

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 new 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 \(SMART\) operator](#)⁷.
- 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 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)		Mercury Bay Discoveries Limited	
	Trading name (if different from applicant name)			
	NZBN (To apply go to: https://www.nzbn.govt.nz)	94-29051558598	Company, trust or incorporated society registration number	8860668
	Registered office of company or incorporated society (if applicable)			
	Company phone		Company website	mercurybaydiscoveries.co.nz
	Contact person and role		Christopher McKnight-Pascoe	
	Phone		Mobile phone	
	Email		info@mercurybaydiscoveries.co.nz	
	Postal address			Postcode

B. New or renewal (with a major amendment) of an existing permit

I am applying for a new permit. 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. E-mail permissionschristchurch@doc.govt.nz .	<input checked="" type="checkbox"/>
I am applying to renew an existing permit with a major amendment.	<input type="checkbox"/>
Permit number	

C. 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	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>
If yes, state when and who with.	
22 August 2023, online with Max Clark – Permissions Team. 29 August 2023, in person with James Blackmore – Marine Ranger, Coromandel. 11 September 2023, in person with Nick Kelly – Operations Manager, Doc Coromandel.	

D. 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:

CONSERVATION MANAGEMENT STRATEGY, WAIKATO 2014-2024, Volume I (in particular section 8 Hauraki Islands Place and section 10 Hahei Coast and Marine Reserve Place)

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

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

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/>

E. 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

Yes

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	Ngāti Hako
Name of individual you notified and sought views on your application	Te Kupenga o Ngāti Hako – Kenneth John Linstead
Date /s of notification and views sought	30 August 2023
Form of notification and means of views given (e.g. email, meeting)	Email sent consulting on our intentions to apply for a marine mammal permit and a description of our business operations.
Outcome of consultation	No reply yet
Customary Marine Title Applicant notified	Ngāti Hei
Name of individual you notified and sought views on your application	Ngāti Hei Charitable Trust Incorporated – Joseph Davis
Date /s of notification and views sought	30 August 2023
Form of notification and means of views given (e.g. email, meeting)	Email sent consulting on our intentions to apply for a marine mammal permit and a description of our business operations.
Outcome of consultation	No reply yet
Customary Marine Title Applicant notified	Ngāti Maru

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.

Name of individual you notified and sought views on your application	Ngāti Maru Runanga Trust
Date /s of notification and views sought	30 August 2023
Form of notification and means of views given (e.g. email, meeting)	Email sent consulting on our intentions to apply for a marine mammal permit and a description of our business operations.
Outcome of consultation	No reply yet
Customary Marine Title Applicant notified	Hauraki Maori Trust Board
Name of individual you notified and sought views on your application	Terrence John McEnteer
Date /s of notification and views sought	30 August 2023
Form of notification and means of views given (e.g. email, meeting)	Email sent consulting on our intentions to apply for a marine mammal permit and a description of our business operations.
Outcome of consultation	No reply yet
Customary Marine Title Applicant notified	Ngāti Tamatera
Name of individual you notified and sought views on your application	Ngāti Tamatera Treaty Settlement Trust
Date /s of notification and views sought	30 August 2023
Form of notification and means of views given (e.g. email, meeting)	Email sent consulting on our intentions to apply for a marine mammal permit and a description of our business operations.
Outcome of consultation	No reply yet
Customary Marine Title Applicant notified	Ngāti Porou ki Hauraki
Name of individual you notified and sought views on your application	John Henry Tamihere
Date /s of notification and views sought	30 August 2023
Form of notification and means of views given (e.g. email, meeting)	Email sent consulting on our intentions to apply for a marine mammal permit and a description of our business operations.
Outcome of consultation	No reply yet

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

F. 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	Ngāti Hei
Name of individual you consulted with	Joseph Davis
Date of consultation	30 August 2023
Form of consultation (e.g. email, meeting)	Email
Outcome of consultation	No reply yet
Whānau/hapū/iwi consulted with	Ngāti Hei
Name of individual you consulted with	Shelly Balsom
Date of consultation	11 September 2023
Form of consultation (e.g. email, meeting)	Email
Outcome of consultation	Currently in discussions

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.

We understand marine mammals play an important traditional role in the cultural values of Maoridom. We respect the values that all local Iwi place on their safety and well-being. We will portray a safe and positive message about viewing marine mammals. Our guests will learn not just about the animals, but also about how they should be viewed and treated.

G. 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

H. Educational material

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

When presenting our tours to our guests our guides will verbally advise the below:

We may see marine mammals on our tour, such as seal, whales and dolphins. If we come across these animals, we will operate the vessel in a way to ensure the safety of marine mammals as a priority. We ask that you adhere to our staff's guidance, for the animals' safety and yours. [Additional species/site-specific info as needed].

As we will not be seeking out any marine mammal the educational materials we use will be light, general information on animals we may encounter will be sourced from the Department of Conservation. We will not be out looking for marine mammals specifically.

I. 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?

By offering opportunities for people to observe marine mammals in their natural environment, vessel-based viewing raises awareness about the significance of these animals and their ecosystems. Marine mammal viewing experiences can be educational tools, offering passengers a chance to learn about these animals ecological roles, life cycles, conservation challenges, and how to appropriately interact with them. This heightened awareness can foster public support for conservation efforts aimed at preserving marine mammal populations.

J. Details of the proposed operation

1 Proposed base and area of operation

Attach a map of the proposed area of operation. It must clearly show:

- Proposed base (vessel departure location) of operation
- Proposed area of operation showing the boundaries and where appropriate, the specific locations where contact with marine mammals are proposed.
- Proposed locations where swimming with marine mammals will take place (if applicable)

Record your map details in section 'Q Attachments'.

Map questions	Written description
Proposed base of operation	Whitianga Harbour
Proposed area of operation	Islands and coastal waters from Mercury Islands to Rabbit Island (including Aldermen Islands)
Proposed locations for viewing contact with marine mammals	N/A (opportunistic only - all locations within proposed area of operations)
Proposed locations for swimming contact with marine mammals	N/A (opportunistic only - all locations within proposed area of operations)

2 Duration of operation

Record the proposed duration of operation (months and years) is currently up to a maximum of three years.

3 years (or maximum allowable term)

3 Trip duration and frequency

Duration of trips (in hours or days if multi-day trips) proposed

Trip durations will vary (1.5 – 5 hours), no longer than 10 minutes will be spent viewing marine mammals per trip

Maximum number of trips proposed per day

3

Maximum number of vessels you propose to operate at any one time

1

4 Species of marine mammal you seek to view or come in contact with from a vessel

All species of whales (including orca and pilot whales)



All species of seal



All species of dolphins (excluding orca and pilot whales)



bottle nose dolphins to be excluded

Species specific encounters you seek to view and come in contact with from a vessel (list species)

N/A. We will not be seeking any specific species, any viewing will be opportunistic.

5 Proposed viewing or contact times with marine mammals

State the maximum time you will view or be in contact with each marine mammal (or group of mammals) you encounter per trip.

Whales viewing or contact

Not applicable



Individual viewing or contact time in minutes

10 minutes

Cumulative viewing or contact time per trip in minutes

10 minutes

Dolphins viewing or contact

Not applicable



Individual viewing or contact time in minutes

10 minutes

Cumulative viewing or contact time per trip in minutes

10 minutes

Seals viewing or contact

Not applicable

Individual viewing or contact time in minutes

10 minutes

Cumulative viewing or contact time per trip in minutes

10 minutes

Specific species viewing or contact

Not applicable

Specific species viewing or contact (list species)

Individual viewing or contact time in minutes

Cumulative viewing or contact time per trip in minutes

6 Species of marine mammal you seek to swim with from a vessel

Not applicable as swimming won't take place

All species of seal

All species of dolphins (excluding orca and pilot whales)

Specific species (list species) sought to swim with

Swimming with dolphins

Not applicable as swimming won't take place

Individual encounter in minutes

Cumulative encounter per trip in minutes

Number of swim drops per trip

Time spent in the water per swim drop per trip in minutes

Cumulative time spent in the water per trip in minutes

Swimming with seals

Not applicable as swimming won't take place

Individual encounter in minutes

Cumulative encounter per trip in minutes

Number of swim drops per trip

Time spent in the water per swim drop per trip in minutes

Cumulative time spent in the water per trip in minutes

Swimming with specific species	
Not applicable as swimming won't take place	<input checked="" type="checkbox"/>
Swimming with specific species (list species)	
Individual encounter in minutes	
Cumulative encounter per trip in minutes	
Number of swim drops per trip	
Time spent in the water per swim drop per trip in minutes	
Cumulative time spent in the water per trip in minutes	

7 Swimming process of entering the water, boat position and encounter of calves and pups

How will swimmers enter the water?	
What will the position of boat be relative to the location and movement of marine mammals when swimmers enter the water?	
What will the placement of swimmers be relative to the location and movement of marine mammals?	
What actions will be taken should dolphin calves or seal pups be encountered?	

8 Cumulative encounter times of viewing/contact and swimming

Cumulative time spent in the water per trip in minutes	
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K. Vessel type – motorised vessel(s)

Describe the vessel type you are going to use in your proposed operation.

If your operation involves two or more vessels, copy and paste the table below and complete for each vessel. Alternatively attach additional pages with the required information and record all attachments in section 'Q Attachments'.

Not applicable as only using manually propelled vessels

Motorised vessel No. 1 description:

Vessel name	Mercury Star
Vessel make	Roger Hill
Vessel model	Power Catamaran
Vessel size (length)	11.7 meters
Vessel colour	Bronze (orange)
Motive power	Outboard(s)
Construction and hull design	Aluminium Catamaran
Planing hull	<input checked="" type="checkbox"/>
Displacement hull	<input type="checkbox"/>
Normal cruising speed	15 knots
Maximum speed	20 knots
Maximum number of passengers	35
Describe any information you have on vessel noise levels (above and below water)	Modern four stroke outboards with minimal noise levels
How will the effects of vessel noise be mitigated?	Low speed in presence of marine mammals with the outboards turned off where possible.

L. Vessel type – manually propelled vessels (watercraft)

Describe the manually propelled vessel (watercraft) type and number of vessels you are going to use.

Not applicable as only using motorised vessels



Manually propelled vessel description

Single kayak



Number of single kayaks

Double kayak



Number of double kayaks

Paddle board



Number of paddle boards

Other manually propelled vessels



Type of other manually propelled vessel

Number of other manually propelled vessels

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)

This is a new company and the first time we are applying for this permit. All company owners/operators have extensive experience working on the water professionally and regularly encounter marine mammals in the course of their work. The skippers intend to complete the Department of Conservation SMART Operator Programme as soon as possible.

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)

Of the business owners who will also be skipping the vessel all have grown up recreationally boating in the area. The length of time the skippers have worked professionally on the water in the area ranges from 5 to 15+ years.

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

No

Yes

If "yes" provide details

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

No

Yes

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

Yes

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'.

Staff member No. 1	
Full name	Christopher Neil McKnight-Pascoe
Job title: Skipper	<input checked="" type="checkbox"/>
Job title: Guide	<input type="checkbox"/>
Job title: Other (state)	<input type="checkbox"/> Operations Manager
Has this person been convicted of any offence involving the mistreatment of animals?	
No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
If "yes" provide details	
Does this person 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 staff member 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 staff member 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 they do not have convictions for offences involving the mistreatment of animals	
No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>
State the staff members knowledge of operating within the local area, and of the sea and weather conditions (e.g. number of years' experience operating within the area)	Christopher McKnight-Pascoe, Part Owner/Skipper/Operations Manager Has worked on the ocean for 15+ years as a skipper with a vast knowledge of the local area, sea and weather conditions. There have been regular marine mammal encounters throughout this time.

Relevant Experience of staff member with marine mammals?

Experience operating around marine mammals in years

15+ years. Regularly encounters marine mammals through the normal course of their work, currently skippering the Whitianga ferry. Most recent experience is with a number of seals who have taken up residence on Ferry Landing in the Whitianga Harbour.

Staff member No. 2

Full name

Adam Collier

Job title Skipper

Job title Guide

Job title Other (state)

Operations Manager

Has this person been convicted of any offence involving the mistreatment of animals?

No

Yes

If "yes" provide details

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

No

Yes

If "yes" provide details

Does the staff member 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 staff member 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 they do not have convictions for offences involving the mistreatment of animals

No

Yes

State the staff members knowledge of operating within the local area, and of the sea and weather conditions (e.g. number of years' experience operating within the area)

Adam Collier, Part Owner/Skipper/Marketing
Has been professionally skippering in the Mercury Bary area for the last 5 years, and having grown up in the area regularly boating has vast knowledge of local area, sea and weather conditions.

Relevant Experience of staff member with marine mammals?

Experience operating around marine mammals in years

5+ years. Regularly encounters marine mammals through the normal course of their work, currently also skippering the Whitianga ferry. Most recent experience is with a number of seals who have taken up residence on Ferry Landing in the Whitianga Harbour.

Types of marine mammals the staff member has operated around?

Seals / sea lions



Dolphins



Whales



Specific species



List type of specific species

Has the staff member has completed a [DOC SMART](#)¹⁴ course?

No



Currently in contact with DOC organising for both skippers to attend a course

Yes



¹⁴ <https://www.doc.govt.nz/our-work/smart-operator-programme/>

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 <ul style="list-style-type: none"> (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"/>
Swimming 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
Swimmers will not be in the water with juvenile dolphins or a pod that includes juvenile dolphins	<input checked="" type="checkbox"/>
An airhorn may be used to call swimmers back to the boat or to the shore	<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"/>
When seals and sea lions are hauled out on shore or rocks, swimmers will remain 5m 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. <i>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.</i>	Tick
Not applicable as there is no location specific best practice	<input checked="" type="checkbox"/>
Location specific best practices for my area of operation are attached and recorded in section ‘Q Attachments’	<input type="checkbox"/>
All proposed operations will be undertaken in accordance with the best practice guidelines for the area of operation	<input type="checkbox"/>
Tick that you understand and will comply with the following conditions	Tick

relating to Manually propelled vessels e.g. kayaks and paddle boards practices.	
Not applicable as not operating a manually propelled vessel	<input checked="" type="checkbox"/>
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>	<input type="checkbox"/>
Kayaks (or other manually propelled watercraft) are not to be banged, or paddles slapped against the water in the presence of marine mammals	<input type="checkbox"/>
No person shall touch a marine mammal	<input type="checkbox"/>
No person is to chase a marine mammal. Instead let the mammal approach the manually propelled watercraft	<input type="checkbox"/>
Where practical the operator's guide is to remain between the clients and any seals or sea lions on shore	<input type="checkbox"/>

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

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.

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
<u>Correct example</u> ✓ E	Proposed base and area of operation	.shp	Map of proposed base and area with locations of where contact with marine mammals is proposed.
<u>Correct example</u> ✓ K	Educational Material	Word	Educational material provided to clients undertaking marine mammal journey.
<u>Incorrect example</u> X <u>Table</u>	Doc1	Word	Table
J	Coromandel Area Map - Proposed Base and Area of Operation	.pdf	Map of proposed base and area of operation where contact with marine mammals may occur.

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.



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 checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
If "yes", under what name:	

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)	Christopher Neil McKnight-Pascoe
Date	26/09/23.

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:

**Approved (Tier 4
manager or above)**

Name

Name



The Department recommends that you contact us to discuss the proposed activity prior to completing the application forms:

Permissions Advisor (Support)

Phone: +64 3 371 3700

Email: permissionschristchurch@doc.govt.nz

Please provide all information requested in as much detail as possible. Applicants will be advised if further information is required before this application can be processed by the Department.

This form must be completed for all permit applications under the Marine Mammals Protection Act and Regulations. You are also required to please fill in, and attach, the form(s) for the activities you wish to undertake ie [Forms 8a and/or 8b and/or 8c; or 8d; or 8e](#). All the forms are available on the DOC website. If extra space is required for answering please attach and label according to the relevant section.

If you seek a minor amendment to a current permit (i.e. a new boat or new staff member), please complete application form 8f only, you do not need to fill in this form. If you seek an amendment that is more than minor, please contact the office below.

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

- Legal status registration number (if not an individual)
- Written testimonials (if required)
- Written consultations (if applicable)
- All appropriate activity application forms
- Supporting information and detail including maps as required in activity forms
- Have you read the section regarding the liability of the applicant for payment of fees?
- Have you signed your application?**

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



A. Applicant Details

Applicant Name (full name of registered company or individual)		Mercury Bay Discoveries Limited		
Legal Status of applicant (tick)	Individual	Registered Company	<input checked="" type="checkbox"/>	Trust
Other (please specify full details)				
Please supply the company, trust or incorporated society registration number: 8860668				
If an individual please supply your date of birth (this is a unique identifier for you):				
Trading Name (if different from Applicant name)				
Postal Address		[Redacted]		
Street Address (if different from Postal Address)				
Registered Office of Company or Incorporated Society (if applicable)				
Phone	[Redacted]	Website	www.mercurybaydiscoveries.co.nz	
Contact Person and role		Christopher McKnight-Pascoe, Operations Manager		
Phone	[Redacted]	Cell Phone	[Redacted]	
Email	[Redacted]			
Contact Person and role				
Phone		Cell Phone		
Email				

B. Activities applied for

Please fill in all the forms that are applicable. Please tick below the forms that have been completed, and attach. Please note that even if you are applying for a renewal of an existing permit these forms are a necessary requirement of the application process and must be filled out in full.

ACTIVITY	FORM	✓
Vessel Based Viewing	8a	✓
Land Based Viewing	8b	
Aircraft Based Viewing	8c	
Filming only	8d	
Swimming with marine mammals	8e	

Please note: If you seek a minor amendment to a current permit (i.e. a new boat or new staff member), please complete application form 8f only, you do not need to fill in this form.

C. Activity is in the interest of Conservation, Management, and the Protection of Marine Mammals (not necessary for filming only)

Please briefly describe how your activity is in the interest of Conservation, Management and the Protection of Marine Mammals. This is a requirement of Regulation 6(d) of the Marine Mammals Protection Regulations 1992.

By offering opportunities for people to observe marine mammals in their natural environment, vessel-based viewing raises awareness about the significance of these animals and their ecosystems. Marine mammal viewing experiences can be educational tools, offering passengers a chance to learn about these animals' ecological roles, life cycles, and conservation challenges. This heightened awareness can foster public support for conservation efforts aimed at preserving marine mammal populations.

D. Background Experience of Applicant

Please provide relevant information relating to the applicant's knowledge and experience operating with Marine Mammals. *N/B - Please note that this section is for the applicant as the operator; there are sections for the staff/guides and skippers within the additional activity information forms.*

Mercury Bay Discoveries Ltd. is a new business and is operated by highly experienced skippers. Christopher McKnight-Pascoe, Part Owner/Skipper/Operations Manager
Has worked on the ocean for 15+ years as a skipper with regular marine mammal encounters throughout this time.

Adam Collier, Part Owner/Skipper/Marketing

Has worked for multiple operations as a skipper with marine mammal permits.

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

Christopher McKnight-Pascoe

Has grown up and continues to live in Whitianga, professionally working as a skipper and regularly recreationally diving in the proposed areas of operation throughout his life.

Adam Collier

Has grown up and continues to live in Whitianga, and has multiple years of experience working as a skipper in the proposed areas of operation. Has skippered tour boats for companies with marine mammal permits for a large part of his career.

Has the Applicant or any of the company directors, trustees, partners, or anyone involved with the Application been convicted of any offence? Does the Applicant 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.

No

E. Consultation Undertaken

Some applications require consultation with whānau/hapū/iwi (local Māori), and other interested parties. Please contact the nearest Department of Conservation office to discuss what is required. Written expert views, advice or opinions concerning your proposal may also be attached to support the application. Attach any proof of consultation to the application.

In order to assist consultation please advise of any cultural interpretation or activities that may have an impact on cultural values and measures you will take to mitigate their effects. Some examples are talking to local Māori about correct interpretation of stories in order for you to tell them, or encouraging your clients, passengers, staff to use the toilet facilities prior to departure because expelling body fluids into the water is regarded as culturally insensitive.

Minimal at this point. We have contacted local iwi and have started discussions, we hope to build a strong relationship with them in the future as we develop our business. See form 8A for details of the consultation.

F. Public Notification

The Marine Mammals Protection Regulations requires all new permit applications and major amendments to current permits to be advertised at the Applicant's expense. Submissions will be open

for a period of 20 working days. The Applicant will be given the opportunity to respond to any submissions but there is no requirement for a hearing.

If an application is to renew an existing permit on terms and conditions that, in the opinion of the Department, are substantially the same; to transfer an existing permit to a new holder; or to make a minor amendment to a current permit then notification is not required.

G. Fees

Processing Fees:

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

The Department recovers all direct and indirect costs to process a marine mammal permit application from Applicants regardless of whether the application is approved or declined.

Estimated processing costs:

- The cost of processing a **standard renewal** of an existing marine mammal permit is likely to be **\$2065 plus GST**.
- The cost of processing a **standard new application or major amendment to an existing permit** is likely to be **\$2065 plus GST, plus advertising costs**. This fee is likely to be higher if submissions are received through the advertisement process.

The processing fee is likely to be higher if the application is assessed as complex or covers multiple regions. The Department will send an estimate of costs to the Applicant once the application has been assessed.

Applicants are entitled to request an estimate of costs at any point. The Department may impose a charge for preparing such an estimate. Estimates are not binding.

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 at any stage an application is withdrawn the Department shall invoice the Applicant for the costs incurred by the Department up to that point. Applicants are required to pay the processing fees within 28 days of receiving an invoice. The Director-General is entitled to recover any unpaid fees as a debt.

Please contact your nearest Department of Conservation office to discuss the applicable fee for the application. The Director-General of Conservation has discretion to reduce or waive processing fees.

The Department may obtain further information either from the applicant or from any other relevant source in order to process the application. The applicant will be advised of any information obtained from other sources. The cost of obtaining such information will be charged to and recovered from the applicant. The applicant will be informed as soon as practicable from receipt of the application if further information is required before this application form can be fully processed by the Department.

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

Have you held an account with the Department before? (Please tick) Yes No

If yes, under what name:

1. I/We agree that the Department of Conservation can provide my details to the Department's Credit Checking Agency to enable it to conduct a full credit check.
2. 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.
3. I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.
4. I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.
5. I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.
6. 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 of the credit account are not met.
7. 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.

Declaration

I certify that the information provided on this application form and all attached additional forms and information is to the best of my knowledge true and correct.

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

Signature (Applicant)



Date

26/09/23.

Signature (Witness)

Derek Collier, JP
 Managing Director
 #2189
 WHITIANGA
 Justice of the Peace for New Zealand



Date

26/09/23.

Witness Name

Witness Address

This application is made pursuant to regulations 6, 7, 8 and 9 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 administrating and monitoring the operation intended in this application, 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.

This application is subject to further amendment as a result of consideration of submissions received under Regulation 11(5) and comments received under Regulation 11(4).

NOTE: When applying for this permit you should bear in mind that your application will be assessed under regulation 6 of the Marine Mammals Protection Regulations 1992, as set out below. Further information may be sought from you for this assessment if this application is not completed fully as required.

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.

For Departmental use

Credit check undertaken Y / N

Comments :

Signed

Name

Approved (Tier 4

Name

Manager or above)