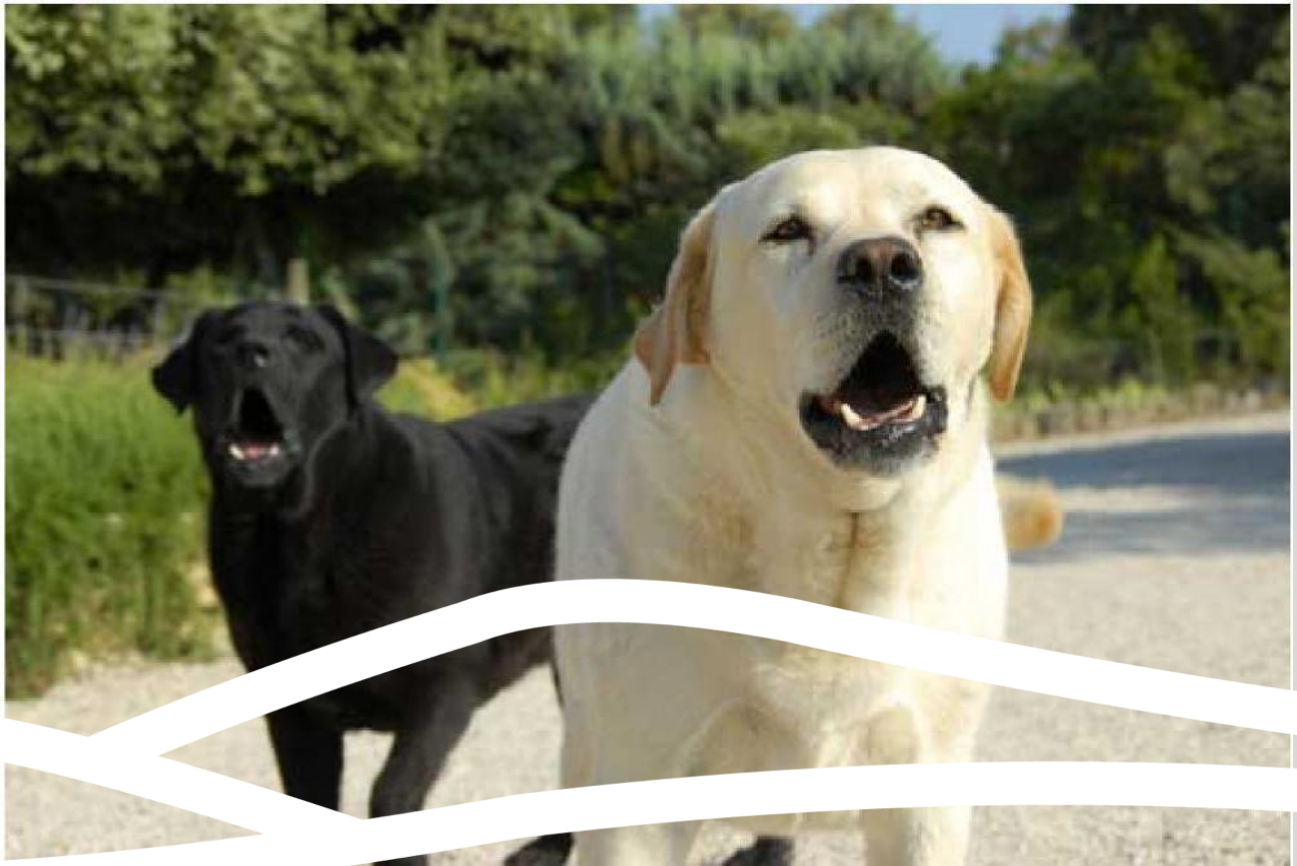


Guide to managing barking dogs



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1 Introduction

Dogs in the Snowy Monaro Regional Council are an important part of our local community, however excessive barking can irritate and cause disputes between neighbours.

According to the *Companion Animals Act 1998*, a dog is considered to be a nuisance if it “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”.

This booklet provides information on the reasons why dogs bark, strategies to reduce barking, and explains how a member of the community can lodge a complaint against a nuisance barking dog with the Council.



2 Why do dogs bark?

Barking is a natural behaviour for dogs and allows them to communicate with their owners and other people. Often there are underlying reasons why a dog will bark excessively. These reasons include:

- Boredom;
- Thirst;
- Hunger;
- A lack of exercise or training;
- Loneliness;
- Medical conditions;
- Prolonged containment in a small yard;
- Disturbances outside the dog owner’s property; or
- Protection of their property from intruders such as unfamiliar people or wildlife.

If you suspect that an animal is being mistreated or subjected to cruelty, contact the RSPCA on 02 9770 7555 or 1300 278 3589, or through their website: www.rspca.org.au/contact-us

3 Caring for your dog

Dogs require care, compassion and regular attention. Generally, a dog that receives adequate care will not bark excessively. The following suggestions may assist you in caring for your dog:

- Ensure that your yard is large enough for your dog. Different breeds have different requirements depending on their size and energy levels. Never leave a dog chained up for extended periods of time.
- Ensure that your dog has shelter that can withstand all weather conditions. The shelter (e.g. kennel or indoor area) must be dry, well ventilated and protect them from the elements.
- Make sure that your dog receives adequate exercise. The amount of exercise required depends on the dog's breed, age and size.



4 Neighbourhood Communication

If barking is an issue in your neighbourhood, try and politely approach the dog owner and explain the problem. Communication between neighbours, establishing when and why a dog is barking may be effective in solving the problem. Remember, the dog owner may be unaware that the barking is a problem if it only occurs when they are out for the day or if they are a heavy sleeper.

There are several important steps that you can take to enable you to approach the dog's owner and reduce the barking of their dog:

- **Do not react when a neighbour's dog barks. Yelling and throwing things at the dog could make the barking worse.**
- Investigate to see why the dog is barking. Triggers for barking, such as people walking past the property or animals entering the yard can be mentioned when you politely approach the dog's owner.
- Provide the dog's owner with a copy of your barking diary. This diary displays the timing and frequency of dog barking.
- If the dog owner is not approachable, consider sending them the 'dear neighbour' letter contained on the following page of this booklet.

If these steps are unsuccessful in resolving the barking, the next step is to attempt mediation with your neighbour or if not successful consider applying for a noise abatement order through the local court. Should these steps fail to stop the barking you can make a complaint with Snowy Monaro Regional Council. **At this time, you would provide Council with your Barking Dog Diary to support your complaint.**

5 Letter template

Dear Neighbour,

You may not be aware, but your dog is currently causing a nuisance in the neighbourhood by barking.

I have obtained information from the Snowy Monaro Regional Council and they have suggested that I express my concern to you, to give you the opportunity to rectify the situation and avoid a formal complaint process. At this stage, cooperation is all that is required to prevent this matter progressing any further.

Please assist by working with your dog to stop this barking. The reverse side of this letter suggests some helpful tips on how to reduce barking in your home.

Kind Regards,

Your Neighbour.



6 Tips for Reducing barking

There are many things that can be tried to reduce dog barking.

- Leave some toys (e.g. a ball or a chew toy) for the dog when you leave the house to prevent boredom;
- If the dog is easily disturbed by people or animals outside the property, move the dog to another section of the yard and create a barrier to remove the dog from that area;
- Provide regular food and water for the dog;
- Provide adequate shelter for all weather conditions. This may include noise insulation in their kennel;
- If barking occurs when looking through gaps in the fence, fill in the gaps;
- Ensure that the dog is exercised regularly. Play with or take your barking dog for a walk every day. Council has several off-leash dog areas:
 - **Bombala** - Along the reserve of the Bombala River (only in the signposted area);
 - **Jindabyne** - Along the foreshore, west of the Public toilet block at the Claypits area around to the east of the sailing club and Poo Bay foreshore, off Cobbon Crescent;
 - **Berridale** - The Myack Creek Reserve walking path off William St;
 - **Cooma** - Church Road - the grassed area which extends along Church Road and is bound on the far side by Cooma Creek; and in the Lions Park, Yallakool Road.
- Take the dog to obedience training /consult a recognised dog trainer;
- Socialise your dog with your neighbours and other animals;
- Visit the local vet. Your animal may have an illness and require medical attention; and
- Avoid giving attention to a barking dog. Do not yell at a barking dog and do not reward a barking dog (e.g. letting it into the house). Instead, provide the dog with attention when they are quiet.

7 Lodging a complaint

You can lodge a formal complaint with Council, however this is the last resort. You firstly must make every effort to resolve the situation with the dog's owner.

The most appropriate ways to resolve a barking dog issue is to have the dog's owner take steps to stop excessive barking of their dog. If the dog's owner is not responding to your requests you should then try **mediation** or secondly, obtain a **Noise Abatement Order**.

1. Attempt / undertake Mediation :

Community Justice Centres (CJC) are government-funded, but independent centres that specialise in settling differences between neighbours without entering into complicated legal processes. A CJC will suggest a mediation process. This process will not cost you any money, and has a high success rate. For information on your nearest CJC, visit www.cjc.nsw.gov.au, phone 1800 990 777 or enquire through the Local Court.

2. Noise Abatement Order :

If mediation does not resolve the matter, you may contact a local Magistrate to issue a **Noise Abatement Order** under Section 268 of the *Protection of the Environment Operations Act 1997*.

In taking this action you must be satisfied that -

- There is definitely an established case to answer;
- More than one person is willing to attend court and provide evidence; and
- All avenues for the resolution of the issue have been exhausted (e. g. direct approach, letter & mediation).

Note:

- When taking a barking dog complaint to court it is your responsibility to convince the Magistrate that the dog is a nuisance, **NOT** the Council's responsibility.
- The Council will **NOT** become involved in domestic disputes between neighbours, and should this happen, we will advise you to take your own legal action.
- You may be cross-examined in a Court of Law to provide evidence for dog barking.
- It is imperative that a comprehensive barking dog diary is kept over a period of time to provide evidence of barking patterns. And you can demonstrate to a Magistrate that all other attempts to resolve the matter have not worked.

8 Council Action

There are some critical aspects to making a formal complaint to Council.

Because your request could go to Court Council will need sufficient detail prior to taking action. **Council will need -**

1. **Two different neighbours affected by the barking to complete a barking dog diary and complaint form, and**
2. **Information that demonstrates that you have attempted to resolve the matter with the barking dog's owner.**

Council's Procedures regarding Noise Complaints provide guidance for Council to fairly and accurately respond to complaints from the community. Our standard procedure is to receive a written complaint, which will remain confidential at all times. The complaint will be assigned to the Council's Ranger and an investigation will commence within 3 days.

NOTE: at all stages of the complaint and irrespective of the number of complaints received, Council may take legal action if circumstance warrant immediate action be taken.

1st complaint:

The Council Ranger will contact the owner of the barking dog following a complaint and inform the owner that a complaint has been received.

Additionally, the complainant will be advised of what action is/has been taken and the Ranger will request that the complainant keeps a detailed diary outlining the frequency and timing of the barking from the barking diary, the Ranger may also be able to establish a cause of the barking.

Please Note - Council cannot proceed to further investigate without a completed barking Dog Complaint Form and a filled in Barking Dog Diary, from two or more affected properties.

2nd Complaint:

The Council Ranger will contact the dog's owner to notify them that a second complaint has been lodged and inform the owner of their responsibilities and investigate possible solutions and options available to the dog's owner to manage the excessive barking. The owner may also be asked to keep a dog barking diary to assist in establishing a cause for their dogs excessive barking.

3rd complaint:

Should a third complaint be received regarding a nuisance barking dog, a neighbourhood survey may be performed to determine the extent of the issue. Depending on the circumstances, Snowy Monaro Regional Council may serve a **Nuisance Order** under Section 21 of the *Companion Animals Act 1998*. A Nuisance Order will remain in force for 6 months.

Subsequent complaints:

If warranted, Snowy Monaro Regional Council may consider issuing penalty notices for breaches of a current Nuisance Order.

However the Council will only issue a penalty notice in this case if the Ranger believes:

- The complainant is prepared to attend court regarding the matter:
- The owner of the dog has attempted all avenues without improvement;
- The owner of the dog has failed to comply with the requirements of a current Nuisance Order: or
- The dog is a problem otherwise.

9 Barking dog complaint form

Barking Dog Complaint Form

Ranger Services

Complainant's Details

Name/s		
Address		
Town	State	Postcode
Email	Phone	

Offending dog's details

Address of dog/s		
Town	State	Postcode
Description of dog/s		
Have you verified where the barking is coming from?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you seen the dog(s) barking?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you spoken to the dog(s) owner?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you spoken to the neighbours about this problem?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you prepared to have this matter mediated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have any of your neighbours mentioned this problem to you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, are they prepared to support your claim?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Declaration and Signature

I/ the undersigned wish to lodge a formal complaint with Snowy Monaro Regional Council in relation to the dog(s) described above which bark persistently to such a degree that it unreasonably interferes with my peace/comfort/convenience (please strike out items not applicable) in my premises.

Applicant Signature	Date
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Privacy Statement

Council is collecting the personal information on this form for the purpose of gathering information applicable to this complaint. The information will be used for investigating the complaint and will not be disclosed to any other party except as required by the law. If you fail to provide the information, no action can be taken in regards to this complaint.

Forward your completed form or diary to Mail: PO Box 714 COOMA NSW 2630 or

Email: council@snowymonaro.nsw.gov.au

10 How to complete a barking dog diary

Please present an accurate barking dog diary when lodging a complaint with Snowy Monaro Regional Council. The diary should extend over a minimum of 7 days and should contain a detailed description of the timing, frequency and cause of barking. Whilst this may seem excessive, you may be required to present this diary before a Magistrate as accurate and concise evidence. The example below demonstrates how this task should be completed.

Example Barking Dog Diary:

Date	Time Barking started	Time Barking stopped	Number of barks	Reason for barking?
07/02/2022	6.00am	6.02am	6	No one in street
07/02/2022	7.21am	7.27am	20+	School bus outside yard
07/02/2022	7.45am	7.47am	3	Person walking dog past yard
07/02/2022	3.35pm	3.40pm	16	Dog owner returned home
07/02/2022	6.50pm	7.01pm	20+	No one in street
07/03/2022	7.20am	7.25pm	17	School bus outside yard
07/03/2022	9.47pm	9.49pm	7	Bird sitting on fence

Please attach your barking dog diary to your complaint form and forward it to:

The Ranger Services Team Snowy Monaro Regional Council

In Person: Any Council Office

By Mail: PO Box 714, COOMA NSW 2630

Email: Council@snowymonaro.nsw.gov.au

12 Further information

If you require further information or have questions please contact us.

The Ranger Services Team Snowy Monaro Regional Council

- In Person: 81 Commissioner St. Cooma
- By Mail: PO Box 714, COOMA NSW 2630
- Email: Council@snowymonaro.nsw.gov.au
- Phone 1300 345 345

