

The Department recommends that you contact the Department of Conservation permissions office listed below to discuss the application prior to completing the application forms. Please provide all information requested in as much detail as possible. The Department will advise you if further information is required before this application can be processed by the Department.

This form is only to be used when the activity you wish to do:

- involves only filming of marine mammals; and
- has the potential to disturb, harass or harm any marine mammal; or
- would contravene any regulation in Part 3 of the Marine Mammals Protection Regulations 1992.

Please complete this application form, attach **Form 8** and any other applicable forms and information and send to:

Permissions Advisor (Support)

Private Bag 4715

Christchurch Mail Centre

Christchurch 8140

Ph +64 3 371 3700

Email: permissionschristchurch@doc.govt.nz

The Department will process the application and issue a permit if it is satisfied that the application meets all the requirements for granting a permit under the Marine Mammals Protection Regulations 1992 and/or the Marine Mammals Protection Act 1978.

Note: If you intend to film marine mammals as part of a commercial operation for viewing marine mammals (for which you already have a permit) you do not need to apply for a filming permit in addition.

Note: if you intend to take paying passengers with you whilst filming marine mammals you must also complete the applicable forms below:

- If your application also involves marine mammal viewing which is vessel-based please also fill in Form 8a.
- If your application also involves marine mammal viewing which is land-based please also fill in Form 8b.
- If your application also involves marine mammal viewing which is aircraft-based please also fill in Form 8c.
- If your application also involves swimming with marine mammals please also fill in Form 8e.

A. Applicant name (as per Form 8)

Kōwhai Media Ltd / New Zealand Geographic

B. Proposed Filming Operation (please read Appendix 1)

Please tick the relevant boxes to help determine how the application will be assessed:

<input checked="" type="checkbox"/>	Vessel to approach closer than 50 metres to a whale
<input checked="" type="checkbox"/>	Person in the water to approach closer than 100 metres to a whale
<input checked="" type="checkbox"/>	Vessel or person to approach closer than 200 metres to any female baleen or sperm whale that is accompanied by a calf or calves
<input checked="" type="checkbox"/>	Person in the water with juvenile dolphins
<input type="checkbox"/>	Approach (on foot, in the water, or in a vessel) closer than 20 metres to seals or sea lions on shore
<input type="checkbox"/>	Use an aircraft at an altitude below 150 metres (500 feet) above sea level, unless taking off or landing
<input type="checkbox"/>	Use an aircraft closer than 150 metres (500 feet) to a marine mammal horizontally from a point directly above a marine mammal
<input checked="" type="checkbox"/>	Use a drone or RPA* to film marine mammals
<input type="checkbox"/>	Charter a vessel or aircraft, and/or hire a skipper or pilot to take the film crew to view or come into contact with any marine mammal.

*Note: RPA means a Remotely Piloted Aircraft as defined under Civil Aviation legislation.

Purpose, outputs and benefits of the proposed filming

Please note the purpose of the filming activity (advertisement, movie, documentary etc), and describe in detail the proposed filming activity.

Photography and 360 video. For traditional long-form articles within the magazine and for an emerging audience on NZGeo.com and associated digital channels for environmental education. These will take the form of short clips and short documentary videos where the underwater footage will be paired up with interviews with scientists.

Proposed term

When do you wish to begin and finish all filming?

From permit date for a period of up to 18 months.

Location information

Base of operation:

Auckland

Proposed area or areas of operation:

In the outer Hauraki Gulf and offshore waters, beyond the Poor Knights Islands, largely beyond the 12-mile territorial limit of New Zealand.

Specific locations where contact with marine mammals is proposed:

'The Kumara Patch', and area of high productivity in water 400m deep 12-15nm east of the Poor Knights, at or around 35°25'28S / 175° 1'18E

Note: please provide a map showing proposed filming areas and specific locations

Species

Marine mammals you propose to encounter and film:

- all species of whales
- all species of dolphins
- all species of seals

Please specify the species you intend to target at each location

Pilot whales, oceanic bottlenose dolphins, pseudorca. If we come across Bryde's whales we would also like the opportunity to film them, though they are not the target species as such. The nature of the family dynamics of these mammals dictates that they are almost always traveling with juveniles.

Filming details

Please provide the following additional information where applicable. Please be thorough and include relevant information for each species of marine mammal. In particular, describe how you intend to mitigate any potential adverse effects on marine mammals.

Please list all species separately

When do you propose to undertake filming at each location?
(please be as specific as possible, including dates and times during the day)

Daylight, in fair weather. Given the relatively low rates of encountering groups in open sea, there will need to be a lot of trips over many months in order to result in a small number of encounters.

Maximum number of filming days at each location:

30

Duration of each daily trip:

8 hours

Maximum cumulative time with marine mammals during a day:

No more than 90 minutes with a family pod.

How will you approach, film and depart from marine mammals using a vessel?

Please list all species separately

Speeds when approaching and viewing marine mammals

Within 300m, between 3-5 knots depending on the speed and direction they are traveling. Will only operate when other boats are well clear of the operating area.

Behaviour of vessel and orientation of approach relative to marine mammals

Without adversely affecting their direction of travel: Typically, with whales/dolphins travelling, the vessel

would be positioned well ahead of the whales, and allow them to approach of their own accord. The photographer and safety diver (who will only be used when required under accordance of Australian/New Zealand Standard Occupational diving operations for film and photographic diving) would enter the water on snorkel, and the boat would move clear of the path of the whales. Alternatively, the boat would be positioned well ahead of the whales, and a floating camera attached on a pole would be deployed and the vessel would move off. This camera on a pole is unobtrusive and triangular in shape 35x15cm.

With whales/dolphins not travelling, and just idling on the surface before or after feeding, the vessel would be quietly positioned 10-20 metres from the whales and shut down. The camera would be operated from a pole or with a diver on snorkel or pony bottle with safety diver.

Position of vessels relative to marine mammals while viewing

50-100m ahead and to the side as not to affect their traveling path.

Distance from vessel to marine mammals

0-100m — In most instances the vessel will be some distance off, the exception being in the use of a pole-cam when the dolphins/whales may approach the boat. There will be no diver in the water at this time, and the boat will be shut down.

Distance to the water's edge (for seals or sea lions hauled out on shore)

n/a

Behaviour around calves or pups

The nature of the family dynamics of these mammals, dictates that they are always traveling with juveniles, any behaviour change that indicates stress to calves or adults will stop all filming of that family group.

Speed of departure

3-5 knots within 300m

Behaviour of vessel and departure route relative to marine mammals

Move perpendicular to the direction of the whales or dolphins at a speed of 3-5 knots, never crossing or cutting off their path.

What other actions you will take to minimise disturbance?

The primary vessel is a 37-foot vessel with Hamilton Jet propulsion—therefore no blades in the water and no chance of prop strike and quiet.

The safety diver Lucy Van Oosterom is highly experienced with marine mammals in both field and scientific context. As well as monitoring the safety of those of the crew aboard, she will also be monitoring the behaviour of the whales and dolphins with which we are interacting. Small changes in behaviour and path of travel are strong indicators of the level of comfort of the marine mammals with which we are interacting, and the approach can be changed or abandoned as a result.

How will you undertake underwater filming?

Please list all species separately

Method (pole-cam, diver etc.)

Pilot whales, oceanic bottlenose dolphins, pseudorca: Pole cam or diver on snorkel/pony bottle with Safety Diver.

Bryde's whales: pole cam

Approaching marine mammals (vessel and/or land)

Without adversely affecting their direction of travel: Typically, with whales/dolphins travelling, the vessel would be positioned well ahead of the whales, and allow them to approach of their own accord. The photographer and safety diver (who will only be used when required under accordance of Australian/New Zealand Standard Occupational diving operations for film and photographic diving) would enter the water on snorkel, and the boat would move clear of the path of the whales. Alternatively, the boat would be positioned well ahead of the whales, and a floating camera attached on a pole would be deployed and the vessel would move off. This camera on a pole is unobtrusive and triangular in shape 35x15cm.

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Distances and filming position relative to each species

Due to the optics of underwater 360, the filming requires the camera to be close, however this distance is dictated by how close the mammals choose to interact, but generally 3-10m. Using the method above, it is the whales and dolphins that decide to engage with the camera, to pass close or not.

**How will you approach, film and depart from marine mammals using a drone?
Please list all species separately**

Filming over water

We plan to film using a DJI Inspire Pro which is a small professional drone that is quiet, unobtrusive and rated safe for this type of operation. There may be instances of filming overhead, in which case the drone will be positioned no lower than 100m—an altitude at which it is nearly impossible to hear the drone.

Filming seals or sea lions on land

n/a

Approach speed

Within 50-100m no more than 3-5 knots depending on their speed and direction of travel.

Height above sea level during transit along the coast or across the sea

No higher than 120m No lower than 50m.

Height above sea level while filming marine mammals

Generally 50m, since this is a professional drone it can use longer lenses so it does not need to be so close. If the situation arises and mammals are relaxed only then will the drone decrease altitude no lower than 20 m.

Orientation of approach

Slowly from the side.

What other actions you will take to minimise disturbance

The DJI Inspire has a large distance range, so the boat it is flown from can stay more than 100m away from the whales.

Film Crew

Please fill in for every person that may come into contact with marine mammals throughout the course of the proposed filming. (Copy and paste details for additional crew)

Full Name: Richard Robinson

Job Title: Director of Photography

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?

Yes
 No

If yes please provide details:

Relevant experience with marine mammals: Richard Robinson is one of New Zealand's top underwater photographers and has worked alongside many scientists at the top of their field in New Zealand and abroad for articles for New Zealand Geographic. He has worked as a safety diver and still photographer on international and local productions working with marine mammals.

Relevant knowledge of the local area and sea conditions: 10-years of extensive diving of the outer gulf including open water.

Full Name: James Frankham

Job Title: Producer / Skipper

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?

Yes
 No

If yes please provide details:

Relevant experience with marine mammals: Nearly 20 years of contacts with marine mammals from dolphins to sperm whales in 25 countries, and often operating vessels in the vicinity of marine mammals and making judgments on proximity and behaviour.

Relevant knowledge of the local area and sea conditions: 42 years boating in the Hauraki Gulf and North Cape to East Cape. Two years sailing in coastal areas around the world interacting with marine mammals from time to time.

Full Name: Lucy Van Oosterom

Job Title: Safety Diver / Scientist

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?

Yes
 No

If yes please provide details:

Relevant experience with marine mammals: Studied marine mammals as an undergraduate and worked extensively with marine mammals both in New Zealand and in Canada in the scientific context. Acquired a masters degree in marine science, specialising in acoustics, and still working at the University of Auckland.

Relevant knowledge of the local area and sea conditions: A lifetime around the Northland coast and on scientific expeditions as far afield as the subantarctic islands and Kermadecs.

C. Filming from vessels

Maximum number of vessels operating at any one time:

Type and number of vessels (Copy and paste details for additional vessels)

Vessel 1 description:

Location(s) of filming: North and East of the Poor Knights

Vessel name: Lady May

Make: Salthouse

Model: Southstar 37

Size: 37 feet

Motive power: Diesel

Construction and hull design: GRP, planing

Planing hull:

Displacement hull:

Maximum speed: 25 knots

Normal cruising speed: 18 knots

Vessel 2 description:

Location(s) of filming: Further offshore

Vessel name: Kailua

Make: Farr

Model: Farr 42

Size: 42 feet

Motive power: Diesel / sail

Construction and hull design: Kauri/glass, yacht

Planing hull:

Displacement hull:

Maximum speed: 8 knots

Normal cruising speed: 6 knots

Filming with a drone

Maximum number of drones operating at any one time:

ONE

Type and number of drones (Copy and paste details for additional drones)

Drone 1 description:

Location(s) of filming:

Model: DJI Inspire Pro

Noise level: 79.8 dB

D. Other

Is there any further information you wish to supply in support of your application?