

**Submission
No 46**

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

Name: Mr John Adam

Date received: 1/08/2013

30th July 2013

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

Parliament House

Macquarie Street, Sydney, N. S. W.

To the Honourable Robert Borsak, MLC Committee Chair

A submission by John Adam

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Introduction

I wish to:

- (1) present evidence that is relevant to the Select Committee enquiry, and
- (2) express my concern about the future of the Yaralla Estate and the way that Sydney Local Health District has pursued their agenda for the future of the Estate. I am concerned that there has been deliberate public deception, bullying, defamation of the defenceless, failure to follow due process, and lack of due diligence.

1. Personal Background

I first became involved with the Eadith-Walker Estate (Yaralla) in Concord about twenty years ago when I took over the care of two horses on the Estate for a friend. Although not being knowledgeable about horses, I undertook to educate myself and read books on small paddock management, horse nutrition and general horse care. I also took advice from more experienced horse owners. As a result, I undertook a program of regular weeding, manure scattering, drenching for parasites, inoculations for tetanus and strangles, and paddock rotation. Thus I was able to keep them healthy and happy, and myself active and engaged. I was also made aware of what an inestimable benefit to both the local and wider community the horses on the Estate have been. Eventually both my horses grew old and died (of natural causes). This ended my immediate association with the paddocks. But then I was appalled to hear about the eviction order from Sydney Local Health District requiring the removal of community owned horses from the Estate. I also heard that a new lease had been signed granting exclusive use of the Yaralla paddocks to the NSW Police Mounted Unit.

2. The order to evict privately owned horses from the Yaralla Estate and following events

2.1 Public meeting at Concord RSL Club

The order to evict privately owned horses led to an organized campaign of protest. This included a public meeting at the Concord RSL Club on the 29th of May 2013. At this meeting I heard the chief executive of Sydney Local Health District (Dr Teresa Anderson) announce that:

- (3) Sydney Local Health District had acted on reports of neglect and animal welfare concerns from local residents and Council by commissioning a report on the Yaralla horse agistment facility from an "independent equestrian expert".
- (4) The report had found evidence of serious neglect and property degradation and recommended the non-renewal of the previous licensee's lease, removal of privately owned horses and replacement with police horses.
- (5) In order to pay for remediation of the Estate caused by the previous licensee's neglect, Sydney Local Health District had set aside five hundred thousand dollars.

Dr Anderson also announced (very clearly) that it was the neglect of the former licensee Collin Wale that had caused the whole problem (these views were also clearly expressed in a joint media release from Sydney Local Health District and the NSW Police Mounted Unit; see attachment).

When vigorously questioned by members of the public about the obviously inflated remediation costs, Dr Anderson was unable to give reasons and was finally forced to admit total ignorance and say that it was just a contingency. Nevertheless, following a successful motion requesting a deferral of eviction so that a negotiated settlement could be reached between the horse owners and Sydney Local Health District, Dr Anderson reiterated her position that the remediation measures were necessary and that this was non-negotiable.

When asked why the deal between the NSW Police Mounted Unit and Sydney Local Health District was done secretly and not openly, Teresa Anderson had replied that legally she hadn't been obliged to do otherwise. This was met with howls of derision and community anger.

2.2 Meeting between private horse owners, Historical Society members, private citizens, and Sydney Local Health District officials at Royal Prince Alfred Hospital

A few weeks after the public meeting in Concord, negotiations began in the NSW Legislative Council to have all relevant documents and communications concerning with the leasing of the Yaralla horse paddocks to the NSW Mounted Police Unit tabled in Parliament. The following day horse owners were emailed copies of the "independent" paddock report and instructed to attend a meeting with Sydney Local Health District officials at Royal Prince Alfred Hospital. This happened on At the meeting were Teresa Anderson and Debora Flood, their secretary, Ron Turner, Mr John Sidoti (Local State Member for Drummoyne), the Mayor of Canada Bay (Mr Angelo Tsirekas), a deputy commissioner of Police (Alan Clark), the former commander of the NSW Police Mounted Unit (Inspector Don Eyb), the present commander of the NSW Police Mounted Unit (Inspector Kirsten McFadden), Sergeant Kylie Riddell of the NSW Police Mounted Unit, three members of the Historical Society, two Crown lawyers, four horse owners and three (non-horse-owning) members of the public.

The meeting began with introductions followed by an announcement from Teresa Anderson that the original lease signed between the NSW Mounted Police Unit and Sydney Local Health District had been broken and would instead be submitted to public tender. But because a recent safety audit of the Yaralla paddocks had found existing arrangements to be unsafe, all the privately owned horses would still have to be removed by the 31st of May (as originally ordered). This was followed by a presentation from Ron Turner the author of the "independent report" on the Yaralla horse paddocks. Ron began his presentation with a derogatory joke about horse owners "you can always tell a horse owner, but you can never tell a horse owner anything". Followed by the warning that we might not agree with what he was about to say but would just have to accept it. A PowerPoint slide presentation then showed a series of photographs, many of them close-ups, of decrepit fencing, new fencing, exposed dirt and fill, patches of fireweed, and piles of composting weeds and horse manure. There were also some examples of dumped rubbish and a view apparently of a hose left in a water trough. All were asserted to be evidence of serious neglect. The presentation then moved on to a justification of the NSW Police Mounted Unit who were described as "the benchmark of horse

management and care". A surprise inclusion was the announcement of the findings of a formal risk management assessment (this covered both present and proposed future uses). Not unexpectedly the Police Mounted Unit came out of this rather well and the private horse owners badly.

Following the PowerPoint presentation the meeting was opened to questions. Ron Turner was asked for his equestrian credentials. The best that he could manage was that he had "once sponsored three horses". No other specific qualifications were given. Further questions followed about the veracity and quality of the paddock report. It was pointed out that many of the examples of supposed neglect actually occurred outside the licensed area. Furthermore, the report did not meet minimum expected requirements of evidence gathering and objective assessment. Ron brushed these objections aside on the grounds that the report was meant for a non-technical person and was also intended to be private. He had been asked for his opinion and given it. I told Ron that in spite of nearly thirty years of professional experience as an earth scientist and twenty years familiarity with the Estate, I could find no evidence of the serious soil and pasture degradation that he claimed. Ron's reply was to smirk and say "well that's your opinion" (the difference was that I was qualified to give an opinion whereas he was not). Questions were also raised about the capacity of the Police Mounted Unit to actually maintain the Yaralla Paddocks. It was pointed out that they don't actually have a good history of pasture management, but have so far relied on the work of others and charity. The one paddock that the Mounted Unit actually manages is in a poor condition with inadequate fencing, rubbish, and noxious weeds that have grown above the height of a man (we had photographs to show this). Maintenance of the Yaralla Paddocks has always involved a significant input of skilled labour from horse owners. These criticisms prompted protests from Don Eyb who defended his management of a small agistment paddock in La Perouse. He countered that the Yaralla paddocks were overstocked. He also went on to claim that Police horses don't bite or kick and therefore aren't a public safety risk. This is an optimistic claim as Police horses do bite and kick, one would only have to check Police HOD, occurrence or incidence records to discover otherwise. It was pointed out to Don that current horse numbers at Yaralla were consistent with Government regulations and that in addition all horse were being hand fed daily. Allan Clark also interjected saying that the Police weren't on trial and that they could get a reference from the Queen. He also spruiked the "independent" risk assessment that the Police Mounted Unit almost certainly contributed to. This can be concluded because the equestrian expert on the deciding panel was Heath Harris who has had a lengthy commercial relationship with the Police Mounted Unit (in Police culture terms he would be known as "On Side").

Teresa Anderson was also questioned. I asked whether she was acting under ministerial direction. The answer was no and that during the normal course of affairs she did not consult or interact with the minister (this was interesting as legally she required written consent from the Minister before leasing any part of the Estate). I also asked whether she had placed herself under a conflict of interest in her dual role as chief executive of Sydney Local Health District and trustee of the Eadith-Walker Estate. The answer again was no as both roles required a primary duty was to the sick and not property management. She then blustering about how she was not willing to spend money on private horse owners, how much money the remediation works were going to cost, and how she could have spent the money on another cancer ward if it hadn't been for our irresponsibility. But when challenged consistently about Sydney Local Health District's previous negligence of the Estate, Teresa Anderson finally admitted that Sydney Local Health District had been negligent. Angelo Tsirekas raised the point that the original purpose of the meeting had been to negotiate a fairer

settlement. But this was brushed aside by Teresa Anderson citing the findings of the Risk Assessment.

From the perspective of an attending member of the public, the tone of the meeting was extremely intimidatory. Teresa Anderson was both authoritarian and accusatory, and Ron Turner's manner curt, sneering and dismissive. The presence of senior lawyers and police didn't help. It was also obvious that the hospital team had been extremely well prepared prior to the meeting. The horse owners and public were "ambushed" and I came away with the definite feeling of having been bullied.

2.3 The blueVisions report

A principal justification used by Sydney Local Health District for the cancelling of the previous licensee's license and eviction of community owned horses was a report written by what Sydney Local Health District claimed was an "independent equestrian expert". But in fact this person (Ron Turner) was not an equestrian expert but a development consultant working for blueVisions (itself a business that specializes in development consultancy). Ron Turner has no credentials in either equestrian care or pasture management. His report can be divided into three sections. The first is a critique of the condition of the paddocks and then current management practices. The second examines potential options for future use of the paddocks as an agistment facility (this part is in fact reasonably coherent). The third presents recommendations and the reasoning for the choice selected.

The first part of the report is damning in its findings. But the evidence presented is almost entirely confined to photographs, personal impression and suggestion. There are few if any objective measures of assessment. For example, the most serious criticism made by the report is that both soil and pastures have been seriously degraded by current management practices. But no laboratory tests or on-site measurements of soil quality and the standards against which they are assessed are presented. Even the soil type is not identified. There is no mention of the types of grasses present, their density, and professionally accepted standards of cover.

In reply to the initial findings of the blueVisions report **I have attached a report by the professional agronomist Peter McMaugh** (Appendix 1) who I commissioned to do **an independent report on the Yaralla horse paddocks**. Peter is one of the foremost turf culture experts in Australia and has frequently done work for agistment businesses and the equine industry. His report shows that the paddocks are actually in good condition considering the local soil type, climate and intended use. He makes it is clear that no improvement would be obtained by replacing privately owned horses with police horses (horses are horses). These findings have critical implications for the way the blueVisions report can be interpreted.

The blueVisions report sets out three alternatives for the future of the agistment facility at Yaralla. These include:

- (i) Keep things as they are
- (ii) Conversion to a facility for high-end users who can afford to pay
- (iii) Lease to the NSW Police Mounted Unit

Financially, option (i) is identified as the most viable since it is self-funding. But it was discarded on the grounds (now shown to be false) that current practices had already caused serious land degradation and would continue to do so if allowed to continue. Option (ii) is also discounted because the site cannot offer high-end users the facilities they would expect. This leaves option (iii) the winner. But given that the grounds for rejecting option (i) can be shown to be specious, the report's own logic argues for a return of privately owned horses to the Estate.

A disturbing feature of the blueVisions report is the inclusion of photographic material that appears to be deliberately deceptive and the use of suggestion to imply pejorative conclusions for which there was no evidence. Approximately one third of the photographs shown in the report are from outside the area covered by the agistment license. There is also a photograph shown that appears to be of a hose left in a water trough. In fact the hose is fixed and the photograph taken from a deceptive angle. In spite of this, the photograph is used as evidence of slack management practices that would allow water from the horse troughs to drain back into the mains water supply. In fact all of the water troughs on the Estate are fitted with back-flow preventers. The report does not mention this, but instead implies the reverse. Although no veterinary inspections were conducted for the report, the report also implies that worming programs were not conducted by the horse owners. In fact horse owners on the Estate drenched their horses regularly. Many also collected manure and weeds from the paddocks to prevent the potential build up of soil-borne parasites. But even this attracted criticism from the blueVisions author who called it "dumping". In a similar way, fill placed to counter local soil erosion is assumed to be uncertified and/or dumped. It is also assumed that paddock rotation was not practiced. But in fact it was (I did this for almost twenty years). Old fencing is criticized for its poor condition (although there is little direct evidence of this). New fencing is also criticised for encouraging walking trails. It is claimed that the paddocks were infested with fireweed and that the horses were all badly fed and likely to eat it. But in fact the fireweed is a localized seasonal problem, but one that can be easily dealt with by hand weeding (I know because this is what I did). Not once in the report does Ron Turner describe the actual condition of the horses. This was dishonest because their actual condition would have countered his claim that they were not being adequately fed (to the point where this was an animal welfare issue).

2.4 The risk management workshop report

A risk management report on current and future management practices at the Yaralla horse paddocks was conducted the day before the meeting between horse owners and Local Health District officials at Royal Prince Alfred Hospital. The procedures adopted by the workshop were such that they systematized the analysis of risk and give an impression of technical rigour. But they do not exclude systematic bias and misinformation. The conclusions are entirely reliant on subjective assessment and assertion, and made heavy use of the flawed blueVisions report. Nearly all of the workshop members were closely affiliated with either Sydney Local Health District or the NSW Police Mounted Unit. Only a few had relevant qualifications, none of them in risk management. The conclusions of the report cannot claim to reflect either Government or accepted industry standards. Non-compliance with either was not demonstrated. **Every year at the Royal Easter many more members of the public are exposed to close contact with horses and other livestock than ever occurred at Yaralla.** By comparison, the degree of exposure at Yaralla was minimal. In over thirty

years there has never been a single case of serious harm to the Public caused by one of the Yaralla horses. One is entitled to ask, what has changed about horses in Australia in the last 2025 years? A finite element of risk must always be accepted. Every day Australians willing do this when they subject themselves to a far greater risk – driving a car!

It is impossible to conclude other than that the Risk Assessment Workshop was conducted for the mischievous purpose of ensuring the eviction of privately owned horses from Yaralla, and that this became necessary once the specious blueVisions report was exposed to public scrutiny.

2.5 Did Sydney Local Health District follow due process when they granted a lease to the NSW Police Mounted Unit?

When Teresa Anderson was asked (at the public meeting in the RSL Club) why the deal with the NSW Police Mounted Unit was conducted secretly, she relied that she wasn't legally obliged to do otherwise since the deal was between Government departments. But under Schedule 2-2 of the Land Title for the Yaralla Estate (Appendix 2) the land is subject to the terms and conditions set out in the Government Gazette No. 31 (31 March 1944) (Appendix 3). This states that the Trustees of the Yaralla Estate require the written consent of the Minister for Lands before they can lease any part of it. Under Schedule 2-5 the land is also defined as a reserve within the meaning of part 5 of the Crown Lands Act (Appendix 4). The relevant section of the Act (102) states that:

1. The Minister may not give a consent under subsection (1) (d) to:
 - (a) a sale,
 - (b) a lease for a term exceeding 5 years, or
 - (c) a lease for a term that, by the exercise of an option, could exceed 5,

unless at least 14 days have elapsed since notification of intention to give the consent has been published in a newspaper circulating in the locality in which the land is situated or in a newspaper circulating generally in the State. This notification wasn't given and we still don't know whether there was written approval provided by the Minister. I would presume that the Police lease was for at least 5 years or that provision was made for this option.

2.6 The misuse of due process by Sydney Local Health District

By commissioning and then accepting the blueVisions report Sydney Local Health District has misused due process. Although publically stated by Sydney Local Health District to be the work of an independent equestrian expert, the report was written by a development consultant with no relevant experience or qualifications in either horse care or pasture management. The failure to employ a properly qualified expert in equestrian care and pasture management was negligent and misceveous. Although Sydney Local Health District claimed to be acting on the conclusions of the blueVisions report, subsequent media releases by them revealed that the transfer of the paddocks to the NSW Police Mounted Unit had been planned since 2010. It was highly irresponsible of Sydney

Local Health District to spend public money on a report from an unqualified person and to then knowingly misinform the Public about their use of it. It gave the appearance of due diligence in decision making when in fact decisions were made on a yet undisclosed basis. The subsequent use of a formal risk assessment has much the same flavour.

A consequence of Sydney Local Health District's enforced removal of privately-owned horses is that the paddocks have ceased to fulfil any of the functions permitted by the Walker Trusts Act. These include:

- A public hospital or other public health purpose
- Public open space
- The agistment of horses

Was this done deliberately so that the land could be regarded as "non-performing" and therefore disposable?

2.7 Public maligning of horse owners and the former Licensee Collin Wale by Sydney Local Health District

As part of their justification for the removal of privately-owned horses from Yaralla, Sydney Local Health District's publically accused the former licensee Mr Collin Wale of professional neglect. This was done by Teresa Anderson herself on several occasions and re-iterated subsequently in the media. The horse owners were also implicated in a general culture of neglect. But the report of the professional agronomist Peter Mc Maugh shows that in fact the property was well maintained. In addition, Sydney Local Health District produced no evidence to show that horses were in poor condition. Instead, they relied on one incidence of escaped horses who wandered onto an adjacent area of the hospital. The fencing which failed on this occasion was the responsibility of the Hospital and not Collin Wale (who had warned them of its deficiency). They also cited reports from concerned members of the public. This was deliberately mischievous because the reports came from the horse owners themselves who wanted the Trustees of the Estate to exercise their responsibility by replacing damaged fencing on the outer perimeters of the property. It was Collin Wale's responsibility to maintain fencing and not to replace or erect new fencing. Heritage preservation orders specifically prevented him from doing otherwise. There were also sections of damaged fencing that were outside of his license and entirely the responsibility of Sydney Local Health District. By this time Collin's was also an old man with serious health problems (two heart attacks and diabetes) and without the financial resources to legally defend himself. To scapegoat him for Sydney Local Health District's own misbehaviour was both cruel and dishonest.

2.8 The use of misinformation by Sydney Local Health District

Various examples of this have already been cited. One of the most blatant is Sydney Local Health District's claim that the blueVision's report was the work of an independent equestrian expert. A second was their claim of having set aside half a million dollars for remediation works to repair damage to paddocks and fencing caused by Collin Wale's neglect and our own. It is absolutely

laughable to think that Sydney Local Health District would for a moment consider spending half a million dollars on a horse paddock. There is also nothing much to repair (any such work could easily have been paid for by the existing budget of the agistment facility). Whatever the money is for, it isn't paddock remediation.

2.9 The lack of concern for animal welfare by Sydney Local Health District

Shortly before the eviction date of May the 31st an appeal was made to Sydney Local Health District for a stay of eviction for several horses that were elderly, lame and in generally poor health because these animals would suffer greatly if forced to move to unsuitable premises where the constant care they required would be difficult to provide. The first response by Sydney Local Health District was dismissive. But a second appeal which set out the legal responsibilities of Sydney Local Health District in this matter was met with a phone call and the granting of just one additional day. The persons involved were labelled irresponsible by Deborah Flood of Sydney Local Health District for their attempts to delay planned remediation works. So far the only remediation work performed has been the replacement of the cyclone wire fencing facing Nullawarra Avenue. But one of the horses (Seamus) denied a stay of eviction has suffered a near fatal injury, and a horse owner suffered a potentially serious injury because of the decrepit state of the isolated site where she was forced to relocate her horses.

3. Concerns about the future of the Yaralla Estate

The use of deception and blame-shifting by Sydney Local Health District to justify the eviction of privately-owned horse from the Yaralla Estate raises obvious questions about their motives for doing so. If an unpopular and/or controversial, but otherwise legitimate decision has been made, it should have been done openly. The misuse of due process and public lying raises the suspicion that someone is doing something that they should not be doing. In this context, the plans for a paddock upgrade released by Sydney Local Health District are disturbing. They show the western side of the paddock area divided into two long paddocks which have no apparent purpose. It is also indicated that the fencing on this section is not marked for immediate replacement or repair (i.e. they are marked for long term upgrade). Therefore, consistent with the findings of the safety workshop, they are not to be used for keeping horses. So what are they to be used for?

The current State Government has stated its intention of selling "under-performing assets" and has set up a working group to identify these assets. It has been revealed that the Yaralla Estate is on this list. The sale of one half of the Estate would reap hundreds of millions of dollars. Most of this money would be reaped, not by the tax payer, but by private corporate interests. But if it is to be sold or otherwise disposed of (however unwisely) this should still be done openly. There is a difference between discretion and stealth, particularly when practiced by State Governments and senior public officials.

It should also be clearly said that financial return, as listed in company reports, is not the only measure of "performance" when **public** assets like Yaralla are to be evaluated. The primary purpose of Yaralla is not to make money. It was left to the public as another kind of benefit and has served this purpose for many years. Its Edwardian elegance, semi-rural landscapes, horses, and open spaces have served the public as refuge from the pressures of city living for many years. As such, it has provided a health benefit that is "as necessary as bread" and totally in accord with the wishes of Dame Eadith-Walker. As population increases and people are forced from houses with backyards and gardens into high-density accommodation, this will be bearable only if open places like Yaralla remain for them to escape to and spiritually restore themselves. But if what remains is swallowed up to serve short term commercial gain and professional ambition, the future will be grim.

4. Concluding remarks

I am concerned that Sydney Local Health District has come to regard the Yaralla Estate not as a responsibility held in trust, but as a corporate asset, and is behaving accordingly. This reflects the increasing corporatization of our government and its institutions, where decisions appropriate to Government are being made by people that we didn't vote and who represent interests that are their own. This downplays the desires and welfare of ordinary people and deprives us of our democratic right to live in ways of our own choosing. The keeping of horses at Yaralla (by ordinary people) has been an inestimable benefit to the local and wider community. Although the primary purpose of Dame Eadith-Walker's bequest was health care, it must be remembered that public health is not attended to in hospitals alone. The semi-rural landscapes and horses at Yaralla have for years provided the public with a health benefit that is as necessary as bread. Their loss will be irreversible. It is also concerning that public deception, bullying and misuse of process by senior public officials should apparently be an ordinary way for them to do business. I appeal to the members of the Select Committee to do what they can to save Yaralla for the Public and to hold our public officials accountable for their behaviour.

John Adam 30th July 2013

List of attached appendices

1. Report by Peter McMaugh of Turfgrass Scientific Services Pty. Ltd.
2. Yaralla land title, LOT: 2 DP: 231732
3. NSW Government Gazette No. 31 March 1944, pages 588-589
4. Crown Lands Act 102 (2)

Appendix 1

REPORT PREPARED

For

TURFGRASS SCIENTIFIC SERVICES PTY L TD

14 Carolyn Avenue, Carlingford 2118

By

Peter McMaugh B.Sc.Agr.FAIAST

On

DAME EDITH WALKER ESTATE

EQUINE ADJUSTMENT FACILITIES

For

Mr John Adam

22 June, 2013

John,

Thank you for briefing me to review the agistment facility report prepared by blue Vision for the Sydney Local Health District Dame Edith Walker Estate, and to also examine the agistment Facility myself and provide a report.

I made a site visit together with yourself on Friday 31 May, 2013.

I did an extensive survey of the vegetation in Paddock 1 and examined the soil profile and took samples for chemical analysis.

Vegetation

The major component of the vegetation in the paddock was kikuyu grass which represented at least 95% of the total vegetation. The Kikuyu grass was long and had been mown in the recent past with a substantial amount of hayed off grass resting on top of the thick kikuyu sward.

There was quite severe mite damage to the kikuyu (probably by the tenuipalpid mite *Dolichotetranychus australianus*) which would have reduced the density of the verdure as well as its quality.

There were several small areas of the paddock where the kikuyu had been damaged and other grasses and a few weeds had established themselves as early colonisers.

The first of these was over a trench line where the cover was more than 85% couch grass. This is a normal ecological sequence and of no long term concern.

The second major areas were around a stock watering point and along fence lines where concentrated traffic had occurred. This is normal and requires management control to regulate around watering points while animals will patrol fence lines as part of their normal behaviour.

The vegetation on these heavily compacted areas near the water trough was mainly narrow leaf carpet grass (*Axonopus affinis*) which is a coloniser of poor quality and heavily compacted sites.

There was far less clover than I expected to see but when the soil analysis is looked at the pH is quite alkaline at pH7.4 and while this favours clover the phosphorus levels required for it to establish and thrive were not present.

The analyses would indicate that the paddock has been limed well in recent years. The soils which are heavy Wianamatta shale clays are normally quite acid.

The soil profile was heavily compacted as could be expected from many years without any meaningful cultivation. However it was not so compacted as to be unable to support a good quality grass pasture but that quality would be greatly improved by a decompaction programme. There are specialist machines which can achieve this without normal agricultural ploughing. The nutrient status for optimum growth was lacking.

The Weed Status

The weed status of this paddock and most of the adjacent ones was that weeds were a very low percentage of the total vegetation although in specific local areas along fence lines and corners, there were greater concentrations as would be expected.

The report from blue Vision states 'The entire property is infested with a significant amount of fireweed (*Senecio madagascariensis*)'. What is significant? The implication is that there is a seriously dangerous level of infestation. In Paddock 1, the bulk of the paddock contained 3-5 specimens of fireweed per 100m². In disturbed areas e.g. the trench line this increased to 8 per 100m² and along the fence lines to 17 per 100m². These are hardly figures which give rise to major concerns of a plague of epidemic proportions.

Fireweed is easily controlled but the spray programme will be deleterious to clover in the pasture.

Most of the other weeds are thistles with some Paddy's Lucerne, again a plant favouring low nutrient. The fact that the fireweed is totally ungrazed, even in the adjacent paddocks, indicates that the stock are well fed and do not need to resort to eating this poisonous weed.

The report of blue Vision makes a great deal of the disturbed nature of the soil along the trench line. This had settled (as is usual after wet weather) and was as mentioned earlier 85% covered in

stabilising vegetation. There is no threat or evidence of erosion or of danger to the stock. It is rougher than most of the paddock surface and a more competent recompaction and levelling of the surface by the installer could have been achieved, but unless tightly supervised that is the nature of contractors.

The blue Vision report also mentions the illegal tipping of fill and spoils (hard fill, concrete etc.) in certain areas and attributes the blame for this to the sub tenants. It does not specify whether the fill is recent or of long standing and my observations would indicate it to be of long standing. Dumpers of fill don't need keys or help from subtenants, they are opportunists' criminals who ignore all rules and regulations and I have the gravest of reservations about the accusations made by blue Vision regarding this matter.

It is very clear to me that the Paddock 1 which blue Vision describes in their obviously spot inspection, after a prolonged dry period, is very different from the Paddock 1 which I viewed also on a spot inspection but after some rain.

The paddock I saw was lush with good quality feed and while not in perfect order, it was in very good order overall.

Much was made in the blue Vision report of inadequate fencing for horses. Were the reports made about Cattle I might have agreed with them, but as they stand they are largely nonsense.

Horses, especially those highly domesticated and mostly well rugged and fed, simply do not try to jump fences unless disturbed by dog attack or some similar disturbance. Historically fences have been cut and horses have escaped into community areas but these are isolated instances and are the work of vandals not sub tenants.

It is true that some of the fencing is showing signs of age and in need of minor repairs and some evidence of termite damage in places but to try to make out that there is some kind of impending disaster because of the current fencing condition is nonsense.

The following statement is made on p7 para7 'Additionally the access from the adjacent paddock has recently been extended, causing localised erosion, that will ultimately find its way to the river. Rubbish has been tipped behind fences in a number of locations. This area will require extensive civil and other works to make good'.

This is typical of the inflammatory nonsense of the report.

The 'localised erosion' is just that, minor damage that had almost disappeared at the time of my visit.

The 'will ultimately finds its way to the river' is a nonsense. Not only is the river a long way off but the fact that there is a strong grass cover to negate the run off effects (the most effective cover possible) makes this scenario impossible.

The 'extensive civil and other works' would require a truck and bob cat for a day or two days at the most.

The remarks on water troughs and watering points are similarly facile. While in a stabling environment the cleanliness would be higher, the paddock nature of these facilities are always going to have some contamination of water above human drinking standards, from birds, wind blown dust and seed etc.

There was no dangerous blue green algae outbreaks in the troughs and no signs that the horses refused to drink from the troughs any more than they would from a creek in nature.

In Conclusion

This report by blue Vision could almost be labelled a 'blue sky' report with a wishful vision of apocalyptic proportions. It is clearly not a document prepared with care over an extensive time frame but rather a spot check from which totally invalid conclusions are drawn. It is clearly a document with 'intent' where selective data and photos are used to create a fictional scenario suited to the overall thrust of the report.

While I don't doubt that with some considerable expenditure the overall health of the area could be improved, it could provably cope with a much higher stocking rate and accommodate both the police academy horses remain the public community benefit it has historically been. It could also contain a vision for something like a riding facility for the disabled which would be very much in keeping with dame Edith's intent.

However the document as prepared by blue Vision is far from seeking an improvement of the current situation but rather creating a new and entirely new one and it is being manipulative in doing this. It takes a scenario from a spot check on Paddock 1 at a point in time when it was distressed by drought and applies it to the whole facility. It is a document that is fatuous, non objective and which cannot stand up to critical examination in scientific and factual terms.

Peter McMaugh B.Sc.Agr.FAIAST

Appendix 2

Land and Property Information Division

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Land & Property
 Information

A division of the Department of Finance & Services

TITLE SEARCH

Title Reference: 5569-5

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: AUTO CONSOL 5569-5

SEARCH DATE	TIME	EDITION NO	DATE
26/4/2013	11:48 AM	-	-

VOL 5569 FOL 5 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
 AT CONCORD WEST
 LOCAL GOVERNMENT AREA CANADA BAY
 PARISH OF CONCORD COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP231732

FIRST SCHEDULE

THE PRINCE ALFRED HOSPITAL

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- * 2 SUBJECT TO THE CONDITIONS AND PROVISOS AND WITH THE POWERS SET OUT IN THE NOTIFICATION IN THE GOVERNMENT GAZETTE DATED 31-3-1944 FOLIOS 588 AND 589
- * 3 D447170 CAVEAT BY THE REGISTRAR GENERAL
- * 4 K597018 LEASE TO THE AUSTRALIAN GAS LIGHT COMPANY OF LOT 1 IN DP231732. EXPIRES: SEE LEASE.
- * 5 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 1-2 IN DP231732.

*** END OF SEARCH ***

PRINTED ON 26/4/2013

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
 WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

MINES DEPARTMENT NOTICES.

PROCLAMATION—MINING ACT, 1952. The Minister for Mines, Sir John Gorton, has received the underground application for a Mining Lease of (1964/233 L.M.)...

Department of Mines, Sydney, 24th March, 1964. By His Excellency the Governor, Sir John Gorton, Governor in Council. GOD SAVE THE KING!

NOTICE UNDER MINING ACT, 1952—APPLICATION FOR A MINING LEASE. An inquiry in terms of section 134 of the Mining Act, 1952, is being held on the 24th day of May, 1964, at 11.30 a.m. at the office of the Director of Mines, Sydney, in relation to the application for a Mining Lease of (1964/233 L.M.)...

LANDS DEPARTMENT NOTICES.

Notice of Intention to Grant a Special Lease. The Minister for Lands, Sir John Gorton, has received an application for a Special Lease of (1964/233 L.M.)...

Department of Lands, Sydney, 24th March, 1964. By His Excellency the Governor, Sir John Gorton, Governor in Council. GOD SAVE THE KING!

NOTICE UNDER MINING ACT, 1952—APPLICATION FOR A MINING LEASE. An inquiry in terms of section 134 of the Mining Act, 1952, is being held on the 24th day of May, 1964, at 11.30 a.m. at the office of the Director of Mines, Sydney, in relation to the application for a Mining Lease of (1964/233 L.M.)...

Department of Lands, Sydney, 24th March, 1964. By His Excellency the Governor, Sir John Gorton, Governor in Council. GOD SAVE THE KING!

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Appendix 4

- (c) make donations out of trust money to a group, organisation or body for any purpose which, in the opinion of the Minister, will be of benefit to the reserve or the community generally.
- (2) A reserve trust may expend trust money in using or improving land purchased or taken on lease by the trust or in respect of which the trust has the benefit under an easement.
- (3) If a reserve trust purchases land or takes land on lease, any rules, regulations or by-laws applicable to the reserve become applicable to the land.
- 102 Consent of Minister to sale, lease, easement, licence or mortgage**
- (1) A reserve trust may not sell, lease or mortgage land, or grant an easement or a licence (except a temporary licence) in respect of land, comprising the whole or any part of the reserve unless:
- the trust has decided that it is desirable to do so on the terms and conditions specified in the decision,
 - in the case of a proposed sale, the trust has caused a notice to be published in a newspaper circulating in the locality of the land setting out the date and the terms and conditions of the trust's decision, the location of the land and other prescribed particulars,
 - the trust has (in the case of a proposed sale, not earlier than 14 days after the publication of the newspaper notice) applied to the Minister in writing for consent, giving full details of the proposal, and
 - the Minister has consented in writing to the proposal.
- (2) The Minister may not give a consent under subsection (1) (d) to:
- a sale,
 - a lease for a term exceeding 5 years, or
 - a lease for a term that, by the exercise of an option, could exceed 5 years,
- unless at least 14 days have elapsed since notice of intention to give the consent has been published in a newspaper circulating in the locality in which the land is situated or in a newspaper circulating generally in the State.
- (3) The Minister's consent may relate to the whole or part only of the land with which the application is concerned.
- (4) If the application for consent proposes a sale, lease, easement or licence, the Minister's consent:
- may be general, authorising the proposal subject to such conditions, restrictions, reservations and covenants, and in such manner and within such time, as the Minister thinks desirable, or
 - may be specific, approving of a particular contract of sale, lease or licence.
- (5) If the application for consent relates to a mortgage, the Minister's consent can only be given to the specific terms of the mortgage.
- (6) In giving consent, the Minister may:
- vary the terms and conditions to which the sale, lease, easement, licence or mortgage is to be subject, and
 - impose such other terms and conditions as the Minister thinks desirable.
- (7) The Minister may, at any time, wholly or partly withdraw the consent or vary its terms, but only if to do so would not prejudice the rights of third parties.
- 102A Minister's consent not required for certain leases, licences or easements**
- (1) This section applies to a reserve trust managed by any of the following:
- a trust board or a corporation (other than a council) that has been appointed under section 93 or 95, but only if the land comprising the reserve for which the reserve trust has been appointed as trustee is being used, occupied or administered by a government agency (other than a livestock health and pest authority),
 - a council that has been appointed under section 95.