



**Australian Government**  
**Department of Agriculture,**  
**Water and the Environment**

# Supplementary Form A — Whales and Dolphins (cetaceans)

*Application under section 238 of the Environment Protection and Biodiversity Conservation Act 1999.*



If the person completing this form is representing a small business (i.e. a business having less than 20 employees), please provide an estimate of the time taken to complete this form.

Please include:

- the time taken spent reading the instructions, working on the questions and obtaining the information; and
- the time spent by all employees in collecting and providing this information.

Hours

0

Minutes

30

## This form has two purposes:

1. To apply for a permit to undertake an action which will contribute significantly to the conservation of whales and dolphins such as research on whales and dolphins.
2. To apply for a permit to interfere with whales and dolphins, where that interference is incidental to and not the purpose of the action, for example, building an underwater structure where you may come into contact with whales or dolphins.

Please supply the information requested in this form if you will interfere with, injure, take, keep, move, possess or treat (cut up/divide) a cetacean or part of a cetacean in the Australian Whale Sanctuary or waters beyond the Australian Whale Sanctuary (overseas).

This form should be completed in conjunction with The General Permit Application form.

## If you need more space

If there is insufficient space on this form to fully address any of the questions please attach additional pages and list these attachments at question 16.

When using additional documentation to answer individual questions in this application, please refer to the document title, the specific section(s) and the page number(s) on which the information appears.

## Application fee

There is a \$25 fee for permits where the action will contribute significantly to the conservation of cetaceans. There are some fee exemptions in certain circumstances, details of which can be obtained from the Department at the below address.

## Where to send the forms and the application fee

Please send the completed General Permit Application **and this form** and any accompanying attachments to:

Director  
 Migratory Species Section  
 Department of Agriculture, Water and the Environment  
 GPO Box 787  
 CANBERRA ACT 2601

If you wish to carry out activities within the Great Barrier Reef Marine Park, you may need to apply to the Great Barrier Reef Marine Park Authority for a permit. For information please follow this link: [Great Barrier Reef Marine Park Authority permits](#)

If your activity will be undertaken in an Australian Marine Park then you may need to apply to the Director of National Parks for an authorisation. For more information please follow the link below:

<https://onlineservices.environment.gov.au/parks/australian-marine-parks>

If you are proposing to send specimens out of Australia you will need an export permit. Import permits will be necessary for bringing parts or products of cetaceans into Australia. For more information on imports and <http://www.environment.gov.au/biodiversity/wildlife-trade/permits#need>



**Australian Government**  
**Department of Agriculture,**  
**Water and the Environment**

- 1** Details of species that will be affected by the action. Use the following codes to enter details in columns 3 and 5.

<b>Column 1</b> Common name of species. Common and scientific names are available at the Departmental website: <a href="http://www.environment.gov.au/erin/applications/biodiversity/sprat/">http://www.environment.gov.au/erin/ applications/biodiversity/sprat/</a>	<b>Column 2</b> Scientific name of species	<b>Column 3</b> Conservation status of threatened species under EPBC Act (e.g. the blue whale is endangered EN)  <b>Codes for Column 3</b> EW Extinct in the wild EX Extinct CE Critically endangered EN Endangered VU Vulnerable CD Conservation dependent	<b>Column 4</b> Estimated number that will be affected.	<b>Column 5</b> Type of effect  <b>Codes for Column 5</b> IC Interfering with a cetacean IN Injuring TA Taking KE Keeping MO Moving TC Treating PO Possessing
Humpback	Megaptera novaeangliae	VU	0	IC
Southern Right Whale	Eubalaena australis	EN	0	IC
Common Dolphin	Delphinus delphis	-	0	IC
Spinner Dolphin	Stenella longirostris	-	0	IC
Bottlenose Dolphin	Tursiops truncatus	-	0	IC

- 2** Provide the latitude and longitude of where the action will be conducted. Latitude and longitude references should be used instead of AMG and/or digital coordinates.

Where the project area is less than 1 square km, provide a single pair of latitude and longitude references.

Where the project area is greater than 1 square km or any dimension is greater than 1 km, attach a list of coordinates to enable accurate identification of the location of the project area.

Latitude

Degrees Minutes Seconds

-32	39	03
-32	22	43
-32	22	43
-32	39	03

Longitude

Degrees Minutes Seconds

152	26	08
152	41	53
152	26	08
152	41	53

Locality name or description

Hunter Australian Marine Park

- 3** **Attach an A4 sized map to show the boundaries of the area in which the action will be conducted.**

- 4** Provide an attachment describing the action addressing the following points.

- The equipment and methods used to comply with the EPBC Act Regulations.
- What steps will be taken to minimise impacts on cetaceans.
- The objectives and purposes of the action.



**Australian Government**  
**Department of Agriculture,  
 Water and the Environment**

**5** Attach a description of any research relevant to the affected species or community that will be carried out in the course of or in conjunction with the proposed action, including:

- A. A copy of the research proposal.
- B. The names of the researchers and institutions involved in or supporting the research.
- C. Relationship of the researchers to the permit applicant, including any funding being provided by, or to, the permit applicant

**6** Will the action involve invasive techniques?

No X ⇒ **Go to next question**

Yes ☐ ⇒ Attach application and approval from an Animal Ethics Committee.

**7** Are you applying on the basis that the action will contribute significantly to conservation of cetaceans? (**Please note**, a fee of \$25 is required for this type of permit — see Question 21)

No ☐ ⇒ **Go to 9**

Yes X ⇒ **Go to next question**

**8** Why do you believe that the action will contribute significantly to the conservation of cetaceans?

We believe that the action will contribute significantly but indirectly to the conservation of cetaceans. The majority of Australia's continental shelf remains unmapped at an adequate resolution for effective management of the marine estate (AusSeabed). Increased marine trade and economic opportunities are expected in the next decade (BlueEconomy) that, in addition to warming EAC, will place additional pressures on east coast cetacean populations and marine ecosystems. These surveys to be completed as part of this proposal will provide baseline information on the seabed and benthic communities over the shelf in the Temperate East. Multibeam surveys will provide high resolution bathymetry and backscatter for 100% of the on-shelf section of the Hunter AMP. The data will be used to facilitate the first complete map of the parks habitats/landforms and knowledge of mesophotic seabed communities. Cetaceans such as Humpbacks and Southern Right Whales utilise the waters of the Hunter AMP, adjacent Port Stephens – Great Lakes Marine Park (NSW) and shelf waters (<200m) as a migratory pathway (coastal connecting habitat) and/or area to give birth or nurse calves. Bathymetry (orientation) and reef structures may provide navigational cues and/or induce upwelling and plankton hotspots important to planktivorous baleen whales. Dolphins and other whale species with relatively smaller ranges utilise these areas as part of their home ranges as well that will include sourcing food/foraging over reef and soft sediment habitats. Benthic (reef, sand) communities are part of the coastal marine ecosystem that supports a wide range of megafauna. With 100% seabed coverage, we can provide maps of the distribution of habitats and communities, that completes the picture and provides a baseline for more effective management of competing pressures/risks that pose a threat for marine ecosystems both across parks/reserves as well as the wider marine estate.

**Now go to 13**


**Australian Government**
**Department of Agriculture,  
Water and the Environment**

**9** Are you applying on the basis that the effect on cetaceans will be incidental to, and not the purpose of, the action?

**You must also answer questions 10, 11 & 12 to apply for this type of permit.**

No ☐ ⇒ You are not able to apply for a permit using this form, please contact the Migratory Species Section at [EPBC.Permits@environment.gov.au](mailto:EPBC.Permits@environment.gov.au), or call (02) 6274 1111.

Yes X ⇒ Why do you believe that the impact of the action will be incidental to and not the purpose of the action?

Any potential impact of the action (surveying) would be incidental to cetaceans and not the purpose of the action. Impacts may arise as an unintended consequence from the operation of the sonar, the vessel and/or video sled/grab equipment when in the water, however, based on 18 years of these operations in NSW coastal waters, the likelihood of an incident is low (rare to non-existent). For the sonar the system is ping-based, low power, high frequency and mounted as an 'over-the-side' pole mount (<1m depth) and as identified on the PA website MB operations are low risk. The R2Sonic uses similar operating frequencies to fish finder/ depth sounders common to all vessels. For video and grab sampling, equipment is tethered to the vessel via a stainless wire/fibre cable controlled using an A-frame and hydraulic winch. The stainless wire in the water column may provide a small risk but operationally we always retrieve equipment when cetaceans are in the vicinity (Whale Approach – Vessels Zone) and in-water time for equipment is minimised (<10 minutes).



**Australian Government**  
**Department of Agriculture,  
 Water and the Environment**

- 10** Why do you believe that the proposed action will not adversely affect the conservation status of a species of cetacean or population of that species?

NSW DPE have been actively surveying using these techniques on NSW shelf since 2005. While there have been countless cetacean encounters, when underway and while actively surveying, there has been no observed incident. Operating in accordance with our SMS including safe approach distance regulations and always surveying at low speed makes our survey 'action' low risk of any incident with a cetacean. The type of sonar and frequency for multibeam and the use of small vessel with responsive winch capabilities for easy equipment retrieval would also indicate low risk of potential harm with our in-water equipment. Our operations under Cetaceans Permit 2022-0005 and 2023-0003 for a previous Parks Australia project in the Solitary Islands has also been incident free.

- 11** Describe how the proposed action will be consistent with any *recovery plans* or *wildlife conservation plans* in force for the species of cetaceans that may be affected by the action.

*Commonwealth recovery and wildlife conservation plans that are in force are available from the Department of Agriculture, Water and the Environment web site:*

<http://www.environment.gov.au/cgi-bin/sprat/public/publicshowallrps.pl>

*State and territory recovery plans will be available from state and territory environmental agencies.*

Our high frequency sonar surveys, towed video and sediment grabbing are consistent with the Southern Right Whale Conservation Management Plan (2011-21) in that they are not identified as a threat (under sonar section) that is expected to be a risk to this species. None of the other common species we have identified are listed within the conservation management plans on the website identified by DAWE above.




**Australian Government**  
**Department of Agriculture,  
 Water and the Environment**

- 12** The applicant is required to take all reasonable steps to minimise interference with cetaceans.

How will this be carried out?

When seabed surveying we operate in a manner to avoid any impact with in-water debris and animals (including cetaceans) as per our vessel SMS. At transiting speed (~15kts) both skipper and crew constantly monitor in-water activity as active 'look-outs' (nb: MMO trained skipper and at least 1 MMO trained staff member onboard at all times. One dedicated MMO at all times. When surveying we scan the immediate area for cetacean activity and other vessels prior to equipment deployment. Equipment will not be deployed until cetaceans are at a distance >300m. Surveying always occurs at low speed (<5-6kts sonar; <1kt video; in low sea state conditions) and course is adjusted and/or surveys are suspended, engines are disengaged and remain at idle when the Wale Approach – Vessel Rules are in play. Towed video/grab equipment is retrieved as soon as possible and is safe to do so, as determined by the vessel master. Retrieval is to minimise risk of cetaceans coming into contact with deployed equipment and the tether line.

- 13** Attach details of any proceedings against the proposed permit holder under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources. 

**14 Fees**

The following fees apply:

- If you answered **yes** at question 7, for an action which will contribute significantly to the conservation of cetaceans - \$25 (there are fee exemptions in some circumstances).
- An incidental action relating to cetaceans - nil

- 15** Are you paying by credit card?

No ☐ ⇒ **Attach a cheque, go to next question**

Yes ☒ ⇒ Complete the following details

Card: Visa ☒ Bankcard ☐ MasterCard ☐

Card number

Expiry date (month/year)

Card holder's name as shown on card

Amount

Cardholder's signature

**16 Attachments**

Indicate below which documents are attached.

- Attach a map. **See question 3** ☒
- The equipment and methods used to comply with the EPBC Act Regulations. **See question 4** ☒
- What steps will be taken to minimise impacts on cetaceans. **See question 4** ☒
- The objectives and purposes of the action. **See question 4** ☒
- Copy of research proposal. **See question 5** ☒
- Names of researchers and institutions. **See question 5** ☒
- Relationship of researcher to permit applicant. **See question 5** ☒
- Ethics committee approval. **See question 6** ☐
- Details of any proceedings against the permit holder under a Commonwealth, State or Territory law. **See question 13** ☐
- Cheque for payment of fee. **See question 14** ☐
- List all additional documents below** ☐

Titles of all attached documents (include the document title, the specific section(s) and the page number(s) on which the information appears)



Question 3: A-4 Sized Map

***Supplementary Form A – Attachment  
Question 3.docx***

***Supplementary Form A – Attachment  
Question 3.pdf***

Question 4: Equipment and Methods Used, steps taken and objectives/purposes.

***Supplementary Form A – Attachment  
Question 4.docx***

***Supplementary Form A – Attachment  
Question 4.pdf***

Question 5: Copy of Research Proposal, researchers names and applicant/researcher relationships

***Supplementary Form A – Attachment  
Question 5.docx***

***Supplementary Form A – Attachment  
Question 5.pdf***

## 17 Declaration

I declare that the information contained in this application is correct to the best of my knowledge.

Signature of applicant

Name of person signing

Neil Doszpot

Date

14/06/2024