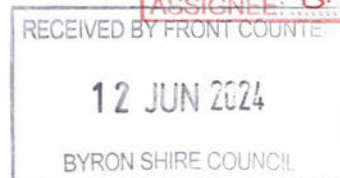


Mark Arnold
General Manager
Byron Shire Council
Station Street
Mullumbimby NSW 2482

11 June 2024



Dear Mr Arnold

Re DA 10.2223.230.1 Rural Function Centre, 1390 Hinterland Way, Bangalow

The entire committee of Bangalow Historical Society hereby objects in the strongest possible terms to the component of the most recent Development Application 10.2223.230.1 requesting access to the function centre via the Bangalow Cemetery.

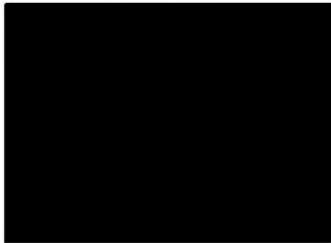
Our main concerns follow:

1. The land on which the cemetery is located was **gifted to the community of Bangalow** by early Bangalow pioneer, Robert Campbell, on 27 July 1905, specifically for the purpose of creating **a cemetery for the community**. *Copies of relevant documents are attached*. As such, we request that Byron Shire Council respect the wishes of our pioneer settler, and our entire community, by maintaining the privacy and sanctity of that land solely for its intended purpose.
2. The DA is requesting access to the function centre through the Bangalow cemetery, **hallowed ground** for the local Anglican, Catholic and other denominations. When bodies were interred in the graves over more than 120 years, it was with the expectation that they would be able to 'rest in peace' on the hillside above the township.
3. **Respecting heritage values**: the DA applicant appears to be unconcerned about the heritage value of the graves and ancillary structures - such as the wooden Lych gate - at the cemetery. It is understood that the applicant has plans to build cabins on the 'Hinterland House' property, which would result in yet more heavy construction traffic - trucks etc - passing the cemetery, potentially causing damage.
4. It is anticipated that permitting access to the function centre via the cemetery would result in **high movement of heavy trucks** each time an event was held there. For example, we would anticipate that trucks would be rumbling through the cemetery to provide catering, installation of marquees, barbecues, music and PA systems, which would disrupt any funerals which might be happening at the same time.
5. We are also very concerned that the vibrations of incoming vehicles would **damage the delicate and fragile headstones and gravestones** around the cemetery and cannot see how this could possibly be averted.

6. Local families whose loved ones are buried in the cemetery have contacted the Bangalow Historical Society, greatly concerned about the **irreparable disturbance and damage** that permitting access to an event centre through the cemetery would cause. No point in requesting damages from the developer "after the horse has bolted". These families have asked us to represent their point of view: that their loved ones were buried in a location where peace and tranquillity was the expectation.
7. Lastly, we are very concerned at the idea of **two "cultures" colliding**: If cars or busloads of happy people on their way to a wedding or similar event, were to intersect the cemetery while there was a funeral happening, with a parallel contingent of people attending the sad interment of their loved one, that could well disturb the state of mind of the mourners.

We kindly request that Council takes into consideration our concerns, as listed above.

Sincerely yours,



Bangalow Historical Society
Corner Deacon & Ashton Streets
Bangalow NSW 2479

New South Wales.



MEMORANDUM OF REAL PROPERTY ACT

Downer should be registered, or the contingent interest will be noted on the new certificate. A statutory declaration should accompany stating whether the Transferor be married, and, if so, the date of marriage. If before January, 1937, the wife must execute and acknowledge Release. A form for the latter purpose can be obtained at the Land Titles Office, or will be forwarded on application. If the marriage were since 1935 no dowry attaches.

Transfer... Endorsed... Certificate

FREE SIMPLIFIED DEPARTMENT

Name of transferee, occupation, or other designation, in full, of Transferee.

I, Robert Campbell of Bengalour in the State of New South Wales Farmer

- b If a lease exists, or the... c All subsisting encumbrances... d If the consideration be not pecuniary... e Name, residence, occupation, or other designation of transferee.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, - in consideration of Five Shilling

paid to me by the Corporate of Trustees of the Diocese of Grafton and Armidale

the receipt whereof I hereby acknowledge,

- f If to two or more, state whether as joint tenants or tenants in common. g Area, in acres, rods, or perches. h Parish or town, county.

do hereby transfer to the said Corporate of Trustees of the Diocese of Grafton and Armidale ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing two roads situate in the Parish of Byron County of Ross

- i "The whole" or "part," as the case may be. j "Crown Grant," or "Certificate of Title."

being part of the land comprised in Crown Grant dated 9th January 1905 registered volume No. 1599 as delineated in the plan hereon and therein edged red.

k Repeat if more than one. These references will suffice, if the whole land in the grant or certificate be transferred. But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description and plan will be required and may be inserted or annexed with this prefix: - "as delineated in the plan hereon (or annexed hereto) and described as follows, viz.:- Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

929377

Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

[Price, 6d.]

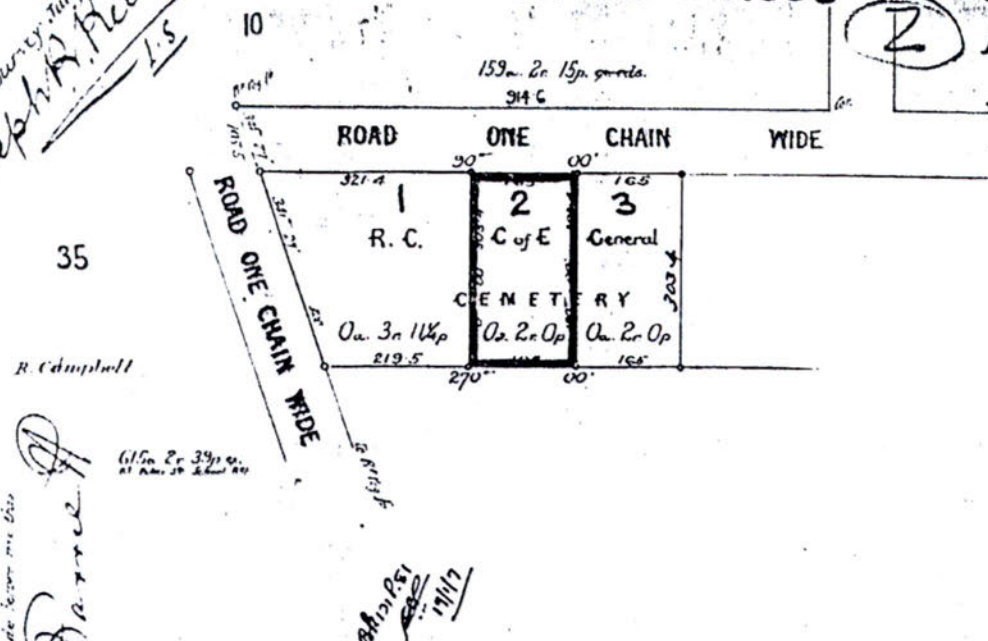
92971

115 626

Date of Survey July 1905.
Joseph A. Buckley
1.5

457411 Ph of BYRON. C. of ROUS FP929377

(2) A



This map marked & referred to in the unusual
deed of 1905 is such have fully made known to this
at 1/2m 2c 39p goods

Robert Campbell

m If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J. P., or Commissioner for Affidavits, to whom the Transferor is known, no further authentication is required. Otherwise the ATTESTING WITNESSES must appear before one of the above functionaries to make a declaration in the annexed form. This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place. If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over or explained to him, and that he appeared fully to understand the same."

n Repeat attestation for additional parties if required.
o For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

In witness whereof, I have hereunto subscribed my name, at Bangaloo
the twenty seventh day of July in the year
of our Lord one thousand nine hundred and six

Signed in my presence by the said
Robert Campbell
WHO IS PERSONALLY KNOWN TO ME
J. N. Simpson
Signed

Robert Campbell
Transferor.

(Who will also sign Declaration in accordance with Dowry Note at the top of the 1st page.)

The Common Seal of the Corporate
Trustees of the Diocese of Bangaloo
Armidale was hereto affixed by
A. W. Simpson
A. H. V. Jenkins
H. E. Crawford Armidale
Trustees of the said Corporate Trustees
who are personally known to me
Signed in my presence by the said

WHO IS PERSONALLY KNOWN TO ME
C. P. Topham
Secretary

Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

A. W. Simpson
C. P. Topham
H. E. Crawford & H. W. Jenkins
Transferree.

(* The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "o" in margin.)
N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

* If signed by virtue of any power of attorney, the original must be produced, & an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

Description

All that piece or parcel of land containing by admeasurement.

2 rods more or less being part of Robert Campbells portion No 35 in the Parish of Burren County Ross in the State of New South Wales, Commencing at a point on the northern boundary of Robert Campbells portion No 35 aforesaid at the north eastern corner of the Roman Catholic Rectory of 3 rods 11/4 pikes and bounded thence on the west by the Eastern boundary of that portion being a line South for 303.4 links thence on the South by a line East for 165 links thence on the East by a line north for 303.4 links to the northern boundary of portion 35 aforesaid and on the north by part of that boundary being a line bearing West for 165 links to the point of commencement.

Joseph P. Kelly
L.S.

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

STATUTORY DECLARATION.

I, Joseph Bede Kelly of Molesworth St.
Winnem in the State of New South Wales City of Sydney
do solemnly and sincerely declare

That in July 1905 I surveyed
the portion of land containing two roads
shown on plan on transfer herewith
by red edging and marked, ^{A. Kelly} Church
of England Cemetery Land.

That the Survey is correct for the
purposes of the Real Property Act
and has been made in accordance with
the requirements and regulations of
the Lands and Revenue General
Departments.

And I make this solemn declaration conscientiously believing the same to be true
and by virtue of the provisions of the Oaths Act 1900.

Subscribed and declared at Winnem
this 8th day of August
one thousand nine hundred and five
before me James James } Joseph B. Kelly

2 rds: part for 35 P^h of Byron
6th Rows S^hire of Byron

Lodged by

(Name) A. J. Taylor
(Address) Boleyn
Dyans

R. Campbell

The Corporators of Trustees of the
Diocese of Exeter and Arundel

Transferor.

Transferee.

Particulars entered in the Register Book, Vol 768

Folio 7

the 9th day of April, 1907

at _____ minutes 10 o'clock

in the Forenoon

[Signature]

Deputy Registrar General



	DATE	INITIALS
SENT TO DRAFTING BRANCH		
RECEIVED FROM RECORDS	11.7	WMA
DRAFT WRITTEN	23.7	WMA
DRAFT EXAMINED	21	WMA
RETURNED TO RECORDS	22	WMA
RETURNED FROM RECORDS	30.1907	WMA
CERTIFICATE DRAUGHTED	19.4.7	WMA
DIAGRAM COMPLETE	6.5.07	WMA
CERTIFICATE EXAMINED	8.5.7	WMA
ACCOUNTANT		
DEPUTY REGISTRAR GENERAL	10.1908	WMA
VOL 1776		
FOL 134		

457411-415

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-

No Transfer can be registered until the fees are paid. If a part only of the land is transferred, and it is desired to have a Certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee, but to save this expense, if it is intended to make several Transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole be sold, or formal application be made for a Certificate of the remaining portion.
Transfers to companies must receive separate Certificates. No fee will be required for each additional Certificate.
The fees on Transfer are 10s. and 20s. for every new Certificate, whether issued to a Transferee or registered for the vendor. By the Amendment Act of 1873, the purchaser is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial of the Transfer endorsed thereon, at a cost of 10s. only.
The Transfer is complete from the moment it is recorded.
Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order attached before a Magistrate.

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

p See note "a," page 1.
This, when filled up,
should be signed by
the Transferrer.
A very short note of
the particulars will
suffice.

*The reservations contained in the Grant
referred to*

Robert Campbell
Transferrer.
(See note p.)

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me at _____, the

day of _____, one thousand nine hundred and

the attesting witness to this instrument, and declared that he personally knew
the person signing the same, and whose signature thereto he has attested; and that the
name purporting to be such signature of the said

_____ is his own handwriting, and that he was of
sound mind, and freely and voluntarily signed the same.

- q May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.
- r Name of witness and residence.
- s Name of Transferrer.
- t Name of Transferrer.

u Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

Saturday 31st March, 9am, \$3 incld. tea!
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BANGALOW CEMETERY

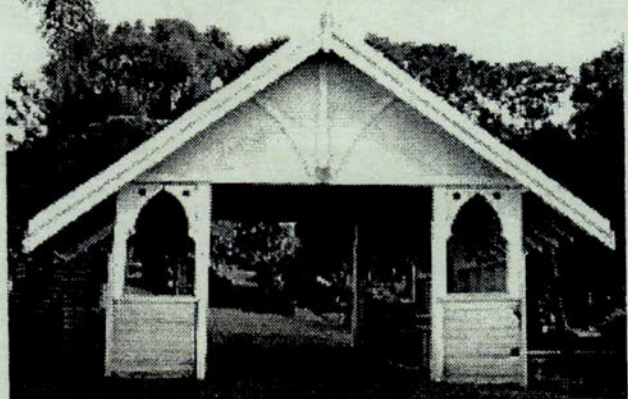
After almost five years in the making "High on the Hill" a transcript of the Bangalow Cemetery was launched on Sunday 11 March at Heritage House. The book was launched jointly by Don Page M.P. and international author Di Morrissey. Both spoke of its valuable contribution to the history of Bangalow and related some statistics, historical facts and amusing anecdotes.

The cemetery contains the graves of Thomas Robinson, the first settler in the area and his wife Charlotte. Thomas, who was once bailed up by Gardiner's gang of bushrangers whilst driving a mob, took three weeks to cut a track from Tintenbar to Bangalow (known as Byron Creek) in 1881. After he built a shingled slab hut Charlotte arrived with their four daughters, and another daughter Mabel was the first white girl born at Byron Creek.

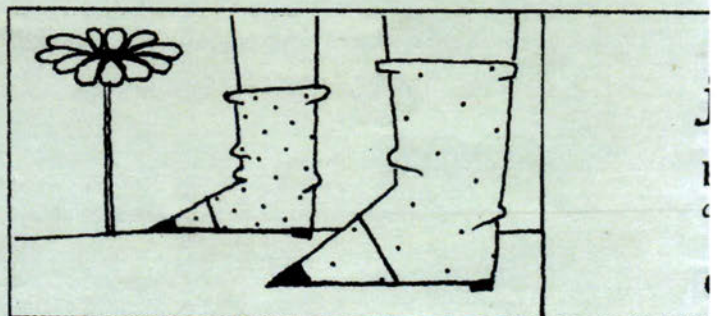
Known as "the mother of Bangalow" Charlotte worked as hard as a man and acted as medical advisor and midwife until the first doctor arrived in 1905. She died in 1907 aged 57 years. Thomas died in 1922 aged 76 years.

Robert Campbell who donated the cemetery land and his wife Marion are also buried there. The Catholic portion was originally in town (near Catholic Church) and around 1908, 30-40 graves were relocated to the current site. When Robert Campbell was asked to provide fencing between the main denominations he is reported to have said "Don't tell me they'll still be fighting up there". This was a reference to the less than cordial relationship between the Catholics and Protestants at the time.

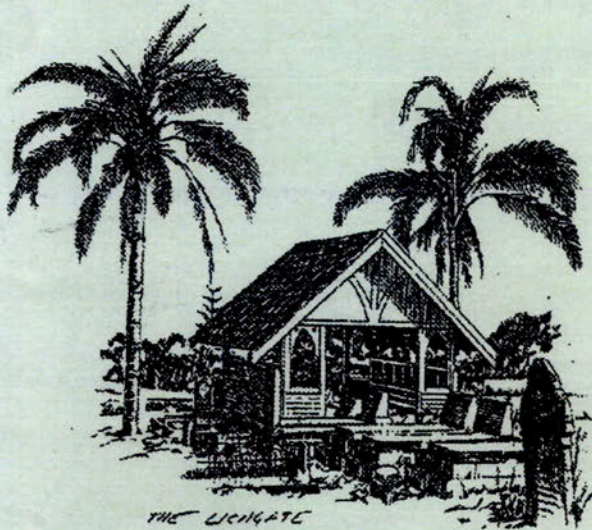
Except for 191 unidentified graves, all those who are buried in the cemetery are named in the book (the cut-off date being 1998) - a total of 1,678 named. The book gives other interesting statistical information including that of children's graves - between 1911 and 1920 forty-four in the 0-12 months and fourteen in the 1-5 years died. There was a marked decline in infant death after the discovery of penicillin. Those listed as accidental deaths include a father and his three children who drowned in a well whilst the mother was in hospital with a new baby.



The Lich Gate, due for restoration



CEMETERY REVISITED



Artwork: Neil Westblade

This surviving child brought her mother's body back from Sydney to Bangalow when she died at 83 years to be buried with her family.

Recommendations

"High on the Hill" makes a number of recommendations, including the urgency of a conservation plan to control the 'green vandal' the Camphor Laurels and carry out landscaping.

The Lich-Gate, as one of few remaining in Australia, is vital to the heritage of the area and needs to be restored and conserved for the future. Historical Society President Mr. Don Osborne asks suppliers and tradespeople interested in helping with this restoration to contact him (b/h 6687-1897, a/h 6687-2909). *The Lich-Gate, a wooden structure, is a place to rest the coffin, whilst awaiting the arrival of the clergyman, in inclement weather.*

Another recommendation - that of a walking tour of the cemetery - will come to fruition on Mothers Day. The Historical Society will host afternoon tea, guided tours and an opportunity to purchase the book (anyone wanting a prior copy ring Don Osborne). After years of struggling with inadequate records the book researchers say they cannot over-emphasize the importance of keeping accurate records, *"After all, for most of the general population, the only record we leave of our lives of joy and toil, are our families and our epitaphs".*

The Bangalow Historical Society Inc. sincerely thank the following people for their unselfish time and efforts to bring this document into a reality: *Chris Holden, Jan Hulbert, Martin McGettigan, Dot Gill and late Earl Gill, Betty Dengate, Jane I'Ons, Pat Cooper, Don Osborne.* The Society thank *Reg and Denise Miller of Millers' Bangalow Real Estate* for generous financial assistance with the publication of it. The project was initially funded by *The NSW Ministry of Arts.*

Kaye Hall

odie hopkins

parebones art space
pril 1st - 12th

april fools



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Martin McGettigan - Checking and archival research

John Frederick "Earl" Gill - Cemetery research

Dot Gill - Cemetery and family history research

Betty Dengate - Cemetery research and document checking/review

Jane I'Ons - Checking and document review

Pat Cooper - Additional research & survey

Don Osborne - Document recording and corrections, re-formatting and computer archives

Initially, funding for this project was originally provided by **The Royal Australian Historical Society**, through **The NSW Ministry of Arts** by way of a grant, with the balance of expenses being met by donation, pre-sales and fund raising by the Bangalow Historical Society Inc.

Forward

The research team of The Bangalow Historical Society Inc. hopes that all readers of this document will enjoy the "fruits of their labours" and are pleased by the knowledge that they have been instrumental in recognising the past citizens of Bangalow and hope that future generations will carry on in the proud tradition established by their forebears.

From the Original Researcher - Chris Holden

This document is a record of those past residents of Bangalow and district that now reside in the Bangalow Cemetery. The absence of grave markers has meant that some graves could not be properly identified.

In 1894 Mr Robert Campbell donated an acre of land to the community for cemetery purposes. This land was located on the hill in the township near the original Catholic Church. It is believed that the Protestant cemetery was located north of the town in what is now the Old Anglican portion of the Bangalow Cemetery.

The Catholic cemetery served its purpose until about 1908 when the graveyard that consisted of between 30 - 40 graves was dug up and re-interred on land north of the township next to the Protestant cemetery. Though most of the graves were moved in 1908, the last was not moved until 1962. The land north of the town, on which the current cemetery is located was donated by Robert Campbell. The Lawn cemetery has only been in use since 17.7.1988 (1st burial was Dawn Bertha Battersby).

At the establishment of the new cemetery, Robert Campbell was asked to provide fencing between the main denominations. He is reputed to have replied "Don't tell me they'll still be fighting up there." This was a reference to the less than cordial relationship between the Catholics and Protestants at the time.

There is a lot that a cemetery can tell historians about the past history of the area and the Bangalow cemetery is no exception. By taking a walk around the Bangalow cemetery one can see evidence of the influenza epidemic that struck the area at the end of World War One.

(2)

*The land the Cemetery is on was originally owned by Robert Campbell one of the earliest settlers in Bangalore in 1881. The actual gift of land was in 1905, the first Bangalore Cemetery was on land Robert Campbell donated to the Catholic Church near the centre of town there were some 30 odd graves there, they were then^{re} interred to the new Bangalore Cemetery to allow the new Catholic Church to be built there were something like 30 Catholic graves moved some say it was 1908, but Marion Campbell first wife of Robert Campbell was moved on the 20-10-1910 all these graves are in rows of Mr B rows and a few in rows the last grave to be moved was Michael Donoghue which was moved in 1962 as a child growing up my Dad told me this was done at night out of respect for everyone *

The General Cemetery is the Catholic graves starting on western side of cemetery and all Catholic face the west these days, then the Anglican, Presbyterian and Methodist were all facing east in the first cemetery (all I can say the Protestants seen the sun rise and the Catholics seen it set) that carried on until the Lawn Cemetery was added ~~to the~~ and the first burial in it was Dawn Battersley on the 19 Feb 1988 who passed away on the 19-2-88 wife of our last Station Master in Bangalore.

There is so much history in the Cemetery. The "Lich Gate" erected to the memory of our beloved departed by the Anglican community 25-4-1934, it had fell ~~drop~~ into great disrepair over the years, then on May 13th 2001