

# Application Form 8i

## Transfer of an aircraft based marine mammal permit application



Department of  
Conservation  
*Te Papa Atawhai*

New Zealand Government

The existing holder of the permit (Applicant) who applies to transfer the permit must check and complete page 2 and the proposed new holder of the permit (proposed Transferee) must complete the subsequent pages. The Applicant must ensure ALL sections are completed before emailing the form to [permissions@doc.govt.nz](mailto:permissions@doc.govt.nz).

### **For Marine Mammal queries or questions about the process please contact:**

Email: [permissionschristchurch@doc.govt.nz](mailto:permissionschristchurch@doc.govt.nz)

Please note, the transfer application is to be made on the basis that the operation is to continue like for like. It is important to ensure that the current levels of activity are understood as it may not be possible to make any increases in effort. If the proposed Transferee needs to amend any of the following aspects of the current operation, or is likely to need to amend them in the future, please contact a Department of Conservation permissions advisor before completing the form:

- type and number of aircraft;
- proposed area of operation;
- maximum number of aircraft operating at any one time;
- base of operation;
- duration of trips;
- frequency of trips;
- type of contact with marine mammals;
- maximum numbers of passengers;
- species of marine mammals.

If the Grantor gives consent to this Application, then the Applicant remains liable to observe and perform the terms and conditions of this Permit until the Transferee has duly executed and returned to the Grantor the amended permit.

Once the application form has been filled in, please complete this checklist to ensure that all components of your application are complete. This will help prevent any possible delays in the processing of your application.

- Proposed Transferee's legal status registration number (e.g. Companies Office registration number) or date of birth (if an individual)
- Has the proposed Transferee read and accepted the section regarding the liability of the applicant for payment of fees?
- Have the proposed Transferee and the Applicant signed the application?
- The proposed Transferee understands that amendments need to be assessed for their effect on marine mammals and will be subject to approval.

**All efforts in putting together a detailed application are greatly appreciated and will allow the Department to effectively and efficiently process your application.**

# This page must be completed by the Applicant

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## Details of Existing Permit

Permission number	
Holder of existing permit	
Date Permit started	
Date of Expiry	

## Transferor Declaration

I/We apply to transfer this permit to the proposed Transferee identified in Item A overleaf.

Reason for transfer		
Date of transfer e.g. date of the business settlement		
		Please tick
Payment of existing permit fees	I have paid all my permit fees (where relevant) up to the date of transfer	
Liability	I understand that I will remain liable to observe and perform the terms and conditions of this Permit until the proposed Transferee has duly executed and returned to the Grantor an amended permit.	
Signature (Applicant)		Date
Name (Applicant)		

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# All blank sections must be completed by the proposed Transferee

## A. Proposed Transferee Details

Proposed Transferee Name (full name of registered company or individual)								
Legal Status of Proposed Transferee (tick)	Individual		Registered Company		Trust		Incorporated Society	
Other (please specify full details)								
Please supply the company, trust or incorporated society registration number:								
If an individual please supply your date of birth (this is a unique identifier for you):								
Trading Name (if different from Proposed Transferee name)								
Postal Address								
Street Address (if different from Postal Address)								
Registered Office of Company or Incorporated Society (if applicable)								
Phone		Website						
Contact Person and role								
Phone		Cell Phone						
Email								
Contact Person and role								
Phone		Cell Phone						
Email								

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## A. Activities applied to transfer

Please fill in all the forms that are applicable. Please tick below the forms that have been completed and attach with this form. Please note that these forms are a necessary requirement of the application process and must be filled out in full.

ACTIVITY	FORM	✓
Vessel Based Viewing Transfer	8g	<input type="checkbox"/>
Land Based Viewing Transfer	8h	<input type="checkbox"/>
Swimming with marine mammals	8e	<input type="checkbox"/>

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## B. Background Experience of Proposed Transferee

Please provide relevant information relating to the Proposed Transferee's knowledge and experience operating with Marine Mammals. *N/B - Please note that this section is for the Proposed Transferee as the operator. Section D is to be completed for staff/guides and skippers.*

Please provide relevant information relating to the Proposed Transferee's knowledge and experience operating within the region and local area, and of the sea and weather conditions.

Has the Proposed Transferee or any of the company directors, trustees, partners, or anyone involved with the Proposed Application been convicted of any offence?

And does the Proposed Transferee or any of the company directors, trustees, partners, or anyone involved with the Application have any current criminal charges pending before the court?

If yes, please supply details:

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## C. Operation Species

- all species of whales (including orca and pilot whales)\*
- all species of dolphins (excluding orca and pilot whales)\*
- all species of seal\*

\*Excluding:

Or

Species specific encounters you seek to view (list species)

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## Location information

Base of operation:

Departure location (if different to base of operations):

Proposed area of operation:

Specific locations where contact with marine mammals is proposed:

Tour route:

**You must attach a map of the proposed area of operation.**

The map must clearly show the boundaries of the area, any specific locations where contact with marine mammals is likely, and expected routes.

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## Trip details

Proposed months of operation:

Frequency - number of trips per annum:

Frequency - number of trips per day:

Maximum duration of trips:

Maximum number of aircraft operating at any one time:

Maximum number of passengers:

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## Type and number of aircraft to be used

### Aircraft 1 description:

Registration:	Make:
Model:	Carrying Capacity:
Colour:	Owner:
Noise levels above sea:	Noise levels below sea:
Air service certificate number or other aviation document:	

### Aircraft 2 description:

Registration:	Make:
Model:	Carrying Capacity:
Colour:	Owner:
Noise levels above sea:	Noise levels below sea:
Air service certificate number or other aviation document:	

### Aircraft 3 description:

Registration:	Make:
Model:	Carrying Capacity:
Colour:	Owner:
Noise levels above sea:	Noise levels below sea:
Air service certificate number or other aviation document:	

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## Pilots, guides and other relevant staff

Please fill in for every staff member who may come into contact with marine mammals throughout the course of the proposed operation. (Copy and paste additional fields for extra staff members)

Full Name:	Job Title:
Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "yes", please provide details:	
Relevant experience with marine mammals:	
Relevant knowledge of the local area and sea conditions:	

Full Name:	Job Title:
Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "yes", please provide details:	
Relevant experience with marine mammals:	

Relevant knowledge of the local area and sea conditions:

Full Name:

Job Title:

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:

Relevant knowledge of the local area and sea conditions:

Full Name:

Job Title:

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:

Relevant knowledge of the local area and sea conditions:

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## D. Additional information

Maximum time to be spent with marine mammals per individual encounter:

Maximum cumulative time for all encounters with marine mammals during trip:

Nature of the contact with marine mammals:

Primary purpose

Secondary purpose

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

Height above sea level while viewing marine mammals:

**Position and behaviour of aircraft relative to marine mammals including:**

Horizontal distance from marine mammals

Circling or other aircraft manoeuvres in the vicinity of marine mammals

How will you depart from the marine mammals?

What other actions you will take to minimise disturbance of the marine mammals:

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## E. Educational material

Provide details of the education material (including the source of the material) and education aspects of your proposed operation.

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## F. Marine Mammals Protection Regulations 1992

<b>Tick the following boxes to confirm you will operate in accordance with each of the following behaviours as required under Part 3 of the Marine Mammals Protection Regulations 1992.</b>	<b>Tick</b>
Marine mammals will not be disturbed or harassed	<input type="checkbox"/>
Best endeavours will be used to operate the aircraft in a way that the normal movement or behaviour of any marine mammal is not disrupted	<input type="checkbox"/>
Contact with any marine mammal shall be abandoned at any stage if it becomes or shows signs of becoming disturbed or alarmed	<input type="checkbox"/>
Marine mammals are not to be separated from a group of marine mammals, or caused to scatter	<input type="checkbox"/>
Rubbish or food is not to be thrown near or around any marine mammal	<input type="checkbox"/>
No person shall make any loud or disturbing noises around any whale, dolphins or seals	<input type="checkbox"/>
No sudden or repeated changes in the speed or direction of the aircraft shall be made except in the case of an emergency	<input type="checkbox"/>
No aircraft shall be flown below 150 metres (500 feet) above sea level, unless taking off or landing	<input type="checkbox"/>
When operating at an altitude of less than 600 metres (2 000 feet) above sea level, no aircraft shall be closer than 150 metres (500 feet) horizontally from a point directly above any marine mammal	<input type="checkbox"/>
A person or aircraft shall not cut off the path of a marine mammal or prevent a marine mammal from leaving the vicinity of the aircraft	<input type="checkbox"/>
The Aircraft is not to approach within 300 metres of any whale, pod of dolphins or herd of seals for the purpose of enabling passengers to view, if the number of vessels or aircraft, already positioned to enable passengers to watch is three or more	<input type="checkbox"/>
Where two or more vessels or aircraft approach an unaccompanied whale, dolphin or seal, the skipper concerned shall co-ordinate their approach and manoeuvres	<input type="checkbox"/>
pilots of aircraft engaged in a commercial aircraft operation shall use their best endeavours to operate the aircraft in such a manner that, without compromising safety, the aircraft's shadow is not imposed directly on any marine mammal.	<input type="checkbox"/>

**G. Operational best practice based on recommended DOC guidelines**

<p><b>Tick that you understand and will comply with the following conditions relating to location specific best practice.</b>  <i>You will have been given information on best practice recommendations when you contacted <a href="mailto:permissionschristchurch@doc.govt.nz">permissionschristchurch@doc.govt.nz</a> prior to making your application. If any location specific best practices apply to your area of operation, attach the relevant schedule.</i></p>	<p><b>Tick</b></p>
<p>Not applicable as there is no location specific best practice</p>	<input type="checkbox"/>
<p>Location specific best practices for my area of operation are attached and recorded in section 'Q Attachments'</p>	<input type="checkbox"/>
<p>All proposed operations will be undertaken in accordance with the best practice guidelines for the area of operation</p>	<input type="checkbox"/>

**H. Fees**

**Processing fees**

Section 60B of the Conservation Act contains the statutory provisions regarding processing fees.

The Department recovers all costs to process a transfer of permit regardless of whether the application is approved or declined. If at any stage an application is withdrawn the Department shall invoice for the costs incurred by the Department up to that point.

By signing the Declaration on this form, the Transferee is agreeing to that all costs associated with the processing of this application will be paid.

**Paying fees**

The Department will ordinarily invoice the applicant for processing fees after a decision has been made on the application, but in some cases interim invoices will be issued.

If you have a purchase order/number from an organisation registered with DOC (required for all Councils) please supply below.

**Terms and Conditions for an Account with the Department of Conservation:**

Have you held an account with the Department before? (Please tick)	Yes		No	
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If yes, under what name:	
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**Proposed Transferee Declaration**

I certify that the information provided on this application form and attached additional information is to the best of my knowledge, true and correct. If the transfer is approved, I/we agree to abide by the terms and conditions of Permit Number: \*\*\*\*\*-MAR

Note: The Director-General can vary any permit granted if the information given in this application contains inaccuracies.

**In ticking this checklist and placing your name below you are acknowledging that you have read and agreed to these terms and conditions for an account with the Department of Conservation**

Terms and Conditions	Tick
I/We agree that the Department of Conservation can provide my/our details to the Department's credit checking agency to enable it to conduct a full credit check.	<input type="checkbox"/>
I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.	<input type="checkbox"/>
I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.	<input type="checkbox"/>
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.	<input type="checkbox"/>
I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.	<input type="checkbox"/>
<b>I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions (as above) of the credit account are not met.</b>	<input type="checkbox"/>
I/We agree that the Department of Conservation can provide my details to the Department's debt collection agency in the event of non-payment of payable fees.	<input type="checkbox"/>

<b>Transferee Signature</b>		<b>Date</b>	
<b>Transferee Name (of authorised person/s)</b>			

This application is made pursuant to regulation 14 of the Marine Mammals Protection Regulations 1992. Applicants should familiarise themselves with the relevant regulations of the Marine Mammals Protection Regulations 1992.

The Department may also recover all reasonable costs under s. 60D of the Conservation Act 1987 that are incurred in administering and monitoring the proposed operation, subject to its approval.

In accordance with regulation 10(2) of the Marine Mammals Protection Regulations 1992, this application shall form part of any permit issued and shall be complied with accordingly.

NOTE: When applying for this permit bear in mind that the application will be assessed having regard to the applicable matters in regulations 6 to 9 of the Marine Mammals Protection Regulations 1992. The matters in regulation 6 are set out below. Further information may be sought from you for this assessment if this application is not completed fully.

**Criteria for issuing permits:**

Before issuing a permit, the Director-General shall be satisfied that there is a substantial compliance with the following criteria:

- (a) That the commercial operation should not be contrary to the purposes and provisions of the Act:
- (b) That the commercial operation should not be contrary to the purposes and provisions of the general policy statements approved under section 3B of the Act, conservation management strategies approved under section 3C of the Act, or conservation management plans approved under section 3D of the Act:
- (c) That the commercial operation should not have any significant adverse effect on the behavioural patterns of the marine mammals to which the application refers, having regard to, among other things, the number and effect of existing operations:
- (d) That it should be in the interests of the conservation, management, or protection of the marine mammals that a permit be issued:
- (e) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should have sufficient experience with marine mammals:
- (f) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should have sufficient knowledge of the local area and of sea and weather conditions:
- (g) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should not have convictions for offences involving the mistreatment of animals:
- (h) That the commercial operation should have sufficient educational value to participants or to the public.

The purpose of collecting this information is to enable the Department to process your application. The Department will not use this information for any reason not related to that purpose.

Applicants should be aware that provisions of the Official Information Act might require that some or all information in this application be publicly released.