



ALPINE SHIRE

Policy for Control of Noise From Scare Guns.

INTRODUCTION

Birds that attack fruit and crops can cause significant losses to a producer. A scare gun, if used correctly, may offer some protection against this problem.

However, the noise which frightens the birds can also cause significant annoyance to neighbours living in the area. As a consequence, when scare guns are used, there needs to be a balance set between the producer's needs and rights of residents.

This policy attempts to set this balance, and should be seen as a reasonable compromise for both parties. It will be used by Council to determine whether a nuisance is being caused.

The policy has been developed after extensive consultation with the Community, Producers and Industry Groups during 2004.

Scare guns are devices for producing a loud explosive sound for the purpose of scaring away birds from crops and orchards, etc. Scare guns, also known as gas guns or scatter guns, produce an explosive noise by the ignition of a charge of gas and air. Some scare guns rotate after firing so that the next blast is emitted in a different direction and this is intended to increase the surprise effect on birds.

Scare guns, when used as the sole bird deterrent, are likely to become significantly less effective after a few days. This is due to the birds becoming accustomed to the noise. For scare guns to remain effective it may be necessary to vary and enforce the frightening effect. Methods which do this include the relocating of the scare gun every day or so and the use of 'birdfright' explosive cartridges.

For the guns to be most effective they should only be used when the birds are actively feeding. This will normally be in the early morning and late afternoon; but this could be dependent on the species. Scare guns should be fitted with a timer which enables them to be automatically turned on and off.

Scare guns are not the only method of bird control available. Where scare guns cannot be used, other bird controls should be considered by the producer. These include :

- ↖ Kites, shaped like birds of prey,
- ↖ Chemical sprays which are unpalatable to some species of small birds,
- ↖ Plastic strips which hum in the wind, and
- ↖ Nets and plastic mesh.

POLICY

- (1) A scare gun must not be used on;
- a. 'residential' zoned land; or
 - b. 'rural' or 'rural living' land within 1,000m of 'residential' land; as defined in the Alpine Planning Scheme.
- (2) A scare gun may be used without a permit on other 'rural' and 'rural living' zoned land; as defined in the Alpine Planning Scheme, subject to;
- (2.1) A scare gun must not be used if the distance between the gun and any dwellings on adjoining properties is less than 300m.
- (2.2) A scare gun must be set to provide an average clear interval between a cycle of blasts of 8 to 16 minutes.
- (2.3) A scare gun can only be used for a maximum of 6 hours per day, between the following hours;
- | | | |
|------------------------|-----------------|----------------|
| Eastern standard time. | 7.00 to 10.00am | 4.00 to 7.00pm |
| Daylight savings time. | 7.00 to 10.00am | 5.00 to 8.00pm |
- (2.4) A cycle of blasts may be up to three blasts (single, double or triple blasts) and must not exceed 60 seconds from the first blast of the cycle to the last blast of the cycle. (NB: this would limit a triple shot gun to 90 blasts maximum per day, a double shot gun to 60 blasts maximum per day, a single shot gun to 30 blasts maximum per day).
- (2.5) A scare gun must be located in or adjacent to the crop that it is protecting subject to compliance with the separation distance specified in (2.1).
- (2.6) Scare guns shall be of an electronic programmable gas fired type unless otherwise approved by the Environmental Health Officer.
- (2.7) The number of scare guns must not exceed the ratio of 1 gun to 4 hectares of crop area or part thereof, and shall be not closer than 150m to any adjoining scare gun in operation.
- (2.8) Wherever possible, the siting of a scare gun, including the shielding effects of natural features, buildings, and the use of adjusting mechanisms etc, shall be used to reduce the level of blasts which may affect a dwelling on an adjoining property.
- (2.9) Scare guns shall be located as far away as possible from any dwelling on adjoining properties and wherever possible, the use of scare guns shall be minimised.
- (3) Scaregun owners may apply in writing to Council for a permit to vary the requirements of clauses 1b, 2.1, 2.2, 2.3 and 2.4.

- (3.1) Council's Senior Environmental Health Officer will take the following matters into account when considering applications;
 - a. the opinion of neighbouring land owners or occupiers,
 - b. geographic features that may affect noise propagation,
 - c. the requirement of the producer to protect the crop and details of other bird management programs in place,
 - d. noise levels at adjoining dwellings (the average maximum level of blasts must not exceed 100 dB Lin Peak),
 - e. the distance in (1)b. cannot be varied to less than 500m,
 - f. the distance in 2.1 cannot be varied to less than 150m, and at that distance the gun must be permanently restrained to fire each blast 180° in the opposite direction to any dwelling on an adjoining property, and
 - g. any other relevant evidence.
- (3.2) Council is under no obligation to approve a permit. Permits issued on behalf of Council may contain such conditions and limitations as deemed appropriate to the circumstances.
- (3.3) A permit shall remain in force until revoked by Council.
- (3.4) Council's Senior Environmental Health Officer is the Council delegate in this matter.
- (3.5) Council cannot delegate the power to refuse or revoke a permit.
- (4) If complaints are received relating to the use of scare guns outside the policy, such non compliance shall be dealt with as a nuisance under the Health Act 1958. This would enable the Environmental Health Officer to;
 - a. seize property,
 - b. give written directions,
 - c. prosecute - maximum fine \$10,225.

NOTES:

- (a) *This policy is based on an average maximum level of 100dB Lin Peak of the loudest 20% of blasts measured at the external wall of a dwelling on an adjoining property when the weather favours noise propagation.*
- (b) *Weather conditions affect the propagation of noise. Received levels are loudest when the wind blows from the source to the receiver. Temperature inversions, which often occur in the early mornings after a clear night, also increase noise propagation.*
- (c) *Residential means; Residential One, Low Density Residential, Township and Mixed Use; according to the Alpine Planning Scheme.*