

EXEMPTION NOTIFICATION FORM

Section 19(1) of the Local Nuisance and Litter Control Act 2016



TO THE APPLICANT:

Name: Mr. S & Mrs. T Binney and Mr. S Morcom on behalf of the Wellington Progress Association
Postal address:
Email:

IN REGARD TO:

Exemption application no: 272487	Lodged on: 16/02/2024
<u>Nature of proposed activity:</u> Use of an Audible Bird Scaring Device for the purposes of Corella Management	

LOCATION OF PROPOSED ACTIVITY:

<u>Location:</u> 2 Tolmer St Wellington [CT5244/518]

DECISION:

Decision type	Decision (granted/refused)	Decision date	Expiry date	No. of conditions
Exemption consent	Granted	28/02/2024	28/05/2024	8

FROM THE RELEVANT AUTHORITY: Rural City of Murray Bridge
Date: 28 February 2024

Signed:

Kristen Manson
GENERAL MANAGER COMMUNITY DEVELOPMENT
As a delegate of the Rural City of Murray Bridge

CONDITIONS OF EXEMPTION CONSENT:

1. The audible bird scaring device is to be used in accordance with the details provided within the application unless otherwise altered by the following conditions.
2. The applicant must ensure that any local nuisance created from the approved activity is appropriately managed and that reasonable measures are implemented to minimise any potential nuisance.
3. The audible bird scaring device must be located at the eastern aspect of the property situated at 2 Tolmer Street, Wellington. The device must face towards the Murray River when being activated.
4. The audible bird scaring device shall only be operated as follows:
 - a. Between 28 February 2024 and 20 March 2024
 - i. 3 single shots can be fired between the hours of 8:30am and 5:00pm, Monday to Friday;
 - ii. 1 single shot can be fired between the hours of 9:00am and 5:00pm on Saturday and Sunday.
 - b. Between 21 March 2024 and 28 May 2024
 - i. 1 double shot between the hours of 8:30am and 10:30am, and 4:00pm and 6:00pm, Monday to Friday
 - ii. 1 double shot between the hours of 8:30am and 10:30am on Saturday and Sunday.
5. The communication notice proforma must be updated and provided to council prior to the approved activity occurring, and include the following details:
 - o The nature of the proposed activity;
 - o The start and finish dates for the activity;
 - o The daily start and finish times for the activity;
 - o The anticipated sources of the local nuisance generated by the activity;
 - o The proposed measures to be implemented to minimise the local nuisance;
 - o The name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity.
6. Prior to commencing the use of the bird scaring device the community must be advised of the proposed use of the bird scaring device including the terms of its operation.
7. The register for recording complaints must be updated and provided to council prior to the approved activity occurring, and include the following details:
 - o Contact details for each complainant; and
 - o The date and time for each complaint; and
 - o A description of the complaint; and
 - o The nature of the activity giving rise to the complaint; and
 - o Any action taken to address the complaint.
8. The applicant must ensure that any local nuisance created from the approved activity is appropriately managed and that reasonable measures are implemented to minimise any potential nuisance.
9. The responsible person must provide written communication to the council each fortnight that provides an update on the progress of the activity and the site nuisance management plan; including a report of any incidents or complaints.
10. The dates and times that the audible bird scaring device is used must be recorded and reported to council.

ADVISORY NOTES:

- This exemption will expire after 3 months from the date of the decision.
- Failure to comply with the requirements of this declaration may result in council, varying or revoking this approval.
- The applicant shall consider possible noise attenuation investigations, or physical options to minimise the noise impacts.
- To ensure the effectiveness of the bird scaring device the proposed hours of usage can be reviewed during the course of the exemption period in consultation with Council and the community.