



# IS A BARKING DOG CAUSING YOU HEADACHES?

## A GUIDE TO DEALING WITH NUISANCE DOGS

Council has a role in investigating and dealing with the owners of dogs that create unreasonable levels of noise.

To be considered unreasonable, noise needs to be at such a level and frequency as to have a detrimental effect on your normal daily activities. Nearly all dogs bark for various reasons and this alone does not always make the noise unreasonable or offensive.

Firstly you should talk to the dog owner. They may not be aware of the problem.

### What you need to provide Council

Council can assist after you have attempted to approach the owner about a barking dog and the problem persists. Dog noise problems can only be resolved if enough information is provided to support the complaint. An integral part of the investigation process includes persons lodging complaints being willing to provide evidence and appear in Court as a witness if necessary.

### What then?

Contact Council and provide sufficient information so that a formal complaint can be registered in Council's Customer Request Management (CRM) system. You will be issued with a unique CRM number. You will then be provided with a noise diary and statement which must be completed over a reasonable period of time (2 weeks if possible) to demonstrate that the noise is unreasonable/

offensive. When completed return it to Council within seven (7) days. A Council Officer will investigate upon receipt of a complete and valid diary. (Note: Providing false and/or misleading information is an offence)

### What will Council do?

Should the barking behaviour meet the requirements for an offensive noise/nuisance animal, a Council Officer will visit the property and issue a Noise Abatement Direction and give advice to the owner on how to reduce barking. (Note: A Noise Abatement Direction is valid for 28 days)

### If it doesn't stop?

Should the barking continue you will be required to complete an additional diary and submit to Council. Council may then take further action including issuing a Nuisance Dog\* order or Prevention Notice, issue a penalty infringement notice or consider Court Action.

### If the noise is not found to be offensive\*\*

If the barking behaviour does not meet the provisions for unreasonable/offensive noise, Council is unable to take any further action. You could contact the Community Justice Centre or consider private civil action.

\*A dog is a nuisance if the dog 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.

\*\*Offensive noise means noise that interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.



# DOG NOISE DIARY

This is part of your statement, if any false or misleading information is supplied you could be liable to fines and/or prosecution.

You may be required to testify in court how much each noise episode impacted on your comfort and repose. All details must be completed for the diary to be valid.

### Example of how to complete diary:

Date	Time	Type of noise	Location	Activity
14.5.18	9.30pm	18 barks	loungeroom	Watching TV
How it affected me:		Could not hear TV, had to turn up very loud		
15.5.18	2.30am	15 barks in 5 minutes	bedroom	Sleeping
How it affected me:		Woken from sleep, awake for 1 hour. Very tired next day.		

Your Name

CRM Ref

*This reference will be provided by Council*

Date	Time	Type of noise	Location	Activity
How it affected me:				
How it affected me:				
How it affected me:				
How it affected me:				
How it affected me:				
How it affected me:				

Continued on next page.

I certify that the entries are true and correct:

Signature

Date

**PRIVACY STATEMENT** The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998. Any personal information supplied or collected will only be stored and processed for lawful purposes directly related to the functions and activities of Upper Hunter Shire Council.

**All correspondence to:**

General Manager | Upper Hunter Shire Council | PO Box 208, Scone NSW 2337

Phone: 6540 1100 | Email: council@upperhunter.nsw.gov.au



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Your Name

CRM Ref

Date	Time	Type of noise	Location	Activity
<b>How it affected me:</b>				
<b>How it affected me:</b>				
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# DOG NOISE NUISANCE STATEMENT

I,   
(your name)

of   
(your address)

Occupation  Age

Phone (home)  (mobile)

Am making this statement in regard to nuisance dog noise.

This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything, which I know to be false or do not believe to be true.

The dog(s) creating the noise are described as:

Being kept at the premises of (address of dog/s):

No. and Street

Town/Suburb  Postcode

The occupier of the premises is (name of occupier if known):

Date of alleged offensive noise: (date from)  (date to)

That between the dates recorded the dog(s) did create offensive noise and unreasonably interfered with my comfort in my premises. I have attached a noise diary which was recorded by me and was made of my own free will.

Print name  Date

Signature

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