wider understanding of European occupation of New South Wales in the nineteenth century.</i></li> <li>• <i>The botanical and horticultural elements of the cemetery are also significant as they constitute the main survivors of the traditional nineteenth-century species used in the area.<sup>2</sup> The cemetery contains a range of traditional plantings and native species providing a valuable botanical collection resource and indications of the original natural vegetation.</i></li> <li>• <i>Skeletal remains, if excavated, have the potential to provide biological information that is usually not readily available.</i></li> </ul>
<p><b>F) Rarity</b></p>	<ul style="list-style-type: none"> <li>• <i>McCarthy's Cemetery is the oldest Catholic burial ground to survive in the Penrith district and is the oldest surviving Roman Catholic Cemetery in Australia. It contains the oldest known European grave in the Penrith district—that of Elizabeth McCarthy dated 1806.</i></li> <li>• <i>Consecration of a private burial ground for general sectarian use is extremely unusual in New South Wales. McCarthy's Cemetery is one of a small number of documented rural cemeteries not associated with a church.</i></li> <li>• <i>By virtue of its historical associations with important persons and events in the early development of the Penrith Local Government Area, McCarthy's Cemetery possesses rare aspects of the area's cultural history.</i></li> </ul>

Criteria	Discussion
<b>G) Representativeness</b>	<ul style="list-style-type: none"> <li>• <i>McCarthy's Cemetery is the final resting place of early settlers who were important to the success of the early colony, such as James McCarthy.</i></li> <li>• <i>Some of the burials pre-date 1856, the year of introduction of Civil Registration of Births, Deaths and Marriages in New South Wales.</i></li> </ul>
	<ul style="list-style-type: none"> <li>• <i>Graves within the cemetery are representative as a physical record of the McCarthy's and other families who remained in the Penrith district for many years.</i></li> <li>• <i>McCarthy's Cemetery is a fine example of a simply planned, early-nineteenth-century graveyard.</i></li> <li>• <i>McCarthy's Cemetery demonstrates the principal characteristics of a class of the cultural places of NSW, being representative of small Catholic cemeteries dating from the first half of the nineteenth century.</i></li> </ul>

### 5.2.3 Significant views and vistas

The SHI listing's assessment of significance for The Poplars site, which was last updated in 2006, states that

*The view line between the main residence and McCarthy's Cemetery is of high aesthetic significance indicating the sites former close association with the town of Cranebrook.<sup>12</sup>*

The 2010 CMP prepared by GML also identifies the view between The Poplars and McCarthy's Cemetery as being significant and should be retained; however, it also states that this view is obstructed by the existing landform.<sup>13</sup> During the site visit on 22 January 2025, it was confirmed that the view from ground level within The Poplars site toward McCarthy's Cemetery is obstructed by the raised ground surface in Lot 4 of DP 1277824 (see Figure 10).

The view from ground level within McCarthy's Cemetery toward The Poplars site is partially obstructed by the raised landform. However, it is still possible to see the site from the cemetery, although the structures associated with the site are hidden from view behind a mass of vegetation. Were the vegetation not present, it is possible that the roofs of the structures within the site would be visible from the cemetery.

Heritage NSW have requested additional information concerning the potential impacts of the proposed modifications on significant views between The Poplars site and McCarthy's Cemetery heritage items, and nearby landscape features including the Blue Mountains and the Cranebrook Terrace. According to the 2006 CMP prepared by Stedinger Associates for the Penrith Lakes Scheme, Cranebrook Terrace is in fact the alluvial plain on which the Penrith Lakes Scheme is constructed. This alluvial plain has been almost subsumed by ongoing deposition of fill, and consequently the cultural landscape it contained is no longer visible. However, the 2010 CMP by GML states that the views between The Poplars site and McCarthy's Cemetery heritage items and the Cranebrook Escarpment northeast of the study area are also of heritage significance; the Cranebrook Escarpment is still visible from the study area.

<sup>12</sup> NSW Government SHI, *The Poplars – Old Slab Cottage, Pise House and Garden*, 11 May 2006

<sup>13</sup> Godden Mackay Logan, *Penrith Lakes Scheme Conservation Management Plan*, September 2010

These significant views and sightlines (Figure 24) were assessed by GML in their 2010 CMP at a time when The Poplars site's vegetation had already become overgrown (Figure 25). The vegetation is understood to form part of the significance of the site, as it contains examples of cultural plantings, including poplar trees and plants grown from seeds from the Royal Botanic Gardens in Sydney (Section 5.2.2.1). However, an aerial photograph dated to 1947 (Figure 26) shows the property was at one time considerably more cultivated, which would likely have allowed a clearer view between the site and McCarthy's Cemetery than that afforded by the extant vegetation. It is therefore likely that the current state of the vegetation does not reflect the historic view as seen from The Poplars site.

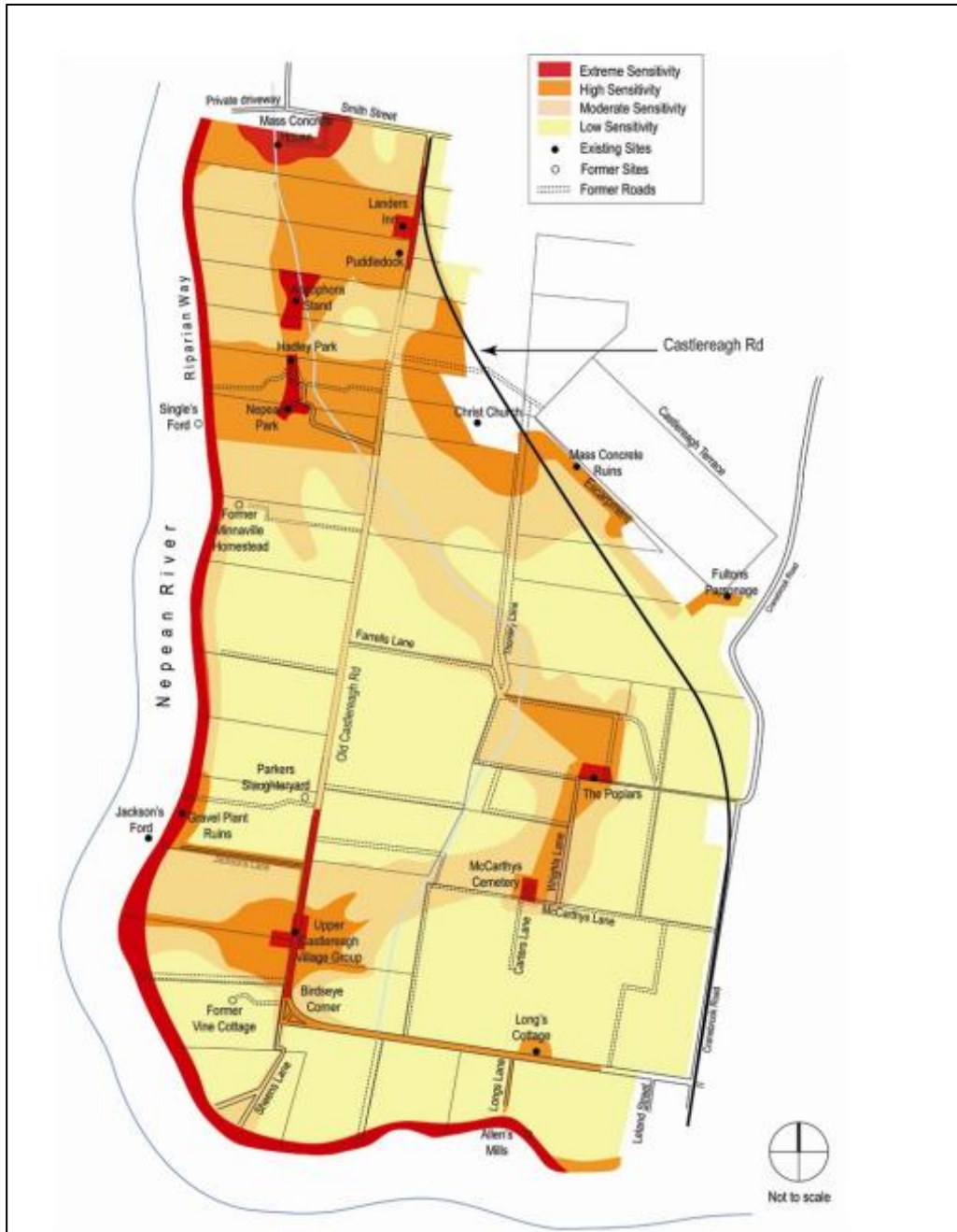


Figure 24. Illustration of significant viewlines between heritage items in the Penrith Lakes Scheme assessed by GML (Source: GML, *Penrith Lakes Scheme CMP*, p. 65, September 2010)



Figure 25. A 1991 aerial image of The Poplars site, outlined in yellow (Source: NSW Department of Customer Service, Historical Imagery Viewer)



Figure 26. Aerial photograph of The Poplars site, outlined in yellow, dated 1947 (Source: NSW Department of Customer Service, Historical Imagery Viewer)

## 6.0 THE PROPOSED WORKS

### 6.1 The proposed modifications

The proposed modifications to the works within the study area would result in the landform within Lot 4 DP 1277824 being raised above the previously approved levels, which correspond to the existing landform levels. The increase would be by up to 1.5 metres in certain areas, with a gradual fall away from the boundaries of the heritage items (Figure 27 and Figure 29). This increase in height would be achieved by the proposed importation of up to 22.7 million tonnes of fill consisting of virgin excavated natural material (VENM) and excavated natural material (ENM). There are existing exclusion or buffer zones around both heritage items, however PLDC have advised that works have previously been approved in 2 year plans for the site. Consequently, the landform surrounding The Poplars site, and on the eastern side of McCarthy's Cemetery, as a result of previously approved land filling. No works are proposed to take place within the curtilages of the heritage items themselves.

The proposed works are illustrated in a document titled the *2 Year Plan – Lot 4 Phase 1 & 2*, prepared by J. Wyndham Prince for the Penrith Lakes DA2 Modification, which were issued on 21 February 2024. Relevant site plans are provided below in Figure 27 through Figure 32.

#### 6.1.1 Project justification

The project justification is provided in the *Penrith Lakes Response to submissions received against DA2 Modification 12 and DA3 Modification 10*.

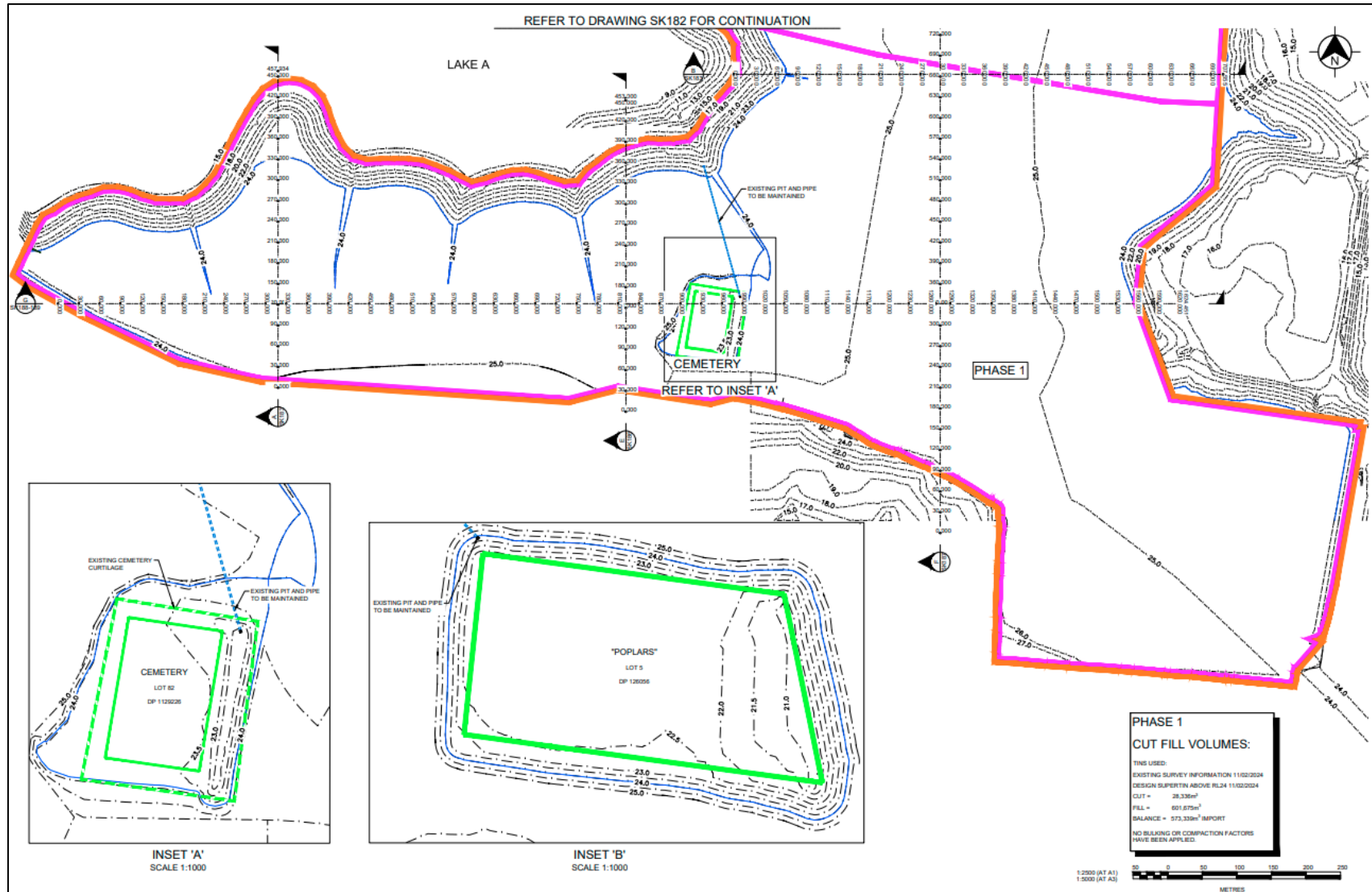


Figure 27: Proposed site plan for the Penrith Lakes DA Modification (Source: J. Wyndham Prince, *Drawing 110088SK181, 2 Year Plan – Lot 4 Phase 1 & 2, 21 February 2024*)

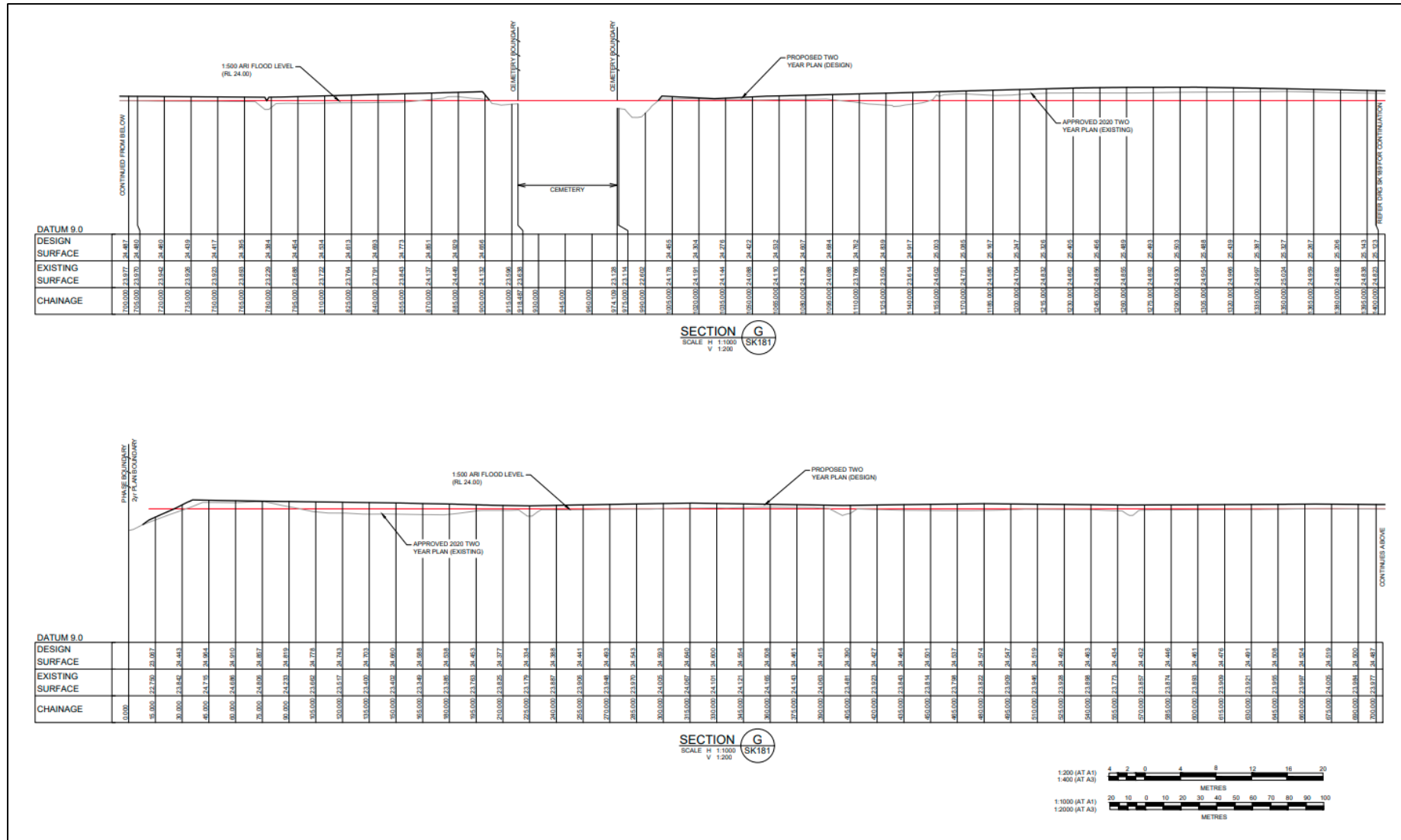


Figure 28. Proposed fill levels for the Penrith Lakes DA Modification in relation to McCarthy's Cemetery (east-west axis) (Source: J. Wyndham Prince, Drawing 110088SK188, 2 Year Plan – Lot 4 Phase 1 & 2, 21 February 2024)



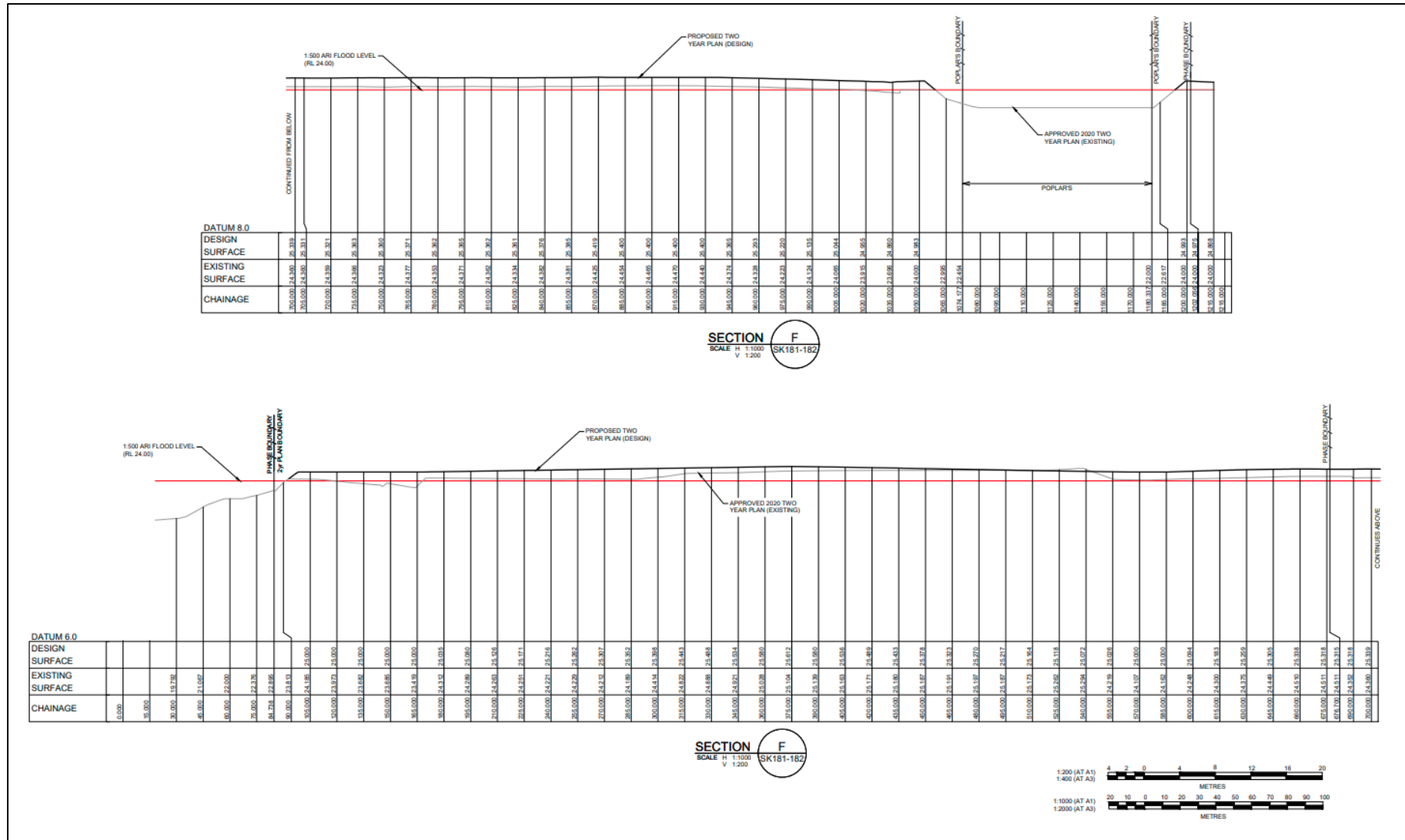


Figure 30. Proposed fill levels for the Penrith Lakes DA Modification in relation to The Poplars site (north-south axis) (Source: J. Wyndham Prince, Drawing 110088SK1877, 2 Year Plan – Lot 4 Phase 1 & 2, 21 February 2024)



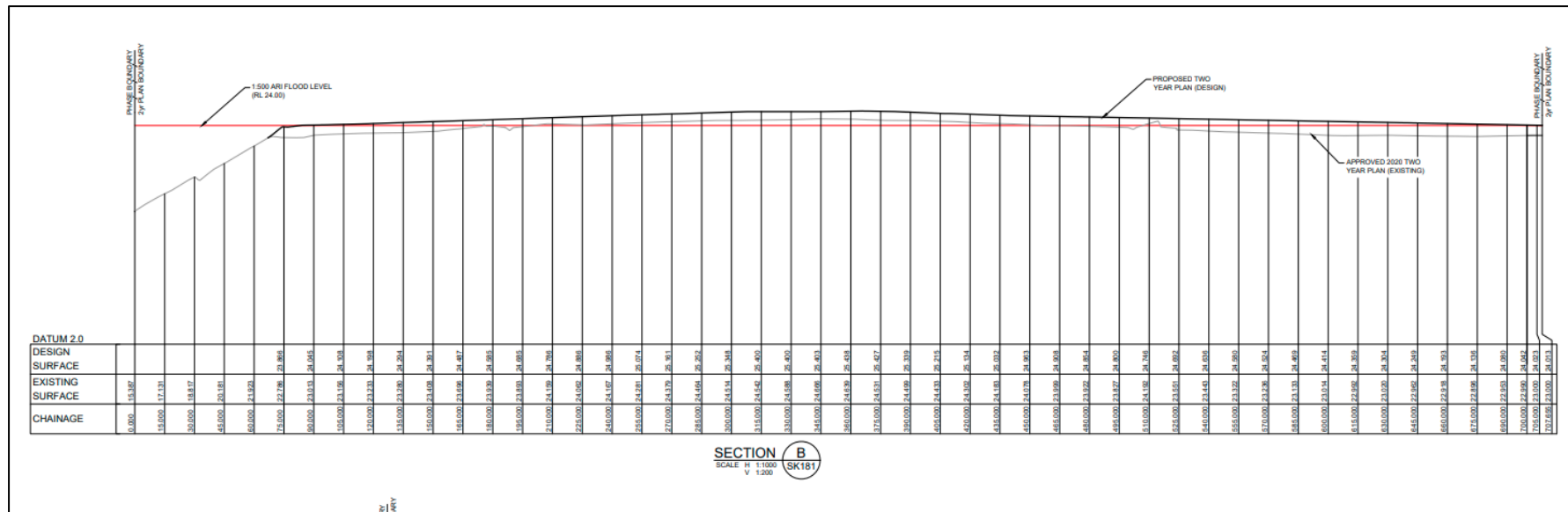


Figure 32. Proposed fill levels for the Penrith Lakes DA Modification between McCarthy’s Cemetery and The Poplars site (east-west axis) (Source: J. Wyndham Prince, *Drawing 110088SK183, 2 Year Plan – Lot 4 Phase 1 & 2, 21 February 2024*)

## 7.0 HERITAGE IMPACT ASSESSMENT

### 7.1 Overview

This section assesses the heritage impact of the proposed works at the study area on heritage values within the study area. Justifications are also provided for the proposed works.

Within this approach, the objective of a heritage impact assessment is to evaluate and explain how the proposed works will affect the heritage value of the study area and/or place. A heritage impact assessment should also address how the heritage value of the site/place can be conserved or maintained, or preferably enhanced by the proposed works.

In order to consistently identify the impact of the proposed works, the terminology contained in the following table has been references throughout this document. The terminology and definitions are based on those contained in guidelines produced by Heritage NSW<sup>14</sup> and are shown in Table 6.

**Table 6: Terminology for assessing the magnitude of heritage impact.**

Grading	Definition
<b>Total loss of significance</b>	Major adverse impacts to the extent where the place would no longer meet the criteria for listing on the SHR.
<b>Adverse impact</b>	Major (that is, more than minor or moderate) adverse impacts to State heritage significance, defined as removing significant features, obscuring key views, or removing evidence of significant historical associations, which require substantial changes to the scope of works or design to sufficiently reduce those impacts. The material threshold applies when substantial changes to the application are required to reduce the adverse impacts to a moderate or minor level.
	Moderate adverse impacts to State heritage significance. Actions in this category would include removal of an important part of a heritage item's setting or temporary removal of significant elements or fabric. The impact of these actions could be reduced through appropriate mitigation measures.
	Minor adverse impacts to State heritage significance, defined as impacts to State heritage significance that are minor enough that they are outweighed by other benefits of the application, for example sympathetic alterations to an original non-compliant balustrade to enable continued public use.
<b>Little to no impact*</b>	An alteration to State heritage significance that is so minor that it is considered negligible.  * Little to no impact (as opposed to no impact) acknowledges that any change will result in some level of impact/alteration to State heritage significance.
<b>Positive impact</b>	Alterations that enhance the ability to demonstrate the State heritage significance of an SHR listed place.

<sup>14</sup> Heritage NSW, *Material Threshold Policy*, 2020

**Table 7: Terminology for heritage impact types**

Impact	Definition
<b>Physical</b>	Impacts resulting from works located within or outside the curtilage boundaries of the heritage item, caused by removing or altering the item or fabric of heritage significance
<b>Visual</b>	Impact to views, vistas and setting of the heritage item resulting from proposed works within or outside the curtilage boundaries of the heritage item.
<b>Potential</b>	Impacts resulting from increased noise, vibrations and construction works located within or outside the curtilage boundaries of the heritage item.
<b>Archaeological</b>	Impacts to potential archaeological remains located within the curtilage boundaries of the heritage item.

### 7.1.1 Physical heritage impacts

The works proposed in the DA Modification are not anticipated to physically interfere with the curtilages of either The Poplars site or McCarthy's Cemetery heritage item. This is principally achieved by avoiding an intrusion into the curtilages of the heritage items. As a result, **little to no** adverse physical heritage impacts are anticipated as a result of the proposed works.

Heritage NSW have requested further information on the ways in which the proposed works may impact accessibility to McCarthy's Cemetery and The Poplars site. From a review of the drawings for the proposed importation and deposition of fill (section 6.1), the access points for the heritage items would remain in place, although the entrance to The Poplars site would likely be extended. The extended entrance would be at the same grade as the existing. While there may be some fill deposited in the area around McCarthy's Cemetery, the access between McCarthy's Lane and the cemetery would be retained under the modification. There would therefore likely be **little to no** adverse physical heritage impacts as a result of the proposed works.

**Physical impacts: little to no adverse impacts**

### 7.1.2 Visual heritage impacts

The proposed works would require an increase in height of the landform within the study area, including of the space between The Poplars site and McCarthy's Cemetery. While no modification of the heritage items' appearance is proposed, this increase in height (by up to 1.5 metres, see Figure 31 and Figure 32 above) of the surrounding terrain would likely further obstruct views between the two heritage items. These views, or sightlines, between the heritage items have been identified in the 2010 CMP as being important to the heritage significance of both items (see Section 5.2.3 for details).

As indicated in the photographs from the 22 January site inspection, the existing height of the surrounding fill and the extant overgrown vegetation wholly obstruct the view of the cemetery from within The Poplars site. Therefore, while an increase in height of the surrounding fill would, in theory, exacerbate the obstruction of the views between The Poplars site and the cemetery, this would not greatly change the visual setting as seen from within The Poplars site. The previous alterations in the landscape and overgrown vegetation have reduced the potential for future adverse visual impacts to affect the heritage significance of the site.

The ground level within McCarthy's Cemetery is higher than that within The Poplars site. Consequently, the landform between the cemetery and the site allows The Poplars site to be seen from the cemetery. However, the only features of the site that are visible from the cemetery are the

tops of the trees growing within The Poplars site's curtilage. The anticipated increase in height (see Figure 27 and Figure 32) of the landform between the two items would reach up to a metre above the existing level at its highest point. This increase would not be sufficient to completely obscure the view, but it would further obstruct an already interrupted sightline and decrease the visibility of The Poplars when seen from McCarthy's Cemetery.

Heritage NSW have also requested information on how the proposed works would impact significant views to the Blue Mountains and Cranebrook Terrace (the alluvial plain on which the Penrith Lakes District is constructed) as identified by the 2006 CMP prepared by Stedinger Associates. The alluvial plain has been drastically altered by previous extraction and fill deposition, which has almost completely obscured the original landform and cultural landscape of the Penrith Lakes Scheme. Any future fill deposition would therefore add to or accentuate the significantly modified character of the Scheme's landscape.

As with the view between The Poplars site and McCarthy's cemetery, views from within The Poplars site toward the Blue Mountains and Cranebrook Escarpments are already obstructed by the previous raising of the landform. Views from McCarthy's Cemetery toward the Blue Mountains and Cranebrook Escarpment would also likely be interrupted by the proposed raised landform, which would intrude into the view line between the heritage items and these landscape features.

Overall, the exacerbation of an existing visual obstruction of significant sightlines would likely result in a **minor adverse** visual impact to the heritage significance of both The Poplars site and McCarthy's Cemetery. This would be due both to the continued alteration of their setting, and the partial obstruction of views between both items.

#### Visual impacts: minor adverse

#### 7.1.3 Potential heritage impacts

The proposed works in the study area are not taking place within known heritage curtilages. The perceptible distance for cosmetic damage from construction related vibration has been established to be items located less than 25m away from the construction work as determined by Transport for NSW in their *Construction Noise and Vibration Guideline (Roads)* prepared in July 2023. As there are no works proposed to take place within the curtilages of either The Poplars and McCarthy's Cemetery, it is considered that the proposed works would not have potential physical impacts in relation to construction vibration.

#### Potential impacts: Little to no adverse impacts

#### 7.1.4 Summary of Impacts to Heritage Items

This section assesses the potential physical and visual impacts of the proposed works on heritage items within the study area itself and its vicinity. The heritage impacts of the proposed works are outlined in Table 8.

**Table 8: Assessment of heritage impact.**

Item Name	Item/Listing Number	Potential physical impacts	Potential visual impacts
McCarthy's Cemetery	SEPP (Precincts – Western Parkland City) 2021 Heritage Item no. 3	The works have been assessed as having <b>little to no adverse</b> physical impacts to the item	The works have been assessed as having <b>minor adverse</b> visual impacts to the item

Item Name	Item/Listing Number	Potential physical impacts	Potential visual impacts
The Poplars	None currently – formerly on the Penrith LEP as item CR8	The works have been assessed as having <b>little to no adverse</b> physical impacts to the item	The works have been assessed as having <b>minor adverse</b> visual impacts to the item

### 7.1.5 Cumulative impacts

Cumulative impacts refer to the combined or overlaid or added actions and interactions within a particular place associated with the past, present and the reasonably foreseeable future.

As an area in which the landform has undergone considerable modification by ongoing depositing of fill as part of the Penrith Lakes Scheme, the study area has been altered from the landscape which The Poplars site and McCarthy’s Cemetery originally occupied. The landscape around The Poplars site in particular no longer reflects the acreage of the original ‘Islington’ land grant.

The proposed works are of a similar type to the previous works which raised the study area landform to its current height. The importation of increased amounts of fill would increase the height of the study area landform, further separating the heritage items from their original setting. This would result in an exacerbation of already existing adverse impacts to The Poplars and McCarthy’s heritage items. However, as the proposed works would likely further protect both items from flooding events, the works would also have a positive impact on the longevity of both items. In all, the ongoing importation of fill and resulting modification of the landscape around the items would constitute **minor adverse** cumulative impacts.

**Cumulative impacts: minor adverse**

## 7.2 Heritage considerations for the proposal

Heritage guidelines<sup>15</sup> prepared by the NSW Heritage Office (now Heritage NSW, DPC) outline design considerations for projects that involve minor alterations to previously approved works.

Design considerations are discussed in Table 9.

**Table 9: Heritage considerations for Penrith Lakes DA2 Mod (Source: NSW DPE, 2023).**

Heritage Consideration	Discussion
<i>Do the proposed works include removal of unsympathetic alterations and additions&gt; How does this benefit or impact the heritage item and its significance?</i>	The proposed works would not require works to heritage items.
<i>Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?</i>	The proposed works would have <b>minor adverse</b> visual impacts to the setting of, and significant views between, heritage items in the study area. The proposed increase in height would add to the cumulative impact of change to the area’s setting, particularly in terms of separating the setting from its original character..

<sup>15</sup> ‘Guidelines for preparing a statement of heritage impact’, Department of Planning and Environment, 2023

Heritage Consideration	Discussion
<i>Are the proposed works part of a broader scope of works?</i>	The proposed works are not formally part of a larger project.
<i>Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?</i>	The proposed increase in height is part of an ongoing project to protect the site from future flooding events. Cumulative impacts would likely be adverse due to the ongoing modification of the landform of the Penrith Lakes area, which previously featured cultivated acreages that are now covered in fill.
<i>Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?</i>	Not applicable
<i>Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?</i>	Yes
<i>Do the proposed works trigger a change of use classification under the National construction code that may result in perspective building requirements? If so, have options that avoid impact on the heritage values been investigated?</i>	No
<i>If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?</i>	Not applicable
<i>Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?</i>	<p>The proposed works would result in <b>minor adverse</b> visual impacts to heritage items in the vicinity of the study area.</p> <p>Future or cumulative impacts that may arise as a result of ongoing fill depositing would need to be assessed for their potential to cause further adverse heritage impacts to The Poplars site and McCarthy's Cemetery.</p>

### 7.2.1 Statement of Heritage Impact

A statement of heritage impact has been prepared according to NSW Heritage Office guidelines in Table 10 below.

**Table 10. Preliminary Statement of Heritage Impact for the proposed rehabilitation works**

Development	Discussion
<b>Alterations and additions</b>	
<i>Will the proposed works impact on the significant fabric, design or garden layout, significant garden setting landscape and trees or on the heritage item's setting or any significant views?</i>	The proposed increase in height of the landform surrounding both The Poplars site and McCarthy's Cemetery would further alter their setting and further obstruct significant views which exist between these items. In doing so, the proposed works would continue to separate the items from their original context, and would likely cause a <b>minor adverse</b> visual impact to the heritage significance of both items.

Development	Discussion
<b>New landscape works and features</b>	
<i>How has the impact on the heritage significance of the existing landscape been minimised?</i>	The proposed works have been designed to spread out the importation and deposition of fill in a fairly even manner across the study area, which would avoid creating peaks in the terrain. Flattening out the fill in this way would prevent the new landform from completely obstructing the significant views between McCarthy's Cemetery and The Poplars site. Furthermore, the view from within The Poplars site to McCarthy's Cemetery has already been completely obscured by previous fill deposition.
<i>Do the proposed works impacts views to, from and within adjacent heritage items?</i>	The proposed importation and deposition of fill would raise the landform. This would exacerbate the extant obstruction of the views between McCarthy's Cemetery and The Poplars site, and would result in a <b>minor adverse</b> visual impact to the heritage significance of both items. Impacts to the view lines from these two items toward Cranebrook Terrace and the Blue Mountains would also likely be <b>minor adverse</b> .
<b>Response to climate change</b>	
<i>Are the proposed works in response to a threat posed to the heritage item from a changing climate? Will the proposed works impact on the significance of the heritage item?</i>	According to the Climate Council, anthropogenic climate change is increasing the intensity and frequency of extreme rainfall events, with a corresponding increase in flooding events in Australia, particularly in NSW and Queensland. <sup>16</sup> The proposed works are designed to prevent future extreme flooding events from overwhelming the terrain of the study area, which should also serve to protect The Poplars site and McCarthy's Cemetery heritage items from flooding.
<b>Disaster risk mitigation</b>	
<i>Are the proposed works designed to minimise or mitigate the risks of natural disasters to the heritage item?</i>	The proposed works would likely protect The Poplars site and McCarthy's from an increased risk of flooding.
<i>Will the proposed works impact on the significance of the heritage item? If yes, how have the impacts of the proposed works been minimised?</i>	The proposed works would exacerbate the already existing obstruction of significant views between McCarthy's Cemetery and The Poplars site, as well as views to the Blue Mountains and the Cranebrook Escarpment. However, as there would continue to be a sightline between McCarthy's Cemetery and The Poplars site, the visual impact would likely be limited to <b>minor adverse</b> . Views from within The Poplars site to McCarthy's Cemetery are already completely obstructed by previous fill deposition.

## 7.3 Assessment against relevant policies

### 7.3.1 Conservation Management Plan policies

The following tables (Table 11, Table 12) record the policies that are assessed as being directly relevant to the proposed works. A full list of policies can be seen in the 2010 CMP by GML for the Penrith Lakes Scheme, as well as the 2015 CMP by GML for McCarthy's Cemetery.<sup>17</sup>

<sup>16</sup> Climate Council, *A Supercharged Climate: Rain Bombs, Flash Flooding and Destruction*, 2022

<sup>17</sup> GML, *Penrith Lakes Scheme Conservation Management Plan*, September 2010.

**Table 11: Assessment of proposal against CMP policies for the Penrith Lakes Scheme**  
(Source: *Penrith Lakes Scheme Conservation Management Plan, GML, September 2010*)

Policy #	Policy outline	Are works consistent with CMP policy? (Yes/No?)	Comments
<b>Policy 4</b> <b>Manage in accordance with NSW standards for heritage practice as set out in the NSW Heritage Manual</b>	<i>The heritage values of Penrith Lakes Scheme area will be managed according to professional standards for a site of recognised cultural significance, applying established heritage principles.</i>	<b>Yes</b>	This HIA has been prepared in accordance with relevant heritage guidelines, including those contained in <i>The Burra Charter</i> and the <i>NSW Heritage Manual</i>
<b>Policy 5</b> <b>Significance Guides Conservation and Planning</b>	<i>The heritage values will guide the management and development of Penrith Lakes Scheme area. The Statement of Significance, as it relates to the area as a whole and to individual sites and elements, will be the principal guide in this regard. The individual heritage sites within the Scheme area comprise a suite of related features that together make up the area. Do not plan for or assess individual elements in isolation.</i>	<b>Yes</b>	This HIA assesses the potential impacts of the proposed works on the heritage values of McCarthy's Cemetery, The Poplars site, and the significant views between them and surrounding landscape features including the Blue Mountains and Cranebrook Escarpments. The statement of significance for each of the heritage items forms an integral part of this assessment.
<b>Policy 6</b> <b>Minimising Adverse Impacts Caused by Change</b>	<i>Where possible, future development within Penrith Lakes Scheme area will be aimed at conserving and/or enhancing the heritage values of the heritage sites. Where unavoidable change may impact adversely on heritage values, all alternative courses of action will be considered and the course of action with the lowest potential for adverse impacts will be preferred. Explanatory note: This approach will apply equally to the removal of existing heritage elements and to introducing new elements that do not have direct associations with the area.</i>	<b>No</b>	<p>The Penrith Lakes Scheme is an operational site with ongoing construction activities, which constrain the ability to consider alternative designs. Consequently, optioneering for the proposed works does not appear to have been undertaken in the DA2 Modification submission.</p> <p>However, in spite of the absence of optioneering, the overall impacts of the proposed modification to the heritage would likely be limited to <b>minor adverse</b> visual impacts.</p>
<b>Policy 8</b> <b>Heritage Impact Assessment</b>	<i>All development applications/change will be thoroughly assessed for potential adverse heritage impacts, applying the principles and policies contained in the CMP.</i>	<b>Yes</b>	The proposed works and their potential heritage impacts have been assessed in this HIA against the principles and policies contained in the 2010 CMP for the Penrith Lakes District and the 2015 CMP for McCarthy's Cemetery.

Policy #	Policy outline	Are works consistent with CMP policy? (Yes/No?)	Comments
<b>Policy 18 Specialist Conservation Advice</b>	<i>Only appropriately qualified people will provide advice on, or undertake, conservation works and future development at heritage sites within the area.</i>	<b>Yes</b>	Artefact, as qualified heritage specialists, have been engaged to prepare this HIA to assess the potential impacts of the proposed works.
<b>Policy 25 Maintaining Legibility of Site Configuration</b>	<i>The management of the heritage values of the Penrith Lakes Scheme area will be guided by the overarching principle that future development will enhance the ability of the area to demonstrate early and original landuses. Significant cultural landscapes must be conserved where extant and reinstated/interpreted as part of redevelopment where possible. Explanatory note: This policy provides a framework for interpreting key aspects of the function and use and subsequent evolution as part of its conservation and ongoing development.</i>	<b>No</b>	<p>The previously approved importation and deposition of fill has caused adverse impacts to the significant views between heritage items in the Penrith Lakes Scheme. The proposed increased importation and deposition of fill would exacerbate these adverse impacts, and would further separate McCarthy's Cemetery and The Poplars site from their original setting. Significant views between these items and surrounding landscape features would continue to be partially obstructed.</p> <p>However, these impacts would be limited to <b>minor adverse</b> visual impacts, and would not completely obstruct any significant viewlines.</p>
<b>Policy 26 Public access</b>	<i>The future site manager will ensure that public access to the area is maximised, provided this is consistent with the site's heritage values and subject to other requirements (eg security and safety).</i>	<b>Yes</b>	The existing access points to both McCarthy's Cemetery and The Poplars site would be maintained following the completion of the proposed works. Access to the cemetery is possible via appointment with site staff.
<b>Policy 41 Conservation of significant historic views</b>	<i>The form and location of future development/change within the Scheme area will be determined by (among other considerations) identified significant views. Development should not impede historic view lines that extend to and from identified heritage sites.</i>	<b>No</b>	<p>The proposed works would further obstruct the historic, heritage significant view-line between McCarthy's Cemetery and The Poplars site, as well the significant between these heritage items and surrounding landscape features. These have already been adversely impacted by the previously approved importation and deposition of fill.</p> <p>Overall, while the proposed modification would exacerbate the existing obstruction of views, it would not completely block the view of The Poplars site from McCarthy's Cemetery, or of the Blue Mountains and Cranebrook Escarpments. This visual impact would be <b>minor adverse</b>.</p>

**Table 12. Assessment of proposal against CMP policies for McCarthy's Cemetery (Source: McCarthy's Cemetery, GML, November 2015)**

Policy #	Policy outline	Are works consistent with CMP policy? (Yes/No?)	Comments
<b>Objective 1 – General Policies</b>			
<b>Policy 1.1 Manage in accordance with the CMP</b>	<i>Assess all development applications and proposed maintenance work against the policies contained in the CMP (augmented where relevant by the Archaeological Handbook). Those elements of the place identified as of exceptional and high significance within the expanded curtilage should be retained and managed in ways that conserve their heritage significance.</i>	<b>Yes</b>	This report has been prepared to assess heritage impacts in accordance with the assessment of significant heritage elements outlined in the CMP for McCarthy's Cemetery. This report contains recommendations for strategies to mitigate (manage) potential heritage impacts caused by the proposed works.
<b>Objective 2 – Conservation Principles</b>			
<b>Policy 2.2 Reference the statement of significance in decision-making</b>	<i>The statement of heritage significance and schedule of significant elements set out in Section 4 should be accepted as the major basis for future planning and work.</i>	<b>Yes</b>	This report, which will inform future decision-making for the Penrith Lakes DA project, assesses potential heritage impacts against the statement of heritage significance for McCarthy's Cemetery contained in the 2015 CMP by GML.
<b>Policy 2.3 Use specialist heritage expertise as needed</b>	<i>Where the heritage significance of specific features and fabric proposed for change is not clearly determined by this CMP, the assessment and guidance for appropriate action should be sought from a recognised heritage specialist</i>	<b>Yes</b>	Artefact, as heritage specialists, have been engaged to prepare this HIA for the proposed works outlined in the Penrith Lakes DA2 Modification.
<b>Policy 2.6 Assess heritage impact of development in the vicinity</b>	<i>New development proposals that impact on significant features and fabric of the place should be subject to heritage impact assessment in accordance with the guidelines published by the Heritage Council of NSW by a heritage specialist, with the intent of ensuring conformity with the policies of this CMP.</i>	<b>Yes</b>	This HIA has been prepared by Artefact, as heritage specialists, to assess the potential impacts caused by the proposed works, which would alter the landform and setting of McCarthy's Cemetery and The Poplars site.

Policy #	Policy outline	Are works consistent with CMP policy? (Yes/No?)	Comments
<b>Objective 3 – Archaeological Resource</b>			
<b>Policy 3.1</b> <b>Minimise impacts on archaeological resources</b>	<i>Where change may impact adversely on the archaeological resource, all alternative courses of action will be considered, and the course of action with the lowest potential for adverse impacts will be preferred, and subject to relevant statutory consents.</i>	<b>Yes</b>	The proposed works would occur outside the curtilage of McCarthy's Cemetery and would be unlikely to interfere with archaeological deposits contained within the grounds of the cemetery.
<b>Policy 3.7</b> <b>Minimise vehicular activity within the cemetery grounds</b>		<b>Yes</b>	Several million tonnes of soil are proposed to be imported by truck across the Penrith Lakes Scheme over the course of the project. However, none of the anticipated trucking routes would pass within the cemetery curtilage.
<b>Objective 5 – Views</b>			
<b>Policy 5.2</b> <b>Manage new development and plantings</b>	<i>[in order] to respect the importance of the views to, from and within the cemetery, and in the vicinity so that they enhance significant views, not block or detract from them</i>	<b>No</b>	The proposed works would further partially obstruct the views of the Poplars site from McCarthy's Cemetery which has been adversely affected by the previously approved importation and deposition of fill. The proposed modification would therefore continue to detract from a view that is of heritage significance to the cemetery. This would constitute a <b>minor adverse</b> visual impact to the significant views between these heritage items.
<b>Objective 6 – Setting and Curtilage</b>			
<b>Policy 6.1</b> <b>Define and manage an appropriate expanded curtilage around the cemetery</b>	<i>In the absence of clarity about the future management of the site and the lack of detail regarding the surrounding subdivision pattern, an expanded curtilage of at least 40 metres beyond the existing fence lines should be retained around the cemetery on all sides to help retain its significant setting and landscape character. No new built forms or non-cemetery use should be allowed within this expanded curtilage, which should be managed as a single entity.</i>	<b>Yes</b>	No works are proposed to take place within the curtilage of the cemetery, which should protect the cemetery from potential physical impacts.

Policy #	Policy outline	Are works consistent with CMP policy? (Yes/No?)	Comments
<b>Objective 7 – Risk Management, Public Access and Safety</b>			
<b>Policy 7.2</b> <b>Provide equitable access</b>	<i>... to the cemetery only where it can be accomplished without adverse impact on the significance of the place and its elements. Alternative forms of access and interpretation may be developed</i>	<b>Yes</b>	The proposed works would not alter the existing access route to the cemetery. Access may be limited over the course of the works; entry is currently permitted by appointment with site staff.
<b>Objective 14 – Development adjoining the cemetery</b>			
<b>Policy 14.2</b> <b>Assess heritage impacts</b>	<i>For development in the vicinity of McCarthy's Cemetery or development proposals involving physical change at the site, specialist heritage advice should be obtained to minimise and mitigate impacts. A Heritage Impact Statement (HIS) will be required. This HIS should be carried out by a qualified heritage practitioner in accordance with the Heritage Division guidelines, to ensure that the proposed development is sympathetic to the conservation of the heritage values of McCarthy's Cemetery and is designed to minimise adverse impacts on the cemetery and its significance.</i>	<b>Yes</b>	This HIA has been prepared to assess the potential impacts of the proposed works, which would raise the existing landform and would likely impact views which are of significance to McCarthy's Cemetery.
<b>Objective 17 – Future Use</b>			
<b>Policy 17.3</b> <b>Limit new development</b>	<i>No additions should be introduced which will compromise, damage or obscure the significance of the cemetery or its immediate setting.</i>	<b>No</b>	The proposed modification would likely further alter the setting of McCarthy's Cemetery and have an adverse impact on significant historic views that exist between the cemetery and The Poplars site, and which have previously been adversely affected by the approved importation and deposition of fill. These impacts would likely be limited to <b>minor adverse</b> overall.

Policy #	Policy outline	Are works consistent with CMP policy? (Yes/No?)	Comments
<b>Policy 17.5 Conserve and interpret historic views</b>	<i>View-line connections between McCarthy's Cemetery, The Poplars (particularly from the grave of Esme Salmond), the Uniting Church group and the Blue Mountains and Cranebrook escarpments should be enhanced and retained.</i>	<b>No</b>	The proposed modification would detract from, rather than enhance, significant views between McCarthy's Cemetery and The Poplars heritage items. These views have previously been adversely impacted by the approved importation and deposition of fill; the proposed modification would exacerbate these visual impacts, but would be limited to <b>minor adverse</b> overall.

## 8.0 CONCLUSION

### 8.1 Conclusion

The report has identified the following conclusions:

The Poplars site is **not** listed on a heritage register as an item of heritage significance, however it does possess heritage significance at the local and State level as identified by the 2010 GML CMP and its entry on the SHI. McCarthy's Cemetery is listed in the SEPP (Precincts – Western Parkland City) as Heritage Item no. 3, and according to the 2015 CMP by GML, has heritage significance at national, state, and local levels as a heritage landscape.

McCarthy's Cemetery is of national, State, and local heritage significance due to its historic, aesthetic and social values, as well as its representativeness and rarity as the oldest Catholic burial ground in NSW, containing the earliest known European grave in the region.

The Poplars site is of local heritage significance due to its historic, aesthetic, social, and archaeological research values, as well as representativeness and rarity of the plantings in its garden. The site is overall representative of nineteenth and early twentieth century agricultural settlements of the Castlereagh area.

Based on the *2 Year Plan – Lot 4 Phase 1 & 2* drawings by J. Wyndham Prince for Penrith Lakes DA2 Modification which were issued on 13 March 2024, the proposed works would result in the following heritage impacts:

- The proposed works would likely result in **little to no** physical impacts to McCarthy's Cemetery or The Poplars site.
- The proposed works likely cause a **minor adverse** visual impact to both McCarthy's Cemetery and The Poplars site.
- Overall, there would be a **minor adverse** cumulative impact to McCarthy's Cemetery, The Poplar's site, and their respective settings.
- Significant views from within The Poplars site toward McCarthy's Cemetery and the Blue Mountains and Cranebrook Escarpments are already obstructed by the previously approved raising of the landform and current vegetation overgrowth within the site; there would be **little to no** additional adverse impact to these view lines.
- Significant views from within McCarthy's Cemetery toward The Poplars site and the Blue Mountains and Cranebrook Escarpment would experience **minor adverse** impacts as a result of the proposed increase in landform height.

### 8.2 Approval pathway

The proponent is seeking State Significant Development (SSD) approval from the Department of Planning, Housing and Infrastructure (DPHI) for the modification of the previously approved Development Applications.

### 8.3 Recommendations and mitigation measures

Consideration should be given to the following recommendations:

- As the eastern edge of The Poplars site has been partially submerged, an assessment of potential remedial measures to both rectify and prevent future water damage should be conducted as a means of protecting significant heritage fabric and plantings within the site.

- Appropriate protective measures should be taken in accordance with the sites' standard operating procedures to ensure that the effects of heavy vehicle movements (ie, dust, vibration, collisions, etc) do not adversely impact McCarthy's Cemetery and The Poplars site
- Care should be taken that the proposed deposition of fill and associated heavy vehicle movements do not accidentally preclude future public access to McCarthy's Cemetery.



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