

**PROPOSED CROWN RESERVE AT DUNGOG  
“DUNGOG COMMON RECREATION RESERVE”**

**ISSUE**

Investigate and progress the reservation of “Dungog Common”, and adjoining lands managed by the Livestock Health & Pest Authority (LHPA) at Dungog.

**BACKGROUND**

“Dungog Common” is not a notified a common under the *Commons Management Act 1989*, but a “Temporary Common”, and subsequently revoked under:

1. *Crown Lands Occupation Act 1861*, **reserved** gazetted March 6 1874 (Folio 683), “unalienated and unappropriated Crown Lands” “devoted to temporary commonage”, 1280 acres (518 hectares ha, bounded by Wardell’s, Brown’s, Mackay’s properties) and 450 acres (182 ha, Dungog Town Reserve) [papers Ms 73-3,509].
2. *Crown Lands Act 1884*, **revoked** the “temporary commonage” gazetted November 30 1895 (Folio 7816). All lands (1280, 450 acres) described above [papers 95-9, 181 Dep].
3. *Crown Lands Act 1884* S101 land **reserved** “from sale for temporary common for the use of the residents at Dungog”, gazetted in 30 November 1895 (folio 7817), 750 acres (303 ha) “partly in lieu of Dungog Temporary Common (bounded by Wardells, Brown’s properties) [papers Ms 95-9, 181 Dep].
4. *Crown Lands Consolidation Act 1913* **revoked** the whole of Reserve 22175 for temporary common (notified 30/11/1895) from sale lease etc, gazetted Jun 23 1972 (Folio 2490) approximately 660 acres (270 ha) [papers T 72-217].

Today, the lands cover about 588.17 ha (to be accurately calculated), shown on **Diagram A** as precincts:

- **Precinct 1:** “Dungog Common” shown edged yellow of about 524.63 ha. The main tenure holder over Precinct 1 is current Licence 147412 (Kevin Ashley Bacon) for grazing (yellow shading). The Licence has an area of about 212 ha.
- **Precinct 2:** Travelling Stock Reserves west of “Dungog Common” and managed by LHPA, shown edged green of about 28.56 ha;
- **Precinct 3:** Travelling Stock Reserves east of “Dungog Common” and LHPA shown edged blue of about 34.98 ha.

**Schedule A** expands the land status for each Precinct.

Karuah Local Aboriginal Land Council and NSW Aboriginal Land Council have lodged Aboriginal Land Claims (ALCs) over the Precinct lands illustrated on **Diagram B** and tabled in **Schedule B**. The Minister has not determined these claims.

Because there has been no detailed Native Title investigation, the report has made the presumption for Precinct 1 that historical reservations for “temporary commonage”, etc under *Crown Lands Occupation Act 1861* and *Crown Lands Act 1884* and reservation and licensing under the various *Crown Lands Acts* since would have extinguished Native Title rights and interests. For Precincts 2 and 3 (Travelling Stock Reserves), tenured and reserved livestock use over numerous years, would have extinguished Native Title rights.

**CURRENT SITUATION**

Maitland office commenced consultation with the stakeholder groups listed on **Schedule C** in February 2011 after Dungog Shire Council asked for assistance in the future management of Precinct 1 lands, and the consultation has been ongoing in 2012.

There has been a diversity of other recorded activities over the Precinct lands. Walkers, mountain bike riders, trail-bikes, off-road vehicles, horse riders, apiary site and ecological investigations are some of them. The user groups originate from Dungog and locality, Newcastle, Hunter Valley and overseas. Many user groups were co-ordinated locally by the “Dungog Commoners Inc” comprising local volunteers until they partnered with the Maitland office in 2011 to coordinate events, especially applications, insurances and land remediation.

Major recreational events now use the “Dungog Common” over the calendar year, for example, Dungog Motor Cycle Club’s National Junior Enduro, the Common Mountain Bike Festival, the Dungog Challenge Duathlon and Dungog High School and State Zone Cross Country Championships. Proposals are also at hand to provide rustic campsites and an open-

air cinema. The Maitland office coordination for event approval involves the logging in an electronic calendar the events and documentation including applications, insurances, and maps.

The LHPA generally manages Precincts 2 & 3, lands east and west of the "Common" for Travelling Stock. Adjoining Precinct 2 Dungog Shire Council manages bulk and green waste services (public pound, Crown Reserve) and livestock saleyards (freehold). Events at the adjoining Dungog Showground west, under Dungog Council Trust, use the "Dungog Common" and the saleyard for stock mustering. Equally, "Dungog Common" events use the Showground as the start and finish point for track and circuit events. A Crown Road connects both facilities.

#### COMMENT

It is apparent that management of the frequent, community, and multipurpose activities within Precincts 1-3 would be best co-ordinated and managed under a Crown Reserve Trust. This Trust will also ensure the appropriate management for noxious weeds, bushfire, rubbish dumping, unauthorised access and user conflicts. Appointments are currently until November 30 2014.

There will also be opportunities for income generation from user groups, applications for government grants, and low interest loans. This income will enable conservation projects for biodiversity and pests with consideration given to natural and cultural heritage. Additionally, the site may be developed and managed as a State resource for mountain bike riding and cross-country cyclists under the Department's Statewide Tracks and Trails Programme.

The heritage significance of the site remains unassessed. However, the subject lands show evidence of relics, including from mining activity, stockyard structures, market gardens, and Aboriginal stone tool campsites along creek lines.

Grazing of livestock has been an historical, and sustainable, activity within "Dungog Common", therefore the existing Li 147412 (Kevin Ashley Bacon) and potential tenures will need to be resolved as part of any management plans.

Responsible land use management of "Dungog Common" and adjoining lands has been a source of contention for Council and the Dungog community for decades. Catchments & Lands adopting a lead role will resolve, these will be resolved, and the community will move ahead with strategies, conservation, and revenue generation for this much used, and revered, land.

The current Mayor of Dungog Shire Council, Harold F Johnson has written to Crown Lands General Manager Graham Harding in support of the general proposal outlined in this briefing, on August 13 2012 (TRIM DOC12/111925).

#### RECOMMENDATION

**APPROVAL IN PRINCIPLE** be provided, subject to satisfying Part 3 *Crown Lands Act 1989* (Land Assessment or waiver):

1. The Crown lands identified as **Precinct 1** on **Diagram A** be reserved for the purposes of public recreation, environmental heritage, tourism and grazing under the name of "Dungog Common Recreation Reserve".
2. A Reserve Trust be established to manage the reserve over **Precinct 1**, and
3. The lands identified in **Precincts 2 and 3** in **Diagram A** be further investigated, and should there be no impediment, add these lands to the reserve over **Precinct 1**

Contact Officer: Susan M Effenberger  
Senior Natural Resource Management Officer

Supported

Supported

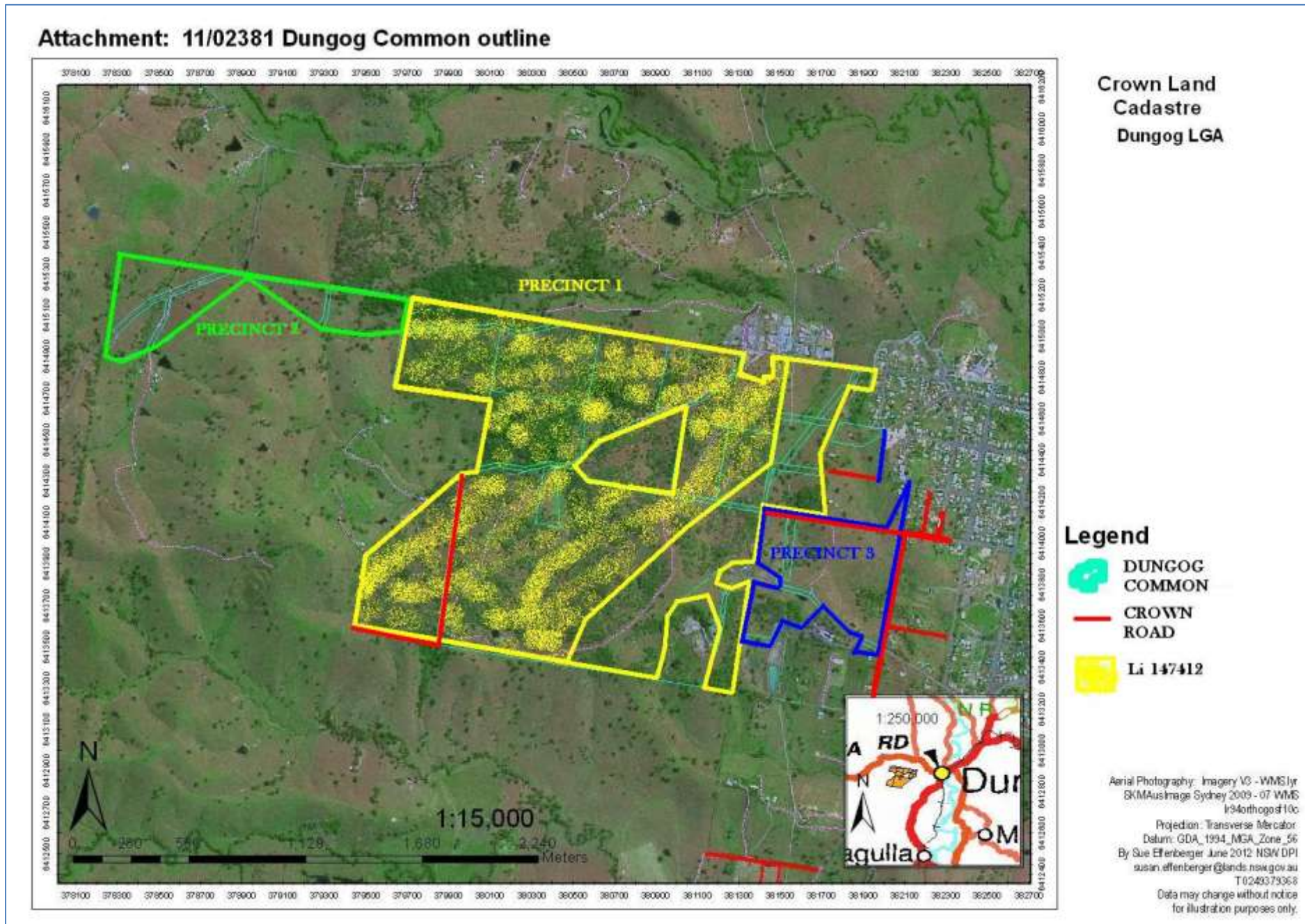
Gary Wood  
Group Leader

Stewart Veitch  
Senior Manager Hunter Area

Approved

Dave McPherson  
Acting Director North

DIAGRAM A: Land status for Precincts 1-3



**SCHEDULE A: Land status for Precincts 1-3 (Crown accounts are mutually exclusive)**

Precinct	Holding	Lot//DP	Account	ha	Purpose	Holder
<b>1</b>	Crown	169//752457	Unspecified	23.77	Land sharing south boundary with Common Rd	C&L
	Crown	174//752457	Unspecified	8.05	Land sharing west boundary with Mitchell lease	C&L
	Li	337//729762; 153//752457, 162//752457, 163//752457, 167//752457, 168//752457, 170//752457, 173//752457, 174//752457, 236//752457, 301//752457	Li 147412	212.3	Grazing (Permissive Occupancy PO 1973/1 Dungog)	Kevin Ashley Bacon (file MD94H323)
	Reserve	7303//1146880; 7302//1146880; 7301//1146880; 7300//1146876; 328//704790; 301//752457; 236//752457; 176//752457	R752457	37.11	Future Public Requirements (not under licence 147412 Bacon)	C&L
	Reserve	7303//1162438; 7304//1162438	R97669	227.46	Future Public Requirements, pound	C&L
	Reserve	7008//1057161; 7009//1057161; 7010//1057161; 7011//1057161; 7013//96440;	R75058	15.94	Future Public Requirements	C&L
<b>2</b>	TSR	154//752457	R22174	17.26	Travelling Stock Reserve	LHPA
	TSR	7004//96438; 7005//96438	R71821	11.3	Travelling Stock Reserve	LHPA
<b>3</b>	TSR	313//752457	R66198	1.18	Camping & Travelling Stock	LHPA
	TSR	333//722672; 301//772094	R32911	32.02	Camping & Travelling Stock	LHPA
	Reserve	304//752457	R40454	0.55	Access	C&L
	Reserve	334//722676	R752457	1	Future Public Requirements	C&L
	Crown	1//48491	Unspecified	0.23	Strip of land to west of Precinct 1, 7010//1057161	C&L
<b>TOTAL AREA</b>		<b>NB: Parcels listed for Bacon Li147412, and all reserves including R752457 and R75058 do not overlap</b>		<b>588.17</b>		





**SCHEDULE B: Aboriginal Land Claims (ALCs) across subject lands and vicinity (ALCs overlap due to claim process)**

11/02381 DUNGOG COMMON - LAND SCHEDULE – ABORIGINAL LAND CLAIMS (SORT BY ACCOUNT)					
Progress	ALC No	Date Lodged	Lot//DP	Related Crown account	Resp
Refused	4670	23/04/1993	154//752457	R22174 Rural Lands Protection Board	NSW ALC
Refused	4671	23/04/1993	7004//96438; 7005//96438	R71821 Rural Lands Protection Board	NSW ALC
Incomplete	15306	10/10/2006	7013//96440; 7012//96440; 7010//1057161; 7011//1057161; 7008//1057161; 7009//1057161	14505 Mitchell R75058	KLALC
Incomplete	15308	10/10//2006	Lot 1//711050, 332//722671, 333//722672, 334//722676	R32911 Rural Lands Protection Board; R752457	KLALC
Incomplete	15312	10/10/2006	337//729762, 153//752457, 162//75245 ,163//752457, 167//752457, 168//752457, 169//752457, 170//752457, 173//752457, 174//752457, 236//752457, 301//752457	147412 Bacon; R752457	KLALC
Incomplete	16740	03/11/2008	7013//96440; 7012//96440; 7010//1057161; 7011//1057161; 7008//1057161; 7009//1057161	14505 Mitchell R75058	NSW ALC
Incomplete	16744	03/11/2008	337//729762; 336//729762; 335//729762; 174//752457; 173//752457; 170//752457; 169//752457; 168//752457; 167//752457; 162//752457	147412 Bacon 188426 Ledger 355130 DSC R752457 Unspecified; Future Public Requirements, no Trust; FFPR	NSW ALC
Incomplete	16745	03/11/2008	325//752457; 153//752457 (7302//1162438); 301//752457,	147412 Bacon R752457 R90684 DSC Future Public Requirements, no Trust; FFPR	NSW ALC
Incomplete	23941	18/01/2010	7005//96438; 7004//96438	R71821Rural Lands Protection Board	KLALC
Complete	23943	18/01/2010	7014//96439	R96200 Dungog Public Recreation (R96200) Reserve Trust	KLALC
Incomplete	23944	18/01/2010	7013//96440	140505 Mitchell R75058	KLALC
Incomplete	23962	18/01/2010	337//729762	147412 Bacon; R752457 Future Public Requirements, no Trust	KLALC
Incomplete	23965	18/01/2010	154//752457	R22174 Rural Lands Protection Board Camping, Water	KLALC
Incomplete	23966	18/01/2010	236//752457	147412 Bacon; R752457 Future Public Requirements, no Trust	KLALC
Incomplete	23967	18/01/2010	241//752457	197720 Benson; 454839 Shelton; R97664	KLALC

**11/02381 DUNGOG COMMON - LAND SCHEDULE – ABORIGINAL LAND CLAIMS (SORT BY ACCOUNT)**

<b>Progress</b>	<b>ALC No</b>	<b>Date Lodged</b>	<b>Lot//DP</b>	<b>Related Crown account</b>	<b>Resp</b>
Incomplete	23968	18/01/2010	301//752457	147412 Bacon; R752457 Future Public Requirements, no Trust	KLALC
Incomplete	23969	18/01/2010	304//752457	R40454	KLALC
Incomplete	23970	18/01/2010	313//752457	R66198 Rural Lands Protection Board	KLALC
Incomplete	23971	18/01/2010	325//752457	R90684 DSC	KLALC
Incomplete	24024	18/01/2010	7009//1057161	140505 Mitchell; R75058	KLALC
Incomplete	24025	18/01/2010	7010//1057161	140505 Mitchell; R75058	KLALC
Incomplete	24026	18/01/2010	7011//1057161	140505 Mitchell; R75058	KLALC

**SCHEDULE C: List of stakeholders consulted about the proposed Dungog Common Recreation Reserve (potential Trust members marked\*\*)**

<p><b>Catchment &amp; Lands</b>          Soil Conservation Service - Mick Taylor, Paul Park          Crown lands: Mark Grace, George Schneider**, Col Frew, Gary Wood, Stewart Veitch          Catchment Management Authority – Mick Budden**</p>	<p><b>Dungog Shire Council</b>          Terry Kavanagh (Environment)**          Cr Glenn Wall (Councillor, public events interests)          Dungog Councillors**          Ivan Skaines (Economic Development &amp; Tourism)**</p>
<p><b>Community</b>          Dungog Commoners Inc (esp Allen Shrimpton)**          Dungog Motor Cycle Club**          Mountain Bike Association**          Paddy Dillon auctioneer, Dillon &amp; Sons (stockyards) **          Kevin &amp; Anita Bacon (currently residing in the Netherlands)          Warren Richards, pastoralist managing the PO 147412 on behalf of Bacon since around 1998, other potential licence holders**          Peter Harrison (Ambulance Service)**          Riverdene Nurseries (Noel Jupp)**          Newcastle Orienteering Club**</p>	<p><b>Livestock &amp; Health Pest Authority</b>          Luke Booth (Ranger)**</p>
<p><b>Pending Contact</b>          Karuah Local Aboriginal Land Council**          Dungog Schools – primary and high**          Traditional Owners, Aboriginal, identified**          Office of Environment &amp; Heritage Steve Brereton (Archaeologist)**          Bill Dowling former State Forests employee</p>	

\*\*\*\*\*END BRIEFING\*\*\*\*\*