

**Submission  
No 54**

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

**Name:** Mr Vincent Silvestro, Mr John Adam & Mr William Adam

**Date received:** 9/08/2013

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Dear Sir / Madam

Attached is a submission in regard to the Tender.

It is relevant to the general submissions because the tender was not made available until the close of submissions and precisely the day after closing date.

We also note that other submissions have been accepted after the due date including Dr T. Anderson

Please could this be made available to the panel for consideration.

Kind Regards

Vincent Silvestro Dr John Adam William Adam

August 8 2013

Maryanne Sullivan,  
Contracts Supervisor  
Service Centre Parramatta,  
HealthShare NSW

Tel:

Dear Maryanne

The inspection of Yaralla today at 2.00 pm was fairly brief and many questions need to be answered by SLHD as the tender is totally unclear in requirements of the successful licensee. Please provide answers to the following questions.

- Two large paddocks that extend to Nullawarra Avenue are outside the blue boundary marked on the plan of SLHD proposed upgrades. They are marked as long term repair. Are they included in the licensed area and therefore available to the licensee for the agistment of horses? If included within the license but not immediately available for use, when will these paddocks become available for use? It is not acceptable that they be reserved (rested) for an indeterminate time. Either they must be immediately available or a fixed date of availability for these two paddocks must be made a condition of the contract for the lease.
- Is there an undertaking that all the asbestos contaminated building waste (approx. 200 to 300 tons worth) will be removed from the paddock behind the piggery by SLHD? This is a proposed paddock according to SLHD plan that horses will be agisted upon. The contaminated waste was dumped in that paddock and along other areas on both sides of the Private Driveway in December 2007. This was organized by Bob Jones and approved by Debora Flood. It was done as a landscaping measure and to rectify local erosion issues. The contaminated waste contains fragmented pieces of asbestos board mixed in with bricks, building stone, ceramic tiles, slate tiles, plastic and ceramic piping. The asbestos is highly hazardous to health and as the licensee is expected to harrow the ground and control weed growth under the terms of the licence, the conditions of the license cannot be met unless the asbestos is first removed. Responsibility for the asbestos rests entirely with SLHD and cannot be undertaken by the new licensee.
- This same paddock may require heritage post and rail fencing. Is the construction and cost of this extra fencing the responsibility of the licensee?

- There is also another new paddock the large strip on other side of the twin stables all the way to the bitumen roadway. Does the successful tenderer have to erect these “post and rail fences” at their own expense and without security of occupancy?
- How are water rates to be assessed? Will SLHD be attempting to on-sell water?
- Has an environmental impact study been undertaken to determine the affect that the contract requirement of harrowing and fertilizing paddocks will have on the critically endangered turpentine forest and the mangroves that are downhill from the paddocks? Please note that *critically endangered* is how Sydney turpentine forest is listed under the Environmental Protection and Biodiversity Act 1999 (EPBC Act). The soil in the Yaralla paddocks is developed on the Ashfield Shale and is a clay-podsol. As is typical with most Australian soils, it is depleted in phosphorous. Because Australian native vegetation is usually adapted to low levels of phosphorous, the application of normal fertilizers can be extremely harmful to it. The EPBC Act requires that any activity likely to have a significant impact on turpentine forest must be referred to the Australian Minister for the Environment. A significant impact seems highly likely. Has this matter been referred to the Minister, and has NSW National Parks and Wildlife Services (who have formal jurisdiction over the Yaralla Turpentine forests) also been informed? This is necessary to free the licensee of possible future legal liability.
- The soils developed on the Ashfield shale (which underlies Yaralla) are not noted for their fertility. This is reflected in the soil tests recently conducted. Consequently, the fertilizing of the paddocks is not a remediation exercise but an exercise in pasture improvement. This will also change their heritage value. Has approval also been sought from State Heritage?
- Will all identified risks, rubbish and faulty fencing be removed and/or rectified prior to handover of the Yaralla horse paddocks to the new licensee?
- The Yaralla paddocks have been left derelict for several months now since the community horses were evicted and weed control ceased. Will these weeds be rectified to a suitable standard prior to handover (please note any use of herbicides for this purpose will also have to be referred to the Australian Minister for the Environment because of the Turpentine forests that lie downslope and immediately adjacent to the paddocks)?
- With respect to the maintenance of fencing, will objective measures of acceptable tolerance be provided?

We appreciate that SLHD’s main focus is health and that this is someone’s first attempt at organizing an agistment contract, but these issues are of both heritage

and environmental importance and there are legislative issues associated with them. They require real technical knowledge and competence. The cavalier approach currently being adopted is likely to lead to serious environmental degradation of the soils and associated vegetation on the Yaralla Estate that any licensee will not wish to be held liable for. With specific regard to this, will any use of herbicides already conducted be explicitly acknowledged by SLHD to absolve the future licensee of liability?

With consideration that the SLHD tender documents are substantially unclear, the tender date proposed should be extended further by the amount of time it takes SLHD to respond to the critical responses required for us to formulate a correct tender price or to even be able to determine if conditions are financially viable.

Yours Sincerely

Dr. John Adam

Vincent Silvestro

William Adam