

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](mailto: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.

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**A. Applicant name (as per Form 8)**

ARDS Limited

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**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"/>	<b>Vessel to approach closer than 50 metres to a whale</b>
<input checked="" type="checkbox"/>	<b>Person in the water to approach closer than 100 metres to a whale</b>
<input checked="" type="checkbox"/>	<b>Vessel or person to approach closer than 200 metres to any female baleen or sperm whale that is accompanied by a calf or calves</b>
<input checked="" type="checkbox"/>	<b>Person in the water with juvenile dolphins</b>
<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 checked="" type="checkbox"/>	<b>Use a drone/RPA* closer than 150 metres (500 feet) to a marine mammal horizontally from a point directly above a marine mammal</b>
<input checked="" type="checkbox"/>	<b>Use a drone or RPA* to film marine mammals</b>
<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.

This activity will provide educational for children and adults – for use on ‘Young Ocean Explorers’, a popular and free to use marine educational platform [www.youngoceanexplorers.com](http://www.youngoceanexplorers.com) (which is used by many thousands of classrooms throughout New Zealand) and also other educational TV content.

This activity will also allow us to film for marine mammal documentaries if they don’t have a permit, or have the time frame available to get one. One of the benefits is freeing up DOC’s time, so they don’t have to process so many permits, and ensuring that this footage is collected by someone with specific experience filming marine mammals on the ocean.

This is an application for a blanket filming permit rather than for a specific filming project. The proposed activity will be applicable to (but not limited to) activities such as taking stock footage of marine mammals, undertaking filming documentaries as an individual and being engaged by production companies to undertake specific filming projects.

Our aim is to document and create a record of the different marine mammal species species found within

NZ's EEZ with ultra high resolution (8k) footage.

There is a huge advantage for DOC having only a couple of people with Marine mammal filming permits in NZ. This way DOC will know exactly how much experience the operators have and there is no need to have foreign film teams, who have very little or no experience in NZ waters, or the species found here.

Our footage has regularly been used by researchers and for research and educational purposes.

## Proposed term

When do you wish to begin and finish all filming?

To replace our existing permit (72532-MAR) which expires on Sept 6th 2022, applying for the same activity in largely the same areas in the previous permits.

The proposed area for this application includes the Bay Of Islands area, which was not previously authorised under 72532-MAR.

## Location information

Base of operation:

Snells Beach, Auckland

Proposed area or areas of operation:

East Coast of the North Island:

Houhora Heads (Kaitaia District) to East Cape (Gisborne District)  
Excluding the Bay of Islands Marine Mammal Sanctuary

West Coast of the North Island:

Waionui Inlet (including waters of Auckland District) to Albatross Point (Waikato District)

Specific locations where contact with marine mammals is proposed:

As described above (see end of application for a map)

## 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:

All species encountered in this region, including oceanic bottlenose dolphins and juveniles for all species. We are not targeting coastal bottlenose dolphins. Māui dolphins will not be filmed at any location.

## 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.

When do you propose to undertake filming at each location?

10 years to maintain consistency with other blanket filming permits for marine mammals within New Zealand.

Maximum number of filming days at each location:

60

Duration of each daily trip:

Up to 12 hours

Maximum cumulative time with marine mammals during a day:

Individual encounter: 2 hours      Cumulative encounters: 5 hours

**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

No wake speed while approaching from within 300m. The exception could be with dolphins, false killer whales and Orca, where speeds of up to 10 knots could be used to gradually catch up with a moving pod.

Behaviour of vessel and orientation of approach relative to marine mammals

At all times the vessel will gradually come from the side and behind of animals and never cut in front or across the path of animals

Position of vessels relative to marine mammals while viewing

To the side or slightly in front and to the side (not directly in front of animals). At all times the vessels will operate in such a way to give minimal disturbance to the animals

Distance from vessel to marine mammals

Within 50m

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

Behaviour around calves or pups

We will not actively target calves and juvenile whales and dolphins, however, because of the large group size and structure it is inevitable that calves and juveniles may come near our vessel or crew. Extra care will be taken when moving vessels around and filming whale and dolphin calves. Vessels will move slowly and carefully in the presence of calves. Vessels will never be positioned in a way that separates a mother and calf or blocks a calf's path back to its mother. The skipper and crew will continuously monitor all nearby whales and dolphins for any behaviours that indicate disturbance. Should any disturbance behaviours be observed we will move away from the whales and dolphins and only approach the whales and dolphins again if normal behaviour resumes.

Speed of departure

No wake speed until 300m away.

Behaviour of vessel and departure route relative to marine mammals

Slowly moving away at a 45 degree angle from the direction they are heading, so to gradually get away from the animals. At no time will we go at right angles to a traveling pod or head in the opposite direction to the moving pod

What other actions you will take to minimise disturbance?

At all times we will have our team watching the animals behaviour. If we see that we have caused an adverse reaction or change in behaviour from the animals, we will break off all contact and leave them for an hour, then gradually re-initiate contact. We will use a 3 strike rule.

**How will you undertake underwater filming?**

**Please list all species separately**

Method (pole-cam, diver etc.)

**Pole camera:**

Filming parallel with animals, moving in the same direction as they are traveling. Sometimes we will need to be within 5m. At all times the behaviour of the animals will be monitored, and our actions will vary according to this.

**Underwater Camera:**

Safety diver – allowance for an unnamed safety diver in the water if deemed necessary to accompany the underwater camera operator. The safety diver will be positioned behind the camera person, keeping out of shot and is there primarily for safety purposes

Approaching marine mammals (vessel and/or land)

Same approaching techniques as described above. At all times divers will not be put in the path of approaching animals. They will be put in the water to the side of animals and swim across to cause the least disturbance

Distances and filming position relative to each species

At all times the behaviour of the animals will be monitored. We prefer to allow the animals to approach us, rather than trying to force our way 'into their world'. The best interactions happen this way and it causes the least disturbance to the animals

**How will you approach and film marine mammals from the shore?**

Approach distances for vehicles and people to seals or sea lions

Filming position relative to seals or sea lions, the shore and the sea

How film crew will be managed in the vicinity of seals or sea lions

Particular behaviour around breeding colonies and nurseries

What other actions you will take to minimise disturbance including from noise and people behaviour

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

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

N/A

Height above sea level while filming marine mammals

Position and behaviour of aircraft relative to marine mammals - horizontal

Circling or other aircraft manoeuvres in the vicinity of marine mammals

What other actions you will take to minimise disturbance

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

Filming over water

Operationally the boat doesn't need to be close to the animals while filming with a drone. At all times we will make sure that the animals are not disturbed, or change behaviour when the drone is in the air.

Filming seals or sea lions on land

Approach speed

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

Minimum 50m until animals are located

Height above sea level while filming marine mammals

Minimum horizontal flying level 20m, with no horizontal limit for CAA certified RPAS operators.

## Orientation of approach

Most drone flying will approach from extra altitude and bring it down within shooting distance, so as to monitor any reaction from the marine mammals. If behaviour alters the drone will be lifted higher/ or cease filming if behaviour doesn't go back to normal

## What other actions you will take to minimise disturbance

Using a spotter at all times to make sure the behaviour of the animals does not change while the drone is being used

## 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: Steve Hathaway

Job Title: Underwater cameraman, Boat skipper, Drone operator

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: filming marine mammals for 14 years in NZ, both under others permits (Dr Ingrid Visser for 7 years), I have also personally held marine mammals filming permits over the last 11 years and filmed for many international documentaries, including for Award winning Blue Planet 2 and Secrets of the Whales. I have thousands of hours of experience in the water with different animals – very experienced in and on the ocean and many encounters with marine mammals. I have worked with many marine mammel experts including: Dr Rochelle Constantine, Dr Charles Scott Baker, Dr Ingrid Visser and Jochen Zaeschmar,

Relevant knowledge of the local area and sea conditions: I have a current Skipper Restricted Limits license. I have spent thousands of hours boating in these regions.

At all times Steve will supervise all filming operations and be responsible for any of the operating team.

Full Name: Lily Kozmian-Ledward

Job Title: Boat 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: Professional skipper, thousands of hours of ocean time, skippered Steve's boat for numerous film shoots with cetaceans, organised marine mammal surveys etc. Completed her Masters (Auckland University) – on

Relevant knowledge of the local area and sea conditions: Very experienced

Full Name: Jochen Zaeschmar

Job Title: Boat 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: Jochen has extensive field experience, working with cetaceans, in particular false killer whales, pilot whales and bottlenose dolphins and has been conducting research on these species since 2001. He has skippered research vessels and assisted with biopsy sampling of these three species on several occasions in New Zealand and Hawaiian waters. He

has assisted has been a designated skipper of a vessel used for filming purposes of marine mammals under Department of Conservation permit. Furthermore, he was a skipper and guide on a whale-watch/swim vessel in Tonga.

Full Name: Andrew Perkins Job Title: Boat skipper

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? **No**

If yes please provide details:

Relevant experience with marine mammals: 40,000 + hours logged as a professional skipper, skippered ARD's vessel many times for many film shoots with cetaceans

Full Name: Steve Hemstalk Job Title: Boat skipper

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? **No**

If yes please provide details:

Relevant experience with marine mammals: 9 years as skipper at Dive Tutukaka, operating under a marine mammals viewing permit

Relevant knowledge of the local area and sea conditions: Very experienced

Full Name: Barry Alan Norgrove Job Title: Boat 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:

2 years working with DOC marine rangers in the capacity of boat skipper, also previously worked with Steve filming orca

Relevant knowledge of the local area and sea conditions: High level of experience in our filming locations

Full Name: Peter Edward Browne Job Title: Boat 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: Skippering Auckland Universities vessel Hawere for 9 years. Participating in cetacean research including photography, tagging Brydes whales, scat collection, population density surveys. Been very involved with Rochelle Constantine's research projects.

Relevant knowledge of the local area and sea conditions: High level of experience in our filming locations

Full Name: Julian Braatvedt Job Title: Topside cameraman and drone pilot

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? **No**

If "yes", please provide details:

Relevant experience with marine mammals: Very experienced Natural History cinematographer and drone

Operator, including filming for many International film shoots. He has filmed with Steve on a couple of projects



## C. Filming from vessels

Maximum number of vessels operating at any one time:

3

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

Any additional vessels used will be submitted as amendments to the proposed permit.

All the same rules would apply, with checking to see if animals' behaviour changes during approach etc.. if it does, we will cease contact and go to the 3 strike rule.

#### Vessel 1 description:

Location(s) of filming:	
Vessel name: Sharkbait	Make: Lazercraft
Model:	Size: 7.4m
Motive power: 250HP Honda 4 stroke outboard motor (Which is extremely quiet)	Construction and hull design: Aluminium
Planing hull: <input checked="" type="checkbox"/>	Displacement hull: <input type="checkbox"/>
Maximum speed: 64kph	Normal cruising speed: 40kph

#### Vessel 2 description:

Location(s) of filming:	
Vessel name: Manawanui	Make:
Model: John Pugh	Size: 22m
Motive power: 120HP Diesel	colour
Planing hull: <input type="checkbox"/> <b>No</b>	Displacement hull <b>Yes</b>
Maximum speed: 8 knots	Normal cruising speed: 6 Knots
Location of filming from vessel:	Location of filming from vessel:

#### Vessel 3 description:

Location(s) of filming:	
Vessel name: Manawanui tender vessel	Make: RIB
Model: 4.1m inflatable RIB	Size: 4.1m
Motive power: 30 hp Yamaha outboard	Colour
Planing hull: <input type="checkbox"/> <b>Yes</b>	Displacement Hull:
Maximum speed: 20knts	Normal cruising speed: 15 knts
Location of filming from vessel:	Noise levels below sea: Low

## D. Filming from shore

Maximum number of vehicles at any one time within 50 metres of a seal or sea lion on shore:  
(not including vehicles parked in an official car park, slipway or public road)

## Type and number of vehicles (Copy and paste details for additional vehicles)

### Vehicle description:

Location(s) of filming:

Registration:

Make:

Model:

Carrying Capacity:

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## E. Filming from aircraft

Maximum number of aircraft operating at any one time:

## Type and number of aircraft (Copy and paste details for additional aircraft)

### Aircraft description:

Location(s) of filming:

Registration:

Make:

Model:

Carrying Capacity:

Air service certificate number or other aviation document:

## Filming with a drone

Maximum number of drones operating at any one time:

1

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

### Drone 1 description:

Location(s) of filming: As above

Model: RPAS up to 25kg

Noise level: Very low levels

### Drone 1 description:

Location(s) of filming:

Model:

Noise level:

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## F. Other

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

On May 25, 2021, I gave a presentation to local Iwi at the Bay of Islands Hapu Hui in the Bay of Islands DOC office to ask permission to film within their waters. (Excluding the BOI Marine Mammals Sanctuary). They were supportive and agreed to my request and appreciated the educational work that we are doing through Young Ocean Explorers for rangatahi. With this application, I am requesting this region to be included.

I have also listed all boat drivers' names that were already on the permit.

Map of proposed filming area (hashed orange area):

