



Audible Bird Scarer Rules

Kiwifruit growers use a range of methods to control birds in their orchards. Bird control during bud burst in the spring is very important because the loss of kiwifruit flower buds to birds can occur very quickly and can be devastating to orchards, causing reduced yield and loss of revenue. There are a range of bird scaring options available to growers. Some growers use audible devices which are restricted in their use due to noise. The list below summarises the District Plan rules relating to Audible Bird Scaring Devices in those districts where kiwifruit is grown. Growers should refer to the relevant district plan for the full wording. The relevant section numbers of the various district plans are provided below.

BIRD SCARING RULES

| Region | Rules |
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| Opotiki | <p>8.6.6.1, 4. An audible bird scaring device shall:</p> <ul style="list-style-type: none"> • Be operated only from half an hour before sunrise to half an hour after sunset. • Not exceed 65dB at any point within the notional boundary of any dwelling on another site in the Rural Zone, or at any point of any Residential Zone (excluding any dwelling/s located on the same site as the device is being operated), unless the adjacent landowner has provided written approval to the activity and a copy has been provided to the Council. • Only be operated when the horticultural crop is at risk from bird damage. • Non-compliance shall be assessed as a Restricted Discretionary Activity |
| Whakatāne | <p>Noise-R18 An audible bird scaring device shall:</p> <ul style="list-style-type: none"> • Only be operated half an hour before sunrise to half an hour after sunset. • A legible notice is to be fixed to the road frontage of the property on which the device is being used, giving the name, address, contact telephone number of the person responsible for the operation of any such device(s). <p>Devices that Generate Discrete Sound Events</p> <ul style="list-style-type: none"> • Devices that Generate Discrete Sound Events Discrete sound events from an audible bird scaring device, including shots or audible sound shall: <ul style="list-style-type: none"> i. shall not exceed 100dB LZpeak ii. not exceed 3 events within a 1-minute period and shall be limited to a total of 12 individual events per hour. <p>Devices that Generate Short or Variable Sound Events</p> <ul style="list-style-type: none"> • Where audible sound is used over a short or variable time duration, no event may result in a sound level greater than 50dBA SEL. |



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| | <ul style="list-style-type: none"> Audible bird scaring devices which do not comply with this rule are a restricted discretionary activity, except where they are located in the Coastal Protection Zone where they are a non-complying activity. |
| Western Bay of Plenty | <p>4C.1.3.5 Audible bird scaring devices shall be a permitted activity subject to compliance with the following performance standards. An audible bird scaring device:</p> <ul style="list-style-type: none"> Shall only be operated from half an hour before sunrise to half an hour after sunset. Shall be set to operate at no greater frequency than 12 times in any period of one hour, that is 12 single discharges or four groups of three discharges. Shall not be operated for any continuous period exceeding two seconds. Shall only be operated when the horticultural crop is at risk from bird damage. Shall not exceed 65dB ASEL at the notional boundary of any Rural, Rural Residential, Future Urban or Lifestyle dwelling or at the boundary of any Residential Zone (excluding any dwelling/s located on the same site as the device is being operated) Where those persons who experience noise levels over 65dB ASEL as described in above, have provided written approval to Council then the activity shall be permitted <p>Use of any audible bird scaring device not in compliance with the above performance standards shall fall to be considered as a Restricted Discretionary Activity.</p> |
| Waikato | |
| Waikato | <p>An audible bird scaring device shall not exceed permitted activity noise limits.</p> <p>Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured at any other site does not exceed: 50dBA (L10), 7am to 7 pm any day, and 45dBA (L10), 7pm to 10pm any day, and 40dBA (L10), and 65dBA (Lmax) at all other times.</p> |
| Franklin | No noise limits in the Rural Zone |
| Waipā | <p>4.4.2.20 Any audible bird scaring devices shall be operated as follows:</p> <ol style="list-style-type: none"> Only between sunrise and sunset; and At a frequency of not more than six clusters of up to three shots from gas operated devices or three multiple shots from firearms in rapid succession per device in any 60 minute period or the day; and At a maximum density of one device per 10ha of crop. |

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| | <p>The noise from any bird-scaring device shall not exceed 85dBA unweighted peak level at a Residential Zone boundary or the notional boundary or a dwelling on any Rural Zone property.</p> <p>Activities that fail to comply with these rules will require a resource consent for a discretionary activity.</p> |
| Auckland | |
| Auckland | <p>E25.6.4</p> <p>(1) Bird scaring or bird repelling devices in the Rural – Mixed Rural Zone, Rural – Rural Production Zone, Rural-Rural Coastal Zone and the Future Urban Zone must not operate:</p> <ul style="list-style-type: none"> • between the hours of sunset and sunrise; and • At a frequency of more than six times in any 60-minute period with no more than three shots in rapid succession; and • Where the noise level measured within the notional boundary on any other site exceeds 85dB L_{Zpeak}. <p>(2) Standard E25.6.4(1) above does not apply to bird scaring devices that generate a noise level less than 70 dB L_{Zpeak} measured at the notional boundary on another site</p> |
| Far North | Bird scaring devices are exempt from noise rules. |
| Kaipara | Bird scaring devices are exempt from noise rules. |
| Whangarei | <p>NAV.6.11</p> <p>The use of bird scaring devices is a permitted activity in the Rural Production Zone if:</p> <ul style="list-style-type: none"> • (a) Bird scaring devices do not operate between half an hour after sunset and half an hour before sunrise. • (b) Each device operates at not more than six “events” per hour where an “event” includes clusters of up to three shots from gas operated devices or three individual shots from a firearm in quick succession. (This rule does not apply to bird scaring devices that generate a noise level of less than 55 dB L_{AE} within the notional boundary of any noise sensitive activity not owned by the operator of the device). • (c) The sound level from any event does not exceed 65 dB L_{AE} within the notional boundary of any noise sensitive activity not owned by the operator of the device • (d) The bird scaring device is only operated when a crop is at risk from bird damage. <p>The use of bird scaring devices in other Zones is a discretionary activity. Advice Note: 1. Existing use rights may apply where a bird scaring device has been lawfully established prior to the operative date 24 May 2016 of the NAV chapter.</p> |
| Hawkes Bay | |
| Central Hawkes Bay Proposed | NOISE – S5 Exemptions and Noise Limits for Specific Activities. |

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| <p>District Plan – Decisions Version</p> | <p>24. Exempt from NOISE-S5. Noise from audible explosive bird scaring devices must only be operated between the period 30mins before sunrise and 30mins after sunset, and must not exceed 100dB L_{zpeak}, when measured within the notional boundary of any other site in the General Residential or Settlements Zones.</p> <p>25. Discrete sound events of a bird scaring device including shots or audible sound must not exceed 3 events within a 1-minute period and must be limited to a total of 12 individual events per hour.</p> <p>26. Where audible sound is used over a short or variable time duration, no event may result in a noise level greater than 50dBA L_{AE} when assessed at the notional boundary of any other site in the General Rural, Rural Production, or Rural Lifestyle Zones, or within the site boundary of any site in the General Residential or Settlement Zones.</p> |
| <p>Hastings District</p> | <p>25.1.7A</p> <p>1. Gas Guns</p> <ul style="list-style-type: none"> a) There shall be no device operated between half an hour after sunset and half an hour before sunrise. b) Devices shall not operate unless a legible notice is securely fixed to the road frontage of the site in which the device is to operate stating the name, address and telephone number of the person(s) responsible for the operation of the device. c) There are no restrictions on events or individual shots for sound levels less than 85dBC_{peak} either: <ul style="list-style-type: none"> i) At any point within the boundary of any Residential Zone. ii) At any point within the notional boundary of any noise sensitive activity in a Rural Zone. d) Where sound levels are greater than 85dBC_{peak} but less than the limits specified in (e) below, measured at any point within the boundary of any Residential Zone or within the notional boundary of a noise sensitive activity within a Rural Zone, then: <ul style="list-style-type: none"> i) There shall not be more than 4 events in any 1-hour period, or a total of 12 individual shots in any one-hour period, received: <ul style="list-style-type: none"> a) At any point within the boundary of any Residential Zone. b) At any point within the notional boundary of any noise sensitive activity within a Rural Zone. <p>Note: For the purposes of this rule, an 'event' includes no more than three individual shots within any one-minute period.</p> <ul style="list-style-type: none"> ii) There shall only be one device per every 4ha of the site, provided that: <ul style="list-style-type: none"> a) In the case of a single site less than four hectares in area, one device shall be permitted b) In the case where a site is over 4ha but does not meet the next 4ha an additional device shall be permitted. <p>Note: As an example, a site of up to 4ha is permitted one device, a site between 4ha and an 8ha is permitted two devices, a site between 8ha and 12ha is permitted three devices and so on.</p> |

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| | <p>e) Sound levels generated by an audible bird scaring device shall not exceed:</p> <ul style="list-style-type: none"> i) 100dB_{Cpeak} at any point within any boundary of a Residential Zone. ii) 115dB_{Cpeak} at any point within the notional boundary of any noise sensitive activity in a Rural Zone. <p><u>Firearms</u></p> <ul style="list-style-type: none"> • Any firearm shall not be used for the purposes of bird scaring between half an hour after sunset and half an hour before sunrise. <p><u>Audible avian distress alarms</u></p> <ul style="list-style-type: none"> • There shall be no device operated between half an hour after sunset and half an hour before sunrise. • Devices shall not operate unless a legible notice is securely fixed to the road frontage of the site in which the device is to operate stating the name, address and telephone number of the person(s) responsible for the operation of the device. • Sound emitted from the device shall not exceed 50 dB L_{Aeq} (15 min) when measured at any point within the notional boundary of any rural dwelling or at any point within a Residential Zone • No device shall be placed in such a manner that in any public place receives noise exceeding 80 dB L_{AFmax}. |
| Gisborne | |
| Gisborne (Tairawhiti Resource Management Plan) | <p>4.6.1A(7) The operation of audible devices (excluding firearms) for the purposes of bird scaring between sunrise and sunset is a permitted activity in all rural zones subject to the following conditions.</p> <p>(a) The maximum sound exposure level (SEL) of 65dBA as measured at any residential zone boundary or notional boundary of any rural dwelling is not exceeded; and</p> <p>(b) Maximum number of events shall not exceed 6 events in any 60-minute period.</p> <p>(c) An event shall not exceed three shots within a one-minute period provided that:</p> <ul style="list-style-type: none"> i. The limit on the maximum number of events may be waived if the written consent of all adjoining property owners and/or occupiers is obtained and submitted to the consent authority prior to the commencement of the activity. ii Where any device is located more than 500m from the notional boundary of any rural dwelling, Rule DDD4.6.1(7)b) and c) shall not apply. <p>Note: All sound measurement for audible bird scaring devices is based on guidelines in the NZ Standards NZS6801: 1999 Measurement of Environmental Sound.</p> |
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| Tasman | |
| Tasman | Bird scarers are exempt from noise rules |

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