

## Plan Change 6: Audible Bird Scaring Devices – District Plan track changes

The District Plan currently provides for Audible Bird Scaring Devices to be used to deter birds from high production horticulture crops. Concern has been raised at the level of sound permitted and the nuisance sound effects on the community. The following changes seek to:

- amend the permitted sound level and hours of operation for non-impulsive sound events
- reduce the permitted sound level and frequency from impulsive sound events
- amend restricted discretionary activity assessment criteria for impulsive sound events
- include restricted discretionary activity assessment criteria to assess the impact on significant indigenous biodiversity sites
- introduce acoustic modelling to identified affected parties from impulsive sound events

The District Plan has been assessed to identify all references where an amendment would be appropriate to clarify the changes from Plan Change 6. using and Audible Bird Scaring Devices. A track change option is included identifying the details of District Plan text changes and a summary assessment for subsequent changes. Council to deliberate the proposed changes attached in;

- Appendix A: Amend provisions for the use of all Audible Bird Scaring Devices (non-impulsive and impulsive)

The existing District Plan rules are shown in column 2 (District Plan Rules – existing text). The proposed changes are shown in column 3 (Plan Change 6 – Audible Bird Scaring Device proposed rule changes), new text is in *blue italics underlined* and deleted text is shown as ~~strikethrough~~.

## Appendix A: Amend provisions for the use of all Audible Bird Scaring Devices (non-impulsive and impulsive)

Table 1: District Plan Assessment and Recommended Changes – Restricted Discretionary Activity status for Audible Bird Scaring Devices

Item No.	District Plan Rules – existing text		Plan Change 6 – Audible Bird Scaring Device proposed rule changes	Summary assessment rationale							
	Rule Ref	Rule text									
1	11.2 11.2.6	<b>RULES GENERAL PROVISIONS</b> Noise Limits									
	11.2.6.2	<table border="1"> <thead> <tr> <th>Activity</th> <th>Noise Controls</th> </tr> </thead> <tbody> <tr> <td><b>Audible bird scaring devices</b>  (see Note h).</td> <td> <p><b>General Requirements</b></p> <p><b>Audible bird scaring devices</b> shall only be operated from half an hour before sunrise to half an hour after sunset.</p> <p>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> <p><b>Devices that Generate Discrete Sound Events</b></p> <p>Discrete sound events from an <b>audible bird scaring</b></p> </td> </tr> </tbody> </table>	Activity	Noise Controls	<b>Audible bird scaring devices</b>  (see Note h).	<p><b>General Requirements</b></p> <p><b>Audible bird scaring devices</b> shall only be operated from half an hour before sunrise to half an hour after sunset.</p> <p>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> <p><b>Devices that Generate Discrete Sound Events</b></p> <p>Discrete sound events from an <b>audible bird scaring</b></p>	<table border="1"> <thead> <tr> <th>Activity</th> <th>Noise Controls</th> </tr> </thead> <tbody> <tr> <td><b>Audible bird scaring devices</b>  (see <a href="#">Rule 11.2.7.1.h</a>).</td> <td> <p><del><b>Audible bird scaring devices</b> shall only be operated from half an hour before sunrise to half an hour after sunset.</del></p> <p>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, <i>and</i> contact telephone number of the person responsible for the operation of any such device(s).</p> <p><u><i>Devices that generate non-impulsive sound events</i></u></p> <p><u><i>The operation of non-impulsive audible bird scaring devices shall comply with the following noise levels at any point within the</i></u></p> </td> </tr> </tbody> </table>	Activity	Noise Controls	<b>Audible bird scaring devices</b>  (see <a href="#">Rule 11.2.7.1.h</a> ).	<p><del><b>Audible bird scaring devices</b> shall only be operated from half an hour before sunrise to half an hour after sunset.</del></p> <p>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, <i>and</i> contact telephone number of the person responsible for the operation of any such device(s).</p> <p><u><i>Devices that generate non-impulsive sound events</i></u></p> <p><u><i>The operation of non-impulsive audible bird scaring devices shall comply with the following noise levels at any point within the</i></u></p>
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		<p><b>device</b>, including shots or audible sound shall:</p> <ul style="list-style-type: none"> <li>i. shall not exceed 100dB <math>L_{zpeak}</math>,</li> <li>ii. not exceed 3 events within a 1 minute period and shall be limited to a total of 12 individual events per hour.</li> </ul> <p><b>Devices that Generate Short or Variable Sound Events</b></p> <p>Where audible sound is used over a short or variable time duration, no event may result in a sound level greater than 50dBA SEL.</p> <p><b>Audible bird scaring devices</b> which do not comply with this rule are a restricted discretionary activity.</p>	<p><u>notional boundary of any rural dwelling or the site boundary in any residential zone:</u></p> <ul style="list-style-type: none"> <li>i. <u>7:00am – 10:00pm 50dB <math>L_{Aeq}</math>.</u></li> <li>ii. <u>10:00pm – 7:00am 40dB <math>L_{Aeq}</math> and 70dB <math>L_{Amax}</math>.</u></li> </ul> <p><b><u>Devices that generate impulsive sound events</u></b></p> <p><u>The operation of impulsive audible bird scaring devices are permitted where the noise does not exceed 85dB <math>L_{Cpeak}</math> at any point within the notional boundary of any rural dwelling or site boundary in any residential zone. There is no restriction on the number of individual events between half an hour before sunrise to half an hour after sunset.</u></p> <p><u>The operation of impulsive audible bird scaring devices is a restricted discretionary activity (see criteria in Rule 11.4.5) where the noise exceeds 85dB <math>L_{Cpeak}</math> at any point within the notional boundary of any rural dwelling or site boundary in any residential</u></p>	<p>residential zone as the notional boundary does not apply to residential zones. The impact on residential boundaries is not included in the existing notional boundary reference.</p> <p>Acknowledgement of potential for existing use rights to continue.</p>
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			<p><u>zone. The operation of such a device must:</u></p> <ul style="list-style-type: none"> <li><u>i. not exceed 3 events within a 1 minute period and shall be limited to a total of 70 individual events per day, and</u></li> <li><u>ii. shall operate between half an hour before sunrise to half an hour after sunset</u></li> </ul> <p><u><b>Advice Note:</b> Existing use rights will apply for <b>audible bird scaring devices</b> that have been lawfully established in accordance with <u>S10 of the RMA and comply with the permitted noise standards of the Operative District Plan 2017, prior to the notification date 8 August 2022 of Plan Change 6.</u></u></p> <p><del><b>Devices that Generate Discrete Sound Events</b></del></p> <p><del>Discrete sound events from an <b>audible bird scaring device</b>, including shots or audible sound shall:</del></p> <ul style="list-style-type: none"> <li><del>i. shall not exceed 100dB<sub>L<sub>peak</sub></sub></del></li> <li><del>ii. not exceed 3 events within a 1 minute period</del></li> </ul>	
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2	11.2.7	<b>Table 11:1 and Table 11:2 Specific Activity Noise Limits</b>			
	11.2.7.1.h	At any point within the notional boundary of any rural zoned site, or within the site boundary of any other site used for a noise sensitive activity excluding any dwelling/s located on the same site as that on which the device is being operated.	At any point within the notional boundary of any rural zoned site, <i>residential zone boundary</i> or within the site boundary of any other site used for a noise sensitive activity, <i>and excludes</i> excluding any dwelling/s located on the same site as that on which the device is being operated.	Enables consideration of the effects on urban properties and dwellings, as the notional boundary does not apply to residential zones.	
3	11.4	<b>ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES</b>			
	11.4.5	<b>Audible Bird Scaring Devices</b>			
	11.4.5.1	<p><b>Council</b> shall restrict its discretion to the following:</p> <p>a. consideration of the best practicable option, including alternative types of bird scaring devices, alternative options for</p>	<p><b>Council</b> shall restrict its discretion to the following:</p> <p>a. consideration of the best practicable option, including alternative types of bird scaring devices, alternative options for crop protection,</p>	Remove economic considerations from the assessment criteria.	

		<p>crop protection, effectiveness of those alternative options and their affordability.</p> <p>b. the noise level generated and the effect on those persons or activities who will experience the noise and any proposed mitigation</p> <p>c. cumulative adverse noise effects from existing <b>Audible Bird Scaring Devices</b></p> <p>d. the frequency, timing and the operating conditions when they may operate</p> <p>e. the location of <b>Audible Bird Scaring Devices</b>.</p> <p>The notification provisions in the RMA shall apply to any application.</p>	<p>effectiveness of those alternative options. <del>and their affordability.</del></p> <p>b. <u><i>an acoustic report from a suitably qualified acoustics expert that identifies the 85dB L<sub>Cpeak</sub> contour from the notional site boundary or site boundary in any residential zone for the purposes of identifying affected parties as part of a resource consent application</i></u></p> <p><del>b.</del> c. the noise level generated and the effect on <u><i>affected parties</i></u> <del>those persons or activities who will experience the noise and any proposed mitigation</del></p> <p><del>c.</del> cumulative adverse noise effects from existing <b>Audible Bird Scaring Devices</b></p> <p>d. the <u><i>number of devices</i></u>, the frequency, timing, <u><i>time of year</i></u> and the operating conditions when they may operate</p> <p>e. <u><i>the location of or exclusion areas for any device in an orchard to manage effects on affected parties</i></u></p> <p>f. <u><i>an assessment be undertaken by a suitably qualified person to assess the potential impacts on indigenous fauna of a Significant Indigenous Biodiversity Site</i></u></p> <p>g. <u><i>the General Information Requirements, Rule 3.5.4</i></u></p>	<p>Enables consideration of affected parties for consultation based on an acoustic report.</p> <p>Enables consideration on the effects of affected parties.</p> <p>Clarifies an ABSD event.</p> <p>Provides for the number of devices and operational matters to be assessed, including exclusion areas in an orchard.</p> <p>Includes criteria for SIBS impact assessment.</p> <p>Add rule reference to clarify relationship between Chapter 3 and Chapter 11 of the District Plan.</p> <p>Renumbering for ease of referencing.</p>
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