

NOISE NUISANCE (BARKING DOG) POLICY (COMMUNITY POLICY)

1. Scope

The Noise Nuisance (Barking Dog) Policy (this 'Policy') applies across the Livingstone Shire.

2. Purpose

To ensure all barking dog related matters are dealt with impartially and progressively within a structured timeframe, with a focus on the provision of education and conciliation regarding responsible pet ownership and minimisation of barking dog noise nuisance.

To outline the means for effective engagement of concerned parties with consistent measures of response, complaint validation and investigative processes regarding allegations of barking dog noise nuisances.

3. References (legislation/related documents)

Legislative reference

Local Law No. 2 (Animal Management) 2011

Subordinate Local Law No. 2 (Animal Management) 2011

Related documents

Barking Dog Noise Nuisance Complaint Workflow

Livingstone Shire Council Customer Service Charter

4. Definitions

To assist in interpretation, the following definitions shall apply:

Complainant	A person who lodges a complaint with Council regarding a barking dog noise nuisance.
Dog Owner	A person who is the registered owner or responsible person for a dog or the premises upon which a dog resides.
Noise Nuisance	Barking dog noise, any day, between the following prescribed times: (a) between 07:00 and 22:00 – barking for a total period greater than six (6) minutes in any one hour period; and (b) between 22:00 and 07:00 - barking for a total period greater than three (3) minutes in any one hour period.
Officer	Authorised person of Livingstone Shire Council.
Properly Made Diary	A diary completed as per the format and for a period of no less than fourteen (14) days.

5. Policy Statement

This Policy is in accordance with section 8 of *Local Law No. 2 (Animal Management) 2011* and Schedule 4 of *Subordinate Local Law No. 2 (Animal Management) 2011, Minimum standards for keeping animals generally*; whereby it is stated that a person who keeps an animal on premises must:

- (e) *take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of —*
 - (i) *adjoining premises; or*
 - (ii) *premises in the vicinity of the land on which the animal is ordinarily kept.*

Officers will engage with all parties in an attempt to achieve an amicable resolution as efficiently as possible:

- (1) Officers will work with the complainants to gather evidence and provide updates regarding progress; and
- (2) Officers will work with the dog owner to provide advice and encourage the implementation of strategies to resolve a proven noise nuisance.

Each barking dog complaint will be processed in stages as identified in Council's customer request system work flows.

5.1 Complaints

All complaints received will be registered within Council's Customer Service System and tasked to the Local Laws Unit for a response in accordance with the customer service charter and complaints process with this policy. An investigation will progress logically through stages, escalating only as required and always in consultation with the relevant parties.

5.2 Stage One – Initial acknowledgement and correspondence

- 5.2.1** In the first instance, complainants may be encouraged to discuss the barking dog noise nuisance with the owner of the alleged offending dog through face to face contact or remaining anonymous by utilising the 'Barking Dog' contact letter available on Council's webpage.

The complainant will be requested to wait a period of fourteen (14) days to allow the dog owner to implement all reasonable steps to prevent the dog from making a noise nuisance.

- 5.2.2** Within the initial fourteen (14) day period the complainant will receive a complaint acknowledgement letter with a fact sheet outlining Council's process and a Barking Dog Noise Nuisance diary to record dates and times of barking. The diary is required to be completed for a period of no less than fourteen (14) days and will form a part of Council's evidence. Upon completion, the complainant or another affected party must return the diary to Council prior to the commencement of an investigation.

- 5.2.3** The dog owner will receive initial correspondence advising of the allegations of a barking dog noise nuisance made in relation to a dog present upon their premises. The correspondence will contain a Barking Dog Information package and an initial period of fourteen (14) days will be afforded to the dog owner, allowing for all reasonable steps to be taken to prevent the animal from making a noise or disturbance which causes a barking dog noise nuisance.

5.3 Stage Two – Investigation

- 5.3.1** Upon receipt of a properly made Barking Dog Noise Nuisance diary, Council will review the recorded information and compare the durations against the barking noise nuisance as defined within this policy. To assist in the evidence process and validation of a complaint an investigation may include but is not limited to, conducting a survey of surrounding premises to identify other affected parties.
- 5.3.2** A determination finding the allegation is not yet proven (id est, barking is not greater than the period defined or that the barking has reduce to an acceptable level or ceased) shall result in correspondence to all parties advising of Council's determination and conclusion of the matter.
- 5.3.3** A determination finding the allegation to be proven shall result in Council continuing the investigation and engaging with the dog owner to provide evidence of the barking dog noise nuisance and discuss the level of barking as identified within the diary.
- 5.3.4** Council will work with the dog owner to encourage the development and implementation of short and long term strategies to reduce barking. The dog owner will be encouraged to engage in formal dog training, introduce exercising and socialising of the dog and to use mechanical methods such as anti-barking collars to reduce barking dog noise nuisance.

5.4 Enforcement

- 5.4.1** Consultation with a dog owner is considered the first step in any enforcement action. Council will take all reasonable steps to encourage a dog owner to comply and take all reasonable steps to prevent the animal from making a noise or disturbance. Council may, where practicable to do so, encourage all parties to seek mediation through a professional entity external of Council resources.
- 5.4.2** Compliance notices may be issued where a dog owner fails to comply with Council's request to undertake agreed actions within given time frames or a dog owner refuses to recognise and/or consider a dog residing upon the owner's place of residence is creating a barking dog noise nuisance. Where a compliance notice has been issued, the dog owner will be provided a specified time frame to comply. Failure to do so may result in the issuing of a penalty infringement notice.
- 5.4.3** Infringements are to be consider in circumstances where sufficient evidence of a dog owner's failure to take all reasonable steps to address a proven barking dog noise nuisance and/or refusal to recognise and/or consider the need to address a proven barking dog noise nuisance, has been obtained.
- 5.4.4** In circumstances where a proven matter results in a compliance notice being issued and the responsible person for the dog has not complied with the compliance notice an authorised person may seize a dog.

5.5 Anonymous complaints

- 5.5.1** An anonymous complaint will be processed in accordance with clause 5.1 of this policy.
- 5.5.2** The owner of the alleged offending dog will receive advice in accordance with 5.2.3 of this policy and an investigation may be commenced in accordance with 5.3. of this policy.

- 5.5.3** Where a barking dog noise nuisance is proven, Council may progress in accordance with clauses 5.3.3 and 5.4 of this policy.
- 5.5.4** Where a barking dog noise nuisance is not proven and in the absence of further information and/or evidence provided by a complainant or other affected party, the matter may be deemed completed.

5.6 Record keeping

- 5.6.1** All barking dog noise nuisance complaints must be recorded as a Customer Service Complaint and tasked to the Local Laws Senior Officer for allocation to a responsible officer for the investigation.
- 5.6.2** All file notes, photos, correspondence and notices must be recorded to the relevant Customer Request.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council

7. Repeals/Amendments

Version	Date	Action
1.0	24/11/2015	Adopted
1.1	02/10/2018	Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer
2.0	19/10/2021	Amended Policy Adopted – definition of Noise Nuisance updated

CALE DENDLE
CHIEF EXECUTIVE OFFICER