

Application for commercial operations from a vessel to view and swim with marine mammals



Department of
Conservation
Te Papa Atawhai

New Zealand Government

Is this the right application form for me?

This application form is for new and renewal applications for commercial operations from a vessel; including both powered vessels and manually propelled vessels (e.g. kayaks or paddle boards) to:

View marine mammals, including:

- All species of whales (including orca and pilot whales)
- All species of seal
- All species of dolphin (excluding orca and pilot whales).

Swim with:

- Adult dolphins (excluding orca and pilot whales)
- Seals.

Note: It is illegal to swim with whales (including orca and pilot whales).

Update staff member and vessel

If you have a permit for a commercial operation to interact with marine mammals complete [Application Form 8f Commercial Operations involving Marine Mammals Update staff member, vessel, vehicle, or aircraft](#)¹ to apply for:

- Any new staff member – pilot, master, skipper, guide or other staff member – who will have contact with marine mammals as part of your commercial operation; or
- Any new vessel which will be used to undertake your permit.

How do I complete this application form?

- If you are applying for a **new permit** e-mail permissionschristchurch@doc.govt.nz for a pre-application meeting before lodging your application. There is location, species and treaty partner consultation information that the Department of Conservation (DOC) needs to make you aware of.
- Complete all sections of this form.
- DOC encourages electronic applications (e.g. email a typed Word document), rather than handwritten applications. Electronic applications are easier to read and less likely to be returned to you for clarification.
- If you require extra space, attach or include extra documents and label them according to the relevant section. Record all attachments in Section 'Q Attachments'.

Personal and sensitive information (e.g. criminal convictions or criminal charges pending before the court relating to the mistreatment of animals) will be managed by DOC confidentially. For further information check [DOC's privacy and security statements](#)².

¹ <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/marine-mammal-permits/update-staff-member-8f.doc>

² <https://www.doc.govt.nz/footer-links/privacy-and-security/>

Have you considered DOC's Conservation General Policy and statutory planning documents?

Your permit must not be inconsistent with DOC's [Conservation General Policy](#)³ and [relevant statutory planning documents](#)⁴, as they set out how DOC and our Treaty partners manage public conservation land. Statutory planning documents can have a direct impact on your application, with conservation management strategies identifying where human interactions with marine mammals should be managed to avoid or minimise adverse effects on populations and individuals.

Have you undertaken Treaty Partner consultation?

DOC has a responsibility to give effect to the principles of the Treaty of Waitangi and may consult with our Treaty Partners about your permit application.

Contact permissions@doc.govt.nz for further information about consultation.

Have you undertaken Customary Marine Title consultation?

If you are applying for a permit to view marine mammals, under the Marine and Coastal Area (Takutai Moana) Act 2011, you must:

- Notify the Customary Marine Title Applicants about your application.
- Seek the views of the Customary Marine Title Applicants.

If you need some help, where do you get more information?

- Check the DOC [interacting with marine mammals](#)⁵. This page includes information on the types of permits available, fees, reporting, and processing timeframes.
- Read [sharing our coasts with marine mammals](#)⁶.
- Become a DOC [Sustainable Marine Mammal Actions in Recreation and Tourism \(SMART\)](#) operator⁷.
- Arrange a pre-application meeting (either face to face or over the phone) by contacting the Christchurch Permissions team permissionschristchurch@doc.govt.nz.

How do I submit my application?

Email your completed application, and any attachments (recorded in section 'Q Attachments') to: permissions@doc.govt.nz

What happens next?

Your application will be assessed by DOC. If it is complete, DOC will begin processing the application.

If it is incomplete or requires amendment it will be returned to you for you to amend and incorporate the matters that DOC has specified in writing.

³ <https://www.doc.govt.nz/about-us/our-policies-and-plans/conservation-general-policy/>

⁴ <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/>

⁵ <https://www.doc.govt.nz/get-involved/apply-for-permits/interacting-with-marine-mammals/>

⁶ <https://www.doc.govt.nz/sharingcoasts>

⁷ <https://www.doc.govt.nz/our-work/smart-operator-programme/>

Why does DOC ask for this information?

The questions in this application form are designed to cover the requirements set out in DOC's conservation legislation. Your answers allow us to assess:

- The details of your proposed operation against the requirements in sections 6 and 7 of the Marine Mammals Protection Regulations 1992.
- The effects of your proposed operation (including proposed encounter times with marine mammals) and your proposed methods to avoid, remedy or mitigate any adverse effects.
- Your qualifications and resources (e.g. vessel, skills and experience) to adequately conduct the proposed operation in marine areas.
- The educational material you will be using in your proposed operation.

Your application will also assist us in undertaking consultation with our Treaty Partners.

Once your application is approved it will form part of the permit that is issued to you.

Your creditworthiness is a factor in determining whether DOC should extend credit to you and set up a DOC customer accounts receivable credit account. To make this assessment DOC will supply your information to a credit checking agency.

Note: Information collected by DOC will be supplied to a debt collection agency in the event of non-payment of fees.

What fees will I pay?

You may be required to pay a processing fee for this application regardless of whether a permit is granted or not. You may request an estimate of the processing fees after your application has been submitted. If you request an estimate, DOC may require you to pay the reasonable costs of the estimate prior to it being prepared. DOC will not process your application until the estimate has been provided to you. In addition, if you are granted a permit you may be required to pay annual research or management fees. These fees are listed on the [interacting with marine mammals](#)⁸ page of the DOC website.

If you are applying for a new permit, see information in the 'Will my application be publicly notified?' section below.

DOC will invoice your processing fee after your application has been considered. If your application is large or complex, DOC may undertake billing at intervals periodically during processing until a decision has been made on your application. If you withdraw your application DOC will invoice you for the costs incurred up to that point.

⁸ <https://www.doc.govt.nz/get-involved/apply-for-permits/interacting-with-marine-mammals/>

Will my application be publicly advertised?

Your application will be **publicly advertised**⁹ on the DOC website and appropriate newspapers if:

- the application is for a new permit
- the application is for a renewal of a permit (and the renewal is not substantially the same as the existing permit) or an amendment to an existing permit.

Publicly advertising may increase the time and cost of processing of your application.

If you believe public advertising may be required for your application email:

permissionschristchurch@doc.govt.nz to arrange a pre-application meeting.

What does an approved DOC permit include / require?

A permit approved by DOC (in accordance with section 10(2) Marine Mammals Protection Regulations 1992):

- Includes your 'Application for commercial operations from a vessel to view and swim with marine mammals'.
- Requires you to comply with all the information supplied in your 'Application for commercial operations from a vessel to view and swim with marine mammals'.

Note: It is a condition of this permit that DOC retains the right to suspend or revoke this permit, or restrict the operation authorised by the permit, where the information on which the permit was granted contained material inaccuracies.

⁹ Marine Mammals Protection Regulation 1992 section 11.

A. Applicant details

Legal status of applicant (tick)	<input checked="" type="checkbox"/> Individual (Go to ①)	
	<input checked="" type="checkbox"/> Registered company (Go to ②)	<input type="checkbox"/> Trust (Go to ②)
	<input type="checkbox"/> Incorporated society (Go to ②)	<input type="checkbox"/> Other (Go to ②)

①	Applicant name (individual)		
	Phone	Mobile phone	
	Email		
	Physical address	Postcode	
	Postal address (if different from above)	Postcode	

②	Applicant name (full name of registered company, trust, incorporated society or other)		Heritage Expeditions (2018) Ltd	
	Trading name (if different from applicant name)			
	NZBN (To apply go to: https://www.nzbn.govt.nz)	9429046722225	Company, trust or incorporated society registration number	
	Registered office of company or incorporated society (if applicable)	Anthem Partners Limited 58a Grove Road Addington Christchurch 8011		
	Company phone	(03) 365 3500	Company website	www.heritage-expeditions.com
	Contact person and role	Nathan Russ – Director of Operations/Owner		
	Phone	██████████	Mobile phone	██████████
	Email	██████████ or ██████████		
	Postal address	PO Box 7218 Christchurch	Postcode	8240
	Street Address	53b Montreal St Sydenham Christchurch		8023

B. New permit or renewal of an existing permit

<p>I am applying for a new permit.</p> <p>You need to have a pre-application meeting with DOC before you submit this application as there are location restrictions and consultation requirements that you need to be aware of.</p> <p>E-mail permissionschristchurch@doc.govt.nz.</p> <p>(See public notification below)</p>	<input checked="" type="checkbox"/>
<p>I am applying to renew an existing permit on substantially the same terms and conditions*</p>	<input type="checkbox"/>
<p>I am applying to renew an existing permit with an amendment. (See public notification below)</p>	<input type="checkbox"/> <p>Please provide a written description of the amendment(s) you are proposing:</p>
<p>Permit number</p>	

*Please fill in your application form using the exact terms and conditions described on Schedule 1 of your existing permit.

Public notification

<p>I agree to the public notification of my application and to covering the costs of placing the notice in the paper(s) determined by DOC.</p>	<input checked="" type="checkbox"/>
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C. Duration of Operation

Duration of operation	
Record the proposed term of the operation (months and years) up to a maximum of 10 years	10 years 0 months

D. Pre-application meeting

Have you had a pre-application meeting with a DOC Permissions Advisor?

No

If your application is for a new permit your application will not be processed without a pre-application meeting as there are location restrictions and consultation requirements that you need to be aware of.

E-mail permissionschristchurch@doc.govt.nz

Yes

If yes, state when and who with.

Series of meetings held with Judi Brennan, Alice Sinclair and Michael Dine between March and August 2022. This is a unique application and we have worked extensively with Michael to create a new application form for our very unique operations.

E. Consistency with DOC's Conservation General Policy and statutory plans

Note: DOC's [Conservation General Policy](#)¹⁰ and statutory planning documents can have a direct impact on your application. For example the statutory planning documents may set the specific locations or number of landings allowed.

List the [DOC's statutory planning documents](#)¹¹ relevant to your application:

Southland Muruhiku Conservation Management Strategy 2016

Fiordland National Park Management Plan 2007

Stewart Island/Rakiura Conservation Management Strategy and Rakiura National Park Management Plan 2011

Are you aware of any potential inconsistency your activity may have with DOC's Conservation General Policy or statutory planning documents?

No

Yes

If yes, explain why it is inconsistent with the statutory planning documents.

¹⁰ <https://www.doc.govt.nz/about-us/our-policies-and-plans/conservation-general-policy/>

¹¹ <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/>

F. Consultation undertaken under the Marine and Coastal Area (Takutai Moana) Act 2011

Have you notified and sought the views of the relevant Customary Marine Title Applicants¹² prior to submitting this application?

No. Your application will not be processed. You need to speak to DOC before you can submit this application form. ¹³ E-mail permissionschristchurch@doc.govt.nz	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>

If yes, supply details for each Customary Marine Title Applicant you have consulted with. Copy and paste the table below and complete for each Customary Marine Title Applicant. Record all attachments in section 'Q Attachments'.

Attachments may include:

- Additional pages with the required information
- Any written response to your notification from the Customary Marine Title Applicant.

Customary Marine Title Applicant notified	Te Rūnanga o Ngāi Tahu on behalf of Ngāi Tahu Whānui
Name of individual you notified and sought views on your application	rachael.brown@bellgully.com george.dawson@bellgully.com maca@ngaitahu.iwi.nz
Date /s of notification and views sought	27 th Sept 2022 – feedback asked on application
Form of notification and means of views given (e.g. email, meeting)	Form of notification: email Views received: Te Rūnanga o Ngāi Tahu indicated that they would support the views of Papatipu Rūnanga and gave their contact details for consultation(see section Q attachments)
Outcome of consultation	5 th Oct 2022; This application form was sent to Te Ao Mārama – and their feedback/views sought. As per our comments below, we would appreciate a combined approach with DOC once Te Ao Mārama has provided a response.

Note: As soon as reasonably practicable after you lodge your application with DOC, you are required to notify affected iwi, hapū or whānau. We recommend you speak to DOC about this requirement prior to lodging your application.

¹² A "Customary Marine Title Applicant" is a person or group who has applied for recognition of customary marine title either under section 95 or sections 100 and 103 of the Marine and Coastal Area (Takutai Moana) Act 2011 in an area to which your application relates and where no customary marine title order or agreement applies.

¹³ It is a statutory requirement under section 62(3) to notify and seek the views of a Customary Marine Title Application on your application before it is lodged with the Department.

G. Consultation undertaken with Treaty Partners

DOC has a statutory obligation to give effect to the principles of the Treaty of Waitangi. This often requires consultation with our Treaty Partner (iwi/hapū/whānau of local Maori) on your application. If you have already consulted with our Treaty Partners, DOC would like to know about it.

Have you carried out any consultation with Treaty Partners?

No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>

If yes, supply details for each Treaty Partner you have consulted with. Copy and paste the table below and complete for each Treaty Partner. Record all attachments in section 'Q Attachments' including:

- Additional pages with any required information.
- The written response to your consultation with Treaty Partners.

Whānau/hapū/iwi consulted with	Te Ao Mārama on behalf of the four Papatipu Rūnanga of the Muruhiku area.
Name of individual you consulted with	No individual – was given generic address
Date of consultation	5 October 2022
Form of consultation (e.g. email, meeting)	Email sent with application attached
Outcome of consultation*	<p>Even though we have already sent our application to Te Ao Mārama, we feel any future conversations or interactions regarding the application would be best undertaken working together alongside the Department of Conservation staff who have direct relationships with the local iwi. We are happy to attend phone calls and meetings so that any questions or feedback they have can be answered/received directly by us – but we also feel that having a DOC staff presence at the same time will be beneficial for everyone.</p> <p>We have discussed this approach with Henry Weston (DDG Operations) and Judi Brennan, and they have both concurred that this would be a suitable approach given the unique nature of the application.</p>

Provide details of any cultural interpretation or activities that you are providing to support the cultural values of the Treaty Partners, Customary Marine Title Applicants or other interested stakeholders.

As part of Heritage Expedition’s application for an Environment Southland commercial surface water consent, it was offered that any material or interpretation information that the iwi/hapū/whānau of local Maori wished to have shared on our expeditions, would be welcomed. We do not have the knowledge to provide in-depth interpretation of cultural values/sites of importance/history in these areas and therefore would be very happy to work alongside those that are, to provide a more informed experience for our passengers. Unfortunately, this offer was not taken up at the time – but the offer/request still stands, as part of this permit process.

H. Consultation with interested stakeholders

Have you carried out any consultation with interested stakeholders?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>

If yes, supply details for each Interested Stakeholder you have consulted with. Copy and paste the table below and complete for each Interested Stakeholder. Record all attachments in section ‘Q Attachments’ including:

- Additional pages with any required information
- The written response to your consultation with Interested Stakeholders.

Other interested stakeholders consulted with e.g. Conservation Boards or community groups	
Name of individual you consulted with	
Date of consultation	
Form of consultation (e.g. email, meeting)	
Outcome of consultation*	

I. Educational material

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

Heritage Expeditions has a strong educational focus on all of the trips it offers – the staff/crew are tasked in their job descriptions with ensuring that the natural, historical and cultural values associated of the areas being visited are interpreted and expanded upon with passengers.

Real-time interpretation occurs whenever out on active zodiac cruises or landings, as well as while ship cruising. The staff/crew also undertake additional educational presentations or de-briefs from the day while in transit or in the evenings when there is some down-time.

The following education materials are onboard and available for passengers to read:
'Sharing our coasts with Marine Mammals' Department of Conservation
'Ngā tamariki a Tinirau Simple rules for interaction with Marine Mammals' Department of Conservation

The vessel also has a library onboard for passengers to access, which include reference books relating to marine mammals.

In addition to an educational approach, before each activity the crew gives an operational briefing. This will include any rules or regulations that passengers and crew need to adhere to. This will include a reminder of the principles of limiting disturbance of marine mammals and the rules for interaction provided by DOC.

J. Conservation, management, and the protection of marine mammals

State how your proposed operation is in the interests (advantage and benefit) of the conservation, management or protection of marine mammals?

Heritage Expeditions is a New Zealand owned and operated company who operates expedition cruises in New Zealand and throughout the Pacific Ocean. Heritage Expeditions has been regularly operating voyages in Fiordland and Stewart Island Rakiura for over three decades on a variety of vessels. Voyages are united by a focus on sharing the unique landscapes, ecosystems, natural history and culture of these areas with a strong conservation ethos.

Founded on the principle that unless people get to see and experience an environment/landscape/habitat, they are much less likely to advocate for its preservation and protection, Heritage Expeditions feels passionate about the long-term protection and advocacy for the areas that they travel to. As such, their expeditions always have a strong educational component to them – from formal briefings/lectures given by experienced and knowledgeable crew to the real-time interpretation of what passengers are seeing. Staff are selected based on their knowledge of the area being visited and their ability to communicate this to passengers.

When someone can fully experience the wonder of a marine mammal in its natural habitat, along with receiving relevant information from someone with knowledge, then they are much more likely to connect with and reinforce messages around their conservation and protection once they return to their normal lives. Therefore, Heritage Expeditions believes that the proposed operations in Fiordland and Stewart Island Rakiura are to the benefit of marine mammal conservation and protection.

K. Details of the proposed operation

This section has been designed specifically for multi-day cruises, where viewing takes place from a 'main' vessel as it travels between destinations, as well as viewing from 'ancillary' vessels, at specific locations on the voyage.

- For the purposes of multi day cruises, a 'trip' is defined as a calendar day (the 24-hour period from 0:00 am to 11:59pm)
- The 'main' vessel is the vessel used to convey passengers between destinations and is the primary accommodation for clients. i.e. heritage explorer or heritage adventurer
- 'Ancillary' vessels, can be described as any vessel that passengers board from the 'main' vessel, that are used to view marine mammals (i.e., zodiacs, kayaks).
- A 'sub-trip' is defined as any marine mammal viewing trip from an ancillary vessel

Please see section 'Q Attachments' for a detailed description of Heritage Explorer Operations

Main vessel information

Vessel Name:

Heritage Explorer (see section 'L Vessel Type')

Attach a map of the proposed area of operation.

It must clearly show the proposed area of operation showing the boundaries and where appropriate, the specific locations where contact with marine mammals are proposed. Record your map details in section 'Q Attachments'.

Map questions	Written description
Proposed base of operation	The vessel departs from a range of bases, depending on the itinerary; Bluff Harbour, Paterson Inlet, Perseverance Harbour, Deep Cove (Doubtful Sound), Dusky Sound or Milford Sound.
Proposed area of operation	There are two areas being applied for; <ol style="list-style-type: none"> 1) Fiordland - where the vessel currently has an Environment Southland Commercial Surface Water Consent to operate in Fiordland; from Yates Point in the north through to Puysegur Point in the south 2) Stewart Island – entire coastline.
Proposed locations for viewing contact with marine mammals	Given the nature of the environment and extent of operation, there are no 'main areas' of potential marine mammal viewing. There is potential for marine mammal viewing at all locations throughout the proposed areas of operation.

Trip duration and frequency

Maximum duration of trips (in days for multi-day voyages) proposed	14 days
Maximum number of days per year operating this vessel	280 days
Maximum number of main vessels you propose to operate at any one time	1

Fiordland Information, proposed species and proposed viewing times

For both the main vessel and all ancillary vessels									
Location	Maximum number of days operating per year	Maximum number of and description of vessels that are proposed to view marine mammals at this location	Proposed Area of Operation	Proposed Locations for Contact with Marine Mammals	Species	How long, in minutes, will you spend viewing the proposed species per individual encounter? (individual encounter)	How long, in minutes, will you spend viewing the proposed species per day? (cumulative encounter)	Taking into account the previous two columns, what is the maximum number of encounters you propose to have with each species per day?	Location specific additional information (exclusions etc)
Milford Sound (Internal Waters)	10	Main vessel: Heritage Explorer Ancillary vessels: 2 tenders and up to 4 kayaks. Max viewing at one time: 3 Main vessel and ancillary vessels never used concurrently to view marine mammals. See Appendix 1 for clarification.	At all locations defined as Milford Sound' (Internal Waters) in map attached as Appendix 3	At all locations defined as Milford Sound' (Internal Waters) in map attached as Appendix 3	<input checked="" type="checkbox"/> All species of seal	30 minutes at any location			As per existing marine mammal viewing limits already set. No viewing of Humpback Whales, Southern Right Whales or Orca.
					<input checked="" type="checkbox"/> All other cetacean species	5 minutes	10 minutes	2	
Rest of Fiordland (Internal Waters)	280 <i>See Appendix 4 for clarification</i>	Main vessel: Heritage Explorer Ancillary vessels: 2 tenders and up to 4 kayaks. Max viewing at one time: 3 Main vessel and ancillary vessels never used concurrently to view marine mammals. See Appendix 1 for clarification.	At all locations defined as 'Rest of Fiordland' (Internal Waters) in map attached as Appendix 3	At all locations defined as 'Rest of Fiordland' (Internal Waters) in map attached as Appendix 3	<input checked="" type="checkbox"/> All species of seal	30 minutes at any location			As per existing marine mammal viewing limits already set. Cumulative Viewing for Rest of Fiordland and Outer Coast Combined <i>Bottlenose Dolphins:</i> Cumulative viewing time of 15 minutes. <i>Orca:</i> Cumulative viewing time of 15 minutes. <i>All other cetacean species:</i> Cumulative viewing time of 30 minutes per species.
					<input checked="" type="checkbox"/> Bottlenose Dolphins		15 minutes		
					<input checked="" type="checkbox"/> Orca		15 minutes		
					<input checked="" type="checkbox"/> Humpback Whales		15 minutes		
					<input checked="" type="checkbox"/> Southern Right Whales		15 minutes		
					<input checked="" type="checkbox"/> All other Cetacean Species		30 minutes		

Outer Coast (External Waters)	280 <i>See Appendix 4 for clarification</i>	Main vessel: Heritage Explorer Ancillary vessels: 2 tenders and up to 4 kayaks. Max viewing at one time: 3 Main vessel and ancillary vessels never used concurrently to view marine mammals. See Appendix 1 for clarification.	At all locations defined as 'Outer Coast' (External Waters) in map attached as Appendix 3	At all locations defined as 'Outer Coast' (External Waters) in map attached as Appendix 3	<input checked="" type="checkbox"/> All species of seal	30mins at any location			As per existing Fiordland marine mammal viewing limits already set (see Appendix 7). <u>Cumulative Viewing for Rest of Fiordland and Outer Coast Combined</u> <i>Bottlenose Dolphins:</i> Cumulative viewing time of 15 minutes. <i>Orca:</i> Cumulative viewing time of 15 minutes. <i>All other cetacean species:</i> Cumulative viewing time of 30 minutes per species.
					<input checked="" type="checkbox"/> Bottlenose Dolphins		15 minutes		
					<input checked="" type="checkbox"/> Orca		15 minutes		
					<input checked="" type="checkbox"/> All other Cetacean Species		30 minutes		

Viewing locations, species, and times for Rakiura

For both the main vessel and all ancillary vessels										
Location	Maximum number of days operating per year	Maximum number of and description of vessels that are proposed to view marine mammals at this location	Proposed Area of Operation	Proposed Locations for Contact with Marine Mammals	Species	How long, in minutes, will you spend viewing the proposed species per individual encounter? (individual encounter)	How long, in minutes, will you spend viewing the proposed species per day? (cumulative encounter)	Taking into account the previous two columns, what is the maximum number of encounters you propose to have with each species per day?	Location specific additional information (exclusions etc)	
Stewart Island Rakiura	80	Main vessel: Heritage Explorer Ancillary vessels: 2 tenders and up to 4 kayaks. Max viewing at one time: 3 Main vessel and ancillary vessels never used concurrently to view marine mammals. See Appendix 1 for clarification.	Entire coastline of Stewart Island Rakiura	Entire coastline of Stewart Island Rakiura for the main vessel. Halfmoon Bay, Paterson Inlet, Port Adventure, Port Pegasus and Lords River for the ancillary vessels.	Bottlenose	15 minutes			Te Waewae Bay Marine Mammal Sanctuary – must remain 1NM from coast	
						30 minutes			Open waters – Foveaux Strait	
						N/A			No viewing at Aparima Estuary	
					Hectors dolphin	15 minutes			Te Waewae – on-water viewing prohibited 1 December and 1 March annually. Catlins Coast Marine Mammal Sanctuary - No viewing within the recognised Hectors dolphin nursery area	
						30 minutes				Open waters – Foveaux Strait
						30 minutes				Now viewing at Aparima Estuary
						N/A				
					Southern Right whale	15 minutes			Te Waewae Bay – prohibit viewing between 1 June and 30 September annually	
						15 minutes			Colac Bay, Ocean Beach, Bluff Harbour, Porpoise Bay	
						30 minutes			Open waters – Foveaux Strait	
					Other dolphin & whale species	15 minutes			Te Waewae Bay – prohibit viewing between 1 June and 30 September annually	
						15 minutes			Bluff Harbour	
						30 minutes			Open waters – Foveaux Strait	
						30 minutes			Remain outside of nursely area	
					Seals	30 minutes				

As per the Rakiura and Murihiku viewing limits (see Appendix 9).

L. Vessel type – motorised vessel(s) and manually propelled watercraft

Describe the ‘main’ vessel you are going to use in your proposed operation.

Vessel Name	Heritage Explorer
Year built	2004
Shipyard	Carey’s Boatyard, Picton, NZ
Classification	Passenger vessel
Colour	White
Length	30m
Beam	7.8m
Gross Tonnage	76.1
Engines/propulsion type	Scania engines. Direct injection, fluid-cooled, four stroke diesel engines with 8 cylinders. The normal operating speed would be 700-2200 rpm (average of 1500rpm).
Noise above/below water (if known)	Sound testing undertaken as part of the surface water consent application for Fiordland, concluded that the sound exposure level of 82dB L _{AE} is less than the requirement of the Southland Coastal Plan of 90dB L _{AE}
Maximum speed	12 knots
Cruising speed	10 knots
Maximum number of passengers	18 passengers and up to 8 crew
Auxiliary craft onboard	2 x tenders and 4 kayaks

See section ‘Q Attachments’ for Heritage Explorer Ancillary Craft Descriptions

M. Background of proposed operator

State the applicant’s experience operating with marine mammals (e.g. the number of years the company / business has been operating around marine mammals).

Heritage Expeditions has been running expeditions which encounter marine mammals for over 30 years. Areas they have operated in include the entire NZ coastline, the NZ Subantarctic Islands, Ross Sea Antarctica, Kermadec Islands, Melanesia, Micronesia, Papua New Guinea, Japan, Russian Far East (from Kuril Islands in south to Wrangle Island in the north).

Their experience with operating around marine mammals is extensive. Heritage Expedition’s was founded on conservation principles – wishing to gain public awareness and advocacy for the protection of the unique wildlife of and environments that they travel to.

To this end, their interactions with all wildlife, including marine mammals, are respectful and with the least disturbance possible.

They have supported many scientific studies on marine mammals over the years, assisting by reporting sightings, data gathering and logistical support. The scientists who have undertaken these studies have also been onboard our expeditions as staff members – in educational roles for the passengers.

State the applicant’s knowledge of operating within the local area, and of the sea and weather conditions (e.g. number of years’ experience operating within the area).

Heritage Expeditions has been running expeditions to Fiordland and Stewart Island for over 30 years – they were the first areas that the company offered tours to when it was formed. Heritage Expeditions is still a family owned and operated business, founded by Rodney and Shirley Russ. Their sons, Nathan and Aaron Russ, have now taken over the ownership. Therefore, decades of experience and knowledge of weather, sea, wildlife and environment in these areas is able to be provided to all staff or crew who are running their voyages.

Has the applicant been convicted of any offence involving the mistreatment of animals?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
If “yes”, provide details	

Does the applicant have any current criminal charges pending before the court involving the mistreatment of animals?

No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
If “yes”, provide details	

Does the Applicant agree to DOC undertaking a check of their criminal convictions or pending current criminal charges involving the mistreatment of animals?

Note: DOC may require the proposed operator to fill out and sign a form that allows DOC to receive their criminal conviction history to enable the Director-General of DOC to be satisfied that the proposed operator does not have convictions for offences involving the mistreatment of animals.

No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>

N. Background experience of individual staff members

Complete the table below for every staff member who may come into contact with marine mammals during the operation. If there are two or more staff members, copy and paste the table and complete for each staff member. Alternatively attach additional pages with the required information and record all attachments in section 'Q Attachments'.

See section 'Q Attachments' for Heritage Explorer Bulk Staff List

O. Marine Mammals Protection Regulations 1992

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.	Tick
Marine mammals will not be disturbed or harassed	<input checked="" type="checkbox"/>
Best endeavours will be used to operate the vessel in a way that the normal movement or behaviour of any marine mammal is not disrupted	<input checked="" 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 checked="" type="checkbox"/>
Marine mammals are not to be separated from a group of marine mammals, or caused to scatter	<input checked="" type="checkbox"/>
Rubbish or food is not to be thrown near or around any marine mammal	<input checked="" type="checkbox"/>
No person shall make any loud or disturbing noises around any whale, dolphins or seals	<input checked="" type="checkbox"/>
No sudden or repeated changes in the speed or direction of the vessel shall be made except in the case of an emergency	<input checked="" type="checkbox"/>
Where the vessel stops to enable the passengers to watch any marine mammal, the engines are to be either placed in neutral (<i>preferred</i>) or be switched off within a minute of the vessel stopping	<input checked="" type="checkbox"/>
A person or vessel shall not cut off the path of a marine mammal or prevent a marine mammal from leaving the vicinity of the vessel	<input checked="" type="checkbox"/>
The skipper of a vessel less than 300 metres from any marine mammal shall use his or her best endeavours to move the vessel at a constant slow speed no faster than the slowest marine mammal in the vicinity, or at idle or "no wake" speed	<input checked="" type="checkbox"/>

When departing from the vicinity of any marine mammal, the vessel shall proceed slowly at idle or “no wake” speed until the vessel is at least 300 metres from the nearest marine mammal	<input checked="" type="checkbox"/>
The vessel 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 checked="" 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 checked="" type="checkbox"/>

Whale specific behaviours Tick that you understand and will operate in accordance with each of the following species-specific behaviours as required under Part 3 of the Marine Mammals Protection Regulations 1992.	Tick
The vessel is not to approach within 50 metres of a whale	<input checked="" type="checkbox"/>
If a whale approaches the vessel, the skipper of the vessel shall, wherever practicable: (i) manoeuvre the vessel so as to keep out of the path of the whale; and (ii) maintain a minimum distance of 50 metres from the whale	<input checked="" type="checkbox"/>
The vessel is not to approach within 200 metres of any female baleen or sperm whale that is accompanied by a calf or calves	<input checked="" type="checkbox"/>
The vessel shall approach a whale from a direction that is parallel and slightly to the rear	<input checked="" type="checkbox"/>

Dolphin specific behaviours Tick that you understand and will operate in accordance with each of the following species-specific behaviours as required under Part 3 of the Marine Mammals Protection Regulations 1992.	Tick
The vessel may exceed idle or “no wake” speed in order to outdistance the dolphins but must increase speed gradually, and shall not exceed 10 knots within 300 metres of any dolphin	<input checked="" type="checkbox"/>
The vessel is not to proceed through a pod of dolphins	<input checked="" type="checkbox"/>
The vessel shall approach a dolphin or pod of dolphins from a direction that is parallel and slightly to the rear	<input checked="" type="checkbox"/>

P. Operational best practice based on recommended DOC guidelines

Tick that you understand and will comply with the following conditions relating to seals and sea lions specific behaviours	Tick
Not applicable as not applying to view seals and sea lions	<input type="checkbox"/>
When seals and sea lions are hauled out on shore or rocks, the vessel will remain 20m or more from water’s edge	<input checked="" type="checkbox"/>

Tick that you understand and will comply with the following conditions relating to location specific best practice.	Tick
<p>You will have been given information on best practice recommendations when you contacted permissionschristchurch@doc.govt.nz prior to making your application. If any location specific best practices apply to your area of operation, attach the relevant schedule.</p>	
Not applicable as there is no location specific best practice	<input type="checkbox"/>
Location specific best practices for my area of operation are attached and recorded in section 'Q Attachments'	<input checked="" type="checkbox"/>
All proposed operations will be undertaken in accordance with the best practice guidelines for the area of operation	<input checked="" type="checkbox"/>
Tick that you understand and will comply with the following conditions relating to Manually propelled vessels e.g. kayaks and paddle boards practices.	Tick
Not applicable as not operating a manually propelled vessel	<input type="checkbox"/>
<p>Up to seven kayaks (or other manually propelled watercraft) are to be grouped closely together* for the purpose of viewing marine mammals <i>*Manually propelled watercraft are to be within two paddle lengths of each other to form 'one distinct vessel'. No vessel (including a group of seven manually propelled vessels) shall approach closer than 300m to a marine mammal if there are already three vessels (including a group of seven manually propelled vessels) or aircraft, or both, present.</i></p>	<input checked="" type="checkbox"/>
Kayaks (or other manually propelled watercraft) are not to be banged, or paddles slapped against the water in the presence or marine mammals.	<input checked="" type="checkbox"/>
No person shall touch a marine mammal	<input checked="" type="checkbox"/>
No person is to chase a marine mammal, instead let the mammal approach the manually propelled watercraft	<input checked="" type="checkbox"/>
Where practical the operator's guide is to remain between the clients and any seals or sea lions on shore	<input checked="" type="checkbox"/>

Q. Attachments

Attachments should *only* be used if there is:

- A specific question that requires an attachment e.g. map of the proposed base and area of operations
- Not enough space on the form to finish your answer
- Additional information that supports your answer
- An additional request you wish to make of DOC regarding the application.
- Methods for mitigating effects on marine mammals

Label each document clearly and complete the table below.

Section of the application form the attachment relates to	Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
K	Appendix 1 Description of Operations	Word	Detailed description of operations onboard Heritage Explorer and how marine mammal viewing is encountered within their itineraries
K	Appendix 2 Maps of Operation Areas	Word	Maps of areas of operation and where contact with marine mammals is proposed
K	Appendix 3 Fiordland Viewing Areas Map	Word	Map indicating the specific areas for Fiordland which are referred to in the locations, species and viewing times tables
L	Appendix 4 Description of Heritage Explorer Ancillary Craft	Excel	Description of Heritage Explorer Ancillary Craft
N	Appendix 5 Heritage Explorer Bulk Staff List	Excel	List and background experience of staff working as 'masters' of all the main vessel and ancillary craft
N	Appendix 6 Training provided to Heritage Explorer crew	Word	Description of training given and experience shared with all crew/staff who are 'masters' of the main vessel and ancillary craft
P	Appendix 7 Location Specific Best Practices	Word	Details of further Location Specific Best Practices for marine mammals
F	Appendix 8 Te Rūnanga Ngāi Tahu Consultation Response	PDF	Copy of Te Rūnanga Ngāi Tahu response to Marine and Coastal Area (Takutai Moana) Act 2011 notification
P	Appendix 9 Viewing limits	Word	A document describing the Murihiku and Rakiura viewing limits for

Section of the application form the attachment relates to	Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
			Marine Mammals, and the the Title-Holder Area for the Tītī Islands, held by the Rakiura Tītī (Beneficial Islands) Committee.

R. Checklist

Application checklist	Tick which apply
I have completed all sections of this form relevant to my application and understand that the form will be returned to me if it is incomplete.	<input checked="" type="checkbox"/>
I certify that the information provided in this application form and any attached additional forms and information is, to the best of my knowledge, true and correct..	<input checked="" type="checkbox"/>
I have supplied a map with the departure location, boundaries of operation, expected tour routes of operation specific locations where viewing of marine mammals are likely, and if applicable specific location where swimming with marine mammals are likely as required in and section 'Q Attachments'.	<input checked="" type="checkbox"/>
I have appropriately recorded all attachments in section 'Q Attachments'.	<input checked="" type="checkbox"/>
I understand that 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.	<input checked="" type="checkbox"/>

S. Terms and conditions for a credit account with the Department of Conservation

Have you held an account with the Department of Conservation before?	Tick
No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>
If "yes", under what name:	Heritage Expeditions 2018 Ltd

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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.	<input checked="" 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 checked="" type="checkbox"/>
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.	<input checked="" 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 checked="" type="checkbox"/>
Applicant Name/s (of authorised person/s)	Date
██████████ ██████	5 th October 2022

Email your completed application, and any attachments (e.g. recorded in section 'Q Attachments') to: permissions@doc.govt.nz

For Department of Conservation use			
Credit check completed			
Comments :			
Signed:		Name	
Approved (Tier 4 manager or above)		Name	