

**BEFORE THE ENVIRONMENT COURT**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application under section 320 of the Act

**BETWEEN** **MICHAEL RICHARD GUNSON**

Lodgement: ENV-2008-AKL-000312

Applicant

**AND** **THE WAIKATO REGIONAL COUNCIL**

First Respondent

**AND** **THAMES-COROMANDEL DISTRICT COUNCIL**

Second Respondent

**AND** **WHANGAMATA MARINA SOCIETY INCORPORATED**

Third Respondent

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**AFFIDAVIT OF ROGER WALTER BOESE  
IN SUPPORT OF OPPOSITION BY THE SECOND RESPONDENT TO  
APPLICATION FOR INTERIM ENFORCEMENT ORDER**

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**BROOKFIELDS  
LAWYERS**

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**AUCKLAND**

I, **ROGER WALTER BOESE**, Contractor of Te Aroha swear:

1. I am the owner and operator of Boese Landcare Co. Limited ("Boese"). My company was established in 1996 and was the first and only ground spraying operator in New Zealand to hold a Grow Safe accreditation. I am a Registered Chemical Applicator and have been registered as such since 1997.
2. Boese is an approved contractor of the Thames-Coromandel District Council ("the Council") to spot spray pest plants in the Whangamata area. The last time that Boese carried out any spot spraying near the Whangamata causeway was on 15 May 2008. At that time, Boese carried out spot spraying of an individual regrowth and seedlings of pest plants on the sides of the causeway.
3. I have reviewed the photos contained in the affidavit of Michael Richard Gunson which is dated 10 October 2008. I recognise the areas contained in the photographs attached to that affidavit and numbered 1–7. Boese did not spray any of the areas shown in those photographs. Boese does not undertake widespread spraying such as indicated in those photographs. Boese only carries out spot spraying by hand so as to kill individual pest plants.
4. I have reviewed the photographs annexed to the affidavit of Keith Frederick Corbett sworn on 24 September 2008. I note that there are some extensive areas of dead brown vegetation contained in the photos marked J-1, J-4 and J-5. Boese did not carry out the spraying which appears to have killed those large areas of vegetation marked in those photographs.
5. On 15 May 2008 Boese did carry out spot spraying in the area shown in photograph J-4 in Mr Corbett's affidavit. As set out above, this was a very small amount of spraying of individual pest plants and seedlings. To the left of the Pohutakawa which is approximately three metres high in the middle of the photograph, there is a small clump of pampas grass approximately half a metre in diameter. I sprayed the clump with selected herbicide, taking care to avoid spraying any native plants in the vicinity.

6. I spot sprayed four to five pampas grass clumps and associated seedlings in a similar manner in the area shown in photo J-4, taking care to avoid getting any spray on native plants. This spraying represents a very small percentage of the brown area shown in the photo. I did not spray below the mean high water springs/high tide mark – which is indicated by the end of the salt marsh and rushes and the beginning of the long grass on the side of the causeway.
  
7. As a Registered Chemical Applicator I would never spray vegetation in the quantities or concentrations shown in the photographs I have seen. The photographs indicate an excessive use of spraying chemicals which has caused the complete die-back of all vegetation in the area. Boese only ever uses the minimum amount of spray chemical as that technique is both the most economical, and the most beneficial to the environment.

**SWORN** at )  
this            day of )  
2008 before me: ) \_\_\_\_\_  
Roger Walter Boese

**A Solicitor of the High Court of New Zealand**