

# **SCAREGUNS CODE OF PRACTICE**

**Attachment to General Local Law No.1 - 2013**



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## HUME CITY COUNCIL SCAREGUNS CODE OF PRACTICE

### 1. PREAMBLE

- 1.1 Scareguns are devices for producing a loud explosive sound for the purpose of scaring away birds from crops. Scareguns also known as gas guns or scatter guns, produce an explosive noise by the ignition of a charge of gas and air or commodities similar to gas or air.
- 1.2 Birds which attack fruit and crops can cause significant losses to a producer. A scaregun, if used correctly, does 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 there needs to be a balance established between the producers' needs and the rights of residents.
- 1.3 This Code of Practice is based on the Environment Protection Authority Victoria guidelines on scareguns.

### 2. OBJECTIVE

- 2.1 The objective of this Code of Practice is to provide for a fair balance between the need of local producers to protect their crops with the responsible use of scareguns and protecting the rights of residents from exposure to excessive noise.

### 3. RELATIONSHIP WITH GENERAL LOCAL LAW - 2013

- 3.1 This Code of Practice has been incorporated by reference into the Council's General Local Law No.1 – 2013.
- 3.2 Clause 3.9.1 of that Local Law provides that:

"A person must not use or allow the use of a scaregun except in accordance with Council's Scareguns Code of Practice."
- 3.3 The Code referred to in that clause is this Code of Practice.

### 4. DEFINITIONS

- 4.1 Any word or term defined in General Law No.1 - 2013 has the same meaning in this Code of Practice.

- 4.2 Further, in this Code of Practice:

**"crops"** means any produce which is grown on land and includes fruit orchards and vines.

**"farm land"** has the same meaning as in the *Valuation of Land Act 1960*.

“**residential premises**” means land used primarily for residential purposes and includes a dwelling, residential hotel, motel, boarding home, and bed and breakfast establishment.

“**scaregun**” means a gas or scatter gun which produces an explosive noise by the ignition of gas or air or similar and is designed to deter birds from attacking crops, but does not include a firearm or any other bird scaring device.

## 5. USE OF SCAREGUNS

- 5.1 A person must not use or allow the use of a scaregun unless all of the following are satisfied:
- 5.1.1 the scaregun is only used for the bona fide purpose of scaring birds away from crops during a recognised crop growing period;
  - 5.1.2 the scaregun is positioned on farm land;
  - 5.1.3 the distance in a straight line between the scaregun and any residential premises is 300 metres or greater. Where, however, the level of the blast from the scaregun can be adjusted then the distance between the scaregun and any complainant’s house may be less than 300m. In this case the adjusting mechanism must be permanently fixed such that the average maximum level of blasts at the house does not exceed 100dB LIN Peak<sup>φ</sup>;
  - 5.1.4 the distance in a straight line between the scaregun and another scaregun in use (whether located on the same or on another property) is 150 metres or greater;
  - 5.1.5 the scaregun is only used between 7-00am and sunset\* on any day;
  - 5.1.6 the scaregun is not used in excess of 12 hours in one day;
  - 5.1.7 the maximum noise level of the scaregun when measured immediately in front of residential premises on another property is 100dB LIN peak or less;
  - 5.1.8 the permitted number and regularity of blasts in any one day period does not exceed the number set out in clause 6;
  - 5.1.9 the number of scareguns in use at any one time on the property does not exceed the number set out in clause 7; and
  - 5.1.10 wherever possible, the shielding effects of natural features, buildings or the like are used to reduce the level of the blasts on nearby properties.

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<sup>φ</sup> These guidelines are based on an average maximum level of 100dB LIN Peak of the loudest 20% of blasts measured at the complainant’s home when the weather favours noise propagation. The dB LIN Peak is measured with the sound level meter set to linear and peak.

\* Sunset on any given day will be the official daily time for sunset as predetermined by the Bureau of Meteorology and recorded in the daily Melbourne newspapers.

- 5.2 Sub-clauses 5.1.3 and 5.1.7 do not apply where the residential premises are located on the same property as the scareguns and the consent of the occupier of that residential premises has been obtained.

## **6. NUMBER AND REGULARITY OF BLASTS**

- 6.1 For the purpose of sub-clause 5.1.8, the permitted number and regularity of blasts in any one day period is as follows:
- 6.1.1 in the case of a single blast scaregun, 70 blasts, with the time between blasts to be no less than six minutes; and
- 6.1.2 in the case of a multiple blast scaregun, 70 blasts, with:
- (i) the time between blast sequences being no less than six minutes; and
  - (ii) the time between the first blast of a sequence and the last blast of a sequence being no more than one minute.
- 6.2 For the purposes of sub-clause 6.1.2 each blast in a sequence from a multiple blast scaregun shall be counted as one blast.

## **7. NUMBER OF SCAREGUNS ON THE PROPERTY**

- 7.1 For the purposes of clause 5.1.9, the permitted number of scareguns in use at any one time on the property is as follows:
- 7.1.1 where the area under crop is four hectares or less – one scaregun;
- 7.1.2 where the area under crop is more than four hectares and less than ten hectares – two scareguns;
- 7.1.3 where the area under crop is ten hectares or more but not greater than 20 hectares – three scareguns; and
- 7.1.4 where the area under crop is 20 hectares or more but no more than two scareguns for each 10 hectares of crop.