

# Applicant Information Form 8 Activities involving Marine Mammals

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: <a href="mailto:permissionschristchurch@doc.govt.nz">permissionschristchurch@doc.govt.nz</a>

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 <a href="Forms 8a and/or 8b and/or 8c">Forms 8a and/or 8b and/or 8c</a>; 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.

# **Applicant Information Form 8 Activities involving Marine Mammals**

# A. Applicant Details

Applicant Name (full name of registered company or individual)								
Legal Status of applicant (tick)	Individual		Registered Company	x	Trust		Incorporated Society	
Other (please spe	cify full details)							
Sentient Production	Please supply the company, trust or incorporated society registration number:  Sentient Productions is a limited company registered in England and Wales Registered Company No. 13113586  Sentient Productions is a subsidiary of Wildstar Films Ltd. Wildstar Films Ltd is a limited company							
Registered Compa								
If an individual ple	ease supply your d	ate of birt	th (this is a un	ique ide	entifier for	you):		
Trading Name (if different from A	Applicant name)							
Postal Address		Wildsta	nt Productions r Films sy House, Que		venue, Br	istol BS	88 1SB, UK	
Street Address (if Postal Address)	different from							
Registered Office Incorporated Soc	of Company or iety (if applicable)	As abov	ve.					

Phone	+44 (0) 117 374 230	0	Website	https://w	vww.wildstar.tv/
Contact Person	on and role	Emily Vaug	ıhan Williar	ns, Assis	tant Producer
Phone	+44 (0) 117 374 230	0	Cell P	hone	+44 (0) 7841 421 142
Email	Emily.williams@wild	star.tv			
Contact Pers	on and role	Maria McNe	ememy, Pro	oduction	Coordinator
Phone	+44 (0) 117 374 230	0	Cell P	hone	+44 (0) 7378 885 551
Email	Maria Mcmenemy <	Maria.Mcmeı	nemy@wild	lstar.tv>	

## 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.

Wildstar Films was founded in 2018 by BAFTA and EMMY award winning producers, Vanessa Berlowitz and Mark Linfield. We create and produce non-scripted content from our offices in Bristol. We are currently in production with two premium wildlife series for Disney+, and three for National Geographic Channel. We recently completed Disneynature's Elephant, and have a new Disneynature feature in production.

Pilot whales will be a focus of a major series for National Geographic Channel and Disney+ and will broadcast in 2025 to a projected audience of more than 100 million viewers.

The aim of this series is to show that there is no sharp line that separates us from the rest of the animal kingdom. SENTIENT will take us inside the minds of those we share our planet with and force us to re-think our place in nature and change how we treat all animals, domestic and wild.

Therefore, we hope that by seeing pilot whales, which are not frequently featured in natural history TV series, filmed in their natural environment and during a stranding event, the audience will be informed about, and emotionally connect with them. Pilot whales will form a segment in an episode about social animals.

We would like to film pilot whales in two ways, firstly underwater whilst carrying out their normal daily behaviours, then during a mass stranding event.

We would like to include conservation issues at least once in each episode, so if we are successful in filming a stranding, we will be gathering information about any anthropogenic causes of strandings, ready to put into the script if deemed editorially appropriate (we cannot make a decision about this until the edit). If a ceremony by the local lwi for the stranded whales takes place, then we would also like to film and include this, if the lwi are happy to give permission.

## 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.* 

The founders of Wildstar Films have previously produced Emmy award-winning programmes such as Frozen Planet and Planet Earth. Sentient productions ltd will be engaging New Zealand based camera operators (for example Steve Hathaway and his scientist colleage Jochen Zaeschmar) who are experienced at filming marine mammals. We are also using a local production company to help us set up filming, who are well-versed in New Zealands' environmental policies, and experienced in filming with Iwi communities.

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.

Sentient Productions Itd will be using NZ-based camera operators who are experienced at filming for documentaries and crisis situations, and also experienced at liaising with local Maori groups when on location. These crew members will be recruited from a pre-selected pool of camera operators, when

we receive notice of a stranding event.

For Underwater filming:

Steve Hathaway's experience:

Underwater DOP.

Experienced UW DOP and diver. Over 1500 dives completed across more than 30 years, including in a wide range of ocean conditions. Exceptionally strong swimmer, trained PADI Rescue Diver and Emergency First Responder, and trained to administer O<sub>2</sub>. Has been filming UW professionally for 13 years, predominantly in New Zealand and Australia, including for National Geographic and BBC productions, including *Blue Planet 2* and *Secrets of the Whales*. He has used a sea scooter on roughly 50 dives to date.

Jochen Zaeschmar's experience:

Skipper and scientific advisor.

Has been conducting continuous research on cetaceans (including pilot whales) for over 20 years, and has skippered research vessels in New Zealand and Hawaiian waters. He has been the designated skipper of vessels used for filming purposes of marine mammals under Department of Conservation permits on several occasions, and owns and operates his own ocean-going sailing vessel - which we are using for this shoot. Production has seen his skipper's licence and boat sea worthiness certificates. Qualifications: Commercial Skipper and Level 2 First Aid (NZQA 6401)

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.

Sentient productions ltd will be working alongside local company Chillbox Creative ltd, to help set up filming.

Sentient Productions Itd will also be using experienced NZ-based camera operators, who as of the 20/06/22 have not been allocate. This is with the exception of Steve Hathaway and Jochen Zaeschmar, who do not have any convictions.

We will inform the DOP as soon as we have selected the team, and provide additional information about their experience and criminal charge statuses.

#### 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.

Our filming will require consultation with local Maori groups, as we would like to film pilot whales, which are Taonga to the Maori. We hope to receive advice from either the DOP or Project Jonah (the strandings rescue organisation with whom we have been in contact), about engaging with a cultural advisor, who will be able to flag any concerns or controls.

#### Previous contact

We are in regular contact with Louisa Hawkes and Daren Grover from Project Jonah about the stranding element of filming. We have also engaged NZ documentary film maker Sharron Ward to help with Iwi liaison, in addition to those detailed below.

We have already contacted various DOC staff and community rangers for help with the lwi approval process. These include Michael Dine (for the marine mammal permit), Helen Forsey (who helped with a previous short term filming concession we completed), Mike Ogle, Dave Winterburn, Barney Thomas, as well as Ursula Passl from Mana Whenua ki Mohua in the Golden Bay area. For assistance with Māori liaison in filming areas on North Island, we have reach out to Alison McDonald, Julie Anderson, Freddy Carr and Doug Te Wake.

We have additionally reached out to sixteen hapu/lwi in Coromandel and Bay of Plenty, mostly via email. We have very rarely received responses, but we understand this is does not necessarily signal an issue. Most of the emails were send in January 2022. The hapu/lwi we have reached out to are as follows: For Colville Bay: Ngāti Hako, Ngāti Maru, Ngāti Pāoa, Te Patukirikiri, Ngāti Tamaterā, Ngāti Tai ki Tāmaki, Ngāti Rāhiri Tumutumu, Ngāti Whanaunga.

For Matarangi: all the above hapu/iwi, but additionally Ngāti Hei.

For Spirits Bay: Ngāti Kuri.

For Cape Karikari: Te Tai Tokerau.

For Farewell Spit, Ursula Passl and Barney Thomas at MkM

#### 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)				✓	No	
If yes, under what name:	Sentient Productions.	Account number: 3023	31			

- 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)	Emily Vaughan Williams Emily Vohan Lithan	Date	23/06/22
Signature (Witness)		Date	
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 Manager or above)		Name	



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

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

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

Please complete this application form, attach **Form 8** and any other applicable forms and information and send to <a href="mailto:permissions@doc.govt.nz">permissions@doc.govt.nz</a>.

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

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

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

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

# A. Applicant name (as per Form 8) TBC

## B. Proposed Filming Operation (please read Appendix 1)

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

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

## Purpose, outputs and benefits of the proposed filming

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

The filming is for a documentary series called 'Sentient' for National Georgraphic and Disney+.

We would like to film pilot whales in two contexts, in the ocean carrying out normal behaviours, and during a stranding event. The aim of this series is to show that there is no sharp line that separates us the animal kingdom. 'Sentient' will take us inside the minds of those we share our planet will force us to re-think our place in nature and change how we treat all animals, domestic and wild.

Therefore, we hope that by seeing pilot whales, which are not frequently featured in natural history TV series, filmed in their natural environment and during a stranding event, the audience will be informed about their social bonds, which are even more important to them than those between humans, and emotionally connect with them.

# **Proposed term**

When do you wish to begin and finish all filming?

<sup>\*</sup>Note: RPA means a Remotely Piloted Aircraft as defined under Civil Aviation legislation.

#### **Location information**

Base of operation:

Auckland

Proposed area or areas of operation:

For oceanic filming:

We would like to film the pilot whales offshore to the east of North Island.

As per regulations, filming will not take place further than 12 nautical miles offshore from the North Island/Te Ika-a-Māui and Great Barrier Island/Aotea. Most filming is likely to be concentrated 8-12 nautical miles from shore, along the 200-meter depth contour line between Cape Brett and Great Barrier Island, particularly around Poor Knights Islands/Tawhiti Rahi, and Ninepin trench.

MAP:



Map of filming area. The solid black line represents 12 miles from land. The boat symbols represent ports which could be used in an emergency, and the close symbols represent hospitals.

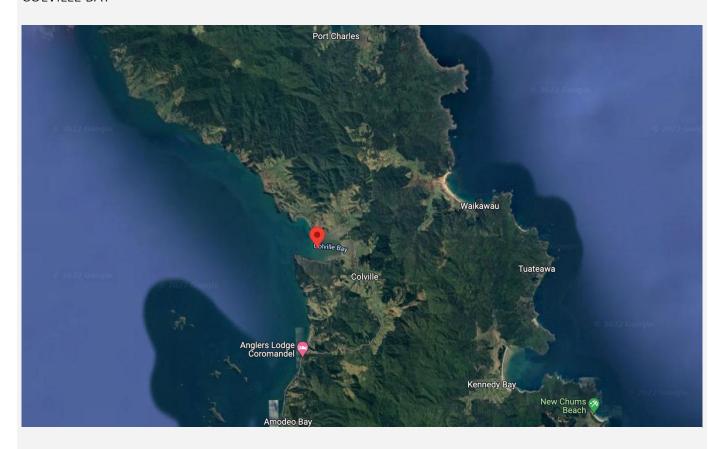
#### Specific locations where contact with marine mammals is proposed:

#### For stranding:

The location where a stranding is most likely to take place on South Island is Farewell Spit. We already have a marine mammal permit for this location. Permit: 97744-MAR

For North Island, there are several locations where strandings are most likely to occur. These locations are: Colville Bay and Matarangi Beach on the Coromandel Peninsula; Ohiwa Spit East End, Ohiwa Spit West End, and Ohope Spit in Ohiwa Harbour, on the Bay of Plenty; and finally in Northland and North Auckland, Karikari beach on Cape Karikari, Spirits Bay and Parengarenga harbour.

MAPS: COLVILLE BAY



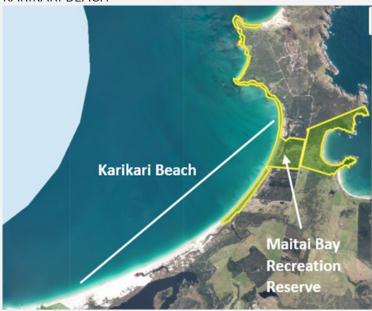
#### MATARANGI BEACH



OHIWA HARBOUR



#### KARIKARI BEACH



#### **SPIRITS BAY**



#### PARENGARENGA HARBOUR



These locations are based on where strandings have taken place in recent years. Therefore they are not an exhaustive list of all the possible stranding locations in Aotearoa. If a stranding takes place outside of a location we have listed, we would like to seek to scramble permission. Therefore if permission can be extended to areas close to where we have listed (for instance, if a stranding location is within the Rohe of an Iwi we already have relationship with), this would be greatly appreciated.

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

### **Species**

•
Marine mammals you propose to encounter and film:
☐ all species of whales ☐ all species of dolphins ☐ all species of seals
Please specify the species you intend to target at each location
Long-finned pilot whales. Globicephala melas, including juveniles

# Filming details

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

#### Please list all species separately

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

Stranding dates: within Jan 2022 – March 2024, due to unpredictable nature of strandings. For oceanic filming, 1st\_

28<sup>th</sup> February 2023.

#### Maximum number of filming days at each location:

For the duration of the stranding (up to 4 days including travel). For the oceanic filming, this will be 28 days at sea including travel, if weather permits and the crew are able to find the whales.

#### Duration of each daily trip:

**During Daylight hours** 

#### Maximum cumulative time with marine mammals during a day:

#### Stranding:

Drone filming will be limited to two hours per day. This will consist of several shorter drone flights of about 20 minutes each. Our crew will be in the water with the whales only when we are filming the re-floating attempts by the rescuers. We will limit this to a maximum of 2 hours per whale. The kayak (approach by vessel) will also only be used during re-floating attempts, we will also limit this to 2 hours per whale. We will not follow any whales which have been refloated, either on foot (wading), or by kayak, and will not be swimming. All time with the whales will be reduced at the request of Project Jonah or the DOC incident officer present.

#### Oceanic Filming:

For as long as the pilot whales permit. The crew will retreat at signs of distress.

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

#### Stranding:

Stranded pilot whales may be approached in a kayak during re-floating attempts. The kayak may be used where a refloating attempt is deeper than waist-height, so the crew cannot film with kit by wading. In these instances, the underwater shots we would like to get of pilot whales being rescued, may be filmed from the kayak using a polecam. The kayak may additionally be used to transport the camera operator between whales which are a large distance apart, and to put heavy filming kit onto, which cannot be hand-held for long periods of time. The kayak will be an Intex 2 person K2 Fishing Excursion Pro Kayak, which is inflatable.

#### Oceanic Filming:

The boat crew are experienced in finding and documenting long-finned pilot whales in the area, and will proceed to search in areas known to have high densities of the whales, using the *Manawanui's* bird's nest, acoustic tracking and a local sighting hotline. Once encountered, the crew will film the whales with a mixture of underwater filming and drone. To avoid disturbing the whales, a 7-person RIB (the *Rubberduck*) will be deployed from the *Manawanui*, and used by the dive crew to get closer to the whales. The *Rubberduck* is much more responsive than the *Manawanui*, and the whales don't mind being close to it.

Vessels will use no wake speed while approaching pilot whales, and will approach from the side or behind of the pod, never cutting in front of them or across their path.

Once the whales have been found, the crew will track them for as long as weather permits, within our prearranged filming window, and within compliance of all marine mammal filming regulations. The *Manawanui* is equipped with a hydrophone, which will allow the crew to keep track of the whales overnight, and which the boat crew will constantly man on a rota.

Underwater filming will be of a mixture of snorkel/freediving and open circuit SCUBA, and the underwater DOP and safety diver will use two sea scooters to keep up with the whales whilst they are on the move.

# How will you undertake underwater filming? Please list all species separately

#### Method (pole-cam, diver etc.)

Stranding:

The camera operator may be in waist-deep water with the whales, during the stranding rescue. The crew may also use a small kayak to help move efficiently around the scene. A pole-cam may be used to get under water shots. A drone will also be used.

#### Oceanic Filming:

Underwater filming will be of a mixture of snorkel/freediving and open circuit SCUBA, and the underwater DOP and safety diver will use two sea scooters to keep up with the whales whilst they are on the move. A drone will also be used.

#### Approaching marine mammals (vessel and/or land)

Stranding:

This will be by foot for completely stranded individuals, or by wading into the water for semi-submerged animals. Instructions from the marine mammal strandings rescue experts will be followed.

A 4x4 hired vehicle may be used to approach strandings on very large stretches of coast. This method has previously been delopyed by Project Jonah. A PJ or DOC representative would have to be present in the vehicle. The vehicle will not approach closer than 20m.

Oceanic Filming:

Vessels will use no wake speed while approaching pilot whales, and will approach from the side or behind of the pod, never cutting in front of them or across their path.

#### Distances and filming position relative to each species

Stranding:

The camera operator may need to walk or wade close to the animals to get close ups and cutaways, so within 2m.

Oceanic Filming:

The Manawanui will be within 50m if the whales approach the boat. The Rubberduck will be less than 50m.

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

Filming over water

drone has reached transit neight.								
A								
Approach speed 15 mph	•							
13 111011								
Height above sea level during transit along the coast or across the sea  During transit the drone will remain 150m above sea level / beach level for stranded whales.								
Height above sea level while filming marine and To film our target species (long-finned pilot whale down to a minimum of 20m for the actual filming	es) the drone will approach from a height of 150m, t	hen drop						
Orientation of approach								
Where possible the drone will approach from the their orientations will be mixed, so this will be att	rear and parallel to the whales. In the case of strar empted where possible.	nded whales,						
What other actions you will take to minimise The pilot whales (in the water) will not be chased interpreted as disturbance, upon which the drone	, herded or scattered. Any reaction to the drone wi	ll be						
Film Crew								
Please fill in for every person that may come the proposed filming. (Copy and paste detail	into contact with marine mammals throughout is for additional crew)	the course of						
Full Name:	Job Title: Director of Photography							
Steve Hathaway								
Has this person had any convictions or prosect other Act involving the mistreatment of anim	<del>-</del>	□ Yes □x No						
If yes please provide details:								
Relevant experience with marine mammals:								
wide range of ocean conditions. Exceptionally stre Responder, and trained to administer O <sub>2</sub> . Has been	1500 dives completed across more than 30 years, in ong swimmer, trained PADI Rescue Diver and Emergen filming UW professionally for 13 years, predoming graphic and BBC productions, including <i>Blue Planet 2</i> hly 50 dives to date.	gency First antly in New						
Relevant knowledge of the local area and sea	conditions: See above.							
-								
Full Name:	Job Title: Skipper and Scientific Advisor							

The drone pilot will launch the drone from a stable surface, and not approach the stranded pilot whales until the

Jochen Zaeschmar								
Has this person had any convictions or prosecutother Act involving the mistreatment of animals	_	☐ Yes ☐x No						
If yes please provide details:								
Relevant experience with marine mammals:								
skippered research vessels in New Zealand and Haw used for filming purposes of marine mammals unde and owns and operates his own ocean-going sailing	Jochen has been conducting continuous research on cetaceans (including pilot whales) for over 20 years, and has skippered research vessels in New Zealand and Hawaiian waters. He has been the designated skipper of vessels used for filming purposes of marine mammals under Department of Conservation permits on several occasions, and owns and operates his own ocean-going sailing vessel - which we are using for this shoot. Production has seen his skipper's licence and boat sea worthiness certificates. Qualifications: Commercial Skipper and Level 2 First Aid (NZQA 6401)							
Relevant knowledge of the local area and sea co	onditions: See above.							
E-11 No. 1 TDC	I.1. T'41							
Full Name: Other crew members TBC	Job Title:							
Has this person had any convictions or prosecutother Act involving the mistreatment of animals	<del>-</del>	□ Yes □ No						
If yes please provide details:								
Relevant experience with marine mammals:								
Relevant knowledge of the local area and sea conditions:  Filming with a drone  Maximum number of drones operating at any one time:								
1								
Type and number of drones (Copy a	nd paste details for additional drones)							
Drone 1 description:								
Location(s) of filming:								
Model: Up to 25kg – likely a mavic pro.	Noise level: 71dB							
C. Other								
Is there any further information you wish to supply in support of your application?								
I have supplied some example risk assessments, details in Concession application form 1a.								



#### 02 November 2022

Tēnā koutou,

RE: Sentient Productions Limited seeking permission to film pilot whales in their natural environment and at a stranding event (if one occurs)

Te Papa Atawhai has received two applications from Sentient Productions Ltd. The company (subsidiary of Wildstar Films Ltd) is seeking permission under the Marine Mammals Protection Act and Regulations to film pilot whales in their natural environment. This would include:

- Filming underwater when the whales are carrying out their normal daily behaviours.
- And to film a mass stranding event, should one occur.

The full application is attached, and a brief summary inclinded at the end of this letter

Sentient Productions Limited have stated that pilot whales will be a focus of a major series for National Geographic Channel and Disney+ and will broadcast in 2025.

The locations pre-chosen by the applicant for the <u>stranding event</u> (based on previous stranding events) do not involve the Bay of Islands District (but include Golden Bay, Whitianga, Whakatane and Kaitaia). However, if a stranding takes place outside of a location listed, the applicant would like to seek to scramble permission at the time<sup>1</sup>.

The <u>in-water and underwater filming</u> of the pilot whales includes the coastal area of Pēwhairangi District (alongside Whangārei, Tāmaki Makaurau and Aotea) – no further than 12 nautical miles offshore<sup>2</sup>. However, Te Pēwhairangi (Bay of Islands) Marine Mammal Sanctuary has been <u>excluded</u> from the concession as the Gazette notice makes provision for research only. Therefore filming will <u>not</u> take place in the Sanctuary.

<sup>&</sup>lt;sup>1</sup> Comments from application: "...locations are based on where strandings have taken place in recent years. Therefore, they are not an exhaustive list of all the possible stranding locations in Aotearoa. If a stranding takes place outside of a location we have listed, we would like to seek to scramble permission. Therefore, if permission can be extended to areas close to where we have listed (for instance, if a stranding location is within the Rohe of an lwi we already have relationship with), this would be greatly appreciated".

<sup>&</sup>lt;sup>2</sup> Comments from application: "as per regulations, filming will not take place further than 12 nautical miles offshore from the North Island/Te Ika-a-Māui and Great Barrier Island/Aotea. Most filming is likely to be concentrated 8-12 nautical miles from shore, along the 200-meter depth contour line between Cape Brett and Great Barrier Island, particularly around Poor Knights Islands/Tawhiti Rahi, and Ninepin trench".

**Figure 1 - Map of Proposed Filming Locations.** The solid black line represents 12 miles from land. The boat symbols represent ports which could be used in an emergency, cross symbols represent hospitals.



Te Papa Atawhai would like to collaborate with you about this application.

- We are interested in hearing any comments, concerns and/ or recommendations you have.
- Please let me know if you would like to contact the applicants directly so we can connect you.

Please provide your feedback to <a href="mailto:cajohnson@doc.govt.nz">cajohnson@doc.govt.nz</a> by Friday 25 November 2022.

Nāku noa, nā

Catherine Johnson Kaitiaki, Āo Hāpori | Ranger, Community Pēwhairangi | Bay of Islands Office

#### **Further Information taken from the Application:**

#### What is this application for?

• Underwater filming of Long-finned Pilot Whales (Globicephala melas) to record natural behaviours in their environment including juveniles.

#### Term of this application:

• 1<sup>st</sup> February 2023 – 28<sup>th</sup> February 2023 or 1<sup>st</sup> February 2024 – 29<sup>th</sup> February 2024 (if the 2023 attempt is not successful).

#### What will be the outcome / objective of this project?

"The aim of this series is to show that there is no sharp line that separates humans from the rest of the animal kingdom... re-think human's place in nature and change how humans treat all animals, domestic and wild. Sentient Productions Ltd hope that by seeing pilot whales, which are not frequently featured in natural history TV series, filmed in their natural environment (and during a stranding event), the audience will be informed about, and emotionally connect with them. Pilot whales will form a segment in an episode about social animals."

#### Boat to lead to underwater filming:

- 1. **Manawanui**: Sentient Productions Ltd will privately charter this 16-person capacity Sailing Vessel (the 'Manawanui'), owned and skippered by marine biologist Jochen Zaeschmar. Manawanui is a 22 m steel ketch with 16 berths and 6 cabins. Maximum cruising speed of 6.5 knots. It has 120hp, 6-cylinder Ford engine. Backup is either vessel Rubberduck or sails.
- 2. **Rubberduck**: 4.2m Southern Pacific RIB, with 30 hp Yamaha outboard, max. capacity 7 people /1000 kg. Backup is Manawanui, backup power is oars.
- 3. **Sharkbait**: 7.4 aluminium Lazercraft with a 250HP Honda 4 stroke outboard motor. Normal cruising speed 40 kph, maximum speed (in an emergency) 64 kph. Owner Steve Hathaway.

#### Methodology for the filming

- Filming will consist of underwater, drone and potentially a small amount of topside. Underwater filming via a mixture of snorkel/ freediving and open circuit SCUBA, and the underwater Director of Photography will use a sea scooter to keep up with the whales whilst they are on the move.
- Sentient Productions Ltd will be chartering a boat for a total of two weeks, within the four-week period. When weather allows within this window, the Manawanui and a 6 person Lazercraft, will depart from Opua. They will proceed to search in areas known to have high densities of the whales. Once encountered, the crew will film the whales with a mixture of underwater filming and drone. If the whales are found while the crew are aboard Manawanui, the Rubberduck will be deployed from the Manawanui to avoid disturbing the whales and used by the dive crew to get closer to the whales.

- Vessels will use no wake speed while approaching pilot whales and will approach from the side or behind of the pod, never cutting across their path.
- Crew will film the pilot whales socialising in their pods (which tend to consist of 20-30 individuals) – playing, spy hopping, touching fins etc. Pods often encounter and interact with each other, sometimes forming groups of well over 100 whales, vocalising and interacting excitedly.
- Once whales have been found, the crew will track them for as long as weather
  permits, within their pre-arranged filming window, and within compliance of all
  marine mammal filming regulations. The Manawanui is equipped with a
  hydrophone, which will allow the crew to keep tracking the whales overnight, and
  which the boat crew will constantly man on a rota.
- Distance-wise, The Manawanui will be within 50 m if the whales approach the boat. The Rubberduck will be less than 50 m.



# Concession Application Form 5a - Filming

The Department recommends that you contact the Department of Conservation Office closest to where the activity is proposed to discuss the application prior to completing the application forms. 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 is to be used when the proposed activity involves any filming on public conservation land, it is to be completed in conjunction with either Applicant Information Form 1a (longer term concession) or Applicant Information Form 1b (one-off concession) as appropriate.

Please complete this application form, attach Form 1a or Form 1b, and any other applicable forms and information and send to <a href="mailto:permissions@doc.govt.nz">permissions@doc.govt.nz</a>. The Department will process the application and issue a concession if it is satisfied that the application meets all the requirements for granting a concession under the Conservation Act 1987.

If you require extra space for answering please attach and label according to the relevant section.

## A. Description of Activity

Please note the purpose of the filming activity (advertisement, movie, documentary etc), and describe in detail the proposed filming activity. If you need further space please attach and label Attachment Form 5a:A1. The locations for the filming are to be listed in section E.

#### About the series 'Sentient'

The filming would be to capture footage of pilot whales for a documentary series called 'Sentient', for National Geographic and Disney+. The aim of this series is to show that there is no sharp line that separates us the animal kingdom, to a project audience of 150 million subscribers. 'Sentient' will take us inside the minds of those we share our planet will force us to rethink our place in nature and change how we treat all animals, domestic and wild.

Pilot whales are not frequently featured in natural history TV series, but we hope that my filming them both in their natural environment, and during a stranding event, the audience will be informed about their social bonds, and emotionally connect with them.

#### About the Filming

We would like to carry out two sections of filming.

#### 1. The first shoot would be reactive filming of a mass stranding event.

We would like to film pilot whales during a mass stranding event. The most likely location is Farewell Spit, in Golden Bay, on the South Island (for which we already have a Marine Mammal Permit, this is permit 97744-MAR). However, we would like to be prepared for the event of a stranding occurring at various locations on North Island. These locations are: Colville Bay and Matarangi Beach on the Coromandel Peninsula; Ohiwa Spit, east and west, and Ohope Spit in Ohiwa Harbour, on the Bay of Plenty; and finally in Northland and North Auckland, Karikari beach on Cape Karikari, Spirits Bay and Parengarenga harbour.

A mass stranding could occur at any time of the year, but is most likely to be in the months of January and February of 2023, therefore this shoot would take place for 5 days, including travel, on as yet unknown dates during this time.

Filming will involve three crew members, a camera operator, a field manager, and a drone operator travelling to the stranding location, when they receive word from the DOC or Project Jonah, that a mass stranding of pilot whales has happened. Sentient Productions Itd will have gained permission from the relevant Iwi authorities to film at each location in

advance, as well as explained to them how we intend to use the footage, and invited comment and suggestions from them. This contact with the Iwi will have been made through Project Jonah and the DOC. I am currently in touch with various community rangers from DOC, about Iwi liaison in North Island locations, and we are in touch with Manawhenua ki Mohua (herby referred to as MkM) for Farewell Spit, as well as DOC representatives in the area, including Mike Ogle, Barney Thomas and Dave Winterburn. We are also using Sharron Ward, NZ-based documentary film maker, to help us with Iwi liaison.

#### 2. We would like to film pilot whales at sea

This element of filming would be to capture normal behaviours of pilot whales, separate from a stranding event. This is footage we would like to include in the episode before the stranding event, to give the audience an appreciation of how pilot whales carry out their lives and social interactions on a daily basis.

This filming would involve both underwater filming, possibly with the use of sea scooters, performed on scuba diving equipment by camera operator Steve Hathaway, and a dive buddy, and drone filming, to capture aerial shots of the pod, and their surroundings.

The filming would be operated from either marine biologist Jochen Zaeschmar's boat, Manawanui, Steve Hathaway's boat Sharkbait or a combination of the two. In total, the crew would consist of a minimum of a skipper (Jochen), camera operator (Steve Hathaway), second skipper, a safety diver, a cook and deckhand, and a drone operator.

We would like to carry out this filming from the  $1^{st}$  –  $28^{th}$  February 2023, and potentially again in a similar window in 2024, if our 2023 attempt is not successful.

Are there to be any fires/pyrotechnics involved with the filming?

YES / NO

If so, please describe in detail how these will be used, including how they will be created and managed. If you need further space please attach and label Attachment Form 5a:A2.

Are there any other special effects that may be used?

YES / NO

If so, please describe in detail how these will be used, including how they will be created and managed. If you need further space please attach and label Attachment Form 5a:A3.

Are animals involved with the filming?

YES / NO

If so, please provide details. If you need further space please attach and label Attachment Form 5a:A4.

Please note: animals are not permitted in many public conservation areas, please contact the Department of Conservation Office closest to where the activity is proposed to discuss

Long-finned pilot whales (Globicephala melas) will be our filming subject.

Filming will consist of underwater, drone and potentially a small amount of topside. Underwater filming will be of a mixture of snorkel/freediving and open circuit SCUBA, and the underwater Director of Photography (henceforth DOP) will use a sea scooter to keep up with the whales whilst they are on the move.

We will be chartering a boat for a total of two weeks, within a four-week period from 1<sup>st</sup>-28<sup>th</sup> February 2023. When weather allows within this window, the chartered 16-person capacity vessel (the Manawanui), owned and skippered by marine biologist Jochen Zaeschmar and a 6 person Lazercraft, owned by Steve Hathaway (our underwater DOP, skipper tbc) will depart from Opua, north of Auckland, 35 18.674S 174 7.427E. The boat crew are experienced in finding and documenting long-finned pilot whales in the area, and will proceed to search in areas known to have high densities of the

whales. Once encountered, the crew will film the whales with a mixture of underwater filming and drone. If the whales are found while the crew are aboard Manawanui, a 7-person RIB (the Rubberduck) will be deployed from the Manawanui, to avoid disturbing the whales, and used by the dive crew to get closer to the whales.

Crew will film the pilot whales socialising in their pods (which tend to consist of 20-30 individuals) – playing, spy hopping, touching fins etc. Pods often encounter and interact with each other, sometimes forming groups of well over 100 whales, vocalising and interacting excitedly.

Once the whales have been found, the crew will track them for as long as weather permits, within our pre-arranged filming window, and within compliance of all marine mammal filming regulations. The Manawanui is equipped with a hydrophone, which will allow the crew to keep tracking the whales overnight.

Are vehicles involved with the filming?

YES / NO

If so, please provide details. If you need further space please attach and label Attachment Form 5a:A4.

#### For the underwater offshore filming:

The crew will be using their own cars or taxis to get to harbour (Opua Harbour). Water taxis may be used for any crew change overs during filming. Filming will be based on liveaboard boats.

#### For stranding filming:

(ref to permit 97744-MAR).

The crew will be driving to location in hire cars. They will not drive on the beach of a stranding, unless permitted by the DOC incident officer present. Project Jonah has used vehicles on beaches for strandings in the past, crew may use a vehicle in a similar manner, but only with a PJ or DOC staff member present. The vehicle will not approach closer than 20m to stranded whales.

#### B. Facilities/Structures

If you wish to build, extend or add to any **permanent or temporary structures** on public conservation land (eg toilets, sets, storage facilities). Please include any details of construction eg location, building dimensions, materials, purpose, number of people and vehicles involved etc. Please also provide the following details:

- Could this structure or facility be reasonably located outside public conservation land? Provide details of other sites/areas considered.
- Could any potential adverse effects be significantly less (and/or different) in another conservation area or another part of the conservation area to which the application relates? Give details/reasons

Please attach a site and construction plan showing location of proposed structures, please use NZTM GPS coordinates where possible, and label Attachment 5a:B.

NA

### C Aircraft/Boats

If aircraft/boats (including Remotely Piloted Aircraft Systems (drones)) are proposed to be used please provide details of the purpose and a description of size/type. If you need further space please attach and label Attachment Form 5a:C.

#### Stranding Filming

#### Drone

The crew will using a drone for filming, which will be launched from land. The drone will be less than 25kg. Make and model TBC but likely a Mavic Pro. This drone will be flown by an experienced operator who has a New Zealand 0.2 licence. See form 8d for more information about transit heights. Sentient Productions ltd is writing a full risk assessment, including a separate drone risk assessment.

Drone filming will be limited to three hours per day. This will consist of several shorter drone flights of about 20 minutes each.

#### Kayak

Stranded pilot whales may be approached in a kayak during re-floating attempts. The kayak may be used where a refloating attempt is deeper than waist-height, so the crew cannot film with kit by wading. In these instances, the underwater shots we would like to get of pilot whales being rescued, may be filmed from the kayak using a polecam. The kayak may additionally be used to transport the camera operator between whales which are a large distance apart, and to put heavy filming kit onto, which cannot be hand-held for long periods of time. The kayak will be an Intex 2 person K2 Fishing Excursion Pro Kayak, which is inflatable.

#### **Underwater Filming Boats**

#### Manawanui

We will privately charter this 16-person capacity vessel (the Manawanui), owned and skippered by marine biologist Jochen Zaeschmar. Sailing Vessel Manawanui is a 22m steel ketch with 16 berths in 6 cabins. Manawanui has a maximum cruising speed of 6.5 knots. It has 120hp, 6 cylinder Ford engine. Backup is either vessel Rubberduck or sails.

#### Rubberduck

Rubberduck is a 4.2m Southern Pacific RIB, with 30 hp Yamaha outboard, max. capacity 7 pax/1000kg. Backup is Manawanui, backup power is oars.

#### Sharkbait

Sharkbait is a 7.4 aluminium Lazercraft with a 250HP Honda 4 stroke outboard motor (which is extremely quiet). Normal cruising speed 40kph, maximum speed (in an emergency) 64kph. Owner Steve Hathaway.

Please provide the following information for each proposed landing sites for both aircraft and boats and attach maps of flight paths, courses, and/or landing areas. If you need further space please attach and label Attachment Form 5a:C.

Landing site/reason	Maximum number of landings at each site per day/per year	Maximum number of people landed at each site per day/per year
Crew will depart onboard the Manawanui from Opua Harbour, north of Auckland, New Zealand, 35 18.674S 174 7.427E	Once per day maximum.  Manawanui is on ocean-going vessel, so the aim is for Manawanui to serve as a liveaboard, and for the crew to be at sea for several days at a time. However, If the weather	Size of crew will be up 8 people (only 6 if we also use Sharkbait).

turns, and the crew are forced to return to Opua, they will do so, and remain there on the boat until it is safe to return back to sea.

In an emergency the Manawanui will go to the nearest port. The filming area is within 12 nautical miles offshore from the North Island/Te Ika-a-Māui and Great Barrier Island/Aotea. Most filming is likely to be concentrated 8-12 nautical miles from shore, along the 200-meter depth contour line between Cape Brett and Great Barrier Island, particularly around Poor Knights Islands/Tawhiti Rahi, and Ninepin trench. So any of the ports within this area could be visited in an emergency.

#### D. Term

Please detail the length of the term sought (i.e. specific dates or weeks or months) and why.

If you are applying for a one-off permit please state the specific dates and/or times sought.

Note: An application for a concession for a period over 10 years must be publicly notified, an application for a concession up to 10 years will not be publicly notified unless the adverse effects of the activity are such that it is required, or if an exclusive interest in the land is required.

November 2022 – end of March 2024. This is to reflect the unpredictable nature of mass pilot whale strandings, and the length of production of 'Sentient', which will not finish filming until early 2024. Stranding events can span over several days, so filming period is being provisionally scheduled as 5 days including travel.

Our underwater filming would take place within a known window within this period, which is 1<sup>st</sup>-28<sup>th</sup> Feb 2023. If this filming is unsuccessful, we may re-attempt at a similar time of year in 2024.

# E. Area(s)

List the areas of your proposed filming, please use NZTM GPS coordinates where possible. If you are unable to identify the areas or you do not know them, please seek the assistance of Departmental staff. Please attach a map of the site, a detailed site plan and drawings of proposal (as necessary), these should be labelled Attachment 5a:E. If possible include photographs of the site.

Name of Conservation Area	DOC Facilities to be used eg huts, lodges or camp sites	Max. Crew Size at Each Area	Duration of Operation (half or full days?)
EG: Matiu/Somes Island and Historic Reserve	Matiu Circuit Track and Quarantine Building	6 pax	2 full days, and one half day for pack up
Stranding locations:			
Farewell Spit, RAMSAR site, Golden Bay, South Island	Some of this land is owned by the DOC. The DOC does not have any buildings on the site.	4 crew – but there will be two members of staff from Project Jonah, some DOC staff, and members of the public present.	3 full days filming, plus 2 days unpack/pack up and travel.
Colville Bay, Coromandel Peninsula	No DOC buildings.	" "	u u
Matarangi Beach, Matarangi Spit	No DOC buildings.	и и	и и
Ohiwa spit (west end), Ohiwa Harbour	No DOC buildings on spit, but there is a DOC office nearby in Opotiki	и и	и и
Ohiwa spit (east end), Ohiwa Harbour	и и	<i>u u</i>	и и
Ohope spit, Ohiwa Harbour	No DOC buildings on spit, but there is a DOC office nearby in Whakatane	и и	и и
Karikari beach, Cape Karikari	There is a DOC managed campsite on the Karikari peninsula, Maitai Bay campground.	и и	и и
Spirits Bay	There is a DOC managed campsite at each	<b>"</b> "	и и

	end of the bay, Kapawairua to the east, and Pandora to the est.		
Parengarenga Harbour	No DOC buildings.	<b>"</b> "	u u
Oceanic filming locations:			
Bay of Islands, including Ninepin Trench and Cape Brett / Rakaumangamanga	N/A – oceanic filming	Maximum eight crew, including Steve Hathaway and Jochen Zaeschmar	4 weeks of filming, weather permitting
Poor Knights Islands / Tawhiti rahi	и и		
Great Barrier Island	<b>"</b> "		

## F. Environmental Impact Assessment

This section is one of the most important factors that will determine the Department's decision on the application. Please answer in detail.

In column 1 please list all the locations of your proposal, please use NZTM GPS coordinates where possible. In column 2 list any special features of the environment or the recreation values of that area. Then in column 3 list any effects (positive or adverse) that your activity may have on the values or features in column 2. In column 4 list the ways you intend to mitigate, remedy or avoid any adverse effects noted in column 3. Please add extra information or supporting evidence as necessary and label Attachment 5A:F.

Refer to Steps 1 and 2 in your Guide to Environmental Impact Assessment to help you fill in this section.

Location on public conservation land	Special feature or value	Potential effects of your activity on the feature or value (positive or adverse)	Methods to remedy, mitigate or avoid any adverse effects identified
EG: Matiu/Somes Island Matiu Circuit Track	Endemic geckos, skinks, tuatara	<ol> <li>Damage to habitat whilst filming</li> <li>Increase knowledge of native species through highlighting on commercial</li> </ol>	Ensure all crew stay on paths, and do not disturb the habitat or wildlife to get better camera angles, better shots
Farewell Spit, Golden Bay, South Island	Farewell spit is an important staging ground for many migratory wading birds.  Native vegetation includes tiny and extremely rare pioneer plants such as the sand sedge <i>Eleocharis neozelandica</i> and more common species like harakeke (flax) coprosmas, manuka and ake ake.	<ol> <li>Damage to habitat whilst filming and disturbance of bird life</li> <li>Knowledge of the social bonds and sentient nature of pilot whales, and the causes of stranding (if the cause can be detected on this occasion) highlighted on a major streaming platform, with more than 150 million</li> </ol>	<ul> <li>The crew will bring bin liners with them and take away all litter. They will not walk on any areas, including the dunes, which are not affected by the stranding, or direct access ways to the stranding.</li> <li>Crew will cease flying the drone and retreat if any birds take an interest in it, or frightened by it.</li> </ul>

		viewers worldwide.	
Ohiwa Harbour, Ohiwa Spit (east end)  = Waiotahe Spit Historic Reserve Reserves Act 1977 s.18 - Historic Reserve  & Waiotahe Spit Scenic Reserve Reserves Act 1977 s.19(1)(a) - Scenic Reserve	It retains a rare combination of features: a sand spit, an estuary, river mouth flats, adjacent low hills, a pa site, an urupa, pohutukawa forest, several rare birds (New Zealand dotterels, banded rails, bitterns and fernbirds), important shellfish beds, mangroves, culturally valuable plants (pingao) and a fish breeding zone (whitebait and others). The dotterels, and oystercatchers and stilts, breed at the tip of the spit.  Where the Waiotahi River enters are two small mangroves, the only remnants of the former mangrove forests of the estuary. These, and the population at the Waiaua Estuary are at the southeastern extreme of the range of mangroves in New Zealand.  The New Zealand Dotterel is found only in New Zealand. It is a threatened species there are only about 1300 left in the world which makes it rarer than the kokako and the yellow-eyed penguin.		<ul> <li>Crew will not move or look under any rocks</li> <li>Crew will not pick any vegetation</li> <li>Crew will not drive their own vehicles onto the beach (will accompany DOC vehicle if permitted)</li> <li>Crew will cease flying the drone and retreat if any birds take an interest in it, or are frightened by it.</li> <li>Crew will notify the DOC ranger present if they spot any invasive pests, e.g stoats, rabbits, hedgehogs, weasels, rats, ferrets, cats and possums</li> </ul>

Ohiwa Harbour, Ohiwa Spit (west end)  = Conservation Area - Old Town of Ohiwa	The Ohiwa region is a haven for birdlife, including kotare (kingfisher), oystercatcher, white-faced heron, tui, pukeko, fantails and kiwi.	ii ii	α α
Conservation Act 1987 s.25 - Stewardship Area	Ohiwa Harbour is also home to a population of kukuruatu, the New Zealand dotterel. This species nests in dunes, making the birds highly vulnerable to human disturbance. The North Island form of the species numbers only 1,400 nationwide. These are present in winter.		
	The Ohiwa Harbour area generally also serves as a spawning ground for many species of both freshwater and saltwater fish.		
Ohiwa Harbour, Ohope spit  = Ōhope Spit Wildlife Refuge Reserve Reserves Act 1977	The Ohiwa region is a haven for birdlife, including kotare (kingfisher), oystercatcher, white-faced heron, tui, pukeko, fantails and kiwi.	u u	и и
s.22 - Government Purpose Reserve	North Island robins (toutouwai) are		

Karikari beach, Cape Karikari  = Maitai Bay Recreation Reserve Reserves Act 1977 s.17 - Recreation Reserve	Any regions with native bush in upper North Island will have Kauri trees. These are at risk of Kauri dieback.  Didymo – Karikari beach is a wetland area, so there is a risk of spreading the freshwater pest didymo, a type of microscopic algae.	<ol> <li>Crew inadvertently spreading kauri dieback disease on their shoes and equipment</li> <li>Crew inadvertently spreading didymo on shoes and equipment</li> <li>Crew disturbing bird life</li> </ol>	- Crew should prepared their shoes before arriving on location. This means brushing them, and disinfecting them with a disinfectant spray. When on location, if crew has to cross any areas of scrub or forest, they should stick to tracks. Shoe disinfection should be repeated at the end of each filming day. Crew to use Kauri Dieback cleaning
	Bird life at Maitai Bay includes the variable oystercatcher and the New Zealand dotterel. If you see them or their nests, give them space and let other visitors know, so the birds are not disturbed.  Behind Karikari Beach, northeast of Rangaunu Harbour, is an extensive area of sand dunes wherein lies a significant wetland area, Waimango Swamp. Waimango Swamp and Karikari Bay encompass 220 ha of beach, dunes, semi-drained lagoons and large freshwater swamps.  This wonderful wetland area supports breeding populations of Australasian bittern, banded rail and the North Island fernbird, plus Karikari Beach is home to the endangered New Zealand dotterel,	and causing habitat damage  4. Positive impact of pilot whale exposure on huge media platform (see section on Farewell spit).	<ul> <li>stations if present.</li> <li>If crew walk on marshland, they should disinfect their shoes and gear for didymo, following the Ministry for private industries methods (for example, soaking gear 10% dishwashing detergent and water for 10 minutes).</li> <li>Crew will take all litter away with them</li> <li>Crew will not move or look under any rocks</li> <li>Crew will not pick any vegetation</li> <li>Crew will not drive their own vehicles onto the beach (will accompany DOC vehicle if permitted)</li> <li>Crew will cease flying the drone and retreat if any birds take an interest in it,</li> </ul>

	Caspian terns, marsh crakes, a shag colony and the rare native freshwater fish the black mudfish. The wetlands are also feeding areas for several species of migratory shorebirds from the Arctic.		<ul> <li>or are frightened by it.</li> <li>Crew will notify the DOC ranger present if they spot any invasive pests, e.g stoats, rabbits, hedgehogs, weasels, rats, ferrets, cats and possums.</li> </ul>
Spirits Bay  = Te Paki Recreation Reserve Reserves Act 1977 s.17 - Recreation Reserve	Te Paki is one of the most intact and diverse ecosystems in New Zealand.  The northernmost section of the North Island comprises a diverse area of hill country, steep coastal cliffs, continually changing dunelands and expansive wetlands, with many endemic and threatened plants and animals and unique vegetation associations.  Its features include the extensive estuary, eelgrass, saltmarsh and mangroves of Parengarenga Harbour, and the gleaming white sands of Kokota Spit.  Birds  Large numbers of migrant wading birds congregate on the harbour together with variable oystercatchers, New Zealand dotterels and caspian terns.  Wetland and duneland birds	u u	As above – but with possums are of particular invasive importance, because they eat Bartlett's rata trees.

include New Zealand dabchicks, New Zealand fernbirds, scaup, bittern and spotless crake.	
Oi, known also as the Northern Muttonbird breed in burrows on offshore islands, coastal headlands, and cliffs of northern North Island of New Zealand.	
Nine species of lizard and numerous species and subspecies of land snails inhabit the typically windswept vegetation.	
Bartlett's rata is a unique plant found only within the Te Paki Reserves. It is the most recently discovered tree in New Zealand and is one of the rarest.	

# G. Other

Is there any further information you wish to supply in support of your application? Please attach if necessary and label Attachment 5a:G.

# Marine impact assessment

See Marine mammal permit application for info about wake speeds and boat/drone approach directions when filming with long-finned pilot whales.

# **Applicant Information Form 1a Notified or Non-notified Process**



# Is this the right application form for me?

This **Applicant Information Form 1a** – Notified or Non-notified Process must be completed for **the following longer term applications** (i.e. not one-off applications):

- Grazing
- Land use: Tenanting and/or using existing DOC facility/structure
- Land use: Use of public conservation land for private commercial facility/structure
- Guiding/Tourism/Recreation: Watercraft activities
- Filming
- Sports events
- Marine reserves application form 11a: Structure in a marine reserve

For other activities use the specific activity application forms that combine applicant and activity information or book a pre-application meeting.

# How do I complete this applicant information form?

- Complete all sections of this applicant information form.
- In addition, you must complete the activity application form/s that you wish to undertake.
- DOC encourages electronic applications (e.g. 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 need extra space, attach or include extra documents and label them according to the relevant section. Record all attachments in the table at the back of the application information form section
   F Attachments.

## How do I submit my application?

Email the following to <a href="mailto:permissions@doc.govt.nz">permissions@doc.govt.nz</a>:

- Completed applicant information form 1a
- Completed activity application form
- Any other relevant attachments.

### If I need help, where do I get more information?

Check the <u>DOC webpage for the activity you are applying</u><sup>1</sup> for.

Page **1** of **11** 

<sup>&</sup>lt;sup>1</sup> https://www.doc.govt.nz/get-involved/apply-for-permits/apply-for-a-permit/

- Arrange a pre-application meeting (either face to face or over the phone) by contacting the <u>Department of Conservation Office</u><sup>2</sup> closest to where the activity is proposed. You can use <u>DOC maps</u><sup>3</sup> to identify which District Office you should contact. Or arrange a meeting with any of our <u>four offices that process concessions</u><sup>4</sup> choose the one closest to where the activity is proposed.
- If your application covers multiple districts, contact the office nearest most of the locations you are applying for, or nearest to locations you have a specific question about.

# What happens next?

Once your application forms are received, your application will be assessed by DOC. If your application is complete, DOC will begin processing.

If your application is incomplete it will be returned to you for more information.

### Why does DOC ask for this information?

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

- Your most up-to-date details so that DOC can contact you about your application.
- Your qualifications, resources, skills and experience to adequately conduct the activity on public conservation land.
- Your creditworthiness will help determine whether DOC should extend credit to you and set up a
  DOC customer accounts receivable credit account for cost recovery. To make this assessment
  DOC will supply your information to a credit checking agency.

### Note:

- Personal information will be managed by DOC confidentially. For further information check <u>DOC's</u> privacy and security statements<sup>5</sup>.
- Information collected by DOC will be supplied to a debt collection agency in the event of nonpayment of payable fees.

# What fees will I pay?

You may be required to pay a **processing fee** for this application regardless of whether your application is granted or not. You may request an estimate of the processing fees for your application. 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 guiding concession on public conservation land you may be required to pay annual **activity and management fees**. These fees are listed on the DOC webpage for the activity you are applying<sup>6</sup> for.

DOC will invoice your processing fees 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 is made. If you withdraw your application DOC will invoice you for the costs incurred up to the point of your withdrawal.

<sup>&</sup>lt;sup>2</sup> www.doc.govt.nz/footer-links/contact-us/office-by-name/

<sup>&</sup>lt;sup>3</sup> http://maps.doc.govt.nz/mapviewer/index.html?viewer=docmaps

<sup>&</sup>lt;sup>4</sup> https://www.doc.govt.nz/get-involved/apply-for-permits/contacts

<sup>&</sup>lt;sup>5</sup> https://www.doc.govt.nz/footer-links/privacy-and-security/

 $<sup>^{6} \ \</sup>underline{\text{https://www.doc.govt.nz/get-involved/apply-for-permits/apply-for-a-permit/}}\\$ 

Your application will set up a credit account with DOC. See the checklist at the end of the form for the terms and conditions you need to accept for a DOC credit account.

# Will my application be publicly notified?

Your application will be publicly notified if:

- It is a license with a term of more than 10 years.
- It is a lease.
- After having regard to the effects of the activity, DOC considers it appropriate to do so.

Public notification will increase the time and cost of processing of your application.

### What does DOC require if my application is approved?

If your application is approved DOC requires:

- **Insurance** to indemnify the Minister of Conservation against any claims or liabilities arising from your actions. The level of insurance cover will depend on the activity.
- A copy of your safety plan audited by an external expert (e.g. Health and Safety in Employment (Adventure Activity) Regulations 2011 audit or a DOC listed organisation). See the <u>Safety Plan</u><sup>7</sup> information on the DOC website for further information.

**Note:** DOC/Minister can vary the concession if the information on which the concession was granted contained material inaccuracies. DOC may also recover any costs incurred.

<sup>&</sup>lt;sup>7</sup> https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/safety-plans/

# A. Applicant details

Legal status of applicant		☐ Indiv	idual (	lual (Go to 1)						
		⊠ Regis	stered	<b>company</b> (Go	to 2	)	Trust (Go to <b>2</b> )			
(tick)			d society (Go to 2)			.g. Educatio	onal institutes			
1	Applicant name (inc	lividual)								
	Phone				Mob	ile phon	e			
	Email									
	Physical address								Postcode	
	Postal address (if di from above)	fferent							Postcode	
2	Applicant name (full name of registered company, trust, incorporated society or other)		Sentient Productions  Sentient Productions is a limited company registered in England and Wales Registered Company No. 13113586  Sentient Productions is a subsidiary of Wildstar Films Ltd. Wildstar Films Ltd is a limited company registered in England and Wales.  Registered Company No. 05996620				ilms Ltd.			
	Trading name (if different from applicant name)		ne)							
	NZBN if applicable (to apply go to: https://www.nzbn.govt.nz)				Comparincorpor society registrat number	rated tion		05996620		
	Registered office of company or incorporated society (if applicable)			4 <sup>th</sup> Floor Embassy House, Queens Ave, Bristol, BS81SB. United Kingdom				nited Kingdom		
	Company phone			+44 (0) 117 374 2300		Compan	ny we	ebsite	https://www	w.wildstar.tv/

Contact person and role	Emily Vaughan Williams, Assistant Producer				
Phone	+44 (0) 117 374 2300		421142		
Email	Emily.williams@	wildstar.tv			
Postal address	See office address.		Postcode		
Street address (if different from postal address)			Postcode		

# B. Pre-application meeting

Have you had a pre-application meeting or spoken to someone in DOC?

No	
Yes	
If yes record the:	
Date of DOC pre-application meeting	
Name of DOC staff member	Michael Dine
Name of person who had the pre-application meeting with DOC	Emily Vaughan Williams

# C. Activity applied for

Tick the **activity application form** applicable to the activity you wish to undertake on public conservation land. Complete the applicant information form and the activity application form and email them with any attachments to <a href="mailto:permissions@doc.govt.nz">permissions@doc.govt.nz</a>

ACTIVITY APPLICATION FORM*	FORM NO.	TICK
Grazing	2a	
Land use: Tenanting and/or using existing DOC facility/structure	3a	
Land use: Use of public conservation land for private/commercial facility/structure	3b	
Guiding/Tourism/Recreation: Watercraft activities	4b	
Filming	5a	
Sporting Events	6a	
Marine reserves application form: Structure in a marine reserve	11a	
Other activities (not covered in the above forms or in the new activity application forms that combine applicant and activity information)	7a	

**Note:** If the activity is not in this list check the activity on the DOC website to find the correct application form or book a pre-application meeting. Application forms that combine applicant and activity information on the DOC website include:

- Aircraft activities<sup>8</sup>
- Easements<sup>9</sup>
- Land based guiding<sup>10</sup>

<sup>8</sup> https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/aircraft-activities/

<sup>9</sup> https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/

<sup>&</sup>lt;sup>10</sup> https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/land-based-guided-activities/

# D. Are you applying for anything else? Are you submitting any other application forms in relation to this application? No Yes If yes, state which application forms: A marine mammal permit – forms 8 & 8d.

# E. Background experience of applicant

Provide relevant information relating to your ability to carry out the proposed activity (e.g. details of previous concessions, membership of professional organisations, and relevant qualifications).

### **Experience:**

The founders of Wildstar Films have previously produced Emmy award-winning programmes such as Frozen Planet and Planet Earth. Sentient Productions ltd will be engaging New Zealand based camera operators who are experienced at filming marine mammals (for example we have recently worked with Steve Hathaway and biologist Jochen Zaeschmar to film pilot whales). We also have a wealth of marine mammal filming experience in other environments.

Sentient Productions will additionally be using a local production company to help us set up filming, as they are well-versed in New Zealands' environmental policies, and have previously filmed with Iwi communities many times.

Everything we do at Wildstar is founded on respect, be that for the planet, for the audience or for each other as a team, and that manifests itself in our desire to be sustainable, diverse and honest. We strive to raise standards for quality and impact measured not just against other natural history producers but against any other media while entertaining and delighting audiences in fresh and surprising ways.

### Previous contact

We are in contact with Louisa Hawkes and Daren Grover at Project Jonah.

We have already contacted various DOC staff and community rangers for help with the Iwi approval process. These include Michael Dine (for the marine mammal permit), Helen Forsey (who helped with a previous short term filming concession we completed), Mike Ogle, Dave Winterburn, Barney Thomas, and Ursula Passl from Mana Whenua ki Mohua in the Golden Bay area. For assistance with Māori liaison in filming areas on North Island, we have reach out to Alison McDonald, Julie Anderson, Freddy Carr and Doug Te Wake. We have also sought the help of NZ based camera operator Sharron Ward, who has worked with Maori on many occasions before, for example making a film about Tuhoe tribe saving NZ's rainforest in the Te

Ureweras: (https://katalystproductions.co.uk/project/te-urewera/) and a recent article for Viva magazine about Maori kaitiaki movements around Aotearoa fighting to save their whenua.

We have additionally reached out to sixteen hapu/lwi in Coromandel and Bay of Plenty, mostly via email. We have very rarely received responses, but we understand this is does not necessarily signal an issue. Most of the emails were send in January 2022. The hapu/lwi we have reached out to are as follows: For Colville Bay: Ngāti Hako, Ngāti Maru, Ngāti Pāoa, Te Patukirikiri, Ngāti Tamaterā, Ngāti Tai ki Tāmaki, Ngāti Rāhiri Tumutumu, Ngāti Whanaunga.

For Matarangi: all the above hapu/iwi, but additionally Ngāti Hei.

For Spirits Bay: Ngāti Kuri.

For Cape Karikari: Te Tai Tokerau.

### **Previous Concessions**

We received a one off filming concession, Concession Number: 97719-FIL

# F. Attachments

Attachments should only be used if there is:

- Not enough space on the form to finish your answer
- You have additional information that supports your answer
- You wish to make an additional request 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> D	Locations	PDF	Trust Deed.
Incorrect example X <u>Table</u>	Doc1	Word	Table
<u>E</u>	Stranding UAV Job Hazard Assessment - Wildstar - Sentient - Beach filming - SENSITIVE INFO REDACTED	PDF	This is a drone risk assessment we completed for our previous filming concession, Concession Number: 97719-FIL. We would complete a drone risk assessment very similar to this upon notification of a stranding event. As with all these risk assessments, names of crew and contact numbers have been redacted for data protection reasons.
<u>E</u>	280222 WILDSTAR - SENTIENT - SC RA - STRANDING PILOT WHALES - SENSITIVE DATA REDACTEDdoc X	Word doc.	We completed a risk assessment in preparation for a stranding event in Winter 2021/22.
<u>E</u>	18.01.22 WILDSTAR - SENTIENT - PILOT WHALES STRANDING - MED & COMMS PLAN SENSITIVE	Word doc.	This is an example of a medical evacuation plan which was drawn up in preparation for a stranding event in Winter 2021/22. Sensitive info redacted.

Section of the application form the attachment relates to	Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
	DATA REDACTEDdoc X		
<u>E</u>	Ep2 - Pilot Whales Underwater - Covid RA SENSITIVE INFO REDACTED	Word doc.	This was a covid risk assessment completed for our underwater filming which took place earlier this year. A similar covid risk assessment would be produced for further underwater filming, and stranding filming.
<u>E</u>	WILDSTAR - SENTIENT - SC RA - PILOT WHALES UNDERWATER - 180322	Word doc.	This is a risk assessment completed for our underwater filming which took place earlier this year. A similar general risk assessment will be produced for our further underwater filming with Steve & Jochen in 2023.
<u>E</u>	V5 WILDSTAR - SENTIENT - PILOT WHALES DIVE PRA SENSITIVE INFO REDACTED	Word doc.	A dive risk assessment completed for underwater filming earlier this year. A similar document will be produced for our filming with Steve & Jochen in Feb 2023.

# G. Checklist

Application checklist	Tick
I have completed all sections of this applicant information form relevant to my application and understand that the form will be returned to me if it is incomplete.	
I certify that the information provided in this applicant information form, and any attached additional forms is, to the best of my knowledge, true and correct.	
I have completed the <b>activity application form</b> .	
I have appropriately labelled all attachments and completed section <b>F Attachments</b> .	
I will email <a href="mailto:permissions@doc.govt.nz">permissions@doc.govt.nz</a> my:      Completed applicant information form      Completed activity application form/s      Any other attachments.	

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

Have you held an according Department of Conserv		Tick				
No						
Yes						
If 'yes' under what name						
_	and placing your name b s and conditions for an a	-		-		
Terms and conditions				Tick		
•	nent of Conservation can prov ing Agency to enable it to con	• • • • • • • • • • • • • • • • • • •				
I/We agree that any change management or control of the notified in writing to the Dep effective.	ation) will be					
I/We agree to notify the Dep of the date of the invoice.						
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.						
I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.						
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.						
I/We agree that the Departn Debt Collection Agency in the						
Typed applicant name/s						
For Donoutmontal use						
For Departmental use						
Credit check completed						
Comments:		N				
Signed		Name				
Approved (Tier 4 manager or above)		Name				