

Name of policy:	Barking Dog (Animal Noise)		
Policy code:			
Adoption by Council:	24 June 2020	Minute number:	
Last review date:	August 2022		
Review timeframe:	4 years		
Next scheduled review date:	August 2024		
Related legislation:	<i>Companion Animals Act 1998</i> <i>Protection of the Environment Operations Act 1997</i> <i>Local Government Act 1993</i>		
Associated policies/documents:	Animal control Ranger Services Standard Operational Procedures		
Responsible division:	Liveable Communities		

Policy objective

To provide a structured, consistent and transparent approach to barking dog complaints and offensive noise complaints from other species received by Council.

Policy statement

- Council recognises that animal noise may be a source of significant stress to some members of the community. Council is committed to facilitating lasting resolutions between individuals where animal noise is having a detrimental impact on community relationships.
- Council's intent is that individuals with an animal noise grievance will take reasonable steps to resolve issues directly with the owner of an animal before reporting it to Council for investigation and enforcement.
- Council encourages private parties for a barking dog complaint to consider mediation or alternative dispute resolution via Community Justice Centres to find a resolution to the matter.

Coverage of the policy

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.

Strategic Plan Link

This Policy is directly linked to CSP Community Outcome 1 “A resilient and socially connected community” through Strategic Objective 1.4 – We protect the health and safety of our communities.

Policy content

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.
2. A common reason many residents become dog owners is the security and comfort dogs provide including through advance warning of visitors. However, dogs which bark persistently may be classified as a nuisance if the barking has a detrimental impact on those outside the dog's home address.
3. It is common for complaints about barking dogs to come from direct neighbours. In the first instance, a complainant should discuss their concerns with the owner of the barking dog. This is usually the best way to achieve a lasting and amicable solution.
4. Discussions between parties also provides an opportunity to look at solutions to minimise barking and for the complainant to reinforce their concerns with relevant information, such as medical conditions, which may impact on their sensitivity to the noise.
5. Where a barking dog impacts on more than one premises, the issue is considered to be a community issue where it may be appropriate for Council to intervene. In the first instance, Council should recommend that the parties seek resolution through direct communication and/or alternate dispute resolution.
6. Instances of excessive or continued barking are to be recorded in a barking dog diary to document the noise complaint and provide substantive evidence of the timing, duration and frequency of the barking.
7. All parties, including the owner of the barking dog, will 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.
8. Barking is a common noise in the community. Therefore, through discussion with all parties and review of any evidence, an assessment is to be undertaken as to whether the barking is to be classified as an unreasonable interference in the lives of the complainants.
9. In circumstances where the barking is considered to be an unreasonable noise nuisance, a Ranger may proceed with enforcement in accordance with the *Companion Animals Act 1998*, to deal with the barking dog as a nuisance.
10. 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*.

Definitions

Council

MidCoast Council

Complainant

A person reporting an issue to Council

Animal noise grievance

An expression of concern or a request for service in relation to an animal barking, where a response or resolution is explicitly or implicitly expected or legally required

Enforcement

Actions taken in response to the contravention of law

Unreasonable noise nuisance

Noise that is characterised as unreasonable when assessed against the offensive noise test defined in the NSW EPA Noise Guide for Local Government

References and related documents

Ranger Standard Operational Procedure Manual

Responsible officer

Manager Major Assessment and Regulatory Services

Attachments

Nil