

FINAL

Archaeological Assessment

The Old Bellingen Cemetery Site, Bellingen



Old Bellingen Cemetery, view of east end from the south in 1904, Bellinger Valley Historical Society.

Report to

Royal Freemasons' Benevolent Institution

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EXECUTIVE SUMMARY

This report assesses the potential for historical archaeological remains on the Bellingen Bowling Club site, formerly part of the Old Bellingen Cemetery, Bowra Street, Bellingen, with particular emphasis on the potential for human burials remaining at the site.

RESULTS

A review of historic records relating to the former Old Bellingen Cemetery including the death register, newspaper articles, recorded memories and local testimonies reveals that no known burial records or plans exist to assist in identifying the precise location and number of individuals both buried and exhumed there between 1873 and 1906. A picturesque image survives of the cemetery in 1904, a year after several unrecorded exhumations occurred and prior to 22 additional exhumations in 1916, showing an absence of burial monuments or markers within the study area. The lack of any surface evidence at the site today makes prediction of potential grave locations difficult without supporting historic evidence.

The nature and extent of any burial remains: graves, buried headstones, human remains and associated archaeological evidence of the Old Bellingen Cemetery formerly located on the study site can only be determined through archaeological testing. Archaeological testing will provide solid evidence on which to make final design decisions for the proposed development, in terms of the location of footings, and how much further detailed archaeological excavation may be required to mitigate the proposed impacts.

RECOMMENDATIONS

1. A S140 application should be made to the Heritage Division, Office of Environment and Heritage to allow archaeological testing to determine whether any burials and associated remains are present within the study area and to inform detail design.
2. Discussions should be held with the Heritage Division to determine the extent of archaeological testing and how the proposal and the archaeological works should be managed.
3. No excavation of the site can be undertaken prior to the issuing of a S140 approval for the works.
4. A copy of this Assessment report should be sent to the Heritage Division, Office of Environment and Heritage as part of the S140 application, as well as an Archaeological Research Design (ARD) and detailed proposed archaeological methodology.
5. The nature and extent of the testing program will need to be designed in consultation with the Heritage Division. Key questions which the testing program should determine:
 - a. If grave cuts survive within the subject site?
 - b. At what RLs across the site do the grave cuts survive?
 - c. How deep down are the surviving human remains?
 - d. Are there opportunities to develop the site without impacting on human remains?
 - e. If the development does impact on identified graves how should this be managed?
6. Implement the guidelines of the Heritage Branch's *Skeletal Remains Manual*, including potential notification of the Police, Office of Environment and Heritage, and NSW Health.
7. The results of the testing will need to be the subject of a report to the Heritage Council. These results and this report will form the basis for identification of the location of graves and assist with determining if there are *in situ* or exhumed graves and assist with developing management strategies for the proposed development.

8. Following completion of the testing program a Management Plan will need to be undertaken to provide guidance for any future development and how the human remains should be managed within the development.
9. Any artefacts collected and retained during the testing will need to be catalogued and then securely stored by the client after the completion of the archaeological program.
10. If archaeological evidence relating to Aboriginal use of the site is discovered, works should cease in the affected area/s and OEH notified immediately, in accordance with Section 91 of the National Parks and Wildlife Act 1974 (NSW). Appropriate Aboriginal consultation should be undertaken consistent with the OEH guidelines.

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Archaeological Impact Assessment Old Bellingen Cemetery, Bellingen

1.0 Introduction

1.1 Background

Casey & Lowe have been engaged by the Royal Freemasons' Benevolent Institution (henceforth RFBI) to assess part of the former Old Bellingen Cemetery site off Bowra Street, Bellingen on the mid North Coast of NSW to determine whether human burials and associated remains may be present at the site. The study site currently comprises a Bowling Club including club house, squash court building, outdoor seating, fenced children's playground and two bowling greens (Figure 1.1). RFBI intend constructing a single-storey 60 bed residential aged care facility at the site. The entire study area will be subject to development impacts.

1.2 Previous reports

No previous reports appear to have been undertaken in relation to either the Bowling Club site, the former Old Bellingen Cemetery or any nearby sites or properties of relevance to this project.

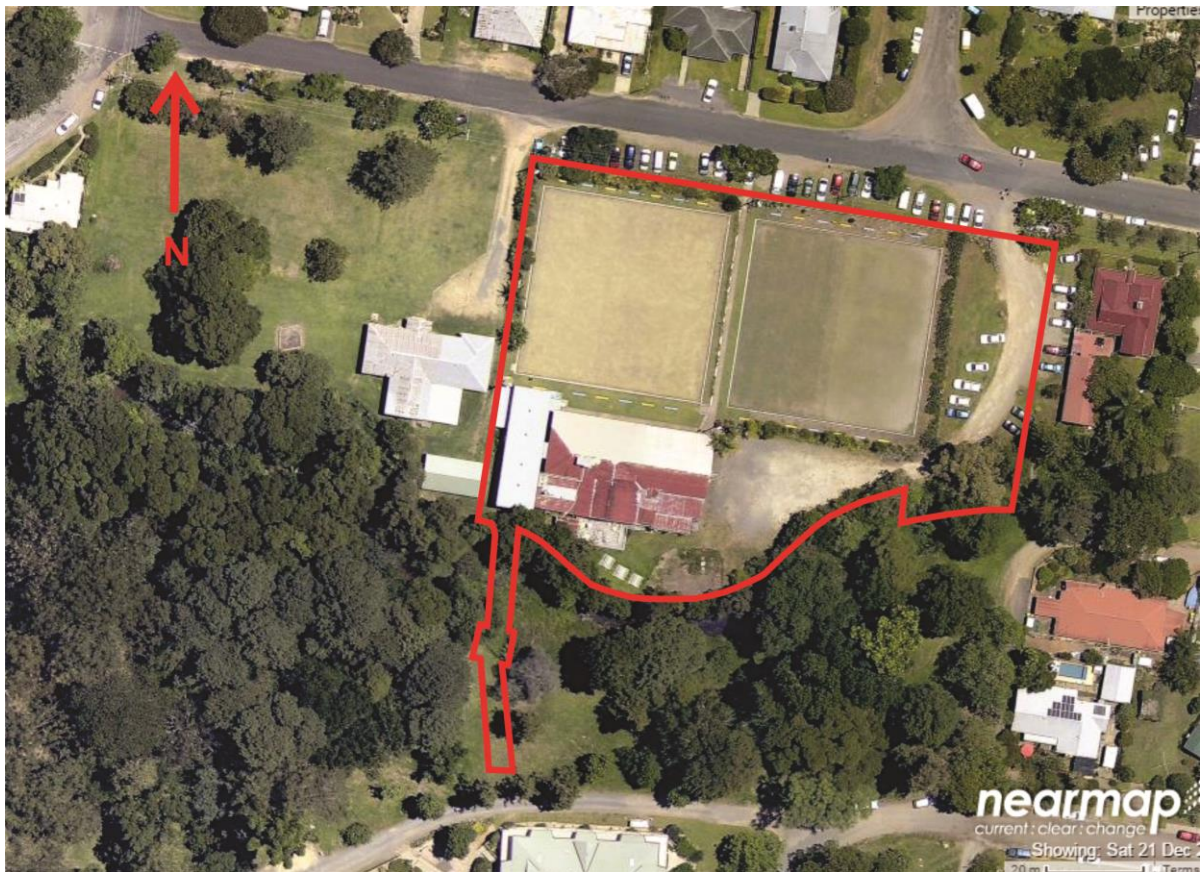


Figure 1.1: Study area in red, bounded by Bowra Street to the north. NearMap October 2015. 83445.

1.3 Study Method and Limitations

This study does not include a consideration of the Pre-European history of the site or any policies or legislation relating to the management of Aboriginal values of the place. Aboriginal values of the place are likely to be of importance. It is noted as a requirement that any planning proposal for the site must contain provisions that facilitate the conservation of Aboriginal objects, places and landscapes at the site.¹

The location of the study area on historic plans has varying degrees of accuracy due to the variability of the historic maps. To date we have not found an accurate map of the cemetery and most of the maps found are Crown Plans with varying degrees of information and accuracy.

1.4 Statutory constraints

1.4.1 Heritage Act 1977

Remains of the former Old Bellingen Cemetery would be protected under the relics' provisions of the *Heritage Act 1977*. Removal of relics would require an application under Section 140 or an exception under Section 139(4) of the Act. An approval under Section 140 requires the identification of suitably qualified archaeologists to undertake this work as part of writing a Research Design for the application.

A 'relic' is an item of 'environmental heritage'. Environmental heritage is defined by the *Heritage Act 1977* (amended) as:

those places, buildings, works, relics, moveable objects, and precincts of State or local heritage significance.

A relic as further defined by the Act as:

any deposit, object or material evidence that:

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; and*
- b) is of State or local heritage significance.*

1.4.2 Bellingen Local Environmental Plan 2010

Although the provisions of the Bellingen 2010 LEP are primarily geared for built heritage items, it also includes the following requirements which are relevant to archaeological heritage:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Bellingen,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- a. demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,

¹ Bellingen Shire Council Minutes Ordinary Meeting of Council 24 August 2011 p:28.

- (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- b. altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- c. disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- d. disturbing or excavating an Aboriginal place of heritage significance,
- e. erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area,
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- f. subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

.....

(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 on 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.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

1.4.3 Statutory and Non-statutory Guidelines

The management of heritage sites in New South Wales should conform to the requirements of the *Burra Charter* of Australia ICOMOS. Many of the following guidelines provide for best practice conservation approaches and can be used to inform all the management of the archaeological remains. There are a range of archaeological guidelines which inform the management of the place:

Archaeological Assessment Guidelines, NSW Heritage Office, Department of Urban Affairs & Planning, 1996.

Assessing Significance for Archaeological Sites and 'Relics', Heritage Branch, Department of Planning, 2009.

NSW Heritage Manual, NSW Heritage Office, Department of Urban Affairs & Planning, 1996.

Historical Archaeological Investigations: A Code of Practice, NSW Department of Planning, 2006.

Historical Archaeological Sites, Investigation and Conservation Guidelines, Department of Planning and NSW Heritage Council, 1993.

Excavation Director's Assessment Criteria, NSW Heritage Office.

ICHAM Charter, The ICOMOS Charter for the Protection and Management of Archaeological Heritage, ICOMOS International, 1990.

Practice Note – The Burra Charter and Archaeological Practice, Australia ICOMOS 2013.

Practice Note – Understanding and assessing cultural significance, Australia ICOMOS 2013.

Recommendation on International Principles Applicable to Archaeological Excavations, UNESCO, 1956.

Heritage Interpretation Policy and Guidelines, Heritage Information Series, NSW Heritage Office, August 2005.

Photographic Recording of Heritage Items, Heritage Information Series, NSW Heritage Office, 2006.

There are also may be obligations on the proponent arising from the:

- *Public Health Regulation 2012*
- *Public Health Act 2010*

Any obligations arising would depend on the need to investigate burials and the discovery of human remains.

1.5 Heritage listings

1.5.1 State Heritage Register

The study area is not currently listed on the State Heritage Register.

1.5.2 Bellingen Local Environmental Plan 2010

Schedule 5 of the Bellingen LEP 2010 lists the Former Bellingen Cemetery as an archaeological site of Local significance:

- Heritage Item, A1 –Schedule 5, Part 3: Archaeological Site, Local significance.

The site is not located within a heritage conservation area (Figure 1.2). It is noted that the Heritage Division, OEH has recommended that Council should update their schedule to include the extant part of the cemetery south of Cemetery Creek in this listing.

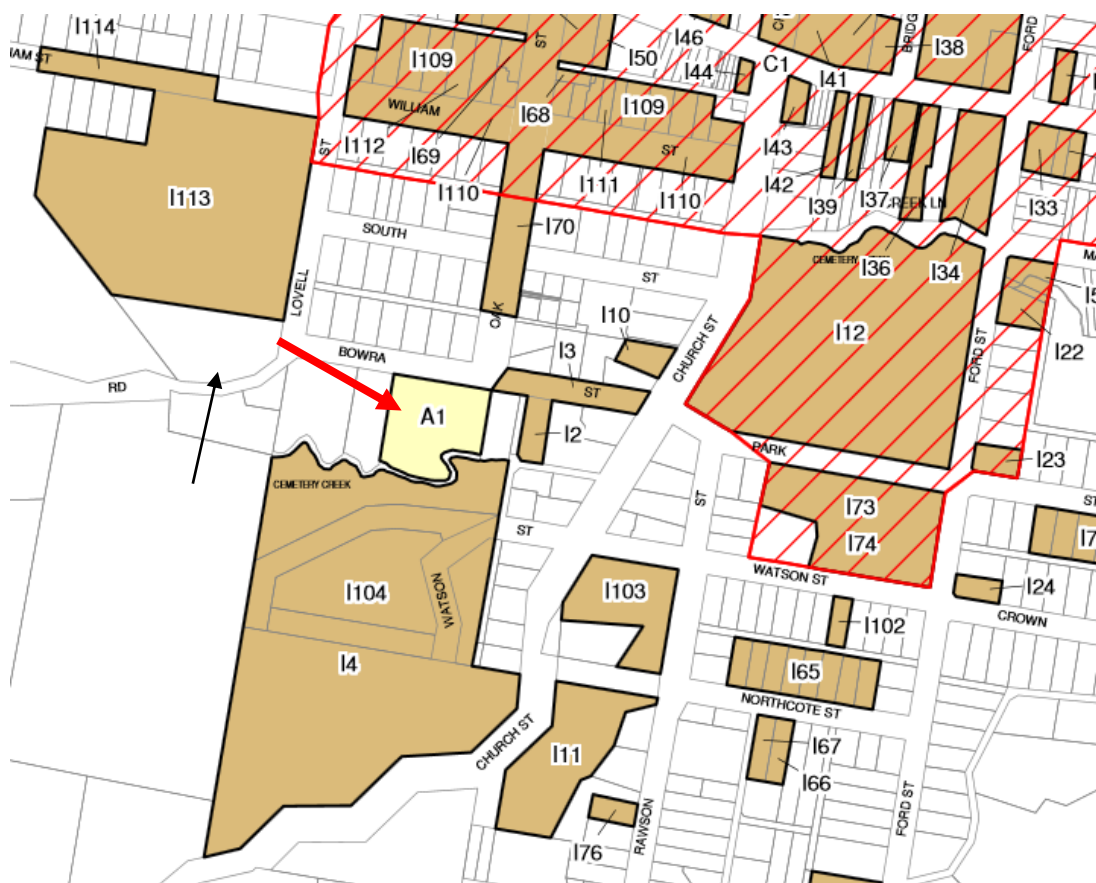


Figure 1.2: Detail of Bellingher LEP 2010, Heritage Map, Sheet HER_006F. The study area is identified by a red arrow.

1.5.3 Other Heritage Listings

The study area is not listed on any other heritage registers or lists.

1.6 Authorship

This report has been prepared by Dr Nadia Iacono, Senior Archaeologist, Casey & Lowe. The historical background of this report (Section 2) was written by Dr Ian Jack, Historian. The overlay plans were produced by Sandra Kuiters, Archaeologist/Researcher, Casey & Lowe. This report has been reviewed by Dr Mary Casey, Director, Casey & Lowe.

1.7 Acknowledgements

Leo Campbell, CLA
Barry Gibbon, CLA
Steve Ellitt, RFBI

Jim Sweeney of Bellingher Valley Historical Society, Manager of Bellingher Museum, and his colleagues, Charlotte Rogers and Karen Parkhill, have given invaluable assistance at long distance and supplied a high definition scan of the unique photograph of the old cemetery taken in 1904.

Felicity Barry of the Heritage Division of the Office of Environment and Heritage made available an invaluable non-current file of material relating to the old cemetery.

1.8 Abbreviations

ADB	<i>Australian Dictionary of Biography</i>
b.	born
c.	circa
CC-BY-SA	Creative Commons by attribution, Share Alike (a form of Creative Commons licence)
CLA	Campbell Luscombe Architects
DA	Development Application
DNMT	Does Not Meet Threshold (for local archaeological heritage significance).
DP	Deposited Plan
ha	Hectare
HRA	<i>Historical Records of Australia</i>
IDA	Integrated Development Application
LEP	Local Environment Plan
LPI	Land and Property Information (NSW)
LPMA	Land and Property Management Authority (NSW) (a predecessor to the LPI).
ML	Mitchell Library (in the State Library of NSW)
NLA	National Library of NSW
n.d.	not dated
OEH	Office of Environment and Heritage
RFBI	Royal Freemasons' Benevolent Institution
SLNSW	State Library of NSW
SHR	State Heritage Register
SRNSW	State Records of NSW
w.c.	water closet

1.9 Glossary

The following terms are used in this report:

Historical Archaeology (Non-Indigenous/European)

Historical Archaeology (in NSW) is the study of the physical remains of the past, in association with historical documents, since the British occupation of New South Wales in 1788. As well as identifying these remains the study of this material can help elucidate the processes, historical and otherwise, which have created our present surroundings. Historical archaeology includes an examination of how the late eighteenth and nineteenth-century arrivals lived and coped with a new and alien environment, what they ate, where and how they lived, the consumer items they used and their trade relations, and how gender and cultural groups interacted. The material remains studied include:

- Archaeological Sites:
 - below ground: these contains relics which include building foundations, occupation deposits, rubbish pits, cesspits, wells, other features, and artefacts.
 - above ground: buildings, works, industrial structures and relics that are intact or ruined.
- cultural landscapes: major foreshore reclamation
- maritime sites: infrastructure and shipbuilding
- shipwrecks
- structures associated with maritime activities.

Archaeological Potential

Archaeological potential is here used and defined as a site's potential to contain archaeological relics which fall under the provisions of the *Heritage Act 1977* (amended). This potential is

identified through historical research and by judging whether current building or other activities have removed all evidence of known previous land use.

Archaeological Site

A place that contains evidence of past human activity. Below ground sites include building foundations, occupation deposits, features and artefacts. Above ground archaeological sites include buildings, works, industrial structures and relics that are intact or ruined.

Archaeological Investigation or Excavation

The manual excavation of an archaeological site. This type of excavation on historic sites usually involves the stratigraphic excavation of open areas.

Archaeological Monitoring

Archaeological monitoring is recommended for those areas where the impact of the works is not considered to mean the destruction of significant archaeological fabric. Nevertheless the disturbance of features both suspected and unsuspected is possible. In order to provide for the proper assessment and recording of these features an archaeologist should inspect the works site at intervals they consider to be adequate and to be 'at call' in case the contractor uncovers remains that should be assessed by the archaeologist.

Research Design

A set of questions which can be investigated using archaeological evidence and a methodology for addressing them. A research design is intended to ensure that archaeological investigations focus on genuine research needs. It is an important tool which ensures that when archaeological resources are destroyed by excavation, their information content can be preserved and can contribute to current and relevant knowledge.

Research Potential

The ability of archaeological evidence, through analysis and interpretation, to provide information about a site that could not be derived from any other source and which contributes to the archaeological significance of that site and its 'relics'.²

Relic

Means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

(NSW *Heritage Act 1977*, Definitions, Part 1.4)

² NSW Heritage Branch 2009: 11.

2.0 Historical Background

2.1 The Creation of the Cemetery, 1873 to 1875

The Bellinger River was first observed by Europeans in the late 1830s and its rich reserves of cedar were soon exploited by itinerant groups of sawyers.³ The timber-getters had already been busy on the Manning, Macleay, Nambucca and Clarence Rivers,⁴ but for a brief time in the mid-1840s the Bellinger valley was the chief supplier of cedar to Sydney. For the first 8km from the mouth, the river was only ‘thinly timbered’ but upstream the valley had ‘narrow belts of alluvial soil thickly timbered’.⁵

Pastoral settlement followed in the 1860s. The McAteers dominated Raleigh near the mouth, the Greer family settled at Fernmount some 9km upstream, while the Eathers were among the earliest to settle 5km further up the river at Boat Harbour (later called Bellingen) (Figure 1.1.⁶ Ocean-going ships had difficulty in crossing the bar at Urunga, but coastal shipping and shallow-draught droghers plied the river. Bellingen was at the head of navigation for the droghers, but the steamers of the later Victorian period normally terminated at Fernmount which lay on the Kempsey to Grafton road.⁷ Although Fernmount was initially more significant, Bellingen was the law-and-order centre with a police presence and a court-house from 1869 onwards and population in the two villages slowly increased. By the 1880s, there were some 150 residents in Fernmount and 130 in Bellingen.⁸

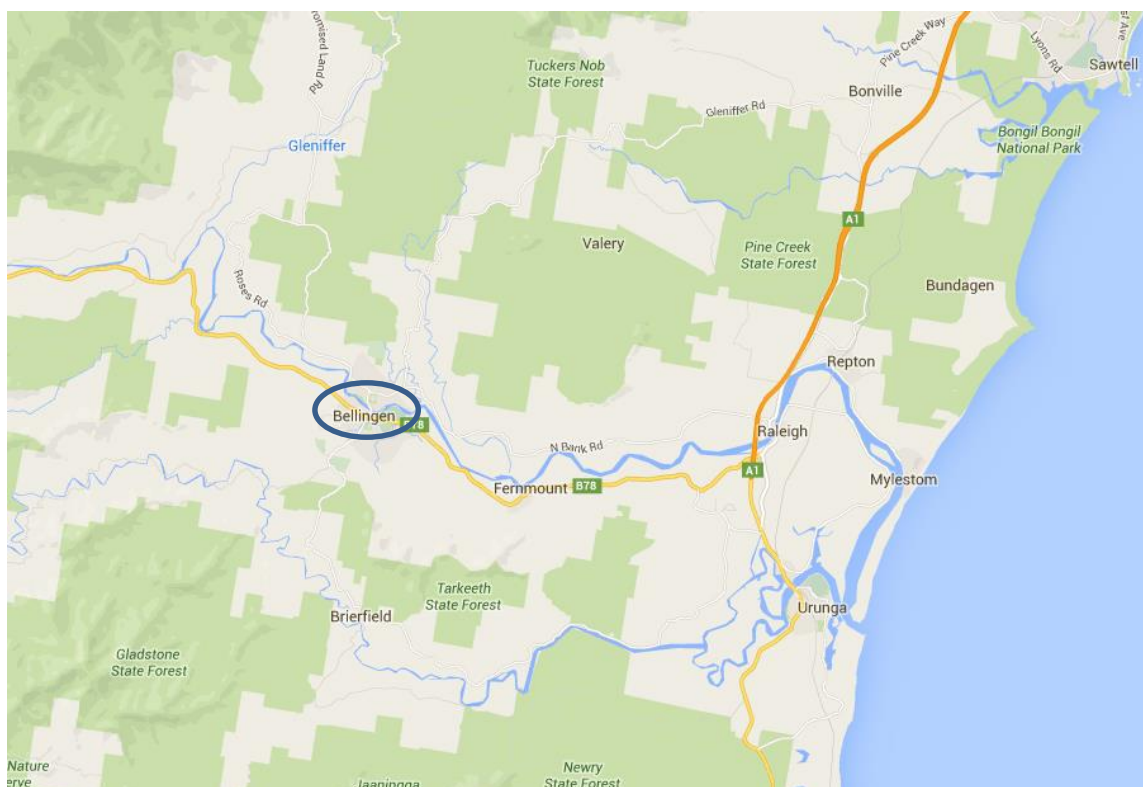


Figure 2.1: Plan of the main early settlements along the Bellinger River.

³ J. Weingarth, 'The Discovery of the Nambucca and Bellinger Rivers', *Journal of Royal Australian Historical Society*, XI, 1925, pp.145, 154-155.

⁴ J.McPhie, ed., *Red Cedar in Australia*, Historic Houses Trust, Sydney, 2004, p.45; N. Townsend, *Valley of the Crooked River: European Settlement on the Nambucca*, New South Wales University Press, Kensington, 1993, pp.19-32.

⁵ *Sydney Morning Herald*, 18 March 1845, p.2

⁶ N. Braithwaite and H. Beard, eds, *Pioneering in the Bellinger Valley*, Bellinger Valley Historical Society, Bellingen, n.d., no pagination.

⁷ 'Notes and Sketches of the Bellinger River, N.S.W.', *Illustrated Sydney News*, 3 January 1891, p.7.

⁸ *The Australian Handbook for 1888*, Gordon & Gotch, London, 1888, pp.196, 206.

In 1871 the village of Bellingen was initially surveyed.⁹ The village lay entirely to the south of the Bellingen River, in the parish of South Bellingen (Figure 2.2). The only means of communication with the north bank of the river until 1911 was by the ford at the end of Ford Street or by small boat in time of high water.¹⁰

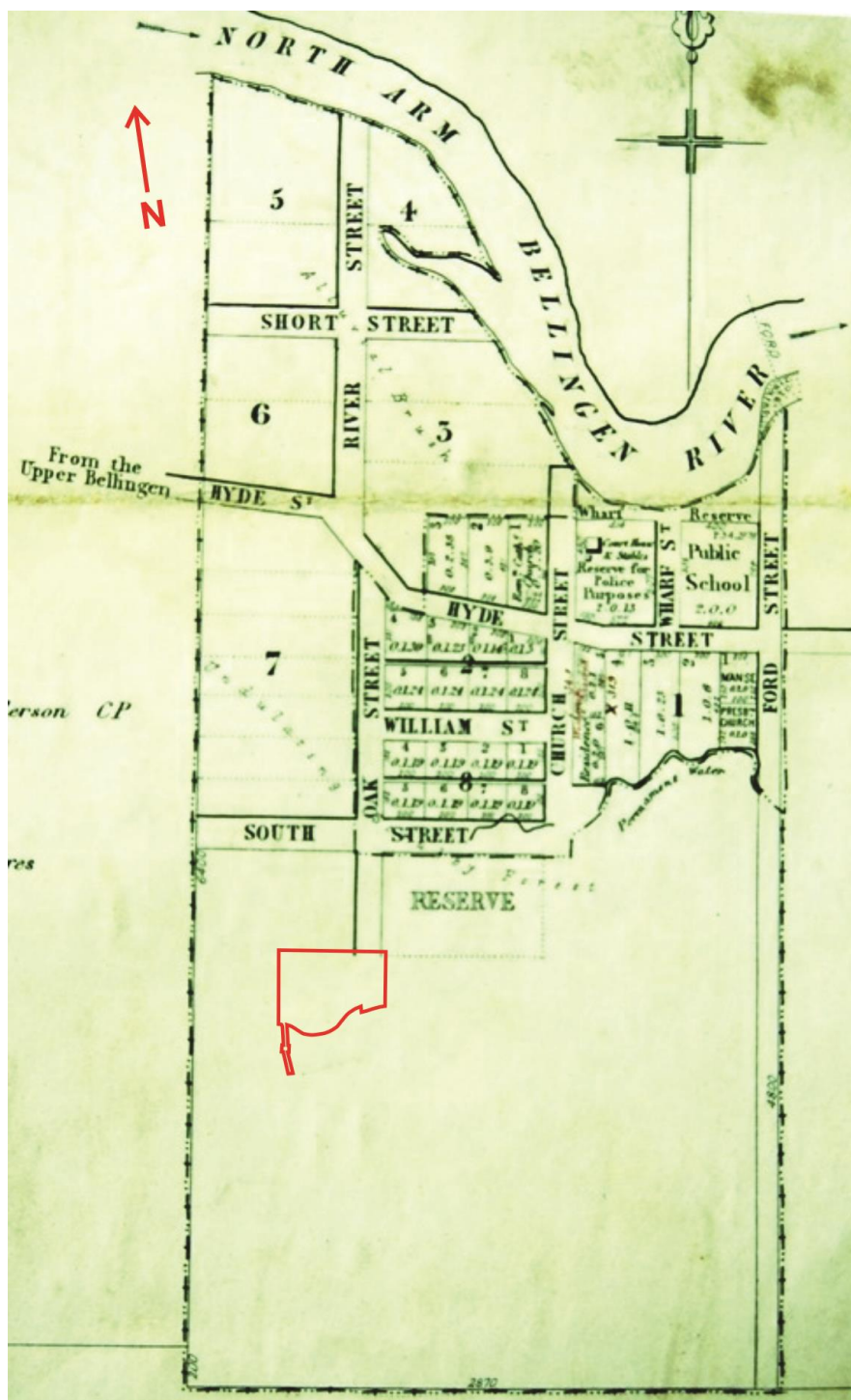


Figure 2.2: The first survey of the village of Bellingen in 1871. The future site of the cemetery is on that part of the suburban land shown south of South Street, to the south and southwest of the reserve. State Records NSW, Map 10631.

⁹ State Records NSW, Map 10631.

¹⁰ *Raleigh Sun*, 5 October 1906, p.4.

A general cemetery containing 7½ acres was laid out in June 1873 and dedicated on 8 January 1875. The surveyor prepared two plans for the denominational lay-out of the cemetery, providing separate sections for Roman Catholics and Anglicans in the northern part of the rectangular area, and in the southern part small areas for Jews and Congregationalists (Independents), and larger sections for Methodists (Wesleyans) and Presbyterians, leaving 2½ acres for 'General Cemetery'.

The difference between the two plans consisted only in the lay-out of the Jewish and Congregationalist sections. A roadway one chain (20 metres) wide, running west to east, notionally separated the northern and southern sectors, although the practical boundary was Cemetery Creek which wound irregularly through the upper third of the rectangle. The creek is not, however, shown in the surveyor's plans of 1873, which lack all topographical features (Figure 2.3 left).¹¹ Fortunately, later plans show the course of the creek (Figure 2.3 right), which is unlikely to have changed materially since 1873.¹² Cemetery Creek effectively reduced the size of both the Anglican and the Catholic sections by some 30 per cent. The Catholic and General cemeteries were extended to the west by a strip of land comprising just over 2 acres in 1887 (Figure 2.7).¹³

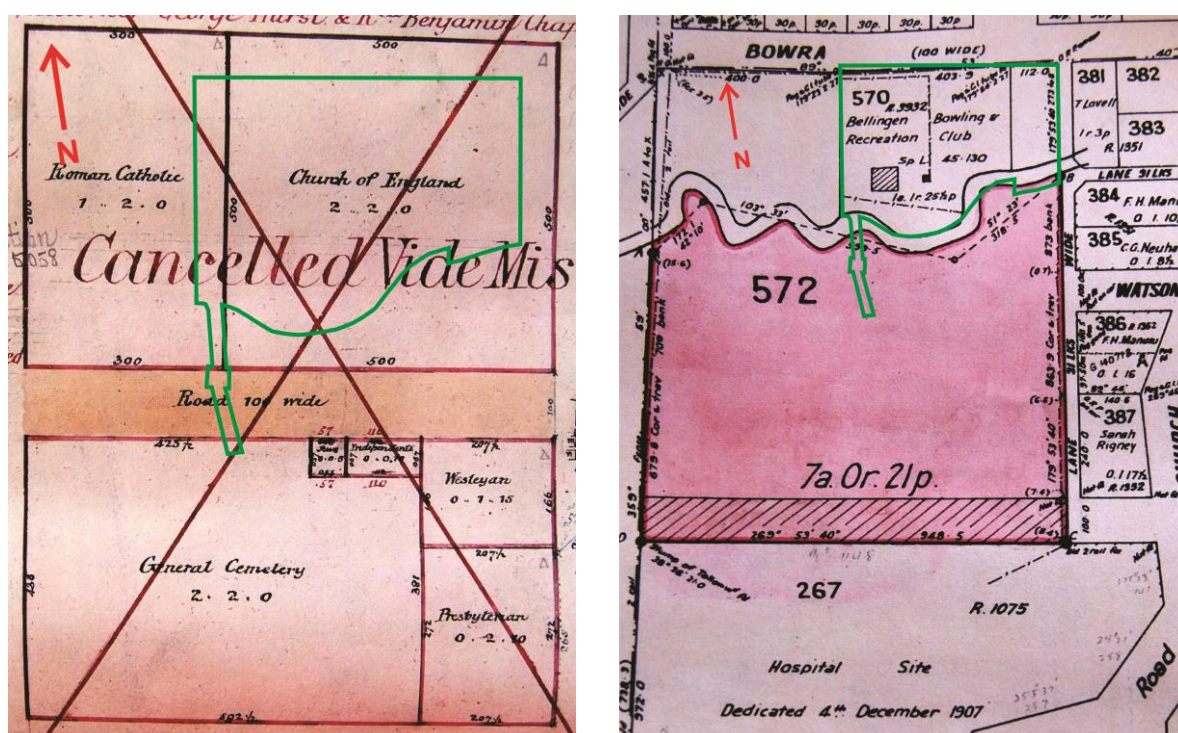


Figure 2.3: (Left) The plan of Bellingen cemetery prepared in June 1873 which was approved. Land and Property Information, Crown Plan C367.1984. (Right) Cemetery Creek winding across the cemetery in 1955. LPI, Crown Plan R3995.1714.

2.2 The Cemetery in Use, 1873 to 1906

The original cemetery at Bellingen was open for 30 years, from 1873 until 1903. The registration of birth, deaths and marriages for the Bellinger Valley had been done initially at Kempsey, but in 1873 a registry was established at Bellingen.

A register of deaths in the area survives at Bellingen Court House, but it has been impossible to consult it for this report. A digest of this register made by a member of the Bellinger Valley

¹¹ Land and Property Information [LPI], Crown Plans, C360.1984; C367.1984. The date of the dedication is confirmed in *Government Gazette*, 1903, p.5057.

¹² LPI, Crown Plan, R3995.1714.

¹³ Reserve 3895, *Government Gazette*, 1887, p.5325, 13 August 1887.

Historical Society, however, reveals that 104 deaths were recorded between 1873 and 1903 (although it was claimed in 1952 that there had been only 66 interments in the old cemetery).¹⁴ The first interment was an infant, Henry McNally. But apparently Bernard McNally, who died in 1880 and was buried at Old Bellingen, shared his grave with his wife who had died in 1868.¹⁵ It is not known where Mary McNally had initially been interred.

The cemetery was conveniently sited for those who lived on the south side of the Bellinger River, but less convenient for the minority who lived to the north. Among the memories of a contributor to *Pioneering in the Bellinger Valley* was the burial of Mrs Bridget Eather in 1886. The Eathers lived on the north side of the river and there was still no bridge across the Bellinger, so to bring the coffin to the grave-site:

the people in charge laid heavy cedar boards on the river shingle and marched across the shallow crossing.¹⁶

The 104 persons named in the burial register included 47 children.¹⁷ The local newspaper, the *Raleigh Sun*, was published in Bellingen only from 1898 until 1914, but its issues in the last years of the Old Cemetery reported nine funerals from 1899 to 1902 which were certainly in that cemetery. There was one burial in this period in each of the Anglican, Presbyterian, Catholic and Wesleyan sections. That is to say that there were burials on both sides of Cemetery Creek. The Bowling Club site is on the Anglican section. It would be useful to know how many other Anglican interments there were between 1873 and 1898.

It is known that John McNally's grave had no marker and there were no doubt others without markers as the purchase of such items involved considerable expenditure.¹⁸

In an invaluable photograph of the east end of the cemetery taken from the hospital site in the south in 1904, there are about 21 gravemarkers with neat wooden fencing in the Methodist and Presbyterian sections in the right foreground (Figure 2.4, Figure 2.5). Three more are glimpsed on the far left, close to the boundary between the Anglican and Catholic sections (Figure 2.5, Figure 2.6).



Figure 2.4: Bellingen old cemetery, east end, from the south in 1904. The street in the background is Oak Street. Photograph in possession of Bellinger Valley Historical Society, courtesy of Jim Sweeney.

¹⁴ 'Why Cemetery Creek?', papers for Bellingen Shire Council meeting, 24 August 2011, 8.1.C18; *Bellingen Courier Sun*, 28 October 1952.

¹⁵ 'Why Cemetery Creek?', 2011.

¹⁶ Braithwaite and Beard, eds, *Pioneering in the Bellinger Valley*; Births, Deaths and Marriages, NSW.

¹⁷ N. Braithwaite, 'Bellingen Cemetery', 1998, papers for Bellingen Shire Council meeting, 24 August 2011, 8.1.C17.

¹⁸ 'Why Cemetery Creek?', 2011.



Figure 2.5: Graves in the Methodist and Presbyterian sections, 1904. Detail of Figure 2.3.



Figure 2.6: Graves near the boundary of the Catholic and Anglican sections, 1904. Detail of Figure 2.3.

The cemetery had been allowed to deteriorate. The post-and-rail fence of the 1890s was in ruins by 1900 when the local newspaper complained that ‘it is not a pleasant sight to notice stock browsing around the last resting-place of loved ones’.¹⁹

In the 1904 photograph (Figure 2.4), there are three horses on the Anglican section and there is another horse munching in a Methodist grave. No fencing at all is visible on the Bowra Street frontage.

In these circumstances, it is surprising to find an elaborate gravemarker being erected in July 1902 at the plot where Daniel Hanly had been buried in 1896.²⁰ The Hanly family is unlikely to have been

¹⁹ *Raleigh Sun*, 14 December 1900, p.2.

²⁰ *Raleigh Sun*, 25 July 1902, p.2; Births, Deaths, Marriages, New South Wales.

unaware that in the previous year, attempts had gathered momentum to close the cemetery and establish a new one in North Bellingham.²¹

The reasons adduced for closing the old cemetery were partly hygienic and partly strategic. Robert Page moved for immediate closure:

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.²²

The motion was expanded to include a request to the government to remove the human remains from the site before the land was used for any other purpose. Despite some reservations voiced by Catholics present that their section was consecrated ground and that the resting-place of the Catholic dead should not be 'molested', the amplified motion was passed by the large group of local people with only two dissenters.²³

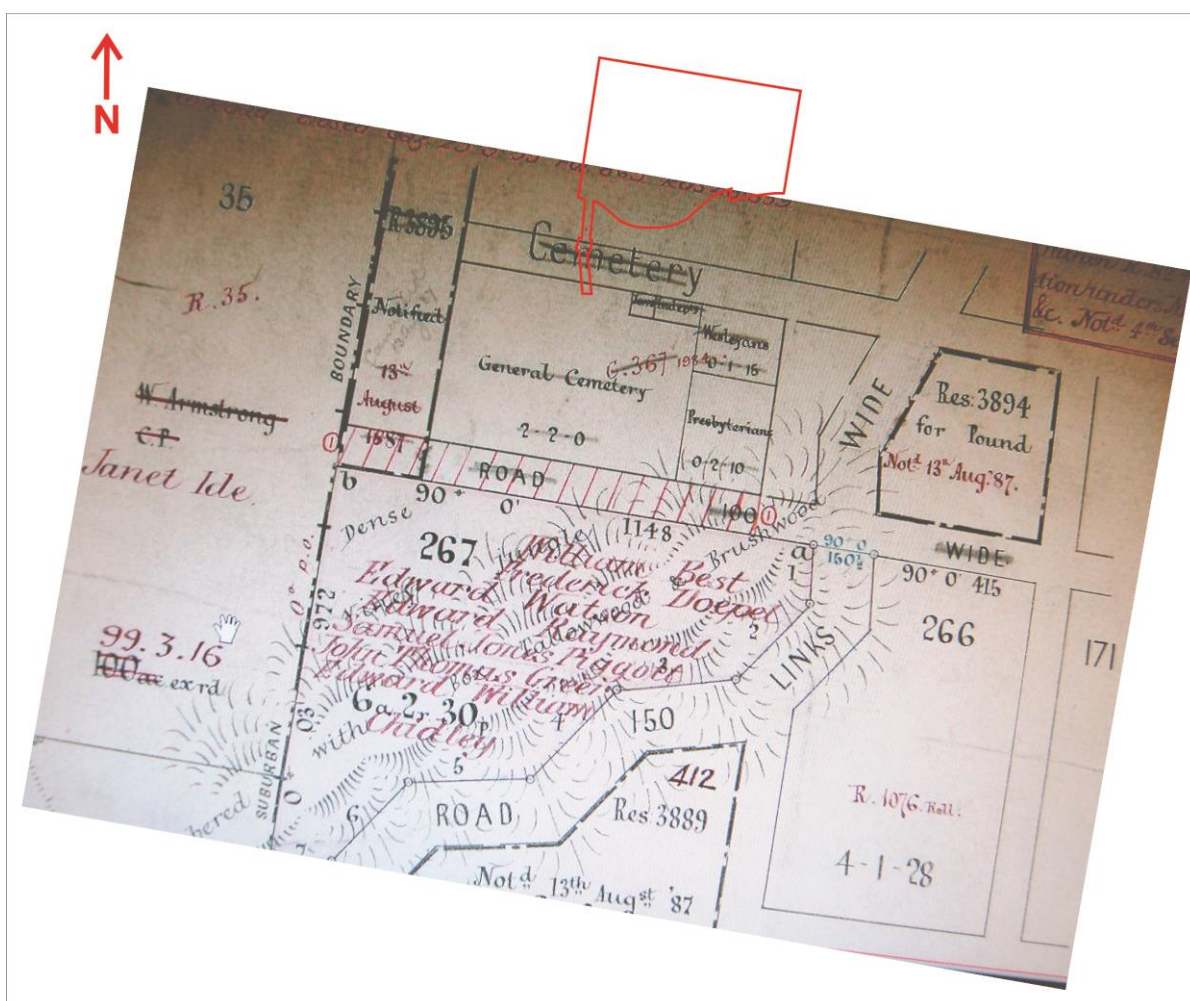


Figure 2.7: The uncleared land on portion 267, parish of South Bellingham, immediately to the south of the cemetery in 1893. The lower part of the cemetery and its 1887 western extension (R.3895) are shown on this plan. LPI, Crown plan, R1075.1714.

²¹ *Raleigh Sun*, 6 September 1901, p.2.

²² *Raleigh Sun*, 6 September 1901, p.2.

²³ *Raleigh Sun*, 6 September 1901, p.2.

There was a sub-plot. A hospital had been planned in Bellingen since the 1880s and 3½ acres of land had been laid aside to the east of the cemetery in 1887. Six years later, in 1893, this reserve was cancelled and instead 6½ acres immediately to the south of the cemetery had been reserved as the site for a hospital.²⁴ The surveyor, H.A. Evans, commented in 1893 that this land hard against the cemetery was ‘dense viney jungle timbered with Box, Tallowwood & Brushwood’ (Figure 2.7). Now in mid 1901, there was an active hospital committee raising funds to clear the site and build the hospital. It is no coincidence that its secretary was the same Robert Page who moved the closure of the unsanitary cemetery just to the north.²⁵

As a result of these community pressures, the old cemetery was officially closed on 8 July 1903. The dedication was revoked and the entire 7½ acres were reserved for the preservation of the graves.²⁶ The 1887 extension at the west end of the cemetery was also revoked in October 1903 and absorbed into a new Reserve 36665 covering 5¾ acres, gazetted on 31 October 1903, with a view to becoming a space for public recreation (Figure 2.8). Simultaneously Reserve 36663 of 4¼ acres was created to ensure the preservation of graves, in the spirit of the announcements in July and August.²⁷

Two final interments were made in 1903, just before official closure. The first was on 30 January 1903, when Patrick Fitzpatrick, who died at the age of 55, was buried in his mother’s plot, where she had been laid to rest in 1884.²⁸ The seven-year-old son of the undertaker, J.S. White, was buried on 21 June 1903, apparently in the old cemetery.²⁹

After the cemetery officially closed, there was only one known additional human burial. Robert Simpson of ‘Minto’ at Never Never had been buried in the old cemetery in 1887 and his three sons were also buried there in 1884, 1901 and 1902. Robert’s widow, Barbara, who had been born in Scotland in 1827, had requested that she be buried with her menfolk and special permission was granted on her death in 1906.³⁰

2.3 The Former Cemetery, 1903 to present

The new Reserves 36663, for the preservation of graves, and 36665, for public recreation, both proclaimed in October 1903, incorporated almost all of the old cemetery and are shown clearly on the 1907 parish map, along with the hospital site laid aside in 1893 and dedicated in 1907 (Figure 2.8, Figure 3.1).

The denominational sections where graves were preserved within Reserve 36663, which includes the study area, were:

- Roman Catholic, northern part only
- Church of England, northern and eastern part only
- Methodist, complete
- Presbyterian, complete.

²⁴ Reserves 3892 and 18709, *Government Gazette*, 1893, pp.7517, 7518, 23 September 1893; *Clarence and Richmond Examiner*, 30 September 1893, p.4.

²⁵ *Raleigh Sun*, 14 June 1901, p.2; 19 July 1901, p.2; 9 August 1901, p.2.

²⁶ *Government Gazette*, 1903, p.5058, 8 July 1903. The revocation was repeated on 21 August 1903 (*Government Gazette*, 1903, p.6211).

²⁷ *Government Gazette*, 1903, pp.8003, 8013, 8015, 31 October 1903; *Raleigh Sun*, 13 November 1903, p.6.

²⁸ *Raleigh Sun*, 6 February 1903, p.2; 17 November 1916, p.2.

²⁹ *Raleigh Sun*, 26 June 1903, p.2.

³⁰ *Raleigh Sun*, 8 August 1902, p.2; 2 November 1906, p.4; Births, Deaths, Marriages, NSW.

The Jewish and Congregationalist sections do not seem to be within the new Reserve, which may suggest that there had been no burials there. Similarly there is an implication that there were no known graves in the southern part of the Catholic section or the southwestern part of the Anglican. Certainly it was believed in 1952, when the *Bellingen Cemetery Act* was debated by the NSW Legislative Assembly, that only the part of the old cemetery which had been actually used for interments was included in Reserve 36663.³¹

All burials from late 1903 onwards, with the exception of Mrs Simpson in 1906, were in the new cemetery in North Bellingen, despite teething problems of access through private land and the continuing lack of a bridge across the Bellingen. Early in 1904 seven prominent local men were appointed trustees for Reserve 36663, to ensure that the graves in the old cemetery were protected.³²

The cemetery area was used as a camping ground by some of those who flocked to the district in 1906, attracted by the prospect of land sales.³³ In 1914 a suggestion was made that the land might be used for a more spacious public school aroused local interest among parents, but was not pursued.³⁴

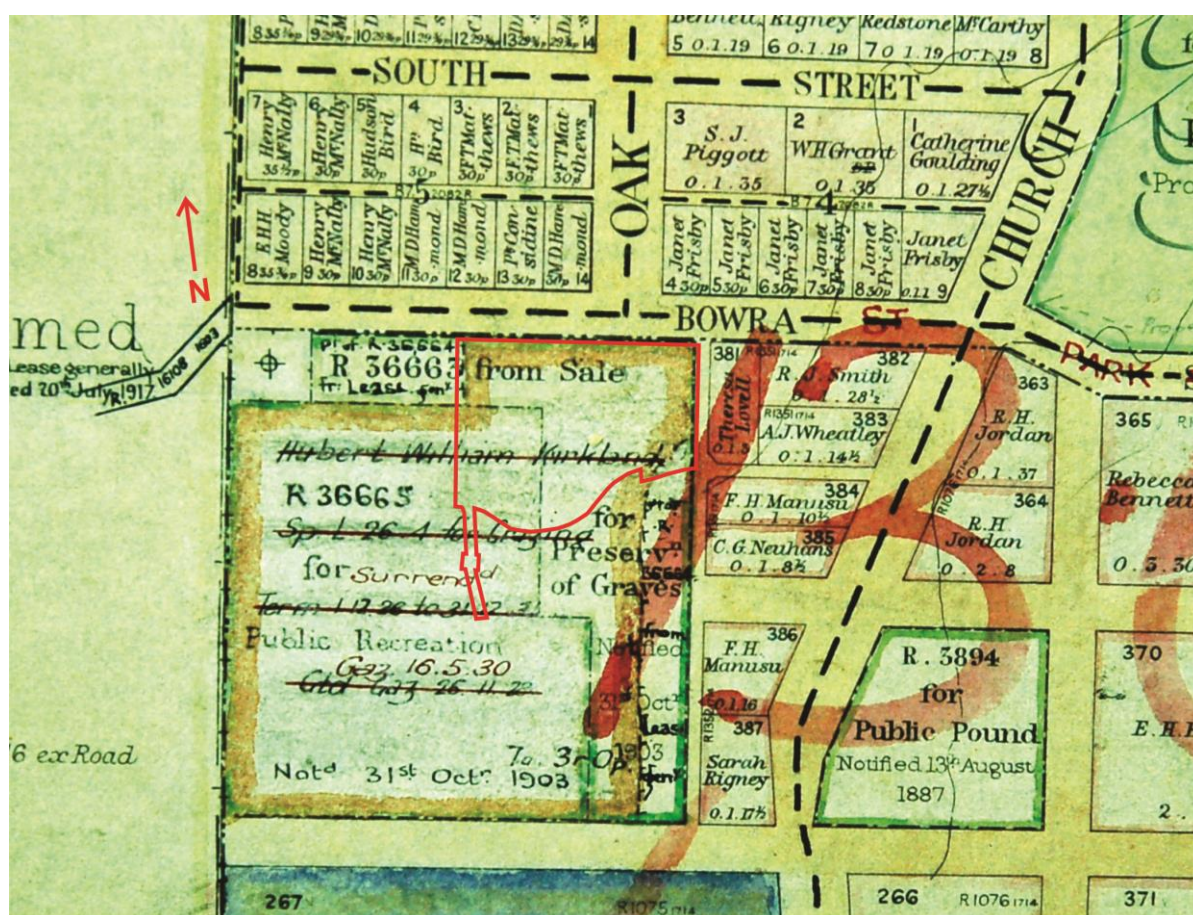


Figure 2.8: The two reserves, R 36663 and R 36665, which replaced the old cemetery in 1903, together with the area of the new hospital to the south. Parish map of South Bellingen, 1907, State Records NSW, Map 24799.

³¹ *Bellingen Courier Sun*, 28 October 1952.

³² *Raleigh Sun*, 15 December 1904, p.2.

³³ *Raleigh Sun*, 28 September 1906, p.4.

³⁴ *Raleigh Sun*, 27 February 1914, p.2.

Stock continued to use the site, which was available for agistment, and in 1916 the Sanitary Inspector reported that a cow had died in the cemetery and was buried there by the owner. The Inspector took the bracing view that this was preferable to leaving the carcase above ground, so the cow remains as the last known denizen of the old cemetery.³⁵

Shortly after the incident of the dead cow, galvanised by the possibility that the old cemetery might be carved up for residential allotments, a number of relatives of those buried in South Bellinghen decided to exhume the remains and have them reburied in the new cemetery. Accordingly in mid November, J.S. White transferred several human remains from one cemetery to the other.³⁶ White was well qualified to do this work, for he had been the undertaker at the old cemetery since 1898.³⁷

Some of those whose bodies White exhumed in 1916 are recorded in the local newspaper. The two families involved were the Fitzpatricks and the Whites. William Fitzpatrick, whose mother had been buried in 1884, and whose brother Patrick had been buried in the same grave in 1904, arranged the exhumation. Mr and Mrs S.J. White also arranged for the removal of the remains of their son and daughter. It is not known in which denominational section the Fitzpatricks and Whites had been buried. The undertaker put the remains into four new coffins and reinterred them at North Bellinghen. The local journalist understood that more exhumations would be conducted 'at an early date', but no subsequent reburials are reported in the *Raleigh Sun* before its demise in 1918.³⁸

According to the local historical society, however, ten other families had relatives transferred to the new cemetery in the early twentieth century, making a total of 22 bodies. The families concerned are:

Bailey	Fitzpatrick	Renwick
Bennett	Hanly	Sword
Best	Jarrett	Tyler
Eather	McFadyen	White

In 1926 the seven acres were leased for grazing for five years to Hubert William Kirkland, but the lease was surrendered at the end of 1929 before expiry.³⁹

The second phase of exhumations came after the passing of the *Bellinghen Cemetery Act* in 1952. Prior to this act, designed to allow the expansion of the hospital north into part of the former cemetery, there was an inspection of the site. This reported that there were only four or perhaps five mounds likely to cover human remains. The identifiable graves were in poor condition, some covered with 'lantana and undergrowth', others sprouting trees.⁴⁰

The Act proclaimed on 29 October 1952 laid down provisions for the treatment of existing graves, both in the area now transferred to the hospital and in the part of the cemetery north of Cemetery Creek (Figure 2.9). 'Headstones, grave enclosures, and other surface structures' would be removed by the trustees of the Hospital, as well as human remains, after advertisement of intent three months in advance. Whereas the trustees were required to rebury the remains in Bellinghen New Cemetery, relatives had the right to arrange for their removal privately after 28 days' notice to the Hospital, and to rebury the remains in a cemetery of their choosing.⁴¹

³⁵ *Raleigh Sun*, 13 October 1916, p.2; 17 November 1916, p.2.

³⁶ *Raleigh Sun*, 17 November 1916, p.2.

³⁷ *Raleigh Sun*, 7 January 1898, p.3.

³⁸ *Raleigh Sun*, 17 November 1916, p.2.

³⁹ *Government Gazette*, 1926, p.2894, 26 November 1926; 1930, p.1929, 16 May 1930.

⁴⁰ *Bellinghen Courier Sun*, 28 October 1952.

⁴¹ *Bellinghen Cemetery Act*, 1952, section 4. For the full text of section 4, see Appendix A.

The southern part of the cemetery, including the whole of the Methodist, Presbyterian, Congregationalist and Jewish sections, was now part of the hospital (Figure 2.9). The part north of Cemetery Creek was more complicated. In 1945 the Bellinghen Bowling Club received a lease of the western part of the former Anglican section of the cemetery, now defined as portion 570 in South Bellinghen parish. By the time this portion was surveyed in 1947, a weatherboard clubhouse and a small weatherboard shed had been erected in the south-westerly part of the portion, quite close to the creek, along with a three-rail barbed-wire fence along the south side of Bowra Street (Figure 2.10).⁴²

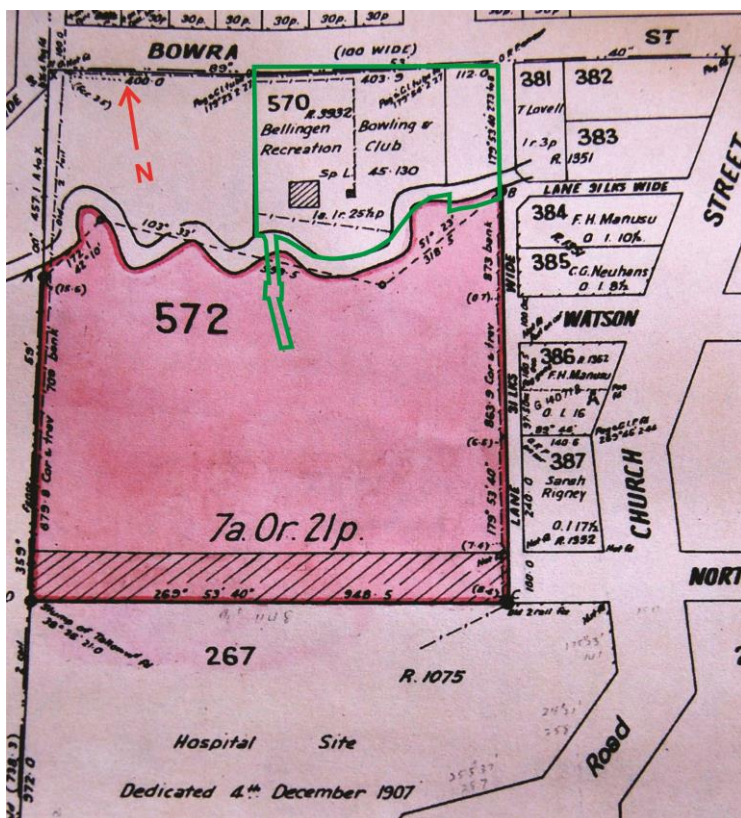


Figure 2.9: The extension of the hospital into portion 572, the south part of the old cemetery. LPI, Crown Plan, R3995.1714, 1955.

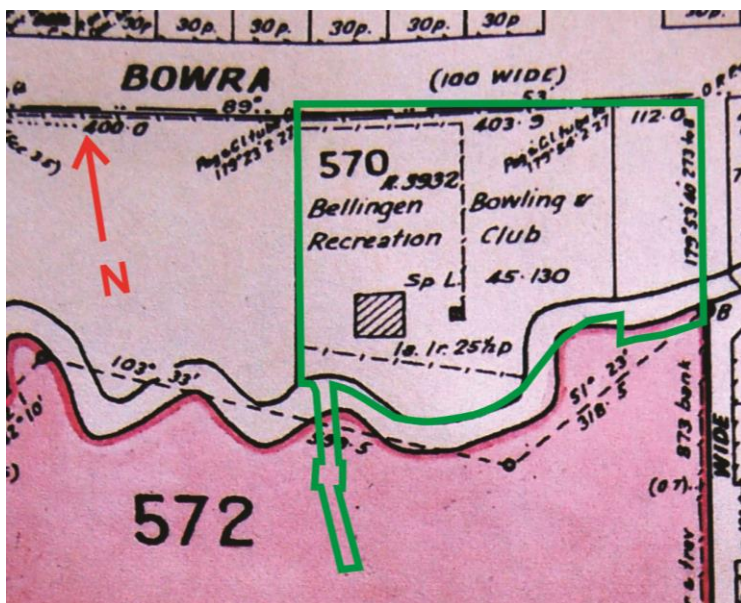


Figure 2.10: The Bellinghen Bowling Club by 1955. LPI, Crown Plan, R3995.1714.

⁴² LPI, Crown Plan, R3932.1714, 1947.

The remaining parts of the old cemetery north of the creek were reapportioned in the later 1950s (Figure 2.11). From west to east there were four separate sections: 577 for public recreation (1958); 576 for Boy Scouts (1958); 570 already the Bowling Club (1945); and 575 a further extension to the hospital (1959), now incorporated into the Bellinghen Bowling and Sporting Club. The only part which remained in the public domain was portion 577, now Reserve 80276, containing just over one acre for public recreation. The Trust Manager of this acre is Bellinghen Shire Council. Next door to the east was the half acre leased to the Boy Scouts in 1958. The foundations for the later Scout and Guide Hall are shown on the 1959 plan, together with a barbed-wire fence zigzagging through portions 577 and 576 (Figure 2.11).

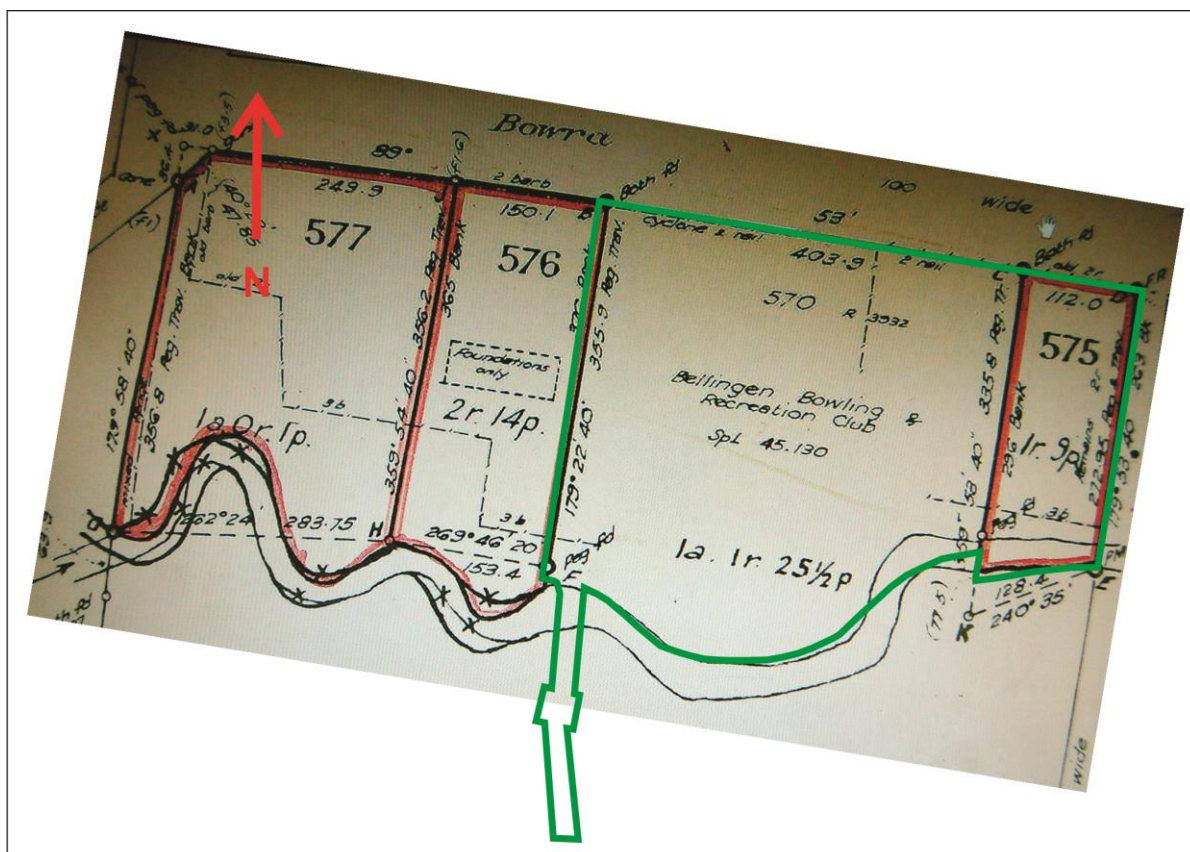


Figure 2.11: The reapportionment of the old cemetery north of Cemetery Creek by 1959. LPI, Crown Plan, R4045.1714, 1959.

The area being considered for medium density residential redevelopment consisted of portions 570 and 575. All of this land was once part of the Church of England section of the cemetery and comprises 1 acre 2 rods 34½ perches.

In the mid 1940s the first bowling green was installed. One of the surviving workers has attested that the council grader cleared the site to a depth of about 750 mm and disturbed no remains. The foundation for the green was then laid with successive layers of river stones, river gravel, hessian and straw, covered with topsoil.⁴³ Such materials would seriously affect the usefulness of ground penetrating radar on the site.⁴⁴

⁴³ Attestation from Ray Locke, 4 July 2011, papers for Bellinghen Shire Council meeting, 24 August 2011.

⁴⁴ GBG Australia to Bellinghen Bowling and Sporting Club, 8 July 2011, papers for Bellinghen Shire Council meeting, 24 August 2011.

3.0 Archaeological Potential & Context

3.1 Archaeological Potential

Archaeological Potential is the degree to which archaeological remains are considered likely to survive within the study area in light of modern impacts. Archaeological potential is different to 'archaeological significance' which refers to the heritage values surviving historic remains. Hence, while there may be 'low potential' for the survival of particular remains, such as rare evidence of early convict activity, should they survive, they may be assessed as being of 'State significance'.

The phases and types of physical activity that have occurred over time on a site, known as the 'site formation process', can inform our assessment of whether or not relics are likely to survive at a site.

This section assesses the Archaeological Potential of the study area based on available information. It will also briefly outline some comparative sites. Section 4 will assess the Heritage Significance of the potential archaeological remains. Sections 5 and 6 will assess the potential impact of the proposed works within the study area and provide recommendations for dealing with any impacts.

3.2 Discussion of archaeological potential

Unfortunately the available historical information has not been able to provide an accurate or definitive indication of the position of graves within the area of the former Old Bellinghen Cemetery to be affected by the development proposal discussed in this report. This means we have no means of knowing the extent of surviving burials within the current study area. Given the unknown extent of potential burials and the anecdotal evidence for exhumations in 1903, 1916 and c.1945 ground preparation for use as a bowling green, and the exhumations required as part of the *Bellinghen Cemetery Act 1952* it is proposed that test excavations be undertaken to identify the potential for burials as well as archaeological evidence for layout, design and form of the early burial ground.

Archaeological investigation has the potential to clarify the location of remains (including both *in situ* and exhumed graves) within this area and therefore to enhance understanding of the former cemetery's layout and use and clarify the heritage significance and constraints of the site.

Testing would focus on two general areas of the site:

- Within the area where the single-storey building is proposed immediately southeast of Bowra Street.
- Where subsurface excavation is required to provide the pedestrian footbridge linking the proposed retirement home complex with the Bellinghen Hospital to the south across Cemetery Creek Figure 5.2).

In 2011 a surviving worker who assisted in preparation of the ground for installation of the first bowling green in c.1945 reported that the council grader cleared the site to a depth of about 750 mm for drainage purpose during which no graves were exposed. The foundation for the green was then laid with successive layers of river stones, river gravel, hessian and straw and covered with top soil.⁴⁵ Ground penetrating radar (GPR) was not recommended to test for below ground anomalies at the site as the material used to build the green would absorb GPR signals. Both Magnetometry and Resistivity testing were also not recommended at the site.⁴⁶

In the opinion of Casey & Lowe, the evidence of burial cuts and human remains are likely to survive within the study area. Archaeological testing within the proposed development area would assist in

⁴⁵ Attestation from Ray Locke, 4 July 2011, papers for Bellinghen Shire Council meeting, 24 August 2011.

⁴⁶ Letter to Board of Directors, Bellinghen Bowling & Sporting Club from Simon Williams of GBG Australia, 8 July 2011.

confirming whether this area no longer retains human and archaeological remains. In our experience of excavation of exhumed cemeteries in the Old Sydney Burial Ground (Sydney Town Hall site) where we excavated some 74 grave cuts in 2007, even though all but one had been exhumed, most of them still contained substantial skeletal remains. In our experience of this site and other cemeteries the presumption of exhumation or what such exhumations may have involved typically does not address the degree to which skeletal and coffin remains were left within the graves. The likely potential remains for the cemetery are outlined in Table 3.1.

There is potential for survival of marked and unmarked burials in the west (Roman Catholic) and south (Methodist and Presbyterian) cemetery sections (Figure 2.4 to Figure 2.6, Figure 3.1) in the location where footings and supports associated with the footbridges being constructed to provide access between the new development and the Bellerana Nursing Home to the south.

The following table outlines the potential archaeological resource at the former Old Bellingen Cemetery:

Table 3.1: Summary of the potential archaeological resource at the site.

Activity	Potential Remains	Integrity of Remains	Archaeological Potential	Archaeological Significance
Burials	Skeletal remains, coffins, coffin hardware, grave goods such as shroud buttons and personal goods).	Known to have existed but remains may be disturbed, deteriorated or removed during subsequent activity phases at the site including use as a Bowling Club.	Moderate	Local
Grave cuts	Cuts for graves	Main evidence prior to determining if have been exhumed or an original burial.	Moderate	Local
Exhumations	Grave cuts	Known to have occurred but evidence may be disturbed during post cemetery site use.	Moderate-High	Local
Grave Furniture	Buried headstones, grave surrounds etc.	May have been buried, removed or destroyed during post cemetery site use.	Moderate	Local
Cemetery Landscaping	Fences, pathways, denominational identifiers etc.	May have been destroyed by subsequent landscaping or post cemetery site use.	Low	Local

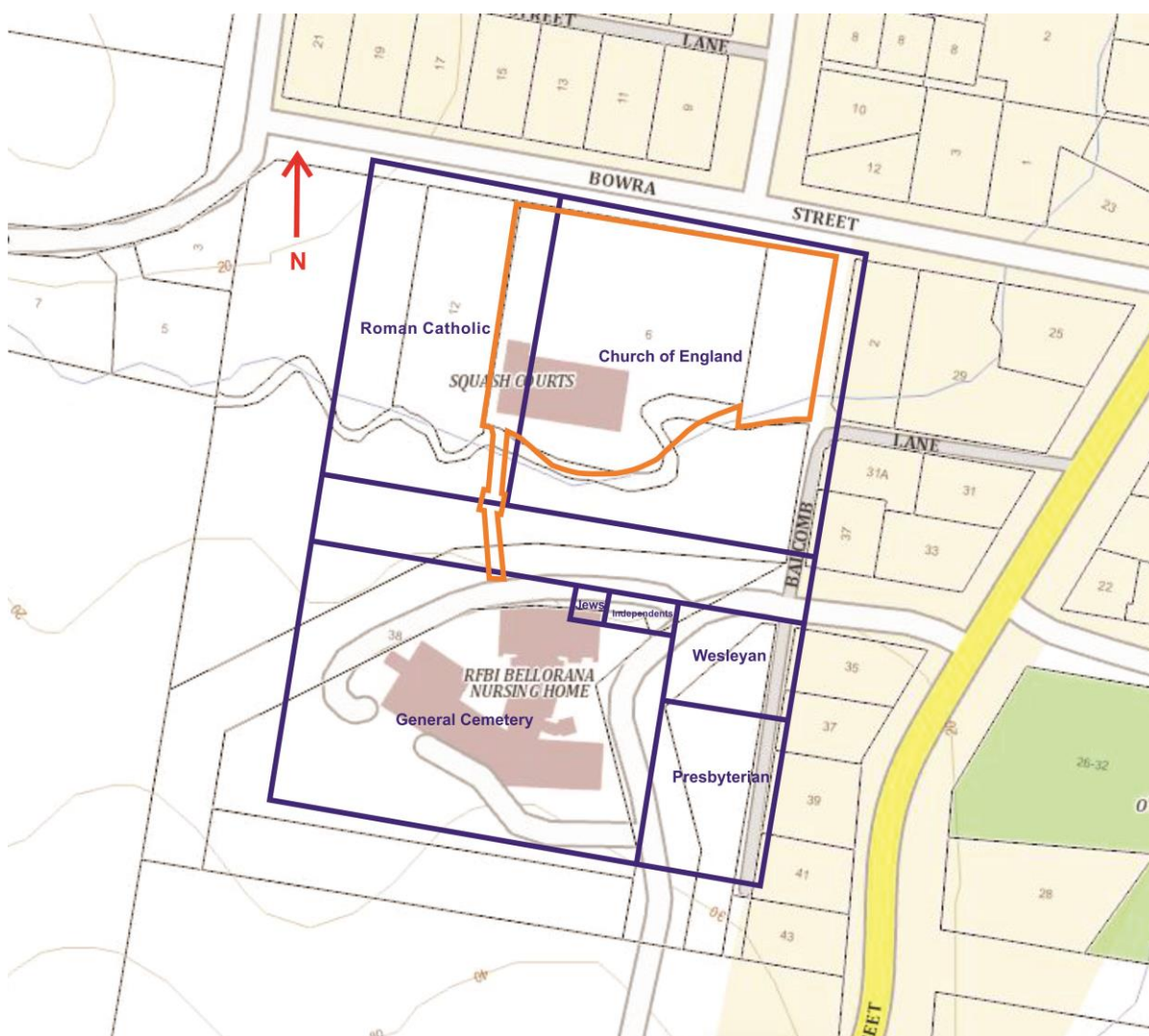


Figure 3.1 Current cadastral with overlay showing the location of the Study Area (orange) in relation to the former cemetery and denominational boundaries as defined in 1893. There is no single plan showing the full extent of the cemetery that has been found during current research. The above plan is an approximation of the cemetery site and the location of the study area. LPI, Crown plan, R1075.1714.

3.3 Comparative Site Discussion

This section synthesises available data from three other archaeological studies and academic works to provide a context for what is known about cemeteries that have previously been investigated in the NSW region. Providing a background of previous studies aims to facilitate comparative analyses of some different cemeteries investigations and their results.

Within the past 20 or so years only three major cemeteries where archaeological excavation have taken place in NSW:

- Prince of Wales Hospital, Destitute Children's Asylum Cemetery, Randwick 1995
- Cadia Cemetery, Orange 1997-1998
- Old Sydney Burial Ground, 2007

Very few 19th-century cemeteries have been exhumed in Australia. The Destitute Children's Asylum Cemetery, Randwick and Cadia Cemetery present the only two examples in Australia where a complete 19th-century graveyard was archaeologically excavated and studied scientifically. Few of

the skeletons from any of these three cemeteries could be identified as belonging to specific individuals, though analysis greatly assisted in identifying several at Cadia.

3.3.1 Old Sydney Burial Ground⁴⁷

A series of testing and salvage excavations have occurred below and around the Sydney Town Hall in 1991, 2003 and 2007 with a detailed excavation in 2008 within the area of the Peace Hall (Figure 3.2, Figure 3.3, Figure 3.4, Figure 3.5). These archaeological programs were undertaken to investigate the potential for remains associated with the second oldest known European cemetery established in Australia with *in situ* graves operating between 1792 and 1820, several decades before the Bellingen cemetery. Of the fifty-three graves and partial graves found during the 2007 investigations, most still contained human remains, only seven being possibly exhumed, disturbed or poorly preserved.⁴⁸ Coffins located within vaults were placed on an east-west orientation with head in the west.

2008 Excavation Results within the Peace Hall, Sydney Town Hall

A total of 68 graves were identified during the 2008 archaeological excavations. Out of these there were 29 exhumed graves, 15 unexhumed graves and 24 graves for which the excavators were uncertain if they had been exhumed. All exhumations would have occurred prior to or during the construction of the Sydney Town Hall. The recorded burials included five infant-sized and six child-sized graves.

Remnant human bone or teeth were collected from 30 graves. Generally the preservation of skeletal material was poor. Only four of the skeletons could be sexed following post-excavation analysis of the bones. All were probably female.

The excavated area appeared to separate into two distinct sections, one in the northern half of the burial ground, one in the south. These two are distinct in the dominant coffin orientation, the number of child and infant burials they contain and the depth of most grave cuts in each section. They are likely to have been recognised as being distinct from each other in some way while the burial ground was in use, which is consistent with the historical evidence for groupings of burials in certain areas of the burial ground.

Some evidence for family groups or other 'clustering' of burials exists, in that some graves were immediately adjacent to one or more other graves, and for rows, adding to information on the cemetery's layout.

Where orientation of the coffins could be determined, 31 were orientated with head in the west (east facing, traditional) and 24 with the head in the east (west facing, unusual). The orientation for the remaining 13 was unable to be determined. The west facing burials were concentrated in the southern section of the area excavated (26 out of 39 graves in that section), arguing for it being a deliberate practice. At the present time, the best account for the high proportion of unusual west facing burials is that the practice was used to differentiate Catholics within the burial ground. This account may be discounted by further historical or archaeological evidence.

Grave cut dimensions were found to roughly correspond with coffin base dimensions, although they varied more. This suggests that those digging a grave simply dug out a hole large enough to fit the coffin, and erred on the side of being larger than necessary when they were uncertain. On average, adult grave cuts were 33cm longer and 20cm wider than the coffins they contained, while infant

⁴⁷ Casey & Lowe 2015, *Archaeological Investigation, Old Sydney Burial Ground, Peach Hall, Sydney Town Hall*, for City of Sydney November 2015, Draft.

⁴⁸ Casey & Lowe 2008, *Peace Hall, Sydney Town Hall. Results of archaeological program*, interim report to City of Sydney Council.

and child grave cuts were 23 cm longer and 16 cm wider than the coffins they held. The average original grave depth was probably somewhere around 6 or 7 feet (1.8-2.1m).

Evidence for coffins was found in most graves. Evidence of a coffin was not found for only 11 out of 68 graves. Out of these, two contained skeletal material lying directly on the grave cut floor, providing strong evidence of burial without a coffin.

The dominant coffin shape was hexagonal (also known as 'shouldered', 'single-break', 'break-sided' or 'pinch-toe' coffins). Coffins were mostly constructed with single base boards, but a notable minority (five definite and one likely examples) were made from two boards of equal size and joined by cross-bracing timbers. This is an unusual design, which had been only once before recorded at the Old Sydney Burial Ground, and for which no exact parallels have as yet been found on other burial grounds in Australia or overseas.

Timber samples from two of the coffins were identified as White stringybark (*Eucalyptus globoidea*) or Silvertop ash (*Eucalyptus sieberi*). This differs from the identification of timber from previous archaeological excavations at the site, where Australian Red Cedar (*Toona ciliata*) has been identified.

No coffin furniture was identified, but copper alloy tacks were found on the lid of one infant coffin (Grave 21). These tacks probably attached fabric to the coffin exterior, although no remaining fabric was found during excavations.

No evidence for buttons or other clothing was found. It is likely that bodies were buried naked and pinned into shrouds. One burial (Grave 30) was found to have green staining consistent with the likely location of shroud pins.

Two coins thought to be associated with a burial were found in the disturbed coffin fill of one grave (Grave 38). Prior to this, coins had been recorded in at least four other burials at the Old Sydney Burial Ground. Although coins have never been archaeologically recorded in situ with skeletons in Sydney, it seems that coins were occasionally placed in coffins, perhaps to hold the eyes closed.

Evidence of flowers, probably placed in or on an infant coffin before burial, was found for one grave (Grave 20) using palynological (pollen) analysis. The flowers were Crowfoot (*Erodium spp.*), Rice flowers (*Pimelea spp.*), two Oleaceae-type species, probably the edible Olive, (*Olea europaea*) and Privet (*Ligustrum*). Although these flowers may not be considered aesthetically pleasing to modern tastes, they fit within British funerary traditions. As evergreen plants, they would have symbolised immortality, and they would have also served the practical functions of providing a soft base and acting as absorbent material.

It had also been assumed that the area was likely to contain several brick vaults or brick lined graves, after evidence of one had been found in the southern section of the study area during monitoring of drainage works in 1991. In the event, no other built vaults or brick lined graves were found in the area excavated.

An Open Day held during the excavation attracted over 3000 people and garnered widespread media attention.

The 2008 archaeological excavations also cast light on the pre-1788 landscape of the site and the construction of the Sydney Town Hall. Prior to 1788, the site appears to have been swamp forest, probably dominated by *Casuarina glauca* (Swamp she-oak) and *Eucalyptus robusta* (Swamp mahogany), with a grassy understorey. Features associated with construction of the Sydney Town

Hall include large trenches which were not used for the final foundations of the Town Hall extension across the area in the 1880s.

This site was of State significance.

3.3.2 Prince of Wales Hospital, Destitute Children's Asylum Cemetery, Randwick 1995 (POW)

The Asylum was a benevolent institution in operation between 1858 and 1916. Its associated cemetery was known to contain a minimum of 175 children's burials interred between 1863 and 1891.⁴⁹ Similarly to the Former Bellingen Cemetery, documentation of the Asylum cemetery and layout of graves was limited. Excavation of the cemetery revealed the remains of 65 children. No evidence of grave markers was observed during excavations. All intact graves were oriented east-west. All the coffins were nailed and without metal fixtures such as handles or name plates.

This site was of State significance.

3.3.3 Cadia Cemetery, Orange 1997-1998

Evidence of burials within 110 graves was recovered in a cemetery at Cadia, south of Orange, established in the second half of the century.⁵⁰ The majority of these were children.

Like the Old Bellingen cemetery, the Cadia cemetery was associated with a small rural village and located on the banks of a creek. It was used between 1864 and 1927. Only four gravestones were evident at the time of the investigation. These marked the graves of the six named individuals buried in the cemetery. The archaeological investigation allowed for the identification of 47 of the 100 burials exhumed, through the analysis of skeletal and dental records and personal grave goods. All were buried in an east-west orientation and in traditional European custom the majority of coffins had heads in the west end.

⁴⁹ Austral/Godden Mackay 1997, *Archaeological Investigation: POW Project 1995 Randwick Destitute Children's Asylum Cemetery – Volume 1, Main Report*, report prepared for the South Eastern Area Health Service.

⁵⁰ Newcrest Mining Limited. History & Archaeology of Cadia Village

<http://www.cadiavalleyheritage.com.au/archaeological-sites/archaeological-sites/cadia-cemetery-1864-1927/>.

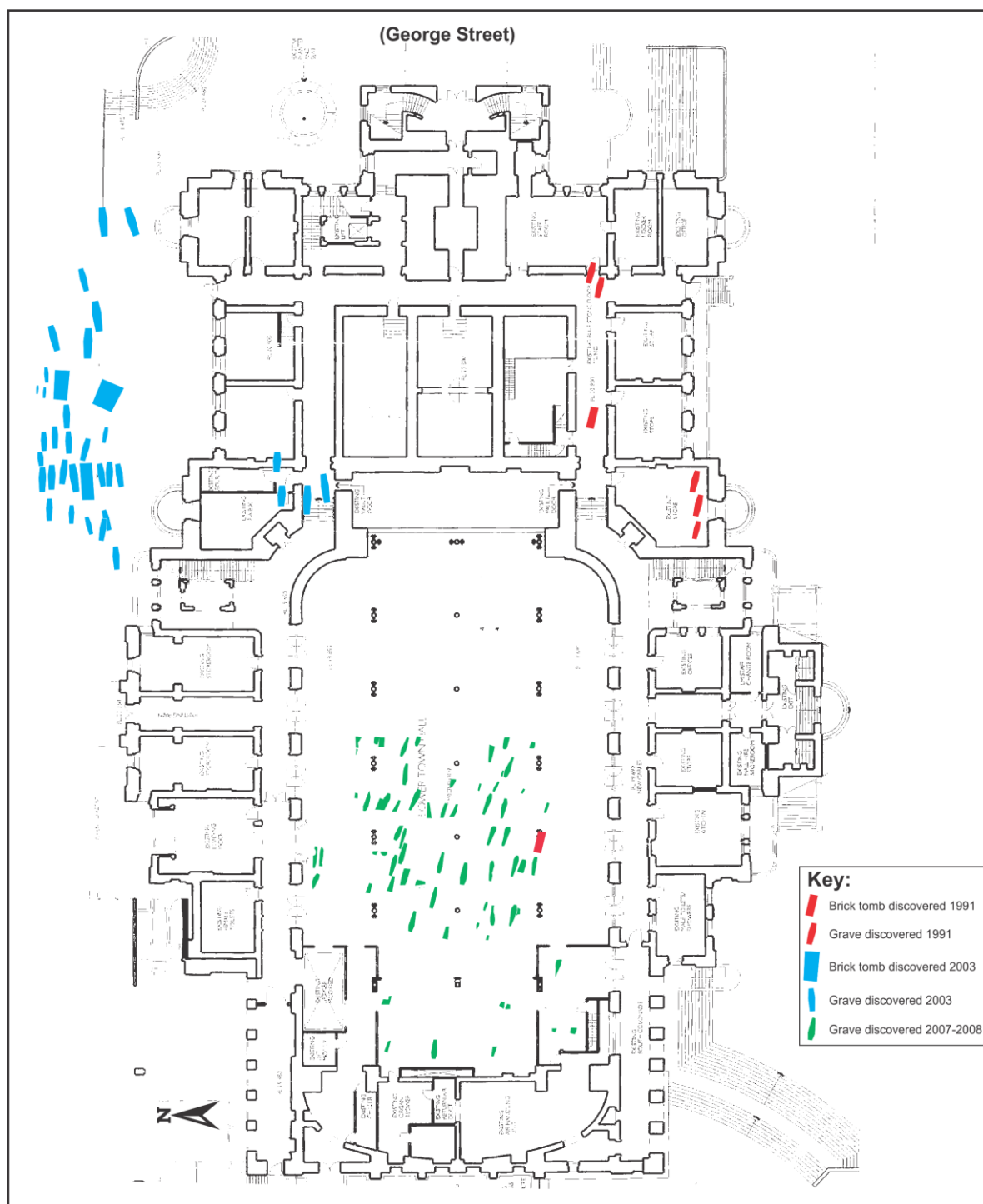


Figure 3.2: Plan of Sydney Town Hall with overlay showing locations of graves found during archaeological excavations in 1991, 2003 and 2007-2008. Overlay of 1991 and 2003 graves produced by T Lowe, with 2007-2008 graves added by N Pitt (based on field drawings by F Reidel).



Figure 3.3: The lighter coloured soils show the disturbed soil within the grave cuts which contrasts with the darker colours of natural topsoil. These graves were found near the top of the original topsoil following the scraping of the site with an excavator with a flat bucket and hand tools. Archaeological testing, Druitt Street part of the Old Sydney Burial Ground, Sydney Town Hall, 2003.



Figure 3.4: Excavation of shallow grave cut beneath the Peace Hall, Sydney Town Hall. Casey & Lowe 2008.



Figure 3.5: View of grave cuts surviving beneath the Peace Hall, Sydney Town Hall. Casey & Lowe 2008.

4.0 Heritage Significance

4.1 Heritage significance

The heritage significance of archaeological features is distinct from archaeological potential. Assessment of archaeological potential considers the probability of physical evidence from previous human activity to still exist on a site. Assessment of heritage significance for archaeological features considers the cultural values associated with those remains.⁵¹ This section will briefly outline the basis of assessing the heritage significance of archaeological remains, before then assessing heritage significance of the identified potential archaeological features.

4.2 Heritage significance and archaeology

A number of guidelines are relevant to the heritage assessment of historical archaeological remains. In NSW the most relevant of these are those developed by the Heritage Branch (now the Heritage Division) in 2009: *Assessing Significance for Historical Archaeological Sites and 'Relics'*. The heritage criteria, adopted by the NSW Heritage Council and the associated guidelines issued in 2001 (*NSW Heritage Manual - Assessing heritage significance*) are also foundational.

Relics must also be ranked according to their heritage significance as having:

- Local Significance
- State Significance

If a potential relic is not considered to reach the local or State significance threshold then it is not a relic under the NSW *Heritage Act* 1977.

Section 4A of the NSW *Heritage Act* 1977 defines the two levels of heritage significance as follows:

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

'local heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.⁵²

New criteria were developed in 2009 to identify whether the archaeological resource is of Local or State significance.⁵³ The following four criteria and associated questions were identified in the 2009 guidelines and are relevant to historical archaeological sites:

- Archaeological Research Potential (current NSW Heritage Criterion E).
- Associations with individuals, events or groups of historical importance (NSW Heritage Criteria A, B & D).
- Aesthetic or technical significance (NSW Heritage Criterion C).
- Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F & G).⁵⁴

The 2009 significance guidelines were designed to assess significance in light of the amendments to the definition of relics, which required them to be of either local or State significance. The examples provided, however, were fairly obvious ones, and do not help us to work out how a less

⁵¹ This distinction has long been recognised by historical archaeologists working in heritage management, but has recently been restated in *Practice Note – The Burra Charter and Archaeological Practice* (Australia ICOMOS 2013:7).

⁵² NSW Heritage Act 1977 (current January 2014), section 4A; NSW Heritage Branch 2009:6.

⁵³ NSW Heritage Branch 2009.

⁵⁴ NSW Heritage Branch 2009:11-13.

obvious site has State rather than local significance. This means that it is basically down to the skill and expertise of the archaeologist assessing the site to make the distinction between local and State significance.

4.3 Discussion of Heritage Significance of the Buried Remains of the Cemetery remains within the proposed development area

4.3.1 Discussion of Significance Criteria

Criterion (a): Historic Significance – (evolution)

an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);

The Old Bellingen Cemetery is the oldest cemetery in the surrounding area. With the exception of one burial in 1906, it was in operation for 30 years between 1873 and 1903 and therefore has potential to demonstrate information relating to burial practices of the mid nineteenth century.

The area's Death Register records 104 deaths between 1873 and 1903. Most of the graves were relocated in several stages 1904, c.1916 and 1952 after which time the grounds were used for camping, agistment of local animals and generally not well maintained. As the Bowling Club and Green is located on the site, no aboveground evidence for the cemetery survives within this area.

Criterion (b): Associative Significance – (association)

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

The cemetery is associated with the early development of the Bellingen township. It was laid out in 1873 south of the Bellingen River and straddling Bellingen Creek. Members of the early settlement families were buried in the cemetery, including the Eathers and McNallys.

There is potential to link remains of unexhumed graves, surrounds and features at the cemetery with known individuals buried there, assisted by the Death Register currently held in the Bellingen Court House and other historic records including those of associated family members, newspapers, historians and local interest groups. A total of 104 deaths are identified in the death register.

Criterion (c): Aesthetic Significance - (scenic qualities / creative accomplishments)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the cultural or natural history of the local area);

Archaeological remains may be limited and their aesthetic significance compromised by the 1903 and 1916 exhumations and post 1944 development of Bowling Green facilities within the study area. Buried remains that could be related to the site's original use as cemetery, such as grave surrounds and headstones, would have some aesthetic appeal, and would be evocative of the areas earlier function within the Bellingen community. These potential remains are not anticipated to demonstrate scenic qualities or creative accomplishments unless there are intact headstones.

Criterion (d): Social Significance - (contemporary community esteem)

an item has a strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (or the cultural or natural history of the local area);

Social value embraces the qualities for which a place or skeletal remains or a grave or a cemetery have become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group. This would include the significance of the remains to people who are descendants. These remains are most likely associated with a particular community in the past, residents of Bellingen whose ancestors were buried in the cemetery. A minimum of 104 people were probably buried in the Old Bellingen Cemetery between 1873 and 1906, including 47 children, though some of these were exhumed and removed elsewhere. Any remaining graves represent the ancestors of local Bellingen people of subsequent generations.

Although no public consultation has been undertaken relevant to the potential archaeology of the study area, there would appear to be fairly strong public interest in the history of the area and any archaeological program is likely to engender considerable interest. The remains of the cemetery within the study area are likely to have values for the local community.

Criterion (e): Technical/Research Significance - (archaeological, educational, research potential and scientific values)

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

The potential grave remains on the site may provide further information regarding a wide range of issues, including but not limited to:

- Investigation of the physical evidence to provide information on early burial practices in the Bellingen area including the nature and quality of coffins and historic grave furniture?
- Analysis of the burial methods, grave goods and coffin furniture may provide evidence for distinctions between those buried within the cemetery. Is there material evidence for a difference in the treatment of those buried within the Church of England section of the cemetery including multiple interments within individual graves?
- Do the material remains provide evidence of differences in burials made according to the religious and social or cultural affiliations, gender, age or ethnicity of the deceased?
- Can the remains inform our understanding of past concepts of death seen through changes in burial styles over the 30 years the cemetery was in operation?
- As no grave markers or other forms of individual identification associated with the burials are thought to survive *in situ*, is it possible to use age/sex indicators to reconstruct burial sequences in this area, should these survive?

Archaeological remains belonging to later phases of site usage are not expected to have any particular research significance.

Other relevant research questions may arise depending on the results of the archaeological program.

Criterion (f): Rarity

an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);

The Old Bellingen Cemetery within the study area is part of an early local cemetery and in one of many contemporary rural cemeteries in NSW. It does not share the rarity of the Old Sydney Burial Ground as the second planned cemetery in Australia or the Prince of Wales Children's cemetery

burials which are rare and many heritage values. Bellingen Cemetery is not rare nor necessarily would it provide rare evidence not available from many other cemeteries. However skeletal remains of Australians of European ancestry from the post-settlement period are rarely available for research in Australia. Well-preserved remains from this cemetery may rare. Being able to gain more information to add to this rare resource presents as a rare opportunity. The site is considered to be of local significance.

Criterion (g): Representativeness

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

Archaeological remains of the former Old Bellingen Cemetery would be representative of post-1870s colonial cemeteries generally and of rural burial grounds specifically. The site is considered to be of local significance.

Integrity

The study site mostly comprises the Church of England portion of the former Old Bellingen Cemetery and probably a strip of the Roman Catholic Cemetery. The study area was subsequently occupied by a Bowling Club from 1945. The study site has been impacted at least twice since its use as a cemetery:

- The 1903 relocation of some graves from the old cemetery site to the new cemetery in north Bellingen.
- Development of the Bowling Club including alteration of the ground surface for a bowling green c. 1945.
- The possible further exhumation of burials as per the *Bellingen Cemetery Act 1952*.

The visible archaeological evidence shows that above ground grave stones, monuments and fencing were removed. However, below-ground or earth-fast structures such as sandstone grave surrounds may have been left in place. It is likely that the burial cuts and human remains should survive in reasonable condition, depending up soil conditions and their impact on the skeletal remains.

4.4 Statement of Heritage Significance

The Old Bellingen Cemetery site is a significant place in the early settlement history of Bellingen as it represents one of the earliest cemeteries of the mid 19th century in the Mid North Coast region of NSW. It has the potential to contain a number of exhumed burials associated with the 104 known burials. The alteration of the study site from a cemetery to Bowling Club and associated greens has compromised its historic and aesthetic significance but not necessarily its technical and social value.

The archaeological significance of the Bowling Club site is restricted to its period of active cemetery use as the former Old Bellingen Cemetery. The remains of the cemetery within the Bowling Club site is of local significance only, primarily for its historical representation of the role of cemeteries in Bellingen's early settlement planning, the social values through direct familial connections of those buried there and for its potential to contribute important data through its archaeological evidence of burials, burial practices and human remains.

5.0 Proposed works

5.1 Description of proposed works

The proposed works involve the demolition of the existing Club House, Squash court structure and two bowling greens and the construction of a partially elevated single-storey 60 bed residential aged care facility and footbridges to the south across Cemetery Creek connecting it to the Bellingin Nursing Home (Figure 5.1, Figure 5.2, Figure 5.4).

5.2 Impacts of proposed works

The entire study area will be subject to development impacts from the footings of the proposed building and footbridges. The proposed redevelopment has the potential to substantially impact on likely *in situ* burials, evidence of exhumed and disturbed graves, buried cemetery furniture and archaeological evidence of the layout, design and form of the early burial ground. The proposed impacts require archaeological testing to determine the potential survival of remains within the study area. The detailed design will need to respond to the results of an archaeological testing program, notably the engineering design for the footings. As we do not fully understand the archaeological potential for the site we cannot provide an analysis of impacts prior to undertaking archaeological testing.



Figure 5.1: Final DA plan of the proposed development site at Bellingin. Provided by Campbell Luscombe Architects, December 2015.



Figure 5.2 Aerial Image of the proposed new retirement facility and footbridge looking west along Cemetery Creek. Provided by Campbell Luscombe Architects, December 2015.

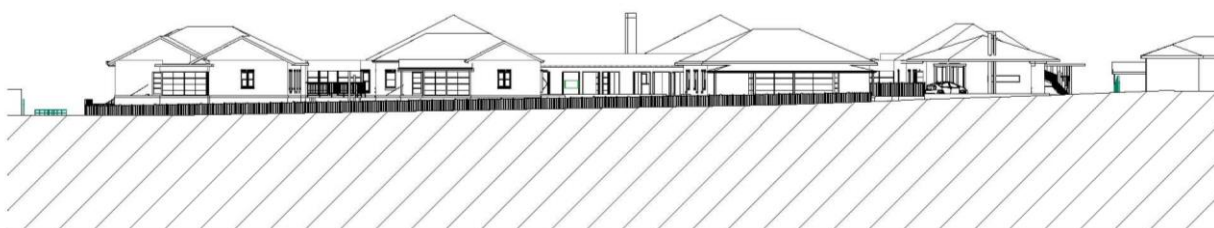


Figure 5.3: Elevation of the proposed nursing home showing the Bowra Street frontage. Provided by Campbell Luscombe Architects, December 2015.



Figure 5.4: Plan of the proposed nursing home showing the main areas of proposed footings. Provided by Campbell Luscombe Architects, December 2015.

6.0 Mitigation of impacts

6.1 Nature of Remains

As demonstrated by this assessment, the precise location of any potential remaining graves is unclear. As set out in above in the Archaeological Potential Section 3 above, predicted remains would consist of grave cuts, human remains, burials, and evidence of exhumed burials, potential buried head and foot stones and associated cemetery furniture, as well as archaeological evidence of the layout, design and form of the early burial ground.

As the precise location of graves is currently unknown and this needs to be clarified by archaeological testing which should focus on areas where proposed development requires specific deeper subsurface disturbance. For example:

- Within the area where the single-storey building is proposed immediately southeast of Bowra Street.
- Where subsurface excavation is required to provide the pedestrian footbridge linking the proposed retirement home complex with the Bellorana Nursing Home to the south across Cemetery Creek (Figure 6.1).

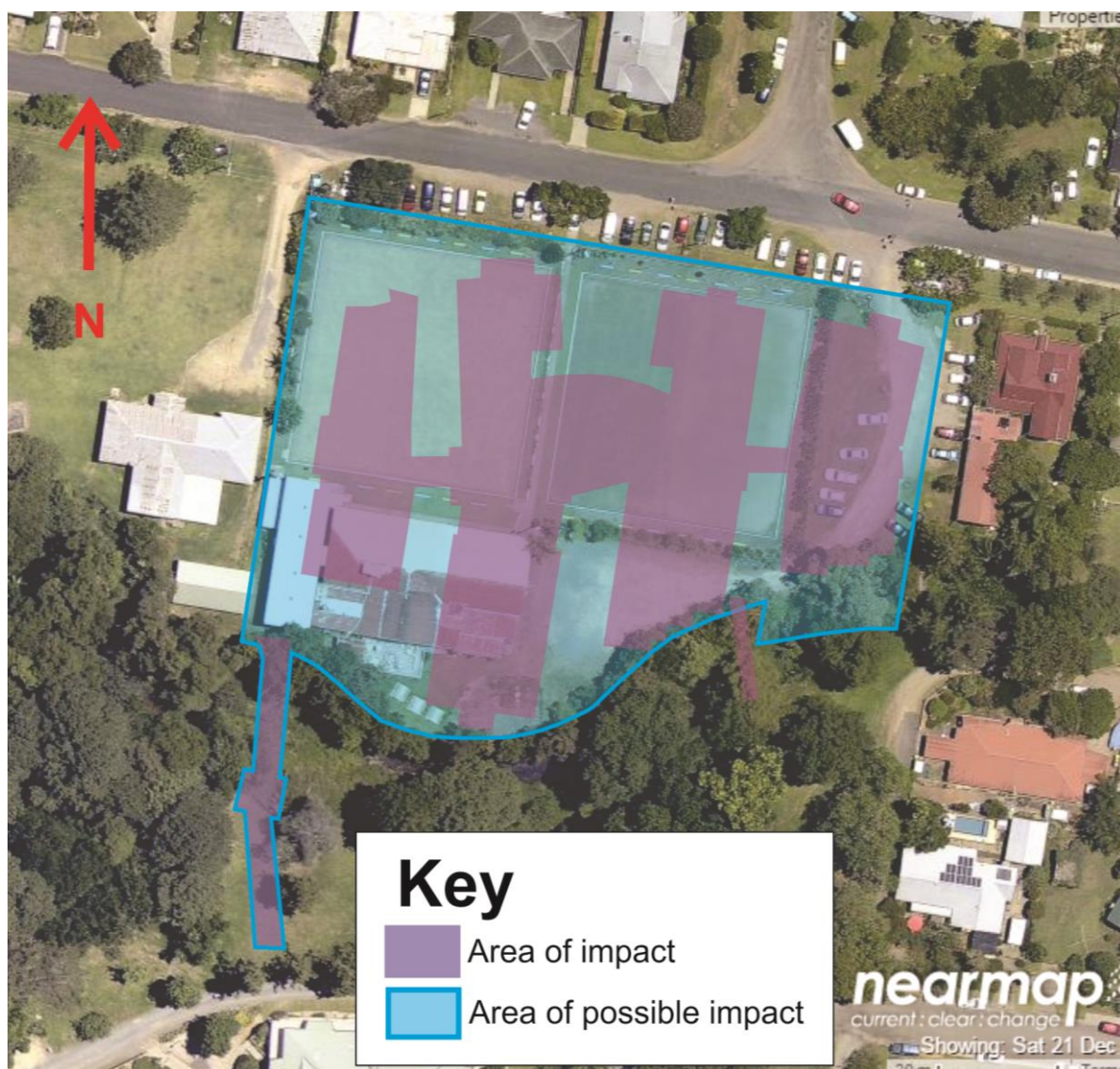


Figure 6.1: The study area is outlined.

The options for mitigation of the negative impacts of the development proposal on the archaeological values of the earlier cemetery are considered as follows:

1. Any redevelopment of the area should be preceded by a program of archaeological testing to investigate whether any graves and human remains survive within the study area.
2. The testing may initially consist of a preliminary investigation using an excavator to expose the natural soil and then scrape this to reveal the possible presence of grave cuts.
3. Hand trowelling would then be undertaken within linear trenches to pick up any features, cuts or surfaces or notable colour changes within the soil to indicate grave locations (Figure 6.1).
4. The trenches would then be expanded where necessary to gain more exposure of the features being uncovered.
5. All potential grave evidence should be subject to detailed recording, including planning and photography.

Depending upon the proposed design and footing system it may be necessary to recommend further detailed archaeological excavations and recording.

7.0 Results and Recommendations

7.1 Results

A review of historic records relating to the former Old Bellingen Cemetery including the death register, newspaper articles, recorded memories and local testimonies reveals that no known burial records or plans exist to assist in identifying the precise location and number of individuals both buried and exhumed there between 1873 and 1906. In addition, the use of GPR and other methods commonly applied to test for subsurface remains such as human burial was unable to assist in this instance due to ground treatment undertaken in the 1940s as part of preparation of the existing Bowling Green.

The nature of any burial remains and associated archaeological evidence of the Old Bellingen Cemetery formerly located on the study site can therefore only be determined through archaeological testing.

The following recommendations have been made to assist in management of archaeological requirements at the site:

7.2 Recommendations

1. A S140 application should be made to the Heritage Division, Office of Environment and Heritage to allow archaeological testing to determine whether any burials and associated remains are present within the study area and to inform detail design.
2. Discussions should be held with the Heritage Division to determine the extent of archaeological testing and how the proposal and the archaeological works should be managed.
3. No excavation of the site can be undertaken prior to the issuing of a S140 approval for the works.
4. A copy of this Assessment report should be sent to the Heritage Division, Office of Environment and Heritage as part of the S140 application, as well as an Archaeological Research Design (ARD) and detailed proposed archaeological methodology.
5. The nature and extent of the testing program will need to be designed in consultation with the Heritage Division. Key questions which the testing program should determine:
 - a. If grave cuts survive within the subject site?
 - b. At what RLs across the site do the grave cuts survive?
 - c. How deep down are the surviving human remains?
 - d. Are there opportunities to develop the site without impacting on human remains?
 - e. If the development does impact on identified graves how should this be managed?
6. Implement the guidelines of the Heritage Branch's *Skeletal Remains Manual*, including potential notification of the Police, Office of Environment and Heritage, and NSW Health.
7. The results of the testing will need to be the subject of a report to the Heritage Council. These results and this report will form the basis for identification of the location of graves and assist with determining if there are *in situ* or exhumed graves and assist with developing management strategies for the proposed development.
8. Following completion of the testing program a Management Plan will need to be undertaken to provide guidance for any future development and how the human remains should be managed within the development.
9. Any artefacts collected and retained during the testing will need to be catalogued and then securely stored by the client after the completion of the archaeological program.
10. If archaeological evidence relating to Aboriginal use of the site is discovered, works should cease in the affected area/s and OEH notified immediately, in accordance with Section 91 of

the National Parks and Wildlife Act 1974 (NSW). Appropriate Aboriginal consultation should be undertaken consistent with the OEH guidelines.

Appendix A

Bellingen Cemetery Act, 1952, section 4

4 (1) Upon the appointment of the Bellinger River District Hospital as trustees of any land pursuant to subsection one of section three of this Act, such trustees may, subject to the provisions of this section, cause the remains of any person buried in such land (so far as such remains can by reasonable diligence be discovered and identified), together with all headstones, grave enclosures, and other surface structures on such land, to be collected with due care and removed to the general cemetery which at the commencement of this Act is being used at Bellingen, and shall cause any such remains so removed to be reverently reinterred and such headstones, grave enclosures, and other surface structures to be reerected in such general cemetery.

(2) In respect of any of the land described in the Schedule to this Act which is not dedicated in accordance with subsection one of section three of this Act (hereinafter referred to as "the residue") the Minister or any person authorised in writing by the Minister may, subject to the provisions of this section, cause the remains of any person buried in the residue (so far as such remains can by reasonable diligence be discovered and identified), together with all headstones, grave enclosures, and other surface structures on the residue, to be collected with due care and removed to the general cemetery which at the commencement of this Act is being used at Bellingen, and shall cause any such remains so removed to be reverently reinterred and such headstones, grave enclosures, and other surface structures to be re-erected in such general cemetery.

(3) At least three months before the remains of any person or any headstones, grave enclosures, or other surface structures are removed under subsection one or subsection two of this section, an advertisement of the intention to remove the same shall be inserted by the person proposing to effect the removal four times at intervals of not less than two weeks in newspapers circulating in the locality.

(4) The representatives of any person buried in the land dedicated in accordance with subsection one of section three of this Act or in the residue may, at any time after the appearance of the first advertisement referred to in subsection three of this section relating to such land or residue, as the case may be, and before the expiration of three months from the appearance of the last of such advertisements relating to such land or residue, as the case may be, at their own expense, remove the headstone, grave enclosure or other surface structure erected over the grave of such person and may, at their own expense and with the permission of the Director-General of Public Health, remove the remains of such person to such cemetery as they desire: Provided that in the case of any proposed removal as aforesaid not less than twenty-eight days' notice of intention to effect the removal shall be given by such representatives to the Bellinger River District Hospital where the proposed removal is from land dedicated in accordance with subsection one of section three of this Act or to the Minister where the proposed removal is from the residue.

Appendix B

State Heritage Inventory Listing Card

Former Bellingen Cemetery

Item details

Name of item: Former Bellingen Cemetery
 Other name/s: Old Bellingen Cemetery
 Type of item: Archaeological-Terrestrial
 Group/Collection: Cemeteries and Burial Sites
 Category: Cemetery/Graveyard/Burial Ground
 Location: Lat: 0 Long: 0
 Primary address: 6 Bowra Street, Bellingen, NSW 2454
 Local govt. area: Bellingen

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
6 Bowra Street	Bellingen	Bellingen			Primary Address

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.

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Further information:

Current use: Social/Recreational
 Former use: Monument/cemetery

History

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.

Assessment of significance

SHR Criteria a) [Historical significance] This item is assessed as historically significant locally.
 SHR Criteria c) [Aesthetic] This item is assessed as socially significant by association locally.

significance]

SHR Criteria d) This item is assessed as socially significant locally.
[Social significance]

Integrity/Intactness: This item is assessed as socially significant by association locally.

Assessment criteria: Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	BLEP 2010	A1	06 Aug 10		

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Bellingen Heritage Study	1991	BG0149	Perumal Murphy Wu Pty Ltd		No

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 1110149

ANNEXURE C

Demolition and Test Excavation Plans