



The following rules apply to the use of audible bird scaring devices in the area covered by the Marlborough Environment Plan

DEFINITIONS

Audible Bird Scaring Device

means any device that generates audible sound waves used for the scaring of birds. Devices shall fall into one of two categories:

Category A

Percussive or explosive devices (but excluding firearms as defined by the Arms Act 1983, or any Act amending or replacing that Act).

For the purpose of this Plan, 'percussive or explosive device' shall mean any device that is used to scare or disturb birds by generating a shock wave from percussion or an explosion thereby emitting noise.

[This includes gas guns.](#)

Category B

Other devices (but excluding firearms as defined by the Arms Act 1983 or any Act amending or replacing that Act)

For the purpose of this Plan, 'other devices' shall mean any other device (not in Category A) which generates noise that is used to scare or disturb birds.

[This includes vehicles or quad bikes tooting, and air horns.](#)

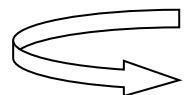
Single Land Holding

means an area of land held in either:

- (a) One Record of Title; or
- (b) More than one Record of Title where
 - the land in the various Record of Titles are held in common ownership or leased under the same lease; and
 - the land in the Record of Titles or lease are contiguous to each other; or
 - the Record of Titles are held together by a covenant under Section 220 RMA.

Noise Sensitive Activity

Means any use of land and/or buildings that is likely to be susceptible to the effects of noise emitted from nearby land uses in the course of their legitimate operation and functioning. Examples include dwellings, visitor accommodation, hospitals, health care and medical centres, residential care housing, educational institutions, structures for the purpose of, or activities involving public assembly.



RULES

The Rules within the Rural Environment Zone are as follows:

3.3.5 Audible Bird Scaring Devices

3.3.5.1. A Category A or Category B device must not be operated:

- (a) between sunset and sunrise if the device is within 2 km of a noise sensitive activity;
- (b) within 800 m of any rest home, public or private hospital;
- (c) such that a sound is emitted at a level greater than 65dB SEL, measured at or within the boundary (Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 Zones, and Coastal Living and Rural Living Zones) or notional boundary (Rural Environmental or Coastal Environmental Zones) of the nearest dwelling, visitor accommodation or other habitable building (except a dwelling, visitor accommodation or other habitable building on the same property as the audible bird-scaring device);
- (d) closer than 250m to any other audible bird-scaring device.

3.3.5.2. A Category A device must not be operated:

- (a) within 100m of a public road;
- (b) at any greater frequency than 4 events in any period of one hour. An event is defined as 3 discharges within a 30 second period;
- (c) at a greater density than one device per five hectares of land in any single land holding, except where the land is less than five hectares in area, one device shall be permitted.

3.3.5.3. A Category B device must not be operated for any continuous period exceeding two seconds, or at a frequency greater than 10 times in any hour for each 5ha block that the device is being operated over.

3.3.5.4. The device must only be operated where a crop is at risk from bird damage.

3.3.5.5. Noise must be measured in accordance with the provisions of NZS 6801:2008 - Acoustics - Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise.
