



LIVERPOOL PLAINS SHIRE COUNCIL BARKING DOG COMPLAINTS POLICY

Version	Date	Resolution No.	Details
1	16 Feb 2005	9475	New Policy
2	28 Feb 2018	2774	Review and conversion to new template

INTRODUCTION

Council will act to resolve dog noise problems having regard to legislative requirements.

Persons who lodge complaints about barking dogs must provide a level of information to support the complaint and enable efficient investigation.

Persons who make complaints shall be willing to provide evidence and appear as a witness if necessary.

POLICY OBJECTIVE

The objective of this policy is to provide an efficient and cost effective method of dealing with noise complaints relating to barking dogs and to enable a sufficient level of information and evidence to be obtained in noise control issues.

RELEVANT LEGISLATION

Companion Animals Act 1998

Under section 96 of the *Protection of the Environment Operations Act 1997* (**POEO Act**)

EFFECTIVE DATE AND POLICY REVIEW

The policy shall be reviewed every four years or earlier if required by legislation, Council resolution or recommendation of the General Manager. If the policy is not reviewed within this timeframe, it remains active until such time as it is reviewed or revoked by Council.

This policy comes into effect on 28 February 2018.

Signed by General Manager:

R S (Ron) van Katywk

Date Approved: 28/02/2018

POLICY

- 1 Complainants will be requested to complete and sign a Dog Noise Nuisance Complaint Form. The form requires certain information and undertakings, eg willingness to appear as witness in Court and assistance in assessment. The necessity to complete the form will assist in reducing vexatious complaints.
- 2 A seven (7) day Evidentiary diary needs to be completed giving times and duration of barking.
- 3 Council will send evidentiary diaries to surrounding properties with the aim to collect (as far as is reasonably practicable) three (3) returned and completed diaries to confirm the public interest nature of the nuisance barking.
- 4 On the return of the diaries, Council staff will visit the dog owner to discuss the matter.
- 5 The dog owner will be given seven (7) days to consider a course of action.
- 6 After the expiry of the seven (7) days Council staff will take the following action:
 - a) If the owner is co-operative – defer action and contact the complainant after thirty (30) days to see if the problem still exists.
 - OR
 - b) If the dog owner is unco-operative, issue a Nuisance Order under The Companion Animals Act.
- 7 Further seven (7) day Evidentiary diaries may be required to be completed by the complainant in order to secure additional evidence to support the Nuisance Order.
- 8 After receiving the additional completed diaries, a decision will be made, having consideration to Councils legal procedures policy as to further action.
- 9 Options in the matter include:
 - a) Issue Infringement Notice;
 - b) Proceed by Summons to enforce the Nuisance Order.
- 10 The above procedure may be repeated until the noise problem is resolved.

Dog Noise Nuisance Complaint Form



Lodge Applications at Liverpool Plains Shire Council – 60 Station Street Quirindi (Mon –Fri 8:30am to 5pm).
Mail – PO Box 152 Quirindi NSW 2343. Fax – 02 6746 3255. Email – lpssc@lpssc.nsw.gov.au.

Please read Council's Barking Dog Complaints Policy prior to completing this form.

Complainant Details

Name

Address

Email Address

Phone

I agree to act as a witness for Council and provide evidence in Court regarding the barking dog if the matter proceeds.

Signature

Date

Dog Details

Address of offending dog/s

Date initial contact was made with the barking dog's owner

Times when the dog usually barks

 morning
 afternoon night
 any time, no pattern

How often the barking occurs per day/night

 once
 twice
 several times

Does the barking start as soon as the owners leave home?

 Yes – usually within minutes
 No

How long at a time does the dog usually bark

 minutes hours

The dog is barking at

 people passing the property
 another dog
 other

When the dog is barking it will

 run along fence line at front back side
 other

If there is more than one dog at the property

 one dog barks more than the other
 barking increases when playing/fighting
 other

Any other relevant information

Privacy Protection Notice

The completed Dog Noise Nuisance Complaint Form contains personal information which is being collected for the purpose of processing this complaint and to enable Council to perform any other duty or task under any relevant legislation. The information will be processed by the Environmental and Economic Services section of Liverpool Plains Shire Council and may be made available to public enquires under the Government Information (Public Access) Act. The information supplied is required under the Companion Animals Act 1998. The information will be stored in Council's electronic document management system.