

**Submission
No 28**

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

Name: Mr Douglas Smith

Date received: 30/07/2013

30th 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

I like where I live at West Ryde. I have lived here for 22 years and one of the things I've most enjoyed is visiting the horses kept at the Yaralla Estate, particularly the little pony called Stormy. I have often thought that this was probably exactly what Dame Eadith Walker had in mind when she left her property to the people of Concord all those years ago. A place where the community could breathe, enjoy some open space and, in a relaxed environment, get the simple pleasure of seeing a diverse array of horses roam relatively freely on the estate. There isn't much real, open land left like this in Sydney so it is a special place....a rare and unique luxury that this area has enjoyed for many years.

This year I was concerned to learn of an attempt by Local Health, who control the property on behalf of the people and as bequeathed by Dame Eadith Walker, attempt to enforce the removal of the local horse community from the Yaralla Estate in Concord in favour of Police occupancy back in May this year.

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 suggested changes do 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.

I have also learnt from the campaign that there is overwhelming evidence of SLHD failing 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 bureaucrats have shirked any accountability for the lack of due care of the estate.

The horse owners that have kept their horses there for so many years have not only paid fees for the privilege but, as much as was humanly possible, done the best they could to to keep the land area and fencing in reasonable order. This is not their responsibility but that of the SLHD however SLHD have done little and, in the current debate, continue to argue, incorrectly, that the responsibility rests at law with the horse owners. Simply not the case.

Beyond this I am greatly concerned that the "independent" audit of the site made by "Blue Vision", involves a company that specialises in development projects, and this has given further fear to myself and many in the community that the long term use of the Estate will not be one that meets the terms of the Walker Trust Act.

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 alludes to the larger plan for development. 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 look forward to your support on this very important matter and 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.

Sincere regards

Douglas Smith