

## **PROOF OF EVIDENCE**

On behalf of: Meander Valley Council.  
PO Box 102 Westbury 7303

To be submitted to: Forest Practices Tribunal  
GPO Box 2036 Hobart 7001

### **Private Timber Reserve POR 1698 Appeal**

Meander Valley Council v. Forest Practices Authority and EE & IC Porter  
J & M Hawkes v. Forest Practices Authority and EE & IC Porter  
N Hoffmann v. Forest Practices Authority and EE & IC Porter  
PA Elkin v. Forest Practices Authority and EE & IC Porter  
J Leis v. Forest Practices Authority and EE & IC Porter  
J King v. Forest Practices Authority and EE & IC Porter

**8 January 2006**

Prepared by: Howard & Michelle Carpenter

08/01/06

Howard & Michelle Carpenter  
Red Rooster Host Farm  
526 Burns Road  
WYENA 7254

Michelle and Howard moved from Adelaide to Tasmania in December 2002 in search of a new lifestyle.

We had been to Tasmania on two previous occasions on holiday and had been seduced by Tasmania's beauty and perceived clean, green image.

Our main criteria in purchasing a property were clean abundant water supply, no near neighbours, eg farms, orchards or vineyards who all use toxic chemicals, as our plans were to become certified organic and grow organic produce to sell at farmers markets and farm door sales.

We arranged an inspection to view a property that seemed to match our criteria at Roberts Real Estate office in Scotsdale.

We viewed the property with a Roberts agent. The property was the Red Rooster Host Farm situated 30 mins from Launceston on the Lilydale to Scotsdale road. The property was perfect, abundant water, no close neighbours surrounded by trees and the added bonus of an accommodation business.

The agent never informed us the property was surrounded by a private timber reserve owned by Gunns Ltd or the fact the 16 acre property was once a 2500 acre dairy farm and had been converted to forest plantation.

We signed the contract to purchase the property on the 31/12/02. A week after signing the contract to purchase the property we were informed by the vendors that Gunns were about to start logging the forest surrounding the property. A meeting with a manager from Gunns at the property was arranged to discuss the implications of the logging to take place. We were told the forest surrounding the property would be clear felled. Our requests to leave a visual buffer zone and not use 1080 poison were denied, even though the manager was told of our plans to reopen the accommodation business.

The following events show the devastating effects the logging around our property has caused both Michelle and myself.

Signed,  
Howard & Michelle Carpenter.

- On the afternoon of the 18/08/04 Michelle & I were on the southern corner of our 16 acre property when we experienced spray drift from a helicopter which was spraying the Gunns plantation adjoining our land. We immediately experienced stinging eyes, running nose, sneezing and a bitter taste in our mouths.  
We were not notified on the day that spraying was to be carried out. The only notification we received was a letter dated 10/08/04 advising that spraying would be conducted in the coming weeks.

In a media release dated 30/09/04 John Gay stated " We visited all neighbouring landowners, including the Carpenters on the day of the operation to ensure they were fully aware of the spraying about to occur, which is standard practice before any spraying operation."

We returned to our house to shower and change out clothes. Michelle rang a Gunns employee , "Paul Jones" to express our anger over the incident. Unable to contact him she left a message on his phone.

Within 30 mins he arrived at our house and observed Howard was very distressed with running eyes and having difficulties breathing.

He apologised and informed us that he had tried to phone us earlier in the day to inform us spraying was to be carried out, he was unable to contact us and assumed we had left the property as the pilot had seen our car driving down Burns road. We had in fact only driven to the area where the incident occurred.

- On the 23/08/04 Howard visited Dr Christine Bush as he was still feeling unwell and suffering bad headaches. Blood samples were taken, we have now been informed by Dr Bush that blood samples cannot be tested for Atrazine in Australia, we both had blood and urine samples taken on the 29/09/04, these blood samples have been frozen and stored.
- On the 20/08/04 water samples were taken by David Parsley- DPIWE, from Shepherds rivulet, and a winter creek that flows through the property which takes the run-off from Gunns plantation behind the house.  
The Shepherds rivulet showed **0.07 ug/L** and the run-off onto our land showed **2.4 ug/L** of Atrazine.
- On the 9/09/04 water samples taken by David Parsley from our water tank, which is pumped from the spring fed bore showed **0.72 ug/L** of Atrazine. We were not informed of these results until the 27/09/04.  
David Parsley rang and advised that we contact Gunns.  
We immediately informed Gunns that our only source of water for the property had been contaminated with Atrazine. Nick Mainwaring, Gunns Ltd delivered two bottles of spring water that evening. He also made the statement, it was unfortunate this had happened and no Tasmanian would have purchased our property, as they would have known the property was surrounded by Gunns plantation.
- On the 28/09/04 David Parsley - DPIWE and Chris Barnes - Gunns arrived together in Chris Barnes car to collect more water samples from our bore, they also delivered another two bottles of spring water.  
A long, soul - searching consultation did take place with Chris Barnes, also present were David Parsley and Simon Wearne, Stripey Dog Productions Lilydale.  
Chris Barnes suggests to drain and refill the existing concrete tank.

We requested a new uncontaminated tank.

- On the 29/09/04 a new 6000 gal poly water tank was delivered and installed next to the existing concrete tank by Gunns.
- On the 30/09/04 the tank was filled with town water via a water tanker. The only water we had for that period was the bottled water supplied by Gunns.  
David Parsley took samples of dead grass from the area we were standing the day of the spraying incident. Results show **0.16 mg/kg** of Atrazine.
- On the 01/10/04 at 2.30 p.m a message was left on our answering machine from Nick Mainwaring ( Gunns operations manager nth east plantations) that a helicopter would be flying into the valley to take photos.  
The helicopter arrived at approx 2.40 p.m and left at 2.55p.m. Michelle and I were out in the garden when Nick rang and left the message so we were unaware the helicopter was coming.  
To our horror and disbelief the helicopter hovered very low above the paddock where agisted young horses were grazing.  
This spooked the horses and required one mare to be held and calmed to prevent possible injury if she bolted.  
This incident was extremely stressful for Michelle and myself. This was also a dangerous situation holding frightened young horses.
- On the 08/10/04 Howard requested from Gunns a delivery of bottled spring water to drink as the chlorinated water being put into the tank was making us feel sick, we are not accustomed to chlorinated water.  
Delivery of bottled spring water by Gunns only lasted a short time even after requests from the EDO to deliver water on a regular basis.  
As a result we now source rain water for drinking from a neighbour.
- On the 13/10/04 we were interviewed at length by David Parsley and David Moore from DPIWE Re : the spraying incident on the 18/08/04. We were also asked to prepare a statement of events. They intended to interview the pilot at a later date.
- On the 15/10/04 we received by mail the results of grass samples taken on 30/09/04 showing **0.16 mg/kg** Atrazine as mentioned above.  
That afternoon Howard rang David Parsley to discuss the results. He was passed onto David Moore who requested we keep quiet about finding Atrazine on our land as he had not finished interviewing the pilot.
- On the 08/11/04 at 8.30 a.m Chris Barnes and Paul Jones unexpectedly arrive at the house to take water samples from the bore and to inform me they wanted to lock up the bore, he commented it would be in both our interests to lock up the bore. Still half asleep after another sleepless night my reply was do what you want.

I then phoned Kim Eastman for advice and was advised by her to tell Chris it would be ok only if a key was provided to me so we could take independent samples from our bore. Chris suggested I could ring him when we needed to have access to our bore and he would drive out with a key. I told him that was not an acceptable solution and without a key I would not allow our bore to be locked.

Chris then threatened to stop supply of water. "We are still being supplied with water".

We then contacted Jess Feehely Principal Lawyer EDO who forwarded a fax to Chris Barnes requesting the reason for locking the bore, she also asked that we be supplied water on a regular basis without having to phone continually.

- On the 15/11/04 David Moore and Ian Parr DPIWE came to the house and told us they had interviewed the helicopter pilot and were satisfied the pilot had followed instructions and stayed on course according to GPS read outs and no action against the pilot would be taken.

David Moore stated that according to the GPS read outs the helicopter had not sprayed in the coupe behind where we were standing although grass samples taken from the area returned with a positive result of Atrazine **0.16 mg/kg**.

There was some confusion between Howard and David Moore as to where the helicopter was when we noticed spray drift.

In the interview with David Moore and David Parsley on the 13/10/04 Michelle and I stated that we noticed the spray drift when the helicopter was out of sight behind trees in a south east direction.

- On the 14/11/04 a shooter contracted by Gunns rang to inform us he would be shooting in our area that night.
- On the 16/11/04 two dead wallabies were found on our land that had been shot. Four agisted horses are also kept in the same paddock where the shot wallabies were found. Jess Feehely EDO notified Gunns and requested they arrange the removal of the dead wallabies A.S.A.P. It was not until the afternoon of the 19/11/04 that Gunns came and removed the now very rotten carcasses.
- On the 17/11/04 an inspector from Aurora called to check on the wiring at the bore pump. A complaint was received, Re : unsafe wiring to the pump. The complaint was made presumably by Gunns ( as they were the only ones taking water samples ) without any notice to us.  
The poles "which are private" have now been condemned by Aurora and will have to be replaced at great cost to us. This is causing us even more grief. One of the poles which is now on a lean was accidentally hit when Gunns were logging next to our bore approx 20 months ago.  
It all seems a bit contrived, as we have had no official letter from Aurora. A friend had a pole condemned recently and was sent information on suppliers and installers.
- On the 26/11/04 we contacted the EDO due to low water in our tank. Jess suggested we phone Gunns direct. Unable to make contact due to meetings or out in the field a message was left on Nicks phone.
- On the 14/12/04 we run out of water, unable to flush toilet, shower or do any daily chores. EDO notifies Gunns to this situation being totally unacceptable and requested that water be delivered immediately.
- On the 15/12/04 water is delivered at 9am.
- On the 23/12/04 Nick Mainwaring phones inquiring about the progress of the power poles and power for the bore. He says the last water sample taken by Gunns was ok and he would like us to go back onto the bore water in early January. Howards reply was we would

have to see the results of their tests first. Nicks response was he would have to discuss it with Chris Barnes.

- On the 4/01/05 Rang Nick Mainwaring requesting a delivery of water as we are getting low. Water is delivered at 4.15 p.m.  
We send an e-mail to the EDO informing them of Gunns desire for us to resume using the bore water.
- On the 6/01/05 Ian Parr DPIWE arrives 9.30 a.m. to take further water samples from the bore and run off creek after rain. Unable to do so as the pump on the bore not working. ( Gunns were the last ones to use the pump.
- On the 12/01/05 the EDO phones to notify us that a letter had been faxed to Gunns lawyer re : us using the bore water stating we require three consecutive readings before we resume drinking from the bore again and water will need to continue being delivered until that happens.
- On the 21/01/05 water in tank getting low, Howard rings Nick Mainwaring requesting another delivery of water.
- On the 24/01/05 no water delivered since I rang Nick Mainwaring on Friday morning, Howard phones Nick again this morning and is informed the water tanker has broken down but hoped to be back on the road later today.  
By 5.15p.m water had not arrived Michelle rang Nick Mainwaring to inform him that no water had arrived, his response was he will get onto the driver and ring me back.

At 8.30 p.m. he rang with news that the truck will be out of action until Wednesday at the earliest and that he had tried to get on to another water delivery, but was finding it hard to get someone to come out. My response was that we are now very low on water, he said yes I know you will have to go light on, my reply was of course I will. He then offered to have Paul Jones deliver out spring water to drink in the morning.

He then asked if it would be ok if Paul Brown from Woodstock at Lilydale could come and take a water sample from the bore as Ian Parr DPIWE is on holidays, and they Gunns would like to have a test done a week after the one taken by Ian Parr on the 19/01/05. Nick also wanted to know the name of the company we used to clean our concrete tank 18 months ago as Gunns would like to have our tank cleaned so we can resume using the bore water.

**Summary** - This saga has caused untold stress and major health concerns, we now suffer with ongoing symptoms of post traumatic stress disorder as diagnosed by Dr Andreas Ernst on the 05/11/04.

Symptoms include tiredness, inability to sleep, lethargy, inability to concentrate, depression, emotional break downs, nightmares and constant worries about future health.

The contamination of the water supply has caused a halt to plans for future improvements and income making on the farm eg, developing orchards and vegetable gardens to provide organic produce for sale at farmers markets and specialty shops.

Limited water supply on the property has caused lawns and gardens to deteriorate due to the lack of irrigation, presentation for our tourism accommodation business has been severely affected eg brown lawns and flower gardens.

Because of our situation being completely surrounded by Gunns plantations and a forestry plan in practice until 20/01/07 we live in fear of the above events re- occurring in the near future. Getting no reassurance from Gunns that spraying in the area will not be carried out again. We now live with a future of uncertainty.

Gunns have carried out their logging operations around our property as if we did not exist. Countless mornings we have been woken at 3am by log trucks loading 200 meters from our bedroom. Trees being felled 150 metres from our home until midnight. Logging operations 50 metres from our house without any buffers, leaving an unsightly vista for us, and our guests to continually be exposed to.

1080 poison has been laid near our home resulting in approx 60 dead wallabies and possums laying dead on the lawns surrounding our home. The stench of rotting animals found weeks after the initial baiting under trees and shrubs in our garden.

This is not the life we expected when we purchased the property advertised in Roberts Real Estate window as ' **TRANQUIL LIVING** '.

#### **Update to 08/01/06.**

- On the 21/09/05 as a precaution, due to heavy spring rains, water samples were taken from our bore by DPIWE.
- On the 03/10/05 we received a phone call from Ian Parr of DPIWE with the test results of the water samples taken on the 21/09/05. Atrazine was again present in our drinking water. **0.07 ug/L.**
- On the 04/10/05 Howard advises Nick Mainwaring Gunns Ltd by phone, with the results of the latest tests. Nick advises Howard he will inform Chris Barnes Gunns Ltd. Ian Parr takes further water samples from the bore and holding tank. Results are, Bore **0.10 ug/L** Holding tank **0.06 ug/L.**
- On the 13/10/05 water samples are taken from the bore and tank by DPIWE. Results were Tank **0.07 ugL** Bore **0.10 ug/L.**
- On the 27/10/05 water samples are taken from the bore and tank by DPIWE. Results were Tank **0.08ugL** Bore **0.10 ug/L.**
- On the 30/11/05 water samples are taken from the bore and tank by DPIWE. Results from the tank and bore are non-detected.
- The latest contamination of our water was not the result of any further spraying in our vicinity. It is the residue left in the soil from the initial spraying event on the 18/08/04, the heavy spring rains have reactivated the Atrazine left in the soil.

**Further Summary**- Seven months ago Howard was diagnosed with severe depression and is on medication as a result of the ongoing stress caused by the uncaring actions of Gunns Ltd . Over the past 10 or so weeks we have had to revisit the emotional stress and anxiety caused by this situation.

Because there is a very real possibility our water could continue to be contaminated after heavy rain events for years to come we approached Gunns to install rainwater tanks. They finally agreed to supply two tanks that were on a property they had recently purchased. We agreed as long as the tanks were in good condition and had only been used for drinking water.

The tanks arrived on the 20/12/05. The inside of the tanks is filthy, it seems the tanks had been filled with dirty dam water for many years and used to water cattle. The tanks had never been used to hold water suitable for human consumption. It seems in Gunns eyes Michelle & Howard Carpenter are no better than cattle. So the battle goes on, we won't know the outcome until someone from Gunns inspects the tanks.

Howard & Michelle Carpenter.  
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