



# Noise Nuisance (Barking Dogs) Policy Review

# Purpose of the review

To evaluate whether the current procedures allow timely, fair, and effective resolution of barking complaints while ensuring complaints can be validated with reliable evidence.

To streamline the process, improve evidentiary reliability, and balance the rights of complainants and dog owners while maintaining community amenity.

The objective is to identify and address any elements of the policy that:

- Contribute to stakeholder frustration, particularly around understanding the process, perceiving inaction, or experiencing delays in resolution.
- Cause unnecessary delays in progressing investigations.
- Rely too heavily on subjective or burdensome complainant evidence.
- Make proving a nuisance overly difficult due to strict definitions or limited officer verification.
- Limit the ability to act swiftly in genuine nuisance cases.

## **Limitations of this review:**

Certain bottlenecks are unlikely to be resolved without technological solutions. As such systems are costly, addressing them is considered out of scope for this policy review. These limitations include:

- The subjective nature of barking nuisance assessments
- Heavy reliance on complainant-provided evidence
- Single-party complaint scenarios

# Relevant legislation

*Subordinate Local Law No. 2 (Animal Management) 2011*

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## **Schedule 4      Minimum standards for keeping animals generally**

Section 8(1)

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; and
- (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept.

**Note:** There are no amendments in the new Local Laws that will affect the proposed policy changes.

# Changes: Proposed policy amendments

## 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~~ and responsible pet ownership ~~to minimise 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~~

~~Controlling Barking Dogs – What Council will do~~

~~Controlling Barking Dogs – Be A Good Neighbor~~

~~Controlling Barking Dogs – Information for the dog owner~~

~~Controlling Barking Dogs – Why do dogs bark~~



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Description simplified

@mention or reply



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Updated to include relevant documents that both the Complainant and Dog owner receives

04 September 2025, 08:09

@mention or reply

# Changes: Proposed policy amendments

## 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	<del>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 (a) between 22:00 and 07:00 barking for a total period greater than three (3) minutes in any one hour period.</del>
Noise Nuisance	<u>Noise or disturbance caused by an animal that inconveniences occupiers of adjoining or nearby premises, where the person keeping the animal has not taken reasonable steps to prevent it.</u>
Officer	Authorised person of Livingstone Shire Council.
Properly Made Diary	A diary completed as per the format <del>and for a period of no less than fourteen (14) days.</del>

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### Increase flexibility in "Noise Nuisance" definition:

Allow discretionary officer judgment where barking is clearly excessive but falls just below strict minute thresholds.

Recognise "pattern nuisance" – e.g., barking at the same early morning hour daily, even if total minutes are low.

Use the description in Subordinate local law 2 under minimum standards Section 8(1)(e-f).

04 September 2025, 09:45

@mention or reply



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### Streamline evidence collection:

Permit shorter diary periods where barking is frequent and consistent – Supported by mandatory statutory declaration/s from complainant.

Conduct neighbourhood surveys where appropriate to corroborate claims

04 September 2025, 08:12

@mention or reply



# Changes: Proposed policy amendments

## 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.~~

Officers will work with the complainants to gather evidence and provide updates regarding progress; and

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~~ workflows.

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**Limit officer mediation involvement:**  
While officers may occasionally facilitate communication to clarify regulatory requirements, their primary responsibility is regulatory enforcement, which requires them to collect and assess objective evidence rather than resolve personal disputes. By limiting their role in mediation, officers reduce the risk of perceived bias and ensure that Council maintains its position as an impartial regulator rather than a party to private conflicts.

04 September 2025, 08:13

@mention or reply

# Changes: Proposed policy amendments

## 5.2 Stage One – Initial acknowledgement and correspondence

**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, together with all supplementary evidence (e.g. video or audio files), accompanied by a statutory declaration listing the evidence, prior to before the commencement of an investigation.

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### Streamline evidence collection:

Accept supplementary evidence from complainants such as: Video/audio recordings (phone clips with date/time stamps).

Encourage owner self-monitoring: Encourage dog owners to record their dogs during work hours using low-cost security cameras / audio/video devices; cooperative owners can provide evidence of changes.

04 September 2025, 09:11

@mention or reply

# Anticipated outcomes aligned with Objectives

- Sets clear expectations upfront to discourage complaints driven by neighbourhood disputes or personal conflicts.
- Relaxes the strict nuisance definition to make substantiating complaints less difficult while maintaining fairness and consistency.
- Reduces the burden on all parties: Streamlines procedures and minimises Officer's administrative tasks, and eliminates the need for 14-day diaries, easing the complainant's workload.
- Accelerates investigations, enabling officers to determine more quickly if a nuisance exists and act promptly in genuine cases - reducing policy timeframes from 100 days to 30 days for resolution.
- Reduces stakeholder frustration and complaints by improving understanding of the process, addressing perceptions of inaction, and minimising delays.
  - Reduces escalation of customer complaints (to Councillors and Senior Management) by improving transparency, responsiveness, and the perceived fairness of outcomes.

Looking forward: The future introduction of audio monitoring technology would complement the proposed policy changes and provide objective, time-stamped evidence, strengthening the reliability of investigations and supporting more defensible enforcement decisions.