



BELLINGEN SHIRE COUNCIL

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Our Ref: Planning/ Planning Local Environmental
Plans 2010/ Planning Proposal 4
DB:klb
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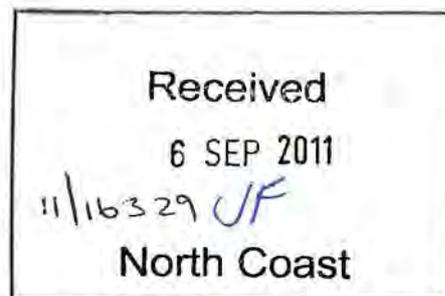
2 September 2011



PGF001069

The Department of Planning
Locked Bag 9022
GRAFTON NSW 2460

Dear Sir/Madam



Planning Proposal 4 – Bellingen Bowling Club; Rezoning from RE2 to R3 and application of 1.4:1 Floor Space Ratio.

At its meeting of 24 August 2011, Council resolved as follows with respect to the abovementioned amendment to Bellingen Local Environmental Plan 2010.

08.026/11

RESOLVED (Cr Braithwaite/Cr Troy)

(1) That Council proceed with the subject planning proposal

(2) That Council consult with the Crown regarding the extension of the heritage listing for the Old Bellingen Cemetery to cover land on the south side of Cemetery Creek

(3) That Council determine whether the \$710 application fee should be refunded to the Bowling Club in view of their current financial position

DIVISION:

FOR – Cr Braithwaite, Cr Child, Cr Coe, Cr Scott, Cr Troy, Cr Tuohy
AGAINST - Nil

A copy of the report to Council and the required mapping amendments are attached. The report describes the proposed amendment in detail and addresses all relevant matters, including the Director Generals requirements for the justification of all planning proposals.

A copy of two other pieces of correspondence not included in the attachments to the Council Report (however considered relevant to your assessment of this matter) are also included. These include a statement from Mr Ray Locke recalling the construction of the Bowling Greens and a letter from a Ground Radar Penetrating Company engaged by the Bowling Club, describing their inability to use radar effectively on the subject site to check for grave sites.

Please also note that the proposed Floor Space Ratio Map is correctly described as Floor Space Ratio Map Sheet FSR_006A. The report to Council described it as "...FSR_006B", however this was not in accordance with relevant mapping protocols.

Pursuant to the provisions of Section 56 of the Environmental Planning & Assessment Act 1979 (the Act) , the Planning Proposal is hereby forwarded to the Minister for a Gateway Determination.

As you will note, Council is proposing a 28 day period of community consultation in accordance with Section 57 of the Act.

If you would like to discuss the matter further please contact the undersigned between the hours of 8.30 am to 4.30 pm Monday to Friday on telephone 02 6655 7352.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Daniel Bennett', written over a horizontal line.

Daniel Bennett
STRATEGIC PLANNER

8. REPORTS BY DIRECTOR OF ENVIRONMENTAL HEALTH AND PLANNING

8.1	PROPOSED LOCAL ENVIRONMENTAL PLAN (LEP) AMENDMENT – BELLINGEN BOWLING CLUB REZONING
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File/Index: Planning/Planning Local Environmental Plan 2010/Planning Proposal 4
Author: Daniel Bennett, Strategic Planner

REPORT SUMMARY:

Council has received a formal request to rezone land currently occupied by the Bellingen Bowling Club from **RE2 Private Recreation** to **R3 Medium Density Residential**. The rezoning also requests that an allowable Floor Space ratio of 1.4:1 be applied to the land.

Council is required to take into consideration the requirements of Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979* when considering a planning proposal for rezoning. These matters are addressed in this report.

REPORT DETAIL:

Proposal:

- a) Rezone land from **RE2 Private Recreation** to **R3 Medium Density Residential**.
- b) Apply a Floor Space Ratio (FSR) of 1.4:1 to the subject land.

Subject land:

Lot 570 DP 755557,
No: 6 Bowra Street, Bellingen (the land)

Applicant:

Denis Atkinson Planning Pty Ltd on behalf of the Board of Directors – Bellingen Bowling Club

The Site:

The land is in the southern portion of Bellingen. It is approximately 300m from the town centre, 200m from Bellingen Primary School, 200m from Bellingen Park and 400m from Bellingen Hospital. A locality plan is provided as Attachment A to this report.

The land is currently occupied by two bowling greens, the Bowling Club building and the squash courts building and has an area of 5704m². Minor improvements at the rear of the Bowling Club building include an outdoor seating area and fenced children's playground.

The red brick bowling club and squash court buildings are architecturally unremarkable, with some signs of deterioration evident on the external facades. The land does not contain any significant vegetation, with landscaping being restricted to minor plantings fringing the bowling greens and access / parking areas. The land is partially subject to flooding from the adjoining Cemetery Creek and also contains a heritage item pursuant to Schedule 5 of Bellingen Local Environmental Plan 2010 (BLEP), being the site of the Old Bellingen Cemetery (LEP Heritage Item number A1; Part 3 Archaeological Sites).

The land directly adjoins a parcel of land to the east that is Crown land and is used to obtain vehicular access to the bowling club site, pursuant to the provisions of Crown License 457953. The future status of the lease is not considered central to the assessment of this planning proposal as alternative legal access exists to the site by virtue of its frontage to Bowra Street. This land then adjoins a section of laneway that is not formed, but which links to Balcomb Lane on the southern side of Cemetery Creek by a footbridge. The next property to the east contains a single dwelling and the "Rivers Dance Studio", in a building behind the dwelling.

The site adjoins Crown Land to the west that is presently zoned RE1 Public Recreation and contains the Bellingen Scout Hall. The Scout Hall is setback from the Bowra Street frontage with the front setback used informally for carparking. The Scout Hall is set back approximately 3 metres from the adjoining boundary with the Bowling Club, and contains one small window on its eastern elevation. The rear of the Scout Hall does not appear to be used for any specific purpose. The next Lot to the west is also Crown Land for which Bellingen Shire Council is the Trust Manager. It is zoned RE1 Public Recreation, reserved for public recreation and contains an historic grave marker for the McNally's. It appears that a fireplace area on the lower portion of the block may be occasionally used by the scouts.

The site adjoins Cemetery Creek to the south, which has been the subject of ongoing environmental restoration works since approximately 2000. Revegetation with species such as Lomandra, Lilly Pilly, Water Gum, Bottlebrush and Sandpaper Fig is evident, however there still remains evidence of minor weed incursion by Camphor Laurel and other commonly occurring weed species. Land to the south of Cemetery Creek is Crown Land, currently occupied partly by the Bellorana Nursing Home on its higher portion. Land in the vicinity of the creekline is essentially parkland cleared with dominant species of tree including Liquid Ambers, Pine Trees and Camphor Laurel. The land forms an attractive backdrop to the Bowling Club site, with seasonal change accentuated by the Liquid Amber plantings.

The site has an 81 metre frontage to Bowra Street to the north, with unimpeded views up Oak Street towards its intersection with Hyde Street. Development on the northern side of Bowra Street is essentially residential, single story and lightweight construction, although one dwelling is also used as a Long Day Care centre. The Bowra Street frontage contains three (3) old street trees that have had a history of unsympathetic pruning associated with the overhead power lines that run above them. The setback between the Bowling Club and the existing bitumen pavement is used as an informal parking area by patrons of the club and is mostly grassed, with the exception of a minor gravelled area near the front gate.

THE PLANNING PROPOSAL

Pursuant to Section 55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a Planning proposal must be prepared before a draft Local Environmental Plan (LEP) amendment is made. The proposal must explain the intended effect of the draft LEP amendment and provide justification for the amendment. The proposal must address those matters identified by Section 55(2) of the EP&A Act, which are considered below. Council must then determine whether or not to proceed with the proposal.

The proposal outlined below is based on the request and accompanying information submitted by the applicant.

Objectives

The objectives of the proposed LEP amendment are as follows:

1. To rezone Lot 570, DP 755557, Bowra Street, Bellingen to enable it to be developed for medium density residential development.
2. To provide incentives for medium density development and respond to a documented under-supply of this form of accommodation in Bellingen Shire.
3. To utilise the site's proximity to key services and infrastructure and its consequent suitability for medium density development.

Proposed provisions

The provisions of the proposed LEP amendment will include:

1. An amendment to BLEP 2010 (*Land Zoning Map Sheet LZN_006B*), the effect of which will be to rezone the land from RE2 Private Recreation to R3 Medium Density Residential under BLEP 2010.
2. An amendment to BLEP 2010 to adopt optional *Clause 4.4 – Floor Space Ratio* (as specified in the Standard Instrument Local Environmental Plan), the effect of which will be to allow for the use of a floor space ratio control to regulate the density of development.
3. The adoption of a new Floor Space Ratio Map in BLEP 2010 (*Floor Space Ratio Map Sheet FSR_006B*) the effect of which will be to specify a FSR of 1.4:1 that will apply to the land.

Justification

The Department of Planning has issued requirements for specific matters that must be addressed in all planning proposals. These are addressed below,

A. Need for Planning proposal

Is the planning proposal a result of any strategic study or report?

The proposal is not the result of any State or Council strategic planning study. The proposal is in response to a request by the applicant to rezone the land to enable it to be developed for medium density housing.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land cannot be developed for unrestricted medium density housing under the current provisions of BLEP 2010. There is no alternative mechanism that could achieve the intended outcomes. It is possible that the land could be developed for seniors housing pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, however this would restrict the occupation of any housing stock to only seniors or people with a disability.

Is there a net community benefit?

There is a considerable community benefit attached to the proposal. The main benefit that would accrue to the community is the availability of a large lot within close proximity to all services that could accommodate the development of a medium density housing project. As part of the consultation period for the development of BLEP 2010, Council received a submission from the NSW Department of Housing that noted a significant undersupply of affordable rental housing in Bellingen, an overwhelming preponderance of 3-4 bedroom housing stock, and a significant and unmet demand for 1-2 bedroom housing stock in the community. The planning proposal has the potential to stimulate investment in the development of this type of housing, to the benefit of the local community.

Whilst it is arguable whether the financial situations of the Bowling Club and Golf Club are strictly relevant in a discussion of planning merit, it must be noted that there is at least a perceived community benefit that would result from the merger of the two clubs, which would not be possible unless the Bowling Club can realise a greater return from the sale of the land than would otherwise be possible. It is apparent that if the land could not be sold with the requested zoning then the club would cease to operate in any case.

There is a potential cost related to the loss of bowling and squash facilities in Bellingen that would occur if the site was redeveloped. It is noted though that adequate land area exists at the Golf Club for the installation of new bowling greens, however the flood affectation of the Golf Club site may be problematic for the development of new squash facilities.

The primary cost of the proposal is the potential loss of heritage significance attached to the site's previous use as the Bellingen Cemetery. This is considered to be the most significant issue involved with the proposed rezoning and is comprehensively addressed below.

The Heritage Listing

The land contains an Archaeological Site, being Item A3 – Old Bellingen Cemetery as described in BLEP 2010. The Inventory Description relevantly notes as follows;

“Other Historical Notes.

This property was reserved from sale and lease generally for preservation of graves. Notified 31/10/1903. In 1943 part of the land was turned into the Bowling Club. The relocation of the cemetery possibly related to the low land and flooding problems.

Statement of Significance

Although there is no surface evidence for the cemetery it is an important site. It is representative of the lack of understanding of land use and water levels of the area by the early pioneers. It is associated with the early development of the area and was a focus of religious activity.”

The inventory notes the lack of surface evidence, however does not provide any evidence that all graves were removed from the site. Accordingly, the applicant was requested to make further inquiries of the Bowling Club whilst Council's Officers made separate investigations.

Heritage Investigations

The President of the Bellingen Bowling Club, Mr Roger Bassey, provided Council with the following extract detailing the history of cemeteries in the Shire.

CEMETERIES

1867 *Urunga Cemetery opens*

1873 *Land set aside as Bellingen Cemetery where hospital now stands*

1896 *Fernmount Cemetery proclaimed though in use long before*

1903 *Old Bellingen Cemetery closes to make room for hospital site*

1904 *Present Bellingen Cemetery opens*

1906 *First interment in Bellingen cemetery (infant son of Edgar Jordan)*

(Source: Day, S (ed) on behalf of and with the co-operation of The Bellinger River Historical Society 1999 *The Years of the Bellinger. A diary of significant dates, events and people* 2nd Edition, p 25.)

Although this extract suggests that the old cemetery was in the vicinity of the existing hospital, further investigations by Council's Officers have determined that this is not entirely accurate. Records obtained from the Bellinger River Historical Society as well as from historical parish maps provide a greater level of detail regarding the location of the old cemetery and the degree to which graves were relocated upon the ceasing of its use in 1903.

Historical Research Documents

The following items of information have been obtained and are shown as Attachment C for the information of Councillors.

- Copy of Heritage Inventory Item Description
- A photograph taken from Hospital hill in 1904 looking over the development site.
- A commentary from Norman Braithwaite (Bellinger Valley Historical Society) dated 14 February 1998 titled "Bellinger Cemetery" that also describes historical events pertaining to the Bellinger cemetery.
- An undated and un-named commentary obtained from the Historical Society titled "Why Cemetery Creek", that suggests numerous graves were not relocated to the current cemetery and remain in the area formerly used for cemetery purposes.
- An extract from the Bellinger Courier Sun, from 28/10/1952, describing the passing of the *Bellingen Cemetery Act 1952*, the objective of which was to provide additional land for the extension of the Bellinger River District Hospital as well as land for the erection of club rooms for the Bellinger River District Sub Branch of the RSL.
- An extract from the Raleigh Sun newspaper from 6/9/1901, describing deliberations from a public meeting held in Bellinger. The purpose of the meeting was to select a new site for future burials in Bellinger and to reserve that portion of the existing cemetery in which internments had been made for the preservation of graves.
- The notification of a "Reserve from Sale and Lease Generally for preservation of graves" in the NSW Government Gazette of 31 October 1903. The area of land that was used for burials, including the location of burial grounds for different denominations is described in some detail in this notice.
- An extract from the Parish Map for the Town of Bellinger, which depicts the extent of this notification.

Potential existence of Historical Graves On-Site

The Former Cemetery location was superimposed over an aerial photograph of the locality.

This is shown as Attachment D for the information of Councillors.

Having regard to the aerial photo and the historical information, it was considered that the presence of graves beneath the Bowling Club site could not be ruled out. The matter was discussed with the Heritage Branch of the NSW Office of Environment & Heritage and Council's Heritage Advisor, whilst a NSW Heritage Office publication titled "*Skeletal Remains; Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977*" was also obtained.

As a result of these discussions, it was considered reasonable that the Applicants should investigate the possible occurrence of graves by use of Ground Penetrating Radar (GPR), so as to gain an accurate understanding of the degree of constraint presented by the former cemetery.

The proponents consequently approached a company that performed GPR searches, however in discussing the nature of improvements on the Bowling Club Site it became apparent that the use of GPR would not be possible in the circumstances. This was due to the method of construction for the bowling greens which involved, amongst other things, the laying of a gravel course below the greens for drainage purposes that would inhibit the effective penetration of the radar below. This method of construction has been confirmed by Mr Ray Locke (who was involved in the construction of the greens).

Further correspondence obtained by the Bowling Club from GBG Australia Pty Ltd (the GPR company) provides confirmation that the use of GPR would not be effective on the site, nor would alternative geophysical methods such as "Magnetometer and Resistivity". GBG Australia also note the absence of any irregularities in soil colour during site works indicates the absence of graves. When soil is scraped off a grave site there is usually a distinct change in soil colour evident.

Implications

The bowling club site, as it currently stands, has been redeveloped twice over the last century since its previous use as the Bellingen Cemetery.

The first site redevelopment involved the relocation of graves to the new cemetery in North Bellingen in 1903. A 1904 photo taken from Hospital Hill clearly illustrates a lack of evidence of any graves remaining in the area occupied by the bowling club, with the land instead being grazed by animals. This is in stark contrast to the area on the southern side of Cemetery Creek (which is not part of the Bowling Club property), upon which numerous graves are clearly evident.

The second site redevelopment included the development of the Bowling Club which altered the surface and sub-surface of the landscape and, arguably, rendered it incapable of any degree of interpretation as the former Bellingen Cemetery without significant and intrusive earthworks. Information submitted to Council describing construction techniques suggests that no surface or sub surface evidence of graves was observed and notes the lack of any knowledge at the time of graves being located anywhere on the bowling club site. Local people today appear to have knowledge of the existence of graves on the southern side of the creek only. However, the undated and un-named commentary obtained from the Historical Society titled "Why Cemetery Creek", suggests to the contrary, but in

view of an inability to verify the source of this information, little weight should be attached to its content.

Despite the transformation of the land on the northern side of Cemetery Creek associated with the Bowling Club development, land on the southern side of the creek remains relatively undisturbed and capable of interpretation as the former cemetery site. It is Crown Land and reportedly contains a known grave site and is easily accessible from the access to the hospital and via the pedestrian footbridge over Cemetery Creek. It is not currently Heritage listed, however in view of information obtained as a result of this Planning proposal, it is intended to add this land to Schedule 5 as an archaeological site at a later date and consider also the placement of interpretive signage as part of the Bellingden Heritage Trail initiative.

It should also be noted that in the event of this Planning Proposal being supported, there will be some opportunity available to investigate the Bowling Club Site at the redevelopment phase via the preparation of a formal Heritage Impact Assessment and Heritage Conservation Management Plan. pursuant to the provisions of Clause 5.10 of BLEP 2010. The relevant sub-clauses are reprinted below.

5.10(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.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

It is possible that this process could specify site development / construction techniques that would allow for things such as the monitoring of soil changes indicative of previous disturbance and the development of reactive archaeological processes in the event of heritage items being uncovered.

In summary, the Bowling Club site is two development cycles removed from its previous use as a cemetery. In view of the uncertainty as to the existence, let alone location of any remaining graves on the site and the significant potential benefits of the site's redevelopment, it is considered unreasonable to delay the Planning Proposal on this basis. Legislated mechanisms in BLEP 2010 will require careful consideration and excavation of the site at the time of redevelopment.

It is concluded that there is a net community benefit attached to the planning proposal, notwithstanding the possibility of sub-surface remains related to the historic use of the site as a cemetery.

B. Relationship to strategic planning framework

Is the proposal consistent with the objectives and actions contained within the Mid North Coast Regional Strategy?

The Mid North Coast Regional Strategy provides a broad outline for the direction of future development in this region for the next two (2) decades. The relevant outcomes and actions of the Mid North Coast Regional Strategy include:

4. Settlement and Housing

"Outcomes: Opportunities for increased dwelling densities will be explored in inland centres and towns ... it will enable affordability demands to be met, while encouraging housing opportunities appropriate to the ageing of the population".

"Actions:

Councils will plan for a range of housing types of appropriate density, location and suitability that are capable of adapting to the ageing of the population".

"Councils will consider a range of affordable housing strategies, including low cost forms of housing, suitable zonings and development controls to improve housing affordability and choice..."

Comment:

The proposal has clear potential to stimulate investment in the development of higher density housing on a site that is optimally located with respect to the Bellingen town centre and the range of services it would afford potential residents.

5. Settlement Character and Design

Outcomes:

New development will include a range of well designed housing choices and an urban form based on "neighbourhood planning principles" which maximise pedestrian and bicycle access across the settlement areas, and provide easy access to services and facilities

Neighbourhood Planning Principles:

- *Easy access to major centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops.*
- *Streets and suburbs planned so that residents can walk and cycle to shops for their daily needs.*
- *A wide range of housing choices to provide for different needs and incomes. Traditional houses on their own block will be available along with smaller lower maintenance homes, units and terraces.*

Comment:

The subject site is ideal to allow for the application of the Neighbourhood Planning Principles.

8. Natural Hazards

Outcomes:

Future urban development will not be located in areas of high risk from natural hazards including sea level rise, coastal recession, rising water tables and flooding.

Actions:

Local environmental plans will zone areas subject to high hazard to reflect the limitations of the land.

Comment:

The portion of the site that would be utilised as a riparian restoration zone is subject to inundation in a 1% AEP flood event, however the vast majority of the site is above this level. Flooding is not a major constraint to the redevelopment of the site.

9. Cultural heritage

Outcomes:

The Region's places, precincts and landscapes of cultural heritage significance will be identified (where appropriate) and protected in planning instruments.

The Region's major regional centres and major towns will continue to evolve their forms, while still maintaining the heritage values that are important.

Actions:

The cultural heritage values of major regional centres and major towns that will be the focus of urban renewal projects will be reviewed with the aim of protecting cultural heritage.

Comment:

For the purposes of the Mid North Coast Regional Strategy, Bellingen is classified as a "major town". Outcomes for the region note the importance of allowing the continued evolution of the forms of major towns (subject to maintenance of important heritage values) and actions note the need to review the cultural heritage values of major towns, as urban renewal projects occur, with the aim of maintaining cultural heritage.

A review of the heritage value of the bowling club site has revealed that any values that may have been attached to the bowling club site have been significantly compromised as a result of the two site redevelopments that have occurred since the closure of the cemetery in 1903. Furthermore, that portion of the old Bellingen Cemetery that appears to have been the main portion used for burials (ie: the southern side of the creek) is not included in the current listing but remains significantly more capable of interpretation as the former Cemetery Site.

As such, it is considered that the compromised heritage value of the bowling club site should not inhibit this third redevelopment. The heritage listing should however be revised to include that area of land that has remained essentially undisturbed since the closure of the cemetery on the southern side of the creek.

Is the proposal consistent with Council's Strategic Plans?

Growth Management Strategy:

The Bellingen Shire Growth Management Strategy (2007) (the GMS) did not specifically recommend that this site be rezoned to residential, however had the owners of the site expressed an interest in rezoning at the time of exhibition, it is likely that it would have been included due to its suitability for this purpose.

The GMS adopted the following character statement for Bellingen:

"A country town with natural ambience reflecting the best of a past era, whilst providing the essential services of a modern society. A town that supports a friendly and supportive community and acts as a meeting place for a variety of lifestyles. A town centred adjacent to the Bellinger River with a scenic outlook to the river and the mountains."

It is considered that this provides broad support for the redevelopment of the subject site in view of its balanced consideration of heritage value against the need for a greater variety of housing choice to meet the varying demographics of the Shire.

The land is within the agreed "Growth Areas Map 4 - Bellingen" as provided in the Mid North Coast Regional Strategy, and as justified by the GMS.

Is the proposal consistent with applicable State Environmental Planning Policies?

SEPP 32 – Redevelopment of Urban Land:

The relevant aims and objectives of SEPP 32 are reprinted below.

2 Aims and objectives

(1) This Policy aims:

(a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and

(b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:

(i) the location of housing in areas where there are existing public infrastructure, transport and community facilities, and

(ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and

(iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas.

(2) The objectives of this Policy are:

(a) to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and

(b) to ensure that any redevelopment of urban land for multi-unit housing and related development will result in:

(i) an increase in the availability of housing within a particular locality, or

(ii) a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs

The site is classified as urban land for the purpose of this policy. It is evident that the land is no longer required for the purposes of the Bowling Club and that potential exists for the installation of bowling greens at the Golf Club in the event of amalgamation as intended. The Planning Proposal is consistent with all of the relevant aims and objectives of this SEPP.

SEPP 55 – Remediation of Land:

Cemeteries are not listed as an activity that may cause contamination in the Managing Land Contamination Planning Guidelines.

This does not necessarily mean that there is no likelihood of contamination on the site however it is considered that further detailed investigation is not warranted at this stage in view of the following;

- a) Clear knowledge of previous uses of the site
- b) The non-inclusion of cemeteries as a potentially contaminating activity
- c) Over 100 years having passed since the cemetery was closed.

Is the proposal consistent with applicable Section 117 directions?

Section 117 directions are issued by the Minister for Planning and relate to various planning matters that must be considered when preparing a planning proposal. The directions relevant to the subject proposal are considered below.

Direction 2.3 – Heritage Conservation

This direction applies to the land as it is affected by a heritage listing. The Direction states as follows.

(4) A planning proposal must contain provisions that facilitate the conservation of:

- a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- a) *the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
- b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

The objectives of the planning proposal do not seek to facilitate the conservation of the former Old Bellingen Cemetery on the Bowling Club site. This is in view of the lack of surficial evidence or any meaningful capacity for interpretation and the existence of a relatively undisturbed area on the southern side of Cemetery Creek that would be more suitable in this regard.

Pursuant to Clause 5(b) it is submitted that the non-compliance is of minor significance given that the site has been transformed beyond recognition as the former cemetery site as a result of previous redevelopments.

Although not currently the subject of a Draft LEP amendment, it is also intended to amend BLEP 2010 to include the area to the south of Cemetery Creek as part of the Old Bellingen Cemetery Listing. This would provide protection in the manner envisaged by Clause 5(a) of the Direction, which would also provide justification for a variation.

Direction 3.1 – Residential Zones

This direction applies if the land is to be rezoned Residential. Relevant portions are reprinted below.

The objectives of the direction are to:

- *encourage a variety and choice of housing types to provide for existing and future housing needs,*
- *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- *to minimise the impact of residential development on the environment and resource lands*

A planning proposal must include provisions that encourage the provision of housing that will:

- *Broaden the choice of building types and locations available in the housing market, and*
- *Make more efficient use of existing infrastructure and services, and*
- *Reduce consumption of land on the urban fringe, and*
- *Be of good design*

A planning proposal must:

- *Contain a requirement that development is not permitted until arrangements have been made for the land to be adequately serviced, and*
- *Not contain provisions which reduce permissible density*

The proposal provides a zoning and FSR that will stimulate the development of medium density housing. It is considered consistent with the provisions of this Direction.

The site is within close proximity to existing infrastructure and services. Council's Manager Water & Sewerage advises that there are no infrastructure issues that should obstruct the proposal. Given this advice, the suite of development controls and Contribution Plans currently in place in Bellingen Shire, and the site's location within the central part of Bellingen, it is not considered necessary to include a specific provision in the planning proposal regarding servicing arrangements.

Direction 3.4 – Integrating Land Use and Transport

This direction applies to the land as the proposal will create an urban land zone.

The relevant objectives of the direction are to:

Improve access to housing, jobs and services by walking, cycling and public transport, and

Increasing the choice of available transport and reducing dependence on cars, and

Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001)*
- The Right Place for Business and Services – Planning Policy (DUAP 2001)*

Generally, the proposal is consistent with this direction, as the land is close to the town centre of Bellingen and significant opportunity would exist for pedestrian access to services.

Direction 4.3 – Flood Prone Land

This direction applies as a minor part of the subject land adjoining Cemetery Creek is flood prone and the proposal would rezone land from a Recreation Zone to a Residential Zone.

The objectives of the direction are:

- To ensure development is consistent with the Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005,*
- To ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts*

The planning proposal must not contain provisions that:

- Permit development in floodway areas,*
- Permit development that will result in significant flood impacts to other properties,*
- Permit a significant increase in the development of that land,*
- are likely to result in increased government spending on flood mitigation measures, infrastructure or services,*
- permit development without consent.*

The proposal would zone land currently zoned Private Recreation to Residential and it is therefore inconsistent with the requirements of this direction.

It is noted that Council's current flood planning controls will still apply (as determined through the development of the Bellingen Shire Floodplain Risk Management Plan and consequently Bellingen Shire DCP 2010) and development would be unlikely to occur in the riparian flood affected zone due to environmental protection as well flood related reasons. As such, the inconsistency is considered to be of minor significance and this should not obstruct approval of the planning proposal.

Direction 5.1 – Implementation of Regional Strategies

This direction applies as Bellingen Shire is included in an adopted regional strategy, this being the Mid North Coast Regional Strategy.

The objectives of the direction are to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the regional strategies. Planning proposals must be consistent with the regional strategy. A proposal may be inconsistent if the extent of inconsistency is of minor significance and the proposal achieves the overall intent of the regional strategy.

As noted in comments under the Regional Strategy section above, the proposal is considered to be consistent with the Mid North Coast Regional Strategy.

C. Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Given the generally cleared and modified nature of the subject land, there is unlikely to be any significant adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats from any resulting redevelopment of the land. The principal area of possible impact is the riparian zone that has been the subject of environmental restoration works over the years. Although an adverse impact is considered unlikely, the ultimate degree of impact on this area cannot be properly determined until such time as a development proposal is formulated that demonstrates protection of the riparian corridor and other matters such as the use of Water Sensitive Urban Design Principles.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As mentioned above, stormwater runoff would need to be managed to ensure that there were no adverse impacts on Cemetery Creek or the receiving system. Any redevelopment of the site would likely be a Level 3 development pursuant to Chapter 12 of Bellingen Shire DCP 2010 – Stormwater. This would require the submission of a stormwater management plan at any future development application stage.

The land is not bushfire prone. A small portion of the site immediately adjacent to Cemetery Creek is classified as flood prone land, however any future residential development proposal would need to avoid the flood affected area. There is potential to preserve and embellish the riparian zone as part of the landscaping of the development site.

How has the planning proposal adequately addressed any social and economic effects?

The planning proposal has the potential to deliver a range of positive social and economic outcomes. There is a documented under supply of the housing types that the proposed zoning and FSR would encourage and this is considered of broad benefit to the community.

The closure of the bowling club and its associated facilities will possibly result in adverse social impacts associated with a reduced variety of recreational activities in Bellingen. It should be noted though that there is adequate land area available at the Golf Club to construct replacement bowling greens and there is a reported potential for the merged clubs to become more economically viable as a single entity.

It is also noted that there has been a recent history of complaint regarding noise generation associated with the operation of the Bowling Club, and that the closure of this facility (in what is essentially a residential locality) may have desirable social impacts in the long run.

D. State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There appears to be adequate public infrastructure available for the proposal, in terms of local roads, and sewer and water availability. Satisfactory electricity and telecommunications infrastructure are likely to be available, but this will need to be confirmed at any future consultation stage.

Views of State and Commonwealth authorities

Consultation with any state and commonwealth authorities will occur after advice has been received from the Department of Planning (DoP) concerning consultation requirements, following any referral of this report to the DoP.

Proposed Community consultation

Should the planning proposal proceed, it is considered that community consultation should include the placement of the proposal on public exhibition for a period of 28 days at the Bellingen Administration Centre. Notice of any exhibition should be placed in the Bellingen Courier Sun on two separate occasions, and also on Council's website. Adjoining owners would be notified of the proposal by letter.

BUDGETARY IMPLICATIONS:

The Bowling Club have requested that Council refund the application fees that they have paid to Council in view of the current financial position of the club. The relevant fees total \$710. It is recommended that Council make a determination regarding this matter.

SUSTAINABILITY ASSESSMENT:

The subject site, if redeveloped for medium density housing, allows for the application of many principles of sustainable development and neighbourhood planning. This is a function of the sites proximity to the full range of services offered by the Bellingen town centre and the potential for pedestrian access to these facilities.

CONSULTATION:

Internal consultation has occurred with Council's Manager of Water & Sewerage who has advised as follows.

"I have had a look at the site and I can't see any problems with the water or sewer capacity there for a new subdivision."

External consultation has taken place with the Heritage Branch of the NSW Office of Environment & Heritage however this has only been verbal, and the suggested use of Ground Penetrating Radar to investigate the site has not been possible. It is understood and expected that the DoP will formally consult with the Heritage Branch prior to issuing the Gateway determination and that this will allow for further consideration of the matter by heritage experts within that department.

Department of Planning

Should Council decide to proceed with the Planning proposal, it will be referred to the NSW Department of Planning (DoP). The proposal will be assessed by the DoP, then referred to the Government's LEP Panel which will decide whether or not to proceed with the proposal. Attachment B provides a flowchart of the LEP process. In the chart, RPA means 'Relevant Planning Authority', and in the subject case, Council is the RPA.

OFFICERS RECOMMENDATION:

- (1) That Council proceed with the subject planning proposal.
- (2) That Council consult with the Crown regarding the extension of the heritage listing for the Old Bellingen Cemetery to cover land on the south side of Cemetery Creek.
- (3) That Council determine whether the \$710 application fee should be refunded to the Bowling Club in view of their current financial position.

ATTACHMENTS:

- 8.1 A Locality Map (DWS 258845)
- 8.1 B Flowchart – Process to make a local environmental plan ('Figure 5') (DWS 219228)
- 8.1 C Historical Research Documents (DWS 252255)
- 8.1 D Former Cemetery superimposed over aerial photograph of locality (DWS 252279)

08.026/11

RESOLVED (Cr Braithwaite/Cr Troy)

- (1) That Council proceed with the subject planning proposal
- (2) That Council consult with the Crown regarding the extension of the heritage listing for the Old Bellingen Cemetery to cover land on the south side of Cemetery Creek
- (3) That Council determine whether the \$710 application fee should be refunded to the Bowling Club in view of their current financial position

DIVISION:

FOR – Cr Braithwaite, Cr Child, Cr Coe, Cr Scott, Cr Troy, Cr Tuohy
AGAINST - Nil

08.027/11

FURTHER RESOLVED (Cr Braithwaite/Cr Coe)

That Council refund \$500.00 of the application fee to the Bowling Club.

DIVISION:

FOR – Cr Braithwaite, Cr Child, Cr Coe, Cr Troy, Cr Tuohy

AGAINST – Cr Scott

6 Bowra Street Bellingen Bellingen Bowling and Sporting Club

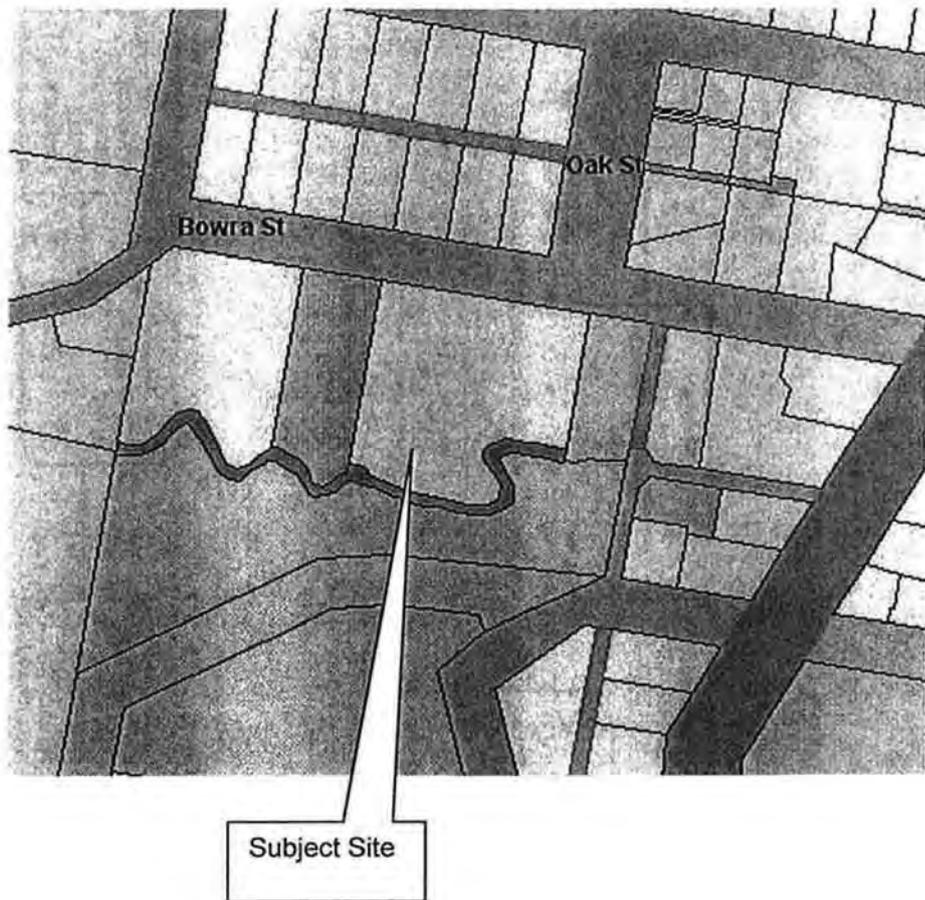
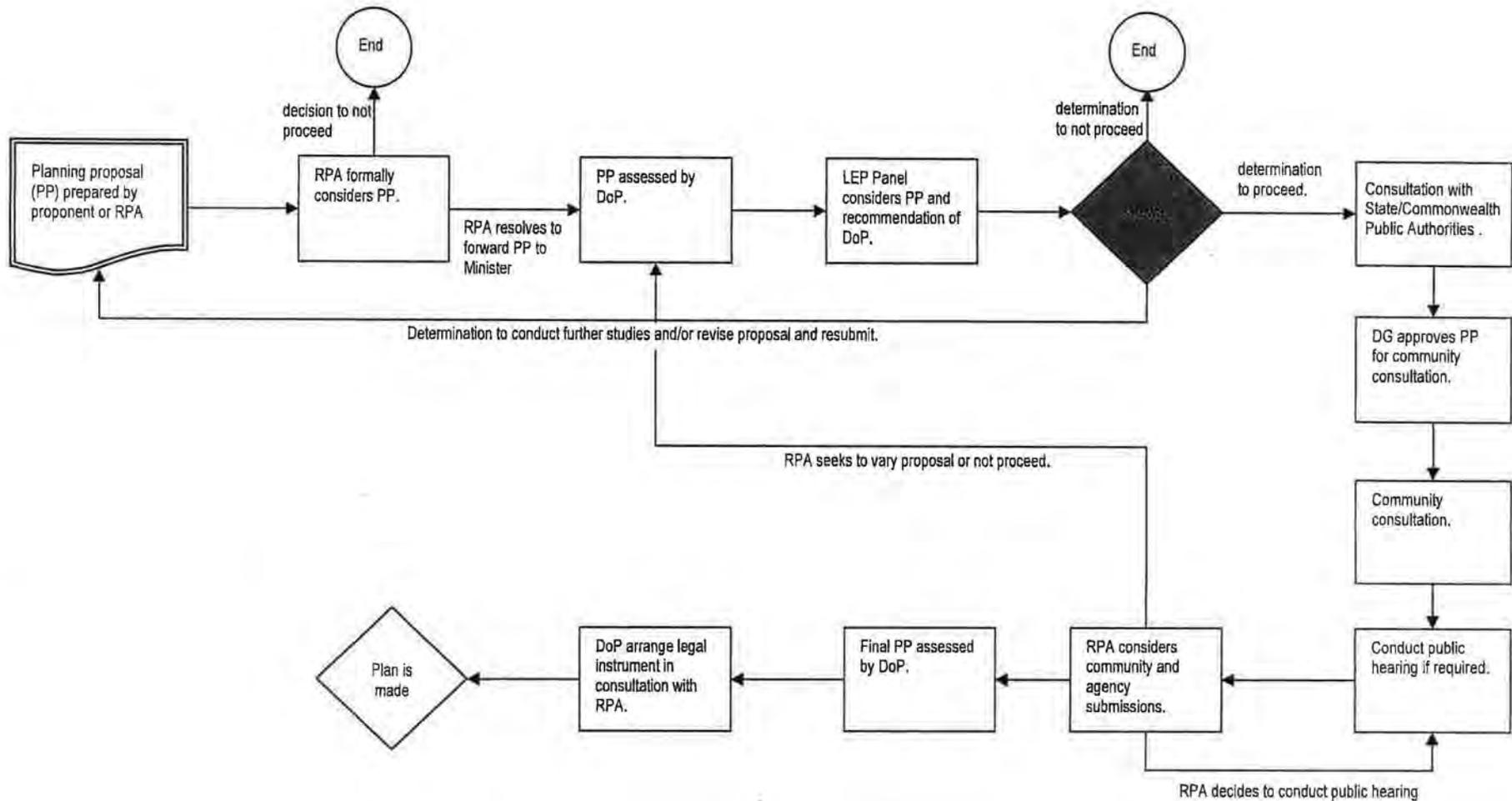


Figure 5 – Process to make a local environmental plan



8.1.B

STATE HERITAGE INVENTORY PUBLIC PRESENTATION REPORT
PART I Contd. TERRESTRIAL SITES/RELIQS ONLY

Page 2.

PHYSICAL CHARACTERISTICS
ARCHAEOLOGICAL SITE CONDITION:

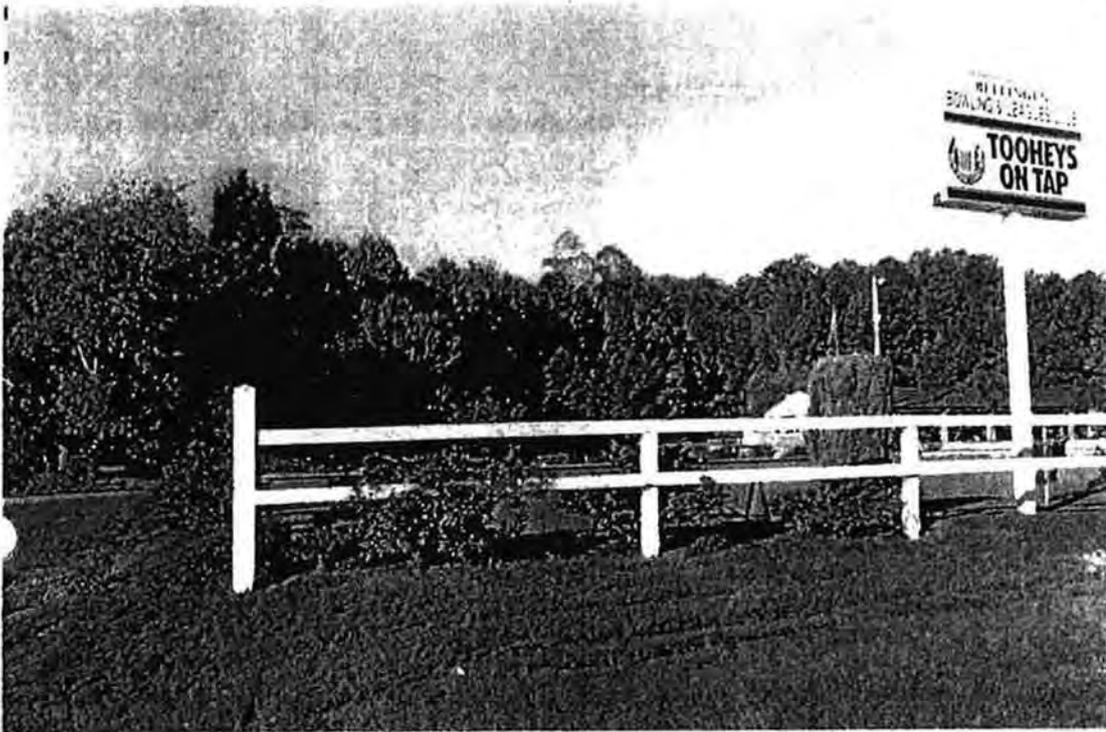
ARCHAEOLOGICAL /LANDSCAPE FEATURES:

OTHER DETAILS OF PHYSICAL APPEARANCE:

INTERPRETATION/CONSERVATION ACTIVITIES:
INTERPRETIVE MATERIAL:
CONSERVATION ACTION:

PHOTOGRAPHS(S) OF ITEM/PLACE

SITE SKETCH/PLAN



HISTORICAL DETAILS

BUILDER:

PRESENT OWNER:

Address: Street No.:

Street name:

Town/Suburb:

Postcode:

Telephone No.:

PREVIOUS OWNERS:

DATE OF CONSTRUCTION/COMMISSION:

ORIGINAL USE: Monument/cemetery

PRESENT USE: Social/Recreational

ARCHITECT/DESIGNER(S):

BUILDER/ARTISAN:

HISTORICAL THEME(S)

State Theme:

Previous Heritage Study

or Maritime Theme(s):

HISTORICAL REGION: North Coast

HISTORICAL PERIOD: 1876-1900

Other Historical Notes:

This property was reserved from sale and lease generally for preservation of graves. Notified 31/10/1903. In 1943 part of the land was turned into the Bowling Club. The relocation of the cemetery possibly related to the low land and flooding problems.

INFORMATION SOURCES Written Sources:

Oral Sources:

Graphics:

Neg Nos A13/0

STATE HERITAGE INVENTORY PUBLIC PRESENTATION REPORT
PART II - ASSESSMENT

EVALUATION CRITERIA	(ATTRIBUTES)		
	Rare	Representative	Associative
Historic:			L
Aesthetic:			
Social:			
Scientific:			L
Other:			

STATEMENT OF SIGNIFICANCE:

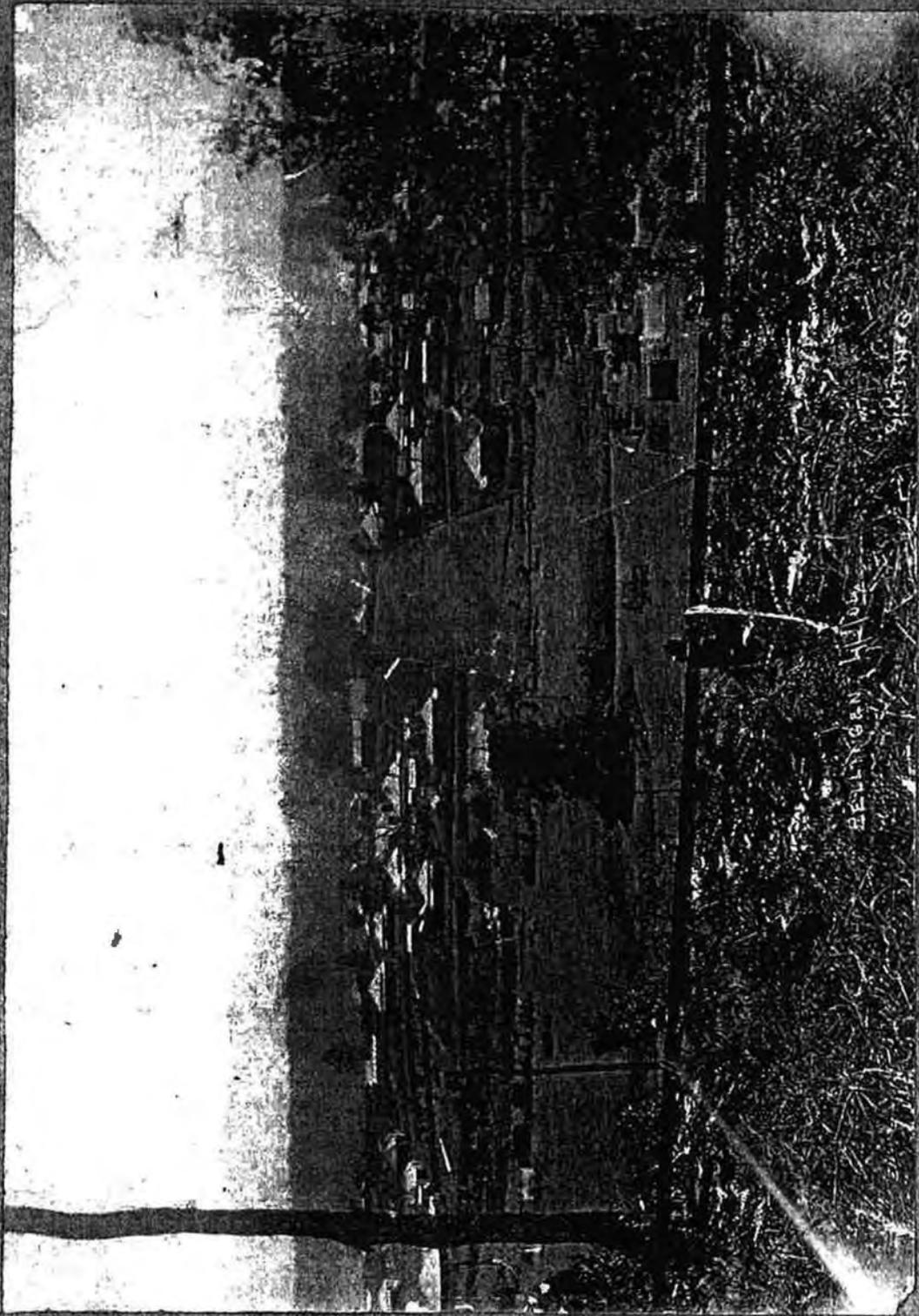
Although there is no surface evidence for the cemetery it is an important site. It is representative of the lack of understanding of land-use and water levels of the area by the early pioneers. It is associated with the early development of the area and was a focus of religious activity.

PART III - IMPLEMENTATION

PROPERTY DETAILS

Real Property Description:
Site Area:
Zoning:

Dept of Plg ADMIN. REGION: NORTHERN



BELLINGEN 1904 TAKEN FROM HOSPITAL HILL 1904
 with Graves in Original Cemetery

BELLINGER VALLEY HISTORICAL SOCIETY Inc.

BELLINGEN CEMETERY..

An area of approximately 2 acres was set aside as a Cemetery in 1868 with the proclamation of the Village of Bellingen, and consisted of that area immediately north of the Hospital and extending northwards to Bowra Street, which now includes the Nursing Home, on the southern side of Cemetery Creek, and also includes the Bowling Club and Scout Hall properties. .

At the time when the Cemetery and Village of Bellingen were proclaimed, all Births, Deaths and Marriages had to be registered in Kempsey, involving a 70 mile ride by horseback to make the report, and, of course another 70 mile return journey to Bellingen, which would take at least 12 to 14 hours each way. The Historical Society does not have records of these family events until late 1873 when a Registry was set up at the first Bellingen Court House, which was erected in 1869 on the site presently occupied by the Country Womens Rooms in Church Street.

When, in 1902, it was proposed to build a Cottage Hospital at Bellingen a site was selected on the southern side of the Cemetery, and moves were begun to find a new location for a Cemetery, with the present site being selected at the junction of the properties of three pioneer families- The William Jarrett, the James Eather and the Henry McNally estates. The old Cemetery was closed in 1903 and the new Cemetery opened at North Bellingen prior to the building of the Hospital .

The original Cemetery was transferred to the Hospital authorities in 1953, that is 50 years after the last burial, at which time assistance was offered to families wishing to transfer the graves to the new site; many residents taking the opportunity to do so.

The primitive state of country health care in that period is clearly indicated by the statistics, in that over the period of 30 years from 1873 to 1903, there were 104 registered burials, of which 47 were children.

(Norman Braithwaite.) Bellinger Valley Historical Society. 14 February 1998.

The hazards of Pioneer life are clearly demonstrated
in the records for the Bellingen Cemetery for the
30 years from 1873 to 1903, where with the 104
registered burials, 47 were children.

Why Cemetery Creek ?

The 25 November response of Mrs. Madeline Halpin has given substance to the Courier Sun query of 18 November, and who better to do it, for Madeline is a proud descendant of Bernard (' Old Briney ') McNally, occupant of the last identifiable site in Bellingens original cemetery who died in 1880, aged 76, in company with wife Mary, who died of a ' Visitation of Providence ' , aged 51 in 1868. The Cemetery was officially set apart in 1875, and added to in 1887, with frontages to Bowra St. and the anonymous laneway running southwards, immediately east of the Bowling Club. Bernard was the patriarch of the pioneer McNally family of Bellingens, and for well nigh a century from settlement, they made significant contributions to the economy and development of the community and district. The first births, marriages and deaths on the Bellinger were registered at Kempsey, but when the Registry was established at Bellingens in 1873, it was John, infant son of Henry McNally who headed the list, which grew to some 104 in the 30 years up to closure of the cemetery in 1903 with the opening of the Raleigh District Hospital. Of the total burials, almost half were children, but the ratio is somewhat distorted due to the fact that at this time, many adults from the upper Bellinger were being buried at Ferrmount for family or other reasons; nevertheless, the proportion is a grim reflection of hazards which confronted a frugal and isolated community. The present cemetery at North Bellingens was established in 1903 and some families took up the opportunity to transfer graves to the new site, prominently among these were Bailey, Bennett, Best, Eather, Hanly, Jarrett, McFadyen, Renwick, Sword, Tyler and White families, but in all, no more than 20 were transferred. Further to this in 1953, that is 50 years after the closure, special legislation was passed to give further opportunity to relatives for removal, and to provide land for general community purposes, including hospital and nursing home services. And, of course this led to establishment of the Bowling Club facility and the Scouts Hall, on which public land rests the unmarked McNally grave, and the many other graves where lie some of our community leaders: this would seem to be the opportunity now to list the known burials, as Dorrigo has proudly done with durable granite and bronze to respect those who laid our foundations, and to combine on a tablet with due respect for an outstanding Bellingens founding family. Prominent among the buried and neglected are Bellingens first newspaper proprietor, William Thomas Campbell, a. 34, Wm. Box a. 73, Nicholas Cahill . a. 43, Bridget Flannery, 90, Mary Maher, 80, Wm. Piggott, 39, Robert 67, Alex, 41 and Archibald Simpson 45, Frederick Vale 59, as well as youngsters and adolescents of early tragedy. The Bellingens Heritage Council is willing to assist with the McNally memorial, and I feel sure that if there is interest to suitably list and mark community respect for our early residents, there will be a positive response from the Heritage Council.

Madeline Halpin has been joined by Barbara Moret and Adrian Lipscombe to plead the Caratti name for the tributary stream to Cemetery Creek to be named to honour those long time family residents of the locality. I have long supported this form of historic commemoration, however, our Shire Council has, as yet not seen fit to evolve a policy, And this move would seem to be much too conservative for a body which has recently seen fit to officially endorse ' Ivory Curl Close ' for a street leading off McCristal Drive at North Bellingens.

BELLINGEN CEMETERY BILL PASSED

Land Provided for Future Hospital Requirements

We are indebted to this district's State Member (Mr. R. S. Vincent) for a copy of the Bellingen Cemetery Act, 1952, which has finally passed the Legislative Council and the Legislative Assembly of N.S.W.

Also to hand from Mr. Vincent is a copy of the Parliamentary discussion on the second reading, clearly setting out the aims and objects of this Act, which will come into operation on a day to be appointed by the Governor and notified in the "Government Gazette."

THE Parliamentary debate on this subject makes interesting reading, and because of its particular local interest the discussion on the second reading is given in full as under:

BELLINGEN CEMETERY BILL Second Reading

Mr. Hawkins (Newcastle), Minister for Lands, in moving that the Bill be now read a second time, said:

As I intimated at the introductory stage, the main object of this Bill is to provide additional land for the extension of the Bellingen River District Hospital.

The present hospital site and buildings were established many years ago and are inadequate for the present and future needs of the Bellingen district.

For some considerable time the Hospitals Commission and the Board of the Bellingen River District Hospital have been active in urging that a substantial part of an area made available by the Crown for cemetery purposes in 1875, and added to in 1887, be dedicated for hospital purposes.

R.S.L. CLUB ROOMS

The Bellingen River District Sub-Branch of the Returned Sailors, Soldiers and Armenians Imperial League of Australia also wishes to obtain part of the residue as a site for the erection of club rooms.

The Hon. Member for Raleigh is interested in this matter, and on more than one occasion he had made representations on behalf of the hospital authorities and the local sub-branch of the league.

ONLY 66 INTERMENTS

The area in question was used only to a very limited extent for cemetery purposes. Departmental records disclose that only about sixty-six interments had taken place, and a number of these were subsequently transferred to a new cemetery, which was dedicated at North Bellingen in 1903.

Upon the opening of the new cemetery, the old cemetery area was reviewed, and a substantial part of it, which had never actually been used for burial purposes, was reserved for public recreation.

Other parts of the area in which burials had been made were reserved for the preservation of the graves.

All of these reserves are under the control of the Bellingen Shire Council, and that body offers no objection to the present proposal.

TREES GROWING OUT OF GRAVES

An inspection of the area, which was made in connection with the preparation of this Bill, disclosed that the few identifiable graves remaining in the area were in a badly neglected condition, with trees growing out of them. In some cases the graves were covered with Jantana, and undergrowth.

The report disclosed also that the land would provide an excellent site for the proposed new hospital buildings, and afforded much better access than could be obtained to the present buildings.

There is clearly every justification for making available for hospital extension so much of the land as is required for that purpose, for enabling the balance of the area to be dealt with as ordinary Crown lands, and for the claims of the sub-branch of the league for part of the land to be considered.

NORTHCOTE STREET CLOSURE

The present hospital grounds are separated from the cemetery lands by part of Northcote Street, and the hospital extension plans provide for the use of this part of the street.

It will be necessary to close this part of the street under the Public Roads Act, and with this object in view a local land board inquiry has already been held.

After taking evidence and inquiring into the matter the board has recommended in favour of the closing. The board's report is to the effect that the part of the street in question has never been used as a road, and, in fact, is unsuitable to be used for that purpose.

CLAUSES OF THE BILL

Clause 1 of the Bill sets out its short title and provides that the Act shall come into operation on a day to be proclaimed.

Clause 2 provides that the cemetery area shall be freed and discharged from any estates or interests now vested in the Bellingen Shire Council as trustees, and revokes any trusts and reservations affecting the land.

This clears the way for the dedication of the required part of the land for hospital purposes, and the disposal of the residue of the area, both of which are authorised by Clause 3.

Clause 4 contains provisions for the removal of headstones, grave enclosures and other surface structures, and authorises the removal of human remains.

Provision is made for advertisement of the intention to effect such removals, and the representatives of persons who are buried in the area are afforded the opportunity of effecting the removal themselves if they so desire.

Clause 5 authorises the dedication for hospital purposes of the part of Northcote Street to which I have referred after it has been closed under the Public Roads Act.

Clause 6 contains provisions similar to those usually inserted in Bills of this nature indemnifying the hospital authorities and all other persons against any claims for compensation arising from anything done in pursuance of the Act.

I feel that Hon. Members will support the measure. Its main object is to authorise the use of land for hospital extension purposes at Bellingen, and all will readily agree that this is a most worthy cause.

MR. VINCENT SUPPORTS

Mr. Vincent (Raleigh): As I intimated at the introductory stage, I support this Bill because I appreciate the great need for part of the land with which it deals to be made available for the extension of the Bellingen River District Hospital.

Some three or four years ago the former Minister for Lands, who is now Minister for Transport, together with the Under Secretary of the Lands Department and other officials, and myself, visited the area, heard the representations of local bodies and inspected the land. That Minister intimated that action would be taken to meet the wishes of those who had met him there.

That action would make portion of the land available for extension of the hospital and portion available for the building of club premises and the provision of other recreation facilities for the members of the local sub-branch of the R.S.S. & A.I.L.A.

No objection can be taken to the removal of human remains from that portion of the land which has been dedicated as burial ground. That dedication was made many years ago and the graves that remain there have been neglected.

In 1903 a new site at North Bellingen was chosen for burial ground, and some of the remains of those who had been interred in the ground that is the subject of this Bill were removed to that site. Indeed, as far as visual evidence enables one to judge only four or five mounds still have human remains beneath them.

Provision is made in the Bill for the hospital trustees

to remove those remains and have them reverently placed elsewhere; or, any persons who may have kinship with the deceased have the right to remove the remains to some other dedicated burial ground of their own choice.

The objects of the Bill are commendable in that they include the extension of the Bellingen River District Hospital. It would appear that the authorities have in view the interests of the returned soldiers.

In this way the land is to be put to a very excellent purpose in the interests of the present and future generations of residents in that rich river valley.

FORMER PRESIDENT SPEAKS

Mr. G. C. Gollan (Parramatta): The Opposition considers that the Minister should be thanked for the action he is taking.

I was associated with a committee of the Bellingen River District Hospital many years, and I know the land that is dealt with by the Bill.

I can assure the Minister that the people of Bellingen—who I resided for seven years—very much appreciate the action of the Government in reappropriating the land to the hospital and the returned soldiers' organisation.

It has been the practice of Governments to treat with reverence out-dated cemetery reserves, which in the thick populated areas have at times been re-dedicated as parks. Though the purpose of this Bill is slightly different from that the measure commends itself to the Opposition.

Motion agreed to. Bill read a second time as reported from Committee with amendments; report adopted.

Bellingen Valley Norma Braithwaite
BELLINGEN

the South Arm, aged the misfortune to... The fracture was McGentry, who seems of Samaritan... milar character hap... a young daughter of nifer, who was play- d ren. The arm was elbow and shoulder. l in and attended to Tuesday afternoon d the misfortune to ent. While riding oad the girth broke, wn with some force. Mrs. Griffith, and wrious injury resulted Mr. T. H. Nowhaus, ce and arm consider- sion of carbide, which taking some out of a his hand.

WANTS.

igh (Mr. G. S. Briner) med that the following sideration:—1. From 'ommittee, making' for Corindi to Moonee; 2. From Committee, ask- be opened from Smith- From Burruping Pro- for an outlet road for 4. From similar com- king that a road be ce's selection to main M. Dowle, asking for ek recreation reserve; 5. for road from Macka- creek is now £75, and cient for present ro- tion 77, reserve No. at Nambuoca Heads, public recreation, and residents for appoint- but the Minister for approved of a fence the boys' and girl's ngen school, and the en instructed to take carry out the work; um W. Secombe, J. ing that forest reserve thrown open for net- rod to the district sur- t; 10. Opening up lyde's Creek from road. Mr. Briner is Orr, chief shipwright ition Department, re- the new tug now being or the Bollinger ser- ively to be ready for avour will be made to outhout delay, so that benefit of the services nes. Since then Mr. ally informed the pad- would be sent to the sok from August 26. st Department states Briner's representations recent exemption of ligger district, and the d Amber regulations, has decided to suspend for a period of three Assembly. Mr. Briner Works would be con- of submitting to the early as possible the ray from Guyra, etc th Grafton, more than would form part of the

four tenders. Contract 20, Road up south branch Orara River: M. Burns £44 10s., highest £57, four tenders.

THE CEMETERY.

THERE was a fair attendance at the public meeting held in Bellingen last Wednesday evening, with the object of having a new site selected for future burials in Bellingen. Mr. J. H. Noble was voted to the chair. Mr. R. Page moved,—"That application be made to the Hon. Minister for Lands, through the member for the district, urging the immediate closing of the existing cemetery in Bellingen for any further interments, as competent medical opinion shows that its continuance in that locality will be a menace to the health of the residents, in view of the fact that a watercourse passing through the town drains the land in which burials are now taking place. That an area of 20 to 25 acres adjoining the north boundary of portions 75 and 15, parish of North Bellingen, county of Raleigh (vacant Crown land) [or some other equally suitable site that may be disclosed by the report of the District Surveyor] be surveyed and dedicated as early as possible as a site for a new cemetery for the district. 2. That steps be taken to reserve that portion of the existing cemetery, in which interments have been made, for the preservation of graves." He supported this action from a sanitary point of view, and pointed out that the graves of those buried would be better respected by the reservation of the ground for the purpose than under existing circumstances. Mr. McCorquodale, in seconding the motion, thought it would be apparent to all the present cemetery was a grave menace to the health of the people, and no longer it was kept open the greater that danger would become. Mr. F. T. Matthews supported the resolution, and considered it was a mistake to reserve a cemetery so close to land used for residential and business purposes. He believed after 20 years the Government, if they wanted to use the land for any other purpose, would have to remove the remains before doing so. He suggested amendment of the resolution by inserting the words between brackets: "This was agreed to by the mover and seconder. Mr. J. Jay wished to know how long it would be before the new cemetery would be available. Mr. E. P. Richards and others considered it would only be a few months. Mr. R. Griffith: Who will pay the cost of clearing the new site? Mr. Matthews explained £100 had been obtained, when Mr. R. B. Smith was a member, for clearing the present site; and a grant would be made for the new site. Mr. Richards had no doubt the Government would lose no time in providing for clearing the site. Mr. Griffith: How about bodies buried in the present cemetery? Mr. Matthews thought the same procedure would be adopted as in the case of Devonshire-street cemetery, if the Government required to use the land. Mr. J. Maher pointed out the Catholic portion of the cemetery had been consecrated, and some of his dearest friends were buried there. He would like some guarantee their resting-place would not be molested. He should like Bishop Doyle and Father Keating to be present. Mr. Richards pointed out there was no proposal to interfere with the remains of those buried, but to prevent any further interments. The present cemetery was a menace to the living, and surely it was better to protect them than the dead. Mr. McCorquodale said notice of the meeting had been given, and anyone had a chance to attend. He had all respect for the dead, but it was

the up-to-date little township fully realise the utility of the Band, and appreciate the services rendered by it; and the movement, heartily taken up by all and sundry, culminated in a grand plain and fancy dress ball on Friday night last and a juvenile ball on Saturday night. On Friday night there were some 45 couples present, and as Barry's Hall provides ample floor space for that number, dancers were in no way incommoded by want of room, and a most enjoyable time was spent. The hall was nicely decorated for the occasion, and the many pretty dresses worn by the ladies, all of whom were neatly and tastefully attired, formed a pleasing spectacle. Good partners, good music, a good floor, and capable management left nothing to be desired. Fancy dresses were the exception rather than the rule, but amongst those worn were some very pretty costumes, and the following were especially admired:—Miss Sullivan, "White Witch"; Miss Sweeney, "America"; Miss Alinsworth, "America"; Miss Grant, "Erin-go-Bragh"; Miss Maud Grant, "Flower Girl"; Miss McKane, "Red, White, and Blue"; Miss Maher, "Sweet Violets"; Miss White, "Ivy"; Mrs. Hitchins, "Nurse"; Mrs. W. Rowe, "Powder and Puff" Mrs. Cameron, "Bride"; Mr. H. Aston, "Bengal Infantryman"; Mr. J. Daniels, "Spanish Smuggler"; Mr. O. Kearns, "Jockey"; Mr. J. Byrnes; Officer N.S.W. Bushmen"; Mr. J. Dalley, "N.S.W. Bushman"; Mr. S. Mole, "Sailor Boy"; Mr. J. Guidoux, "Clown"; Mr. W. Rowe, "Acrobat." Some very pretty evening dresses were also worn. Miss Spickett wore white and silver, Mrs. Leonard cream, Miss Allen pink and black, Miss Moss black and red, Miss Byrnes pink and cream, Miss Miss Gannon black and white, Miss Nelthorpe cream and blue, Mrs. Wheaton pink and black, Miss McDougall white, Miss Hoffman black and red, Miss Pearl McKane green and cream. Dancing was kept up with spirit until the early hours of Saturday morning, the only intermission being at midnight, when an excellent supper, kindly provided by the ladies, was served by Mrs. Duncan. On Saturday night the juvenile ball was held, and the affair will long be remembered by all who had the pleasure of being present. About 8 p.m. some 50 or 60 children, all prettily attired, many of them in fancy costumes, promenaded in couples, to the music of a slow march entitled "Bows," which had been composed specially for the occasion by Mr. Bandmaster Young. The seating capacity of the large hall was already heavily taxed, and ere long even standing room was scarcely available. Dancing was then commenced, and the little ones occupied the floor until after 11 p.m., only giving place to adult dancers occasionally. Amongst the juveniles in fancy costume we noticed the following:—Pearl Aston, "Fair Queen"; Mary Broderick, "Tambourine Girl"; Mary Cox, "Cinderella"; John Cox, "Prince Charming"; Jns. Cox, "Charles I. Page"; Myra Campbell, "Raleigh Sun"; Lorna Campbell, "Great Grandmother"; Maester Carney, "Prince of Naples"; Edith Hitchins, "Clown"; Leo Hitchins, "Sir Roger"; Horace Hitchins, "Clown"; Jack Hitchins, "Rabbits in the Wood"; Eva McDougall, "Mother Hubbard"; Colin McDougall, "Charles I. Page"; George McDougall, "Spanish Haberdash"; Jennie McHugh, "Red Poppy"; Maggie McHugh, "Pansy"; Mary McHugh, "Night"; Pat. McHugh, "Drummer Boy"; Andrew McHugh, "Jack and the Beanstalk"; Ethel McKane, "Red, White, and Blue"; Kathleen Moran, "Queen of the Roses"; Gerlie Moran, "Forget-me-not"; Alf. Moran, "Jack Tar"; Lois Newman, "Ivy"; Lily Parry, "Flower Girl"; Donaki Parry, "Jockey"; Tom

A man named Wals assaulting Hill in Mell mon are members of a quarrel in an hotel; th when Hill was asleep with a huge piece of bar. Hill is not expect being paralysed. The Boers shot in co scouts at Warhunklo Wet and other leaders armed Dutch colonists Further particulars train near Watervul at firing after resistance formed women and chi One Boer deliberately girl, and another shou not to get supplies." officers were robbed of ellory, boots and garm and soldiers' kits rifled 120 Boers under Th patrol at Mervindrift killed, four wounded, remainder surrounded taking an oath of neut Brunton's "Royal" always used. Bellinger Heads co valedictory social at district matter unavol Last Saturday the felled to Raleigh; and lingen by 5 to 3. play at Fernmount to This afternoon will Bellingen public scho trees will be planted school children after: park. "Trust is dead!" I tions contained in U Stores "Spot Cash" Monday, the 9th inst: wards. The Federal issue very much to Franklin's advice, " that is read by every The recent action of in calling attention to ing an additional ten public school seems t effect, as a Miss E. Sydney via the Mac position; and the sch divided at once. When you go into a better than to find a you are made throug the best hotel of th Coast is the well-kno nt Grafton, now kept West Kempsey). At jaidlocks. Authentic medical of —Dr. Osborne says: "Eucalypti Extract a low fever, asthma, etc and this preparation Dr. Stahl: "I have u of Eucalyptus, but I, Sander and Sons' Euc any other." Dr. Prof Eucalyptus preparatio Sons' as I found the o less." Dr. Hart: "I that it is the best in th influenza, throat and diphtheria, dysentery rheumatism, wounds, is invaluable. See the 'Sons', and reject spuri and sometimes supplied)

AY, SEPTEMBER 6, 1901.

HOPE.

the Never Never on August 29, the evening. The meeting was held in prayer, after which no was submitted. The Misses L. and M. F. Bailey, and J. Isaac Connelly (2), sang, "The wife's song," Fowler, Lean, and readings and recitations, Connelly (2), and E. and A. Rose: an and violin, by A. Sawtoll. An organ accompaniment terminated the program offered four new hymns, and the singing and benediction closed a

WARRILL CREEK.

our correspondent) we all which has ensured the pastures have appeared they had a beautiful green been very prevalent every home being influenza. A of the proposed Nana field recently, when representative of the was present, and a meeting with the dairy farmers a central factory at our and Gale were Upper Orara to see lined that way. Of a favor of it, the would the factory at

ANNIS.

contests for the captain tennis club there it round to be played Shirley v. S. Page. All have to meet J. P. R. H. Baker last second round, for been drawn as under Hanly, S. Hanly v. v. D. Hanly, E. G. recent match between ever resulted in scores being—Miss Ira. Watson and W. v. A. Fowler v. v. Miss Griffith and v. A. Fowler v. y, 0-6; Miss Rose v. W. Jay, 7. Rose v. Miss J. v. Misses Fowler and Mrs. Watson, 6-0; Rose v. Miss Don-

ICE COURT.

Indian named Gollin by Mr. R. Page, J.P.,

north coast railway. Mr. O'Sullivan replied that the proposed line would be submitted to the Cabinet in connection with the Tenterfield to Casino line as a choice of connection with the north coast.

WARRELL CREEK.

At the last monthly meeting of the Warrell Creek Progress Committee held at Mr. W. Barr's, the president (Mr. D. McKay) was in the chair. Correspondence was read and received. Moved by Mr. Macklin, seconded by Mr. Kennedy, that delegates be appointed to attend a conference on the Nambucca for the purpose of discussing the shipping trade, pig fund, expenditure of road votes, and any other business brought forward. Carried. It was resolved, on the motion of Mr. Blanche, seconded by Mr. Maalen, that Messrs. Macklin, McKay, and Stewart be appointed delegates to attend the conference. Mr. Barr moved, Mr. Macklin seconded, and it was carried, that correspondence received from the Upper Unkya Progress Committee be postponed till next meeting for consideration. It was moved by Mr. Gill, seconded by Mr. A. Teague, and carried, that the secretary write to the road superintendent at Kempsey drawing his attention to the state of the road and drain near the Warrell Creek ferry. The next matter discussed was the bridge over Warrell Creek, which has been agitated for by this committee for some time, and it was decided by them to leave the question of site to the choice of the road superintendent. Mr. Cameron some five years ago selected the site known as Kennedy's, and the committee continued agitation till at last the good news was received that £800 would be placed of the estimates for the construction of the bridge, and the road superintendent (Mr. Bailey) arrived to survey the site, and very pleased to do so, as he knew how badly the residents needed the bridge; but judge his surprise when he was met by two or three residents on the lower end of Warrell Creek who tried to influence him in favor of another site. It is believed, however, the Department will take no notice of such tactics, and we hope to hear shortly of tenders being called shortly for the construction of the bridge at Kennedy's site, in favor of which Mr. Ouzin has obtained about sixty signatures to a petition, and could have obtained many more had he taken the petition to them.

ROAD CONTRACTS.

On Monday last no less than 89 tenders for 19 road contracts in the Raleigh electorate were received by the local roads officer at Bellington, the aggregate amount of the lowest tenders being £2259 12s. 1d. and of the highest £3079 2s. 5d. Appended are details:—
Contract 2, Bollingen via Bowra to Congarini: E. Lovell £152 7s. 6d., highest £199 13s. 9d., five tenders.
Contract 3, Bollingen via Bowra to Congarini: D. Danibar £63 7s., highest £98 9s., four tenders.
Contract 4, Moonoo to Congarini: Rigney and Dyer £176, highest £217 6s. 10d., four tenders.
Contract 5, Moonoo to Congarini: A. Craig £55 8s., highest £77 12s., seven tenders.
Contract 6, Moonoo to Congarini: A. Craig £136 10s., highest £224 2s. 1d., six tenders.
Contract 7, Moonoo to Congarini: M. O'Connell £363 7s., highest £493 9s., eight tenders.

bad to allow sentiment to carry them so far as to jeopardise the living. Mr. Jay suggested a petition should be taken round for signature. The motion was then put and carried practically unanimously, only two voting against it.

RAILWAY LEAGUE.

The attendance at the meeting convened in Bellington for Saturday afternoon last to re-form the district Railway League was not large, but those present evidently realised the necessity for continued agitation for both the Guyra-Coff's Harbor and North Coast lines. Mr. F. T. Matthews, J.P., was voted to the chair, and briefly reviewed what had been done in the past by the former league, and urged continued action in regard to the North Coast line. In answer to Mr. L. Gordon, he stated a number of views, purchased by the league, of the Coff's Harbor line, had been sent to the Sydney Mail and Town and Country Journal, but were not published. Mr. W. Best thought the expenses of the recently appointed delegates to Kempsey ought to be paid; but Messrs. Matthews and Greer stated they declined to accept anything. Mr. J. T. Greer moved,—That the Bellinger River Railway League be re-formed, the membership fee to be 1s. per half-year, and that lists be sent to the different centres in the district for subscriptions. He thought it unfair for those who did the work to have to find the money too. Seconded by Mr. B. Page. Mr. H. Boltwood thought it ought to be clearly understood if the league was going to work for both the tableland and coast lines. He did not see why not, as the section of the latter from Grafton to Coff's Harbor was practically part of the tableland connection to Guyra; but the most important line was that to Guyra. Mr. W. Best thought the Coff's Harbor line the best for the district, still they could work for both. Mr. Greer: When the North Coast line is submitted to the Works Committee, then they could agitate for a section from the Bellinger to Coff's Harbor, so as to help the trade of the district. Mr. Sawtoll stated the Dorrigo league strongly advocated the Guy Fawkes line only, and considered the proposed deviation to Armidale and agitation for the North Coast line would only cause delay. Some twenty years ago he was present at a meeting in Sydney, at which it was openly stated any attempt to make a seaport at Coff's Harbor must be blocked, as it would take trade away from Sydney. Mr. Boltwood pointed out the Richmond River people were not asleep, and that Sydney influence was against the Coff's Harbor line; but he believed Messrs. See and McFarlane were both in favor of that line, which would be submitted to the Works Committee with the proposed line to Tenterfield. Mr. O. Moseley could see no objection to the league continuing the agitation for the North Coast line; but Mr. L. Gordon moved as an amendment,—That the league should advocate the Guyra-Coff's Harbor line only. This was not seconded. Mr. Matthews could see no reason why both lines should not be advocated; in fact, the tableland line would be more certain, as a connection between two trunk lines, if the coast line were constructed, and thought the help of Armidale would be more valuable than that of Guyra. Mr. Page considered the section of the North Coast line from Grafton to Coff's Harbor so interwoven with the tableland line to either Guyra or Armi-

Sweeney, "Clown"; "Maypole"; Charlie Waraman; Stella Cool cream, Lizzie Gannon green, Grant cream and pink, and white; Effie Johnstone Vera May pink, and "maroon" and cream; Ma Stella McKune pink, McKune green and cream, pink and cream, Katie black, Irene Sweeney cream and silver, Amy pink. About 11 p.m. treated to a supper (kindies), and Mr. E. Hite of the Bowra Brass Band the interval to thank all to the success of the announced that the proceeds nearly £17, which would liquidate all their liabilities and a substantial balance thanked the ladies who had contributed to the cause all present that they reciprocated and that Band would never be forgettable movement. He announced that the rib Campbell's costume, "Ring artistically-printed a principal business house kindly donated to the Band to dispose of them; for eagerly purchased by the houses whose advertisement and another £1 was thus funds. One or two more the evening's entertainment Band (under the baton supplied most of the music being ably assisted at ladies and gentlemen on We understand that when the gross proceeds will be like £20; and the committee their energetic secretary are to be congratulated success of the welfare.

Sunlight

—THROUGH THE

By
The Premier opposed carried in the Assembly, making the post-office savings Banks in this State Chief Justice Darley I day, and has no desire to Governor.
In Melbourne a woman dog and frightfully laconic Mr. Wragge predicts, in the northern districts, and on northern highlands.
The Ministry have appointed of nearly 500 including the following Griffith, Bollingen; R. Mount; E. T. Lyon, 1 Gladstone; F. Grace, 1 Toowoomba footballer Waloos team by 34 point and the New South Wales win by beating Wangan
In Melbourne two were received through a lamp
The State Treasurer

[4797]

Department of Lands,
Sydney, 31st October, 1903.

**RESERVE FROM SALE AND LEASE GENERALLY
FOR PRESERVATION OF GRAVES.**

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that, in pursuance of the provisions of the 101st section of the Crown Lands Act of 1884, and the 39th section of the Crown Lands Act of 1889, the land hereunder described shall be reserved from sale pending determination of the portion to be set apart for preservation of graves, and from lease generally, and is hereby reserved accordingly.

W. P. CRICK.

EASTERN DIVISION.

LAND DISTRICT OF BELLINGEN.

Within the suburban area of village of Bellingen.

No. 36,663 (No. 36,664 from lease generally). County of Raleigh, parish of South Bellingen, containing an area of about 44 acres. The Crown Lands within the following boundaries: Commencing on the south side of Bowra-street, at the north-east corner of the Church of England Burial Ground of 2½ acres (Old Cemetery site); and bounded thence on the east by a line part of which forms the east boundaries of the Church of England, Wesleyan, and Presbyterian Burial Grounds, bearing south about 10 chains 38 links to the south-east corner of the last-mentioned allotment; thence by the south boundary of that allotment bearing west about 2 chains to the south-west corner of that allotment; thence by a line forming the west boundary of that allotment and the west boundary of the Wesleyan Burying Ground bearing north to the north-west corner of the last-mentioned allotment; thence by the north boundary of the Independents Burial Ground bearing again west to the north-west corner of that allotment; thence by a line bearing again north to meet a line parallel to and 150 links south from the south side of Bowra-street before mentioned; thence by that parallel line bearing west to the west boundary of the Roman Catholic Burial Ground; thence by part of that west boundary bearing north 160 links to the south side of Bowra-street aforesaid; thence by part of that side of that street bearing east, to the point of commencement.

[Ms. 1903-7,972 Dep.]

[4804]

Department of Lands,
Sydney, 31st October, 1903.

**RESERVES FROM SALE, LICENSE, AND LEASE
GENERALLY FOR WATER SUPPLY.**

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that, in pursuance of the provisions of the 101st section of the Crown Lands Act of 1884, and the 39th section of the Crown Lands Act of 1889, the land hereunder described shall be reserved from sale pending determination of the portions to be set apart for water and from license and lease generally, and is hereby reserved accordingly.

W. P. CRICK.

WESTERN DIVISION.

LAND DISTRICT OF COBAE.

Within the boundaries of the leasehold area of Florida
Holding No. 134.

No. 36,625 (No. 36,626 from license and lease generally). County of Canbelego, parish of Florida, containing an area of about 20 acres. The Crown Lands within the following boundaries: Commencing at the west extremity of the northernmost boundary of portion 5; and bounded thence by a six-wire fence bearing about north 41 degrees west about 9 chains to the south-eastern side of Wonga-street, as designed and shown on tracing marked A with papers Mines 1903-10,833; thence by that side of that street south-westerly, and by the south-western side of a designed street north-westerly to the eastern side of the designed northerly prolongation of Florida-street; thence by part of that side of that street southerly to the north extremity of the westernmost boundary of portion 5 aforesaid; and thence by a north and a west boundary of that portion east and north, to the point of commencement.

NOTE.—Includes part of reserve 35,916 sale (35,917 from license and lease), revoked this day.
[Ms. 1903-7,949. Dep.]

Within the boundaries of the leasehold area of Florida
Holding No. 134.

No. 36,627 (No. 36,628 from license and lease generally). County of Canbelego, parish of Florida, containing an area of about 300 acres. The Crown Lands within the following boundaries: Commencing on the south-eastern boundary of the leasehold area of Florida District of Florida No. 134 of the

said south-eastern boundary bearing north-easterly about 65 chains to a 6-wire fence; thence by that fence bearing about north 61 degrees west about 28 chains to meet the south prolongation of the east boundary of portion 5; thence by that prolongation north and by the south boundary of the portion west to its extremity; thence by the north-easterly prolongation of the south-eastern side of Florida-street bearing south-westerly to the most north-eastern boundary of the village lands at Canbelego, as proclaimed 20th December, 1902 (being a point on the north-eastern side of Wonga-street); thence by north-eastern and south-eastern boundaries of those village lands bearing generally southerly to the boundary dividing the counties of Robinson and Canbelego aforesaid (being a point on the north-eastern side of Coronga-street); and thence by part of that county boundary south-easterly, to point of commencement.

NOTE.—Includes part of reserve 35,916 from sale (35,917 from license and lease), cancelled this day.
[Ms. 1903-7,949 Dep.]

[4805]

Department of Lands,
Sydney, 31st October, 1903.

**RESERVE FROM SALE, LICENSE AND ANNUAL
LEASE FOR EXTENSION TO TEMPORARY COM-
MON FOR THE USE OF THE RESIDENTS AT
MOUNT HOPE.**

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that, in pursuance of the provisions of the 101st section of the Crown Lands Act of 1884, the land hereunder described shall be reserved from sale pending determination of the portion to be set apart for extension to temporary common for the use of the residents at Deniliquin, and from license and annual lease, and is hereby reserved accordingly.

W. P. CRICK.

WESTERN DIVISION.

LAND DISTRICT OF HILLSTON.

No. 36,448 (No. 36,449 from license and annual lease). County of Blaxland, parish of Mount Hope, containing an area of 320 acres. The Crown Lands within the boundaries of measured portions 32 and 33 of 160 acres each,—as shown on plan catalogued B. 81 and 70-2,022.
[Aln. 1903-12,708]

[4806]

Department of Lands,
Sydney, 31st October, 1903.

**RESERVES FROM SALE FOR TRAVELLING STOCK
ROUTE.**

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that, in pursuance of the provisions of the 100th section of the Crown Lands Act of 1884, the Crown Land hereunder described is hereby defined, set apart, and reserved from sale "For the passage of stock travelling pursuant to the provisions contained in the Act 41 Victoria No. 19, or any Act amending the same."

W. P. CRICK.

CENTRAL DIVISION

LAND DISTRICT OF COOKABARRABAN.

Within Coorianawa Holding, resumed area No. 208A.

No. 36,599. County of Baradine, parishes of Baradine, Yacagin, and Coorianawa, containing an area of about 405 acres. The Crown Lands within the western half (5 chains wide) of the 10-chain road from Baradine to Wingidgin from the town of Baradine generally south-westerly to the crossing of the road over the range dividing the counties of Baradine and Leichhardt, exclusive of any part of portion 37, parish of Baradine.

NOTE.—Includes part of reserve 1,434 for public purposes, notified 19th May, 1878.
[Ms. 1903-7,308 Dep.]

LAND DISTRICT OF DUBBO.

Within the resumed area of Narromine Holding No. 383.

No. 36,602. County of Narromine, parish of Wentworth, containing an area of 10 acres. The Crown Lands within the following boundaries: Commencing on the left bank of the Macquarie River, at a point 1 chain south-easterly from a box tree marked broad-arrow over B M over A 49 over M; and bounded thence by lines bearing south 7 chains, west 10 chains, and north to the Macquarie River aforesaid; and thence by that river upwards, to the point of commencement.

NOTE.—Includes part of reserve 34,595 from sale or lease after



To whom it may concern:

I Ray Norman Locke declare that shortly after World War II ended I assisted my brother Arthur Edward Locke to supply material for the first rink to Bellingham Bowling Club.

Arthur had been engaged by Mr. Bate, the builder to supply and place river stones (spalls, not to exceed 9 inches in diameter), double screened gravel (not to exceed a maximum of 4 inches or a minimum of 2 inches). Hessian and straw was laid before we spread top soil which had been stock piled by Council's Grader.

We commenced work after Council's Grader had prepared the site for essential drainage. This work had not necessitated any disturbance of the soil beyond a depth of approximately 2 1/2 feet.

At no time during the 3 months we worked on the site did we observe any indication of any disturbance of any grave sites which were reputed to be somewhere in this area, nor was there any mention of such disturbance prior to our arrival on site. Had such disturbance occurred undoubtedly mention of this would have been made and become common knowledge.

Ray Locke

4 July 2011



18 Fennell St,
North Parramatta, NSW. 2151.
Tel: 9890 2122. Fax: 9890 2922.
E-Mail: simon@gbgoz.com.au

A.B.N. 77 009 550 869.

8th July 2011

Attention: Roger Bassey
Chairman
Board of Directors
Bellingen Bowling and Sporting Club
8 Bowra Street
Bellingen NSW 2454



Ref: Bellingen letter

RE: NON INVASIVE INVESTIGATION FOR POSSIBLY GRAVE SITES UNDER BELLINGEN BOWLING CLUB GREENS USING GROUND PENETRATING RADAR.

To Whom it May Concern,

Having received further information from the Bellingen Bowling club regarding the age of possible graves and the construction of the bowling green (refer to letter from Mr Ray Norman Locke) from a surviving member of the building company that undertook the work. I am of the opinion that it would be a waste of club finances to undertake a shallow geophysical investigation of the bowling greens to look for possible covered graves. The reasons for this opinion are set out in the points below.

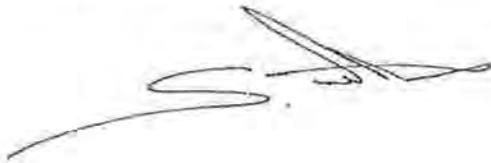
1. I have been informed that the possible graves would be in the order of 107 yrs old. There are no records as to how they were buried or where, other than a rough idea that they may be in the land currently covered by the greens. With this limited information any survey would have to be undertaken with Ground Penetrating Radar Profiles at extremely close spacing of 0.25m in order to locate anomalies over enough lines to get a proper orientation (this would be very time consuming and therefore expensive). It is unlikely due to the age of there being any coffin (if there ever was one) being present so the signal anomalies to look for will be very small and are likely to have been obliterated by the construction works undertaken to make the greens.
2. The letter from Mr Locke regarding the construction of the bowling greens indicates that grader works for drainage were undertaken over the site removing top soil to a depth of as much as 700mm and no trace of graves were observed. Normally when soil is scrapped off a grave site there is a distinct change in the soil colour from the grave to the natural ground around it. This begs the question:- was there ever graves here?

3. Mr Locke has then gone on to provide a detailed description of the construction method in that the contractor laid a drainage layer of river cobbles some 200mm diameter followed by coarse gravels of 50 – 110mm diameter before overtopping this with hessian and then the stockpiled top soil from the drainage excavation works. The construction of the greens in this manner will completely negate the use of the GPR and any other geophysical method for investigation. The GPR reflection imaging will be dominated by the large cobbles and the multi layered construction will absorb the GPR signal decreasing both depth of penetration and resolution. Using a lower frequency may increase the penetration but it will not have the imaging resolution to locate the small anomalies that would be predicted from such an old grave site.
4. Other geophysical methods that might be put forward for such an investigation are Magnetometer and Resistivity, both of which are commonly used in archaeology. The problem with using either of these techniques is that the bowling greens are not the natural ground surface and as both these methods require the magnetic and moisture / compaction changes between disturbed ground of a grave and the natural ground to provide an anomaly image the systems will not work because the entire site is disturbed ground.

I hope that this provides you with the information you required. If you require clarification on any points arising from this letter please do not hesitate to contact GBG Australia.

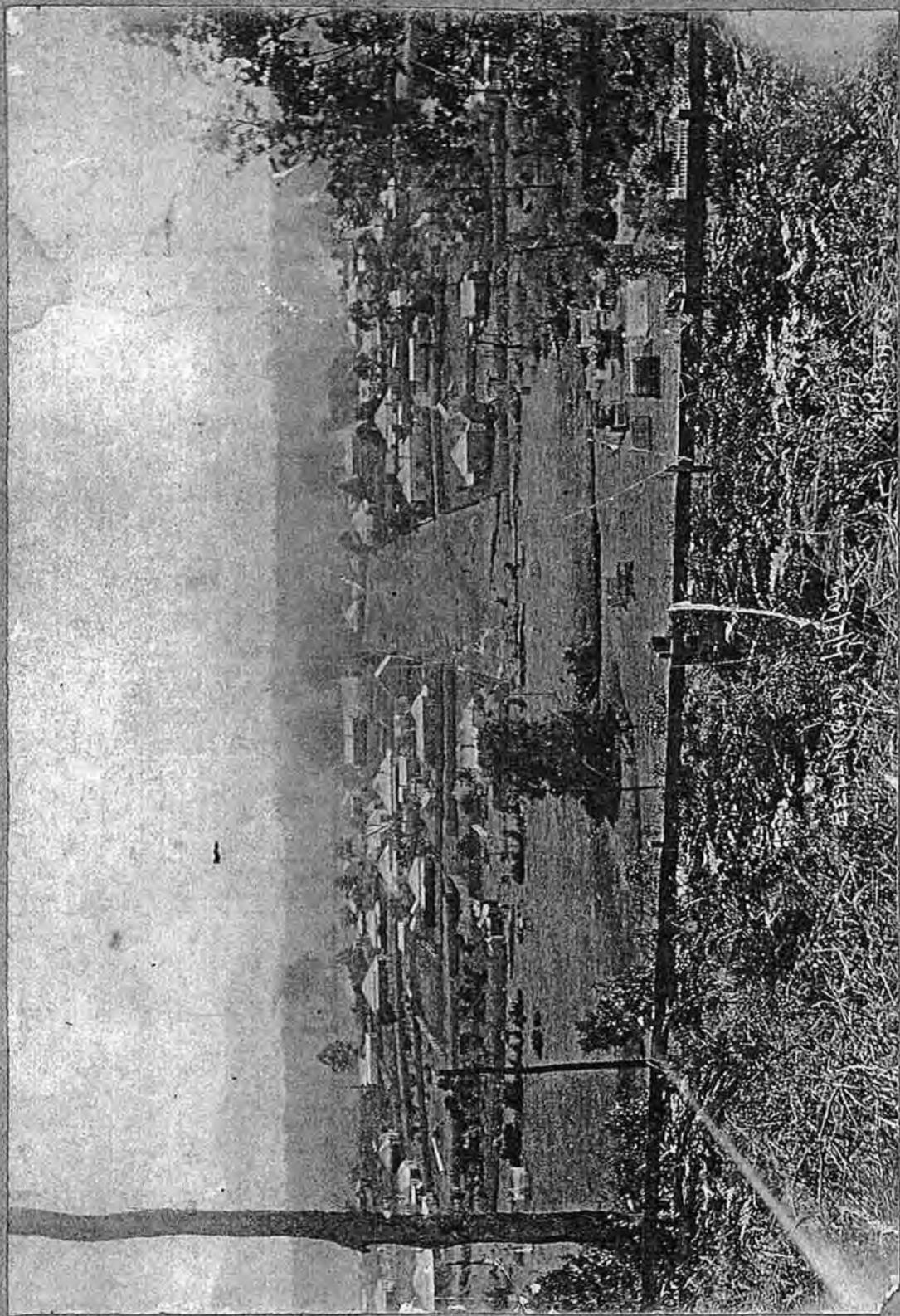
For and on behalf of

GBG AUSTRALIA PTY LTD

A handwritten signature in black ink, appearing to read 'S Williams', with a long horizontal stroke extending to the left.

Simon Williams

Director / Principal



BELLINGHAM 1904 TAKEN FROM HOSPITAL HILL 1904
Note Graves in Original Cemetery.



Belling Local Environmental Plan 2010

Planning Proposal No 4 Mapping Amendments

Site Identification Map - 006A

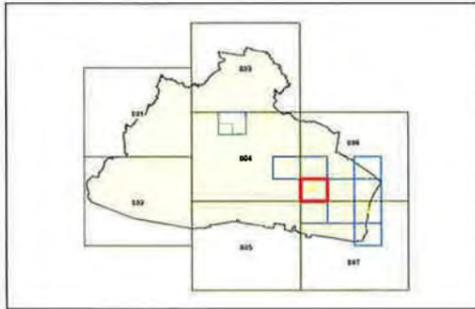
Legend

 Subject Land

Cadastre

 Cadastre 6/6/2011 © LPI & Belling Shire Council

This map is for explanation purposes only.
This map is not a legal document.



Projection: GDA 1994
MGA Zone 58

1:4 000 @ A3

Map identification number:
Planning Proposal 4 - SIM 006A





Bellinghen Local Environmental Plan 2010

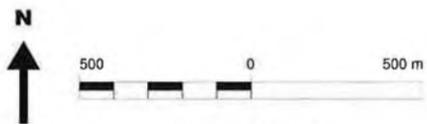
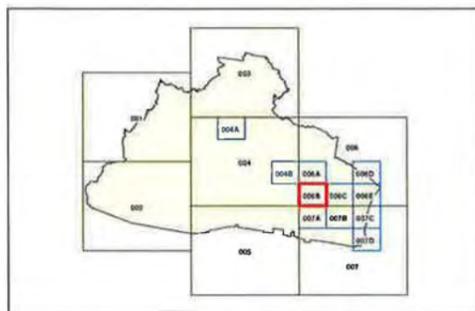
Land Zoning Map Sheet LZN_006B

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- R1 General Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- SP1 Special Activities
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways

Cadastre

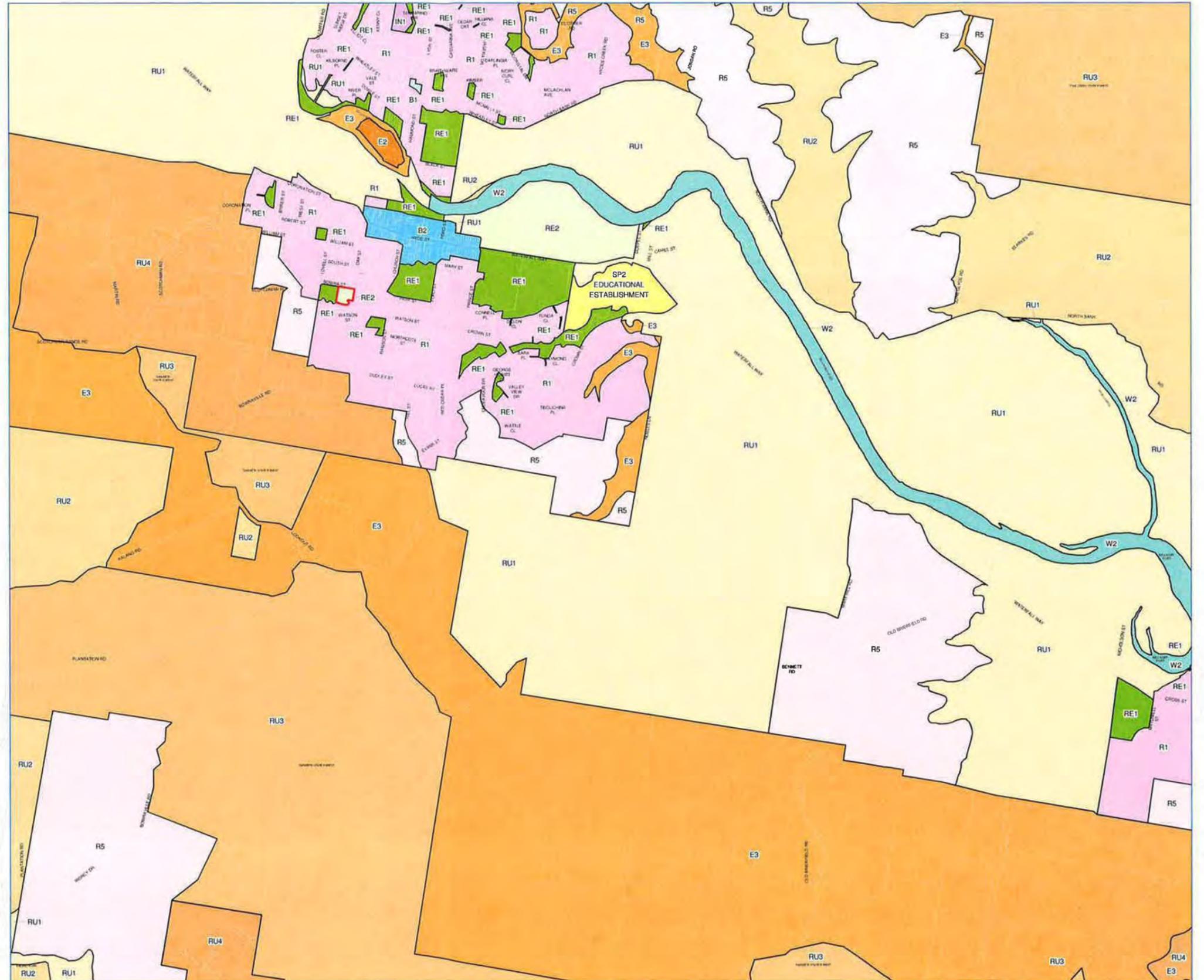
- Cadastre 23/3/2010 © LPMA & Bellinghen Shire Council



Scale: 1:20,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
0600_COM_LZN_006B_020_20100622





**Bellinghen Local
Environmental Plan
2010**

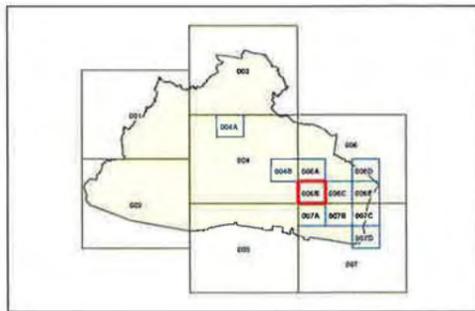
**Land Zoning Map
Sheet LZN_006B**

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- R1 General Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- SP1 Special Activities
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways

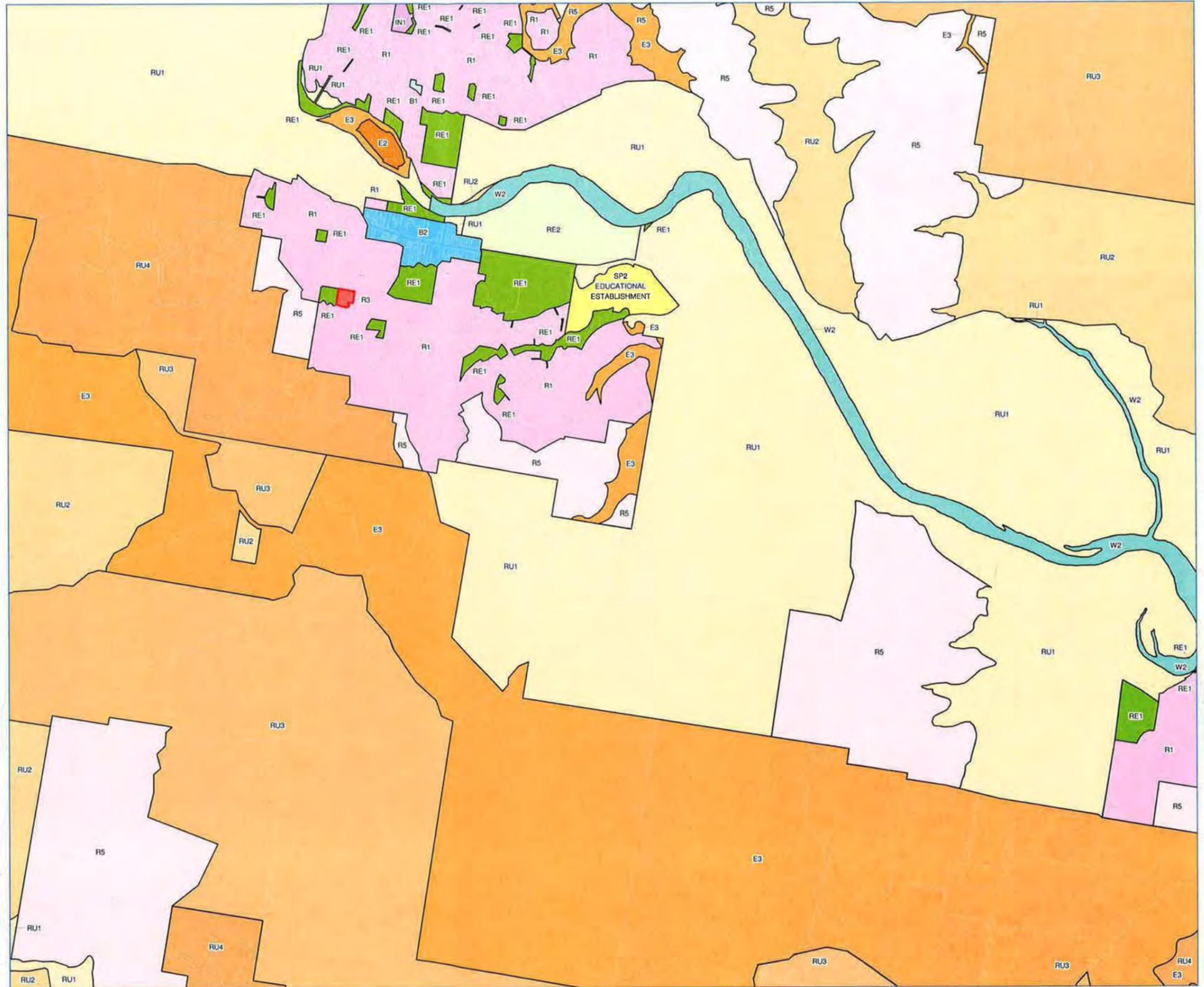
Cadastre

- Cadastre 6/6/2011 © LPI & Bellinghen Shire Council



Projection: GDA 1994
MGA Zone 56

Map identification number:
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Bellinghen Local Environmental Plan 2010

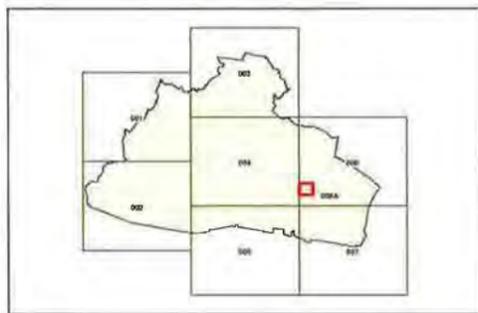
Floor Space Ratio Map Sheet FSR_006A

Maximum Floor Space Ratio (n:1)

R 1.4

Cadastral

Cadastral 6/6/2011 © LPI & Bellinghen Shire Council



200 0 200 m

Scale: 1:10,000 @ A3

Projection: GDA 1994
MGA Zone 56

Map identification number:
0800_COM_FSR_006A_010_20110901

