

**Submission
No 2**

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

Name: Mr Julian Fernandez

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15 July, 2013

The Director, Select Committee on the Agistment
of Horses at Yaralla Estate Legislative Council.

Parliament House

Macquarie St, Sydney NSW 2000

To The Hon Robert Borsak MLC Committee Chair,

RE: CURRENT AND FUTURE AGISTMENT OF HORSES ON THE YARALLA ESTATE

This submission will make comment and provide a personal view I hold for the culpable actions of the Sydney Local Health District (SLHD) and associated government departments and will address the following terms of reference points:

- a. the actions of the Sydney Local Health District**
- b. the eviction of community members whose horses are agisted on the Estate lands**
- c. the “independent audit of the site” referred to in a 19 April 2013 media release issued by the Sydney Local Health District, and**
- d. any other related matter.**

I am a local resident of the Inner West of Sydney and have been visiting Yaralla and interacting with the horses on the estate for many years. I was extremely alarmed to learn of the actions of the government to enforced the removal of the local horse community from the Yaralla Estate in Concord in favour of Police occupancy, effective 31 May 2013. I found this news deeply distressing, particularly given the lack of any form of consultation with the community before the decision was made by SLHD that has drastically affected the character of the local area the Yaralla Estate and the now despondent community.

The actions of SLHD reflected those of a large desensitized and out of touch beurocratic organisation that cared none for the local community and the horses within Yaralla that have been an important part of this estate since 1938. Section 19B of the Walker Trusts Act 1938 clearly states the Yaralla Estate is to be leased or licensed for public hospital/public health, public open space or horse agistment purposes. The removal of the community horses and the introduction via SLHD media releases of the proposed new re-development changes to fence lines, restrictive bollards and “re-direction” of pedestrian traffic flow within the Yaralla estate demonstrates that although the SLHD may have ceased their heads of agreement with the mounted police their plans still seem to prevaricate that the estate is redesigned specifically to play into the hands of the Mounted Police being the successful tenders. The recent government changes and the planned use of the land

distorts the Estate's intended purpose by benefiting a government body at the expense of the general public. This decision does not have the support of the community, as shown by the sheer number of attendees at the public meeting at the Concord RSL, the Public Rally on the 29th March at the Arthur Reserve and over 500 signatures on the parliamentary tabled petition opposing the removal of the community horses at Yaralla.

As a resident of the local area/member of the extended community, I have experienced and witnessed first-hand the benefits the community local horses that lived on the Yaralla Estate provided to the community at large. These horses brought so much happiness not only to the people who regularly come to visit the Estate but also to the patients of Concord Hospital who are given the unique and irreplaceable opportunity of looking out over the Yaralla paddocks while they recover in hospital. The Yaralla Estate allows the public to experience and enjoy a little piece of country in our suburban sprawl. Without the community horses, the value of the land to the community will be severely diminished and an iconic aspect of the local area lost.

SLHD have with skilful persuasion and clever manipulation of the evidence attempted to state to the public the many and varied reasons to give justification for their actions. First it was that the Licensee had repeatedly breached his licence, then it was due to the estate being in such bad condition and disrepair, and then the document that sealed the fate was the "independent" audit of the site. It is obvious to anyone who reads the "BlueVision" management site audit report that it was written to a specific briefing as an afterthought. It was clear that SLHD was determined to evict the community horses at whatever cost. It is concerning to also learn that Blue Vision is a company that specialises in development projects and it has been identified that this company contributed many thousands of dollars to the current state Liberal governments pre- election campaign and now finds itself as a pre-qualified government tender company in charge of one of the largest public assets within Sydney Metro "Yaralla". I have also learnt from the campaign so far that there is overwhelming evidence that it is in fact the SLHD is who has failed in their duty of care as Trustees of the Yaralla estate. It is the government and the health department that has allowed one of the most historic and iconic crown land areas in Sydney Metropolitan to fall into the reported state of disrepair yet SLHD and its beurocrats have shirked any accountability for the lack of due care of the estate. Their unscrupulous and secret deal with another government department at the detriment of community horses has yet to be cross examined and it is becoming increasingly clear that certain SLHD employees were involved in the blatantly condoned profiteering off crown government land and assets.

Please stop the coordinated and planned reduction of public access to the Yaralla Estate. It is hoped that the Select Committee on the Agistment of Horses at Yaralla Estate Legislative Council recommend reinstating community horses. The Yaralla Estate needs the Legislative Council's support and advocacy for agistment of community horses owned by ordinary community members to

continue for generations to come. Please recognise that SLHD actions have been untrustworthy and improper and eludes to the larger plan for development. The government has already demonstrated that crown land can and will be developed at its own greedy discretion. Please advocate that the Yaralla Estate remains as it has been used for the last 65 years and fight for the people of NSW maintaining our current and continued access to and enjoyment of Yaralla.

I will eagerly wait to hear of the Legislative Council's recommendations in addressing this very important community issue and look forward to a positive and just outcome for the entire community's benefit.

Yours Faithfully,

Julian Fernandez