

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

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

**BROOKFIELDS
LAWYERS**

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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.

