

**Submission  
No 24**

**INQUIRY INTO AGISTMENT OF HORSES AT YARALLA  
ESTATE**

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The Director  
Select Committee on the Agistment of Horses at Yaralla Estate  
Legislative Council  
Parliament House  
Macquarie Street  
Sydney NSW 2000

30 July 2013

Dear Sir/Madam

I welcome the Inquiry into the agistment of horses at Yaralla Estate and have prepared this submission from the perspective of a person who:

- Has been a dog walker on the Estate for the past 8 years;
- Is an avid equestrian and horse lover who does not own a horse and cannot afford to agist a horse in Sydney;
- Feels that Sydney Local Health Area did not follow due process when evicting horse owners from the premises and secretly entering into an agreement with the NSW Mounted Police Unit to lease the premises; and
- Does not agree that the audit prepared by Blue Visions Management is 'independent' or even an 'audit'.

In preparing this submission, I have reviewed many of the historical documents and recent websites pertaining to Yaralla Estate. I have followed news about Yaralla in the local newspapers for the past 8 years and have spoken to many members of the community regarding past and present threats to public use of the area. I have also spoken to several horse owners regarding their views about the Sydney Local Health District's approach to their eviction. Finally, I have read the report: *Sydney Local Health District Dame Edith Walker Estate: Agistment Facility Report* prepared by Blue Visions Management in January 2013.

Yaralla Estate is a valuable asset for the people of Sydney and more importantly for the residents of Concord and nearby suburbs. It is unique in combining stunning natural beauty with great historical significance within an urban setting. I always enjoy walking my dogs at Yaralla Estate. The scenery on the Foreshore Trail changes continually and it is possible to experience shoreline habitats, grottoes, open fields, a small sandy beach, open lawns and gardens and historic buildings. My contact with agisted horses has been around Yaralla Bay where the trail skirts the northern edges of some horse paddocks. The trail narrows here and is hemmed in by fencing on one side and mangroves on the other. My dogs have entered the horse paddocks in this area as the fencing is permeable; although this has never been a safety issue, I would prefer it if fencing were more secure. All the horses that I have observed on the Estate appeared to be healthy and in good condition; if I had seen any emaciated, neglected or injured horses, I would not have hesitated to report them to the RSPCA.

I have noted over the past few years that the Sydney Local Health District (SLHD) takes a very heavy-handed approach to decision-making at Yaralla Estate. Community consultation does not seem to be part of their *modus operandi*. I first became aware of this in 2010, when the SLHD, then known as the Sydney South West Area Health Service, suddenly closed part of the Concord Foreshore Trail without warning or consultation. The SLHD then argued that the trail was not 'technically' closed, although walkers were redirected through hospital grounds and a car park from the more scenic route around the headland. I understand that part of the closed section of the trail has been built on since then.

This seems to be a similar approach to that taken more recently by the SLHD towards the horse owners. I would have thought that, if the paddock conditions had indeed been so dire, the SLHD would have held meetings to discuss its concerns, prepared policies and procedures, set time frames for improvement, issued warnings if policies had not been followed and, if all else failed, proceeded with evictions. It is my understanding that the horse owners were not consulted prior to notification of eviction. Moreover, their horses had not even been removed from the Estate before it was revealed that the NSW Police Mounted Unit had signed a contract to lease the site. I believe that, as major stakeholders who have been leasing the paddocks since 1996, private horse owners were entitled to be treated fairly and given every opportunity to comply with any recommendations.

I have several concerns regarding SLHD's approach to management of Yaralla Estate. Firstly, I believe that its heavy-handed approach to management and failure to engage with the community when making decisions is just the thin edge of the wedge. For example, in a media release dated 4 June 2013, the SLHD announced upgrade plans for the Estate that includes a designated leash-free area. During the past 8 years, I can honestly say that I have never encountered or observed leashed dogs anywhere on the Estate. On the contrary, the Estate provides a safe and interesting environment for dogs to roam freely, chase balls and swim. My prediction is that, once the plan is implemented, a no leash-free policy will be enforced on the rest of the Estate without consultation or warning. Far from making the Estate more 'user-friendly', the SLHD seems intent on alienating every user group.

Secondly, I believe that SLHD's push to sign up the Police Mounted Unit is part of its plan to place the majority of the Estate under government control and to further marginalise the community. Despite assurances that public access would not be restricted around police horses (see SLHD Open Letter to the Community dated 31/5/2013), I for one do not believe it for a minute. Police horses are valuable assets and the risk of them coming to harm from the actions of the public or their dogs (either accidental or otherwise,) would be considered too high. Exclusion of the paddock areas would just add to the growing number of no-go zones around patient facilities (e.g. Yaralla House, Rivendell House and the headland surrounding it), leaving sections of the Concord Foreshore Trail and a designated leash-free area for public use – I think that this is hardly what Thomas Walker had in mind when he bequeathed the land to the community.

Finally, I refer to the so-called 'independent audit' (SLHD Media Release dated 19 April 2013) of the horse paddocks and facilities undertaken by Blue Visions Management. From the perspective of an environmental consultant with 30 years' experience writing and reviewing independent assessments, it is my opinion that the report is neither 'independent' nor even an 'audit'. The aim is clearly spelled out on Page 4 where the author states that SLHD commissioned Blue Visions to

“provide advice and an assessment”. Any notion of independence is dispelled in the following paragraph:

*The purpose of this report is to assess the current property condition, identify a schedule of required maintenance works and make recommendations for improving future management by subsequent operators.*

It is clear that SLDH had ‘subsequent operators’ in mind when the report was commissioned and on Page 14 we are told that these operators would be the NSW Police Mounted Unit. An independent audit would not have been so clearly biased against the current licensee and in favour of the NSW Police; it would have simply outlined the current conditions of the property and perhaps made management recommendations to restore it to some acceptable and recognised standard.

I read the entire report with no preconceived notions and, though I am not an expert in horse husbandry, I was left with an underlying feeling that the report was unprofessional and that the author was not an expert in this area either. For example, I would expect an audit to robustly and systematically sample the conditions on site and to compare the data to some recognized standards. Instead the expressions used are vague and unscientific:

- “...based on well-established commonly used benchmarks of good practice.”
- “...resulted in the paddocks being managed to an unacceptable standard, as evidenced by the current condition.”
- “Given that the origins of the fill are not known or it is not certified as clean, it should be tested...”
- “The general condition of the ground soil and grass is very poor.”
- “...evidence of any treatment, conditioning and fertilizer applications would be of interest.”
- “...infested with a significant amount of Fireweed.”
- “Consuming fireweed is extremely detrimental to horses.”
- “...items that represent a significant risk to the stock and would simply fail a good management test...”
- “This area will require extensive civil and other works to make good.”
- “...the condition of some of the stock and evidence of worm affected manure in the paddocks suggests that, in some cases, treatment is either non-existent or, at best, inadequate.”
- “...it is recommended that samples are taken and a veterinary surgeon undertakes testing known as a ‘worm count’.”
- “This is a normal activity for a well-managed facility.”
- “...the current management is extremely detrimental to the property and the risks outlined above escalate exponentially with the accelerated deterioration....”
- ““One end kicks and the other end bites” perhaps best summarises good advice for working with horses in close quarters.”

These are just a few examples; I could list many more. I would have expected an audit to rigorously test the measured parameters against known and accepted farming or husbandry standards. How poor is the condition of the soil and grass? Why wasn’t the fill tested? What is a ‘significant’ amount of Fireweed? Did any horses die ingesting Fireweed? What constitutes an unacceptable standard of

fencing? Why weren't the horses tested for worms? What is an acceptable standard for a 'well-managed facility'? What are the well-established commonly used benchmarks of good practice? What is a 'good management test'?

I was left very curious about the qualifications and expertise of the author (which are not included in the report) and about Blue Visions Management so I looked up their website. I am really none the wiser about why such a company should take an interest in providing 'advice and an assessment' of horse paddocks on Yaralla Estate. That was when I became aware of alleged links between Blue Visions Management and the Liberal Government.

I do not share the opinion of the report's author that dumped fill, weed proliferation, poor fencing, unimproved pasture and an outdated watering system are insurmountable problems that should have resulted in cancellation of the lease and the immediate eviction of horses from the Estate. The issue of loose horses could be easily solved by erecting secure fencing. The licensor (i.e. SLHD) should bear some responsibility for the current state of affairs. After all, the License Agreement specifies that maintenance works related to boundary fencing and pasture improvement, are to be undertaken at the 'request' of or to the 'satisfaction' of the licensor. I believe that independent audits should have been undertaken regularly during the leasing period and that the findings should have formed the basis of ongoing dialogue between the licensee and the licensor. It is quite clear that SLHD wants nothing to do with management of the site for any purposes other than patient care and that, by signing an agreement with another government department, hoped to divest itself of any future management responsibilities for the horse paddocks. This is more or less spelled out in paragraphs 4 and 5 on Page 14 of the report.

Several statements within the report identify uncontrolled access to the public and off-leash dogs as significant 'risks' and support my fear that public activities will be restricted on site in future:

- DEW with its uncontrolled public access (allowing dogs off their leads and noise traffic), poor paddock conditions (adjoining the comparatively good public spaces) and poor fencing is at high risk of horses breaking out to the public road and spaces."
- "The close proximity of a main road, large open spaces, absence of a second secure gate and mixture of uncontrolled access to the public, staff and those agisting and riding on the estate are significant risk factors."
- "The police are under strict operational and safety policies and procedures ensuring both their own safety and the others sharing the facility;..."

This advice contradicts SLHD's assurances that "you will continue to be free to visit horses agisted within its boundaries" (SLHD Media Release dated 19 April 2013) or that there will be no change to public access to horses agisted on the estate (SLHD Open Letter to the Community dated 31/5/13).

While it is my preference that the horse paddock lease remains in community use for all the reasons outlined above, I am writing this submission because I do not believe that the horse owners were treated fairly or that the SLHD followed the proper process before evicting the former licensee and signing up a new one. Although SLHD claims that there was no 'secret deal' with the NSW Police as it was the result of an 'intergovernmental agreement', this is not the point. The horse paddocks should have been subjected to regular audits once the lease was signed and there should have been a dialogue set up between the licensor and the licensee. Instead, the SLHD has played no role in the

management of the paddocks, allowed the facilities to run down and then evicted the licensee without proper warning or recourse.

I understand that management of the horse agistment site will now go to public tender. It is absolutely essential that the tender process is fair and that the review panel is entirely independent of SLDH, as we are well aware of its bias in this matter. It is also essential that a robust and systematic 'independent audit' of the site be conducted as a baseline for all future comparisons. Once a new licensee is appointed, this should be followed up with regular audits to ensure that policies and procedures are adhered to and that the condition of the site is maintained to an acceptable standard. If SLHD does not wish to oversee management of agistment areas, then it should appoint an intermediary to do so.

I believe that we as members of the community need to be very vigilant about SLHD's management of Yaralla Estate or we may eventually find ourselves on the outside looking in.

Sincerely yours

DR RENATA BALI