

Audible Bird Scaring Devices Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	[22 May 2018]
Author	Senior Environmental Services Officer
Owner <i>(Relevant director)</i>	Director of Environmental Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
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Minute number <i>(once adopted by Council)</i>	18/05/20

2 Summary

This policy has been created to provide conditions of use of gas scare guns and other audible bird scaring devices to ensure the operation does not result in an unreasonable impact on the amenity of neighbouring residents.

3 Approvals

Title	Date Approved	Signature
Director of Environmental Services		

4 History

Minute No.		New Version Date
7137/11		20/11/86
93/1/135-23	Amended (b)	18/01/93
01/02/31-3	Trial	05/02/01
03/12/44	Amendment	15/12/03
10/04/23	Adopted by Council with change: "General Manager and Mayor" to authorise change of hours.	19 April 2010
13/09/30	Readopted as per s165(4)	17 September 2013
14/07/15	Amended to include other audible bird scaring devices	15 July 2014
18/05/20	Readopted as per s165(4)	22 May 2018

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5 Reason

The noise from the use of gas scare guns and other audible bird scaring devices, whilst seasonal, may present a noise problem for residents in close proximity to these properties.

Council have statutory powers under the POEO Act to deal with offensive noise complaints.

6 Scope

Applies throughout the Cabonne LGA.

7 Associated Legislation

Protection of the Environment Operations Act, 1998 (POEO Act)

Audible Bird Scaring Devices – Environmental Noise Guidelines, Environment Protection Authority, South Australia

Noise Guide for Local Government – NSW Environment Protection Authority 2013

8 Definitions

Gas scare gun - is defined as a gas gun or similar device designed to scare pests & vermin from attacking crops, but does not include a firearm.

Audible Bird Scaring Device - means any one of a number devices designed to scare birds. These devices are usually employed by farmers to dissuade birds from eating crops, particularly but not limited to grapes. Types of audible bird scaring devices include: Propane Cannons (propane gas guns); Electronic Repellers (digitally recorded distress sounds); Ultrasonic Scarers and Cartridge Scarers.

Offensive noise – in the POEO Act means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.”

9 Responsibilities

9.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy and for determining a greater distance when required as per 11 b) of this policy. Additionally, in conjunction with the Mayor, to extend the hours of operation of scare guns for limited periods where particular pests require such an extension.

9.2 Directors and Managers

Directors and Managers are responsible for the control of the policy and procedures within their area of responsibility.

10 Related Documents

Document Name	Document Location

11 Policy Statement

Gas Scare Guns

- a) That the use of scare guns only be permitted, without specific Council consent, between the hours of 7.00am to 8.00pm each day and that such use be at intervals of not less than three minutes. Where there are more than one gun operating on any one property the discharge times be synchronized.
- b) That scare guns shall be operated not less than 200m from any residence on an adjoining property or at any greater distance determined by Council's General Manager in particular circumstances. Wherever possible scare guns should be operated as far away as possible from any dwelling on adjoining properties.
- c) The siting of a scare gun (including using the shielding effects of natural features, buildings and the use of adjusting mechanisms etc) shall be devised to reduce the level of blasts which may affect a dwelling on an adjoining property.
- d) That the General Manager and Mayor be authorised to extend the hours of operation of scare guns for limited periods where particular pests require such an extension.

Other audible bird scaring devices

Noise complaints should be assessed by applying the offensive noise test (detailed in the Noise Guide for Local Government). Alternatively, Council will assess the suitability of the devices by considering the South Australian Environment Protection Authority Environmental Noise Guidelines for Audible Bird Scarers.

http://www.epa.sa.gov.au/xstd_files/Noise/Guideline/guide_bird.pdf

Noise Abatement Directions and Penalty Notices can be issued where offensive noise has been determined to exist.