

Barking Dog Policy

MINUTE NUMBER	-
DATE APPROVED	14 July 2021
EFFECTIVE	14 July 2021
AUTHORITY	General Manager
CONTACT OFFICER	Director Planning & Growth

1 PURPOSE

- 1.1 To provide a structured, consistent and transparent approach to barking dog complaints and offensive animal noise complaints received by Council.

2 SCOPE

- 2.1 This policy applies to all Council staff that are authorised within the meaning of *the Companion Animals Act 1998* and the *Protection of the Environment Operations Act 1997*. The implementation of this policy is primarily the responsibility of Council Rangers.

3 DEFINITIONS

- 3.1 For the purposes of this policy, the following definitions apply:

Term	Definition
Act	<i>Local Government Act 1993 (NSW)</i>
Nuisance Dog	Under the <i>Companion Animals Act 1998</i> , section 32a, a dog is a nuisance if the dog: <ul style="list-style-type: none">i. is habitually at large, orii. makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, oriii. repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, oriv. repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, orv. endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), orvi. repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

4 POLICY STATEMENT

- 4.1.1 Council recognises that animal noise may be a source of significant stress to some members of the community. Council is committed to facilitating lasting relationships between individuals where animal noise is having a detrimental impact on community relationships.
- 4.1.2 Council's intent is that individuals with an animal noise grievance will take reasonable steps to resolve issues directly with the source of conflict before resorting to Council-led intervention.
- 4.1.3 Council encourages private parties to access all available options such as but not limited to alternative dispute resolution (ADR) via Community Justice Centres.

4.2 Managing Initial Complaints

- 4.2.1 Dogs are a common and desirable part of the community and everyday life. It is accepted that barking dogs may be heard from time to time. However, dogs which bark persistently may be classified as a nuisance if the barking has a detrimental impact on those neighbouring and surrounding the property.
- 4.2.2 Unsurprisingly, many complaints of barking dogs come from direct neighbours. In the first instance, complainants are to be directed to discuss their concerns with the owner of the barking dog. This is usually the best way to achieve a lasting and amicable solution. It also provides an opportunity to discuss measures for noise abatement and for the complainant to reinforce their concerns with relevant information, such as medical conditions, which may impact on their sensitivity to the noise.
- 4.2.3 Where a barking dog impacts on more than one other premises, the issue is considered to be a community issue where it may be appropriate for Council to intervene. In the first instance, Council will recommend that the parties seek resolution through direct communication and/or ADR.
- 4.2.4 The use of barking dog diaries are required to document the noise complaint and provide substantive evidence of the timing, duration and frequency of the barking. All parties, including the owner of the barking dog, shall be requested to complete barking dog diaries for a minimum of two weeks. Complainants may also wish to reinforce their diary with audio and/or visual evidence. If a barking dog diary is not produced by the complainant, Council will not proceed with an investigation.
- 4.2.5 Barking is a common noise in the community. Therefore, through discussion with all parties and review of any evidence, an assessment will be undertaken to determine whether the barking is to be classified as an unreasonable interference in the lives of the complainants.
- 4.2.6 In circumstances where the barking is considered to be unreasonable, a Ranger may proceed with actions in accordance with the *Companion Animals Act 1998*, to deal with the barking dog as a nuisance. Where multiple dogs are barking and it is not possible to identify a specific dog, it may be more relevant to proceed with a Noise Abatement Direction in accordance with the *Protection of the Environment Operations Act 1997* or specific orders under the *Local Government Act 1993*.
- 4.2.7 To assist with the active control of barking dogs, anti-bark collars are available for purchase from Council. Where deemed necessary, Council's Ranger will recommend that the owner of a nuisance barking dog utilise an anti-bark collar. The cost of anti-bark collars shall be in accordance with Council's Schedule of Fees and Charges applicable at the time of purchase.

4.3 Actions where Barking is Considered Unreasonable

- 4.3.1 If, after examining the evidence, the Council Ranger believes the complaint requires investigating, the Ranger will visit the property where the dog is kept. If their investigation proves the complaint is justified, they may advise the dog owner that they intend to issue a nuisance dog order under section 32b of the *Companion Animals Act 1988* which can remain in place for up to 6 months.
- 4.3.2 Following this, if the noise continues as unreasonable, Council Rangers may take further action through the issue of infringement notices.

5 VARIATION

- 5.1 Council reserves the right to vary the terms and conditions of this policy subject to a report to the General Manager.

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
V1	14/7/2021	Director Planning & Growth	General Manager	14/7/2023

Change History

Version	Change Details
V1	Initial Policy

Related Documents

Title

Local Government act 1993

Companion Animals Act 1998

Protection of the Environment Operations Act 1997