

NOISY DOGS

If you are annoyed by the noise from your neighbour's dog, there are several things you can do. This information relates to both animals kept under by-law 16 and to animals in neighbouring properties.

Talk to the dog's owner

The dog's owner may not have realised that their dog is bothering you, and in many cases, will be happy to work with you to solve the problem.

Contact a Community Justice Centre

If the problem persists, contact a Community Justice Centre (CJC). These are government – funded but independent centres that specialize in settling differences between neighbours without entering into complicated legal processes. They will suggest mediation, which is where you meet with the dog's owner and a CJC representative to try and solve the problem. This process will not cost you any money, and has a 95% success rate.

For information on your nearest Community Justice Centre, visit www.cjc.nsw.gov.au

Contact your local council

If mediation is unsuccessful and the noise problem persists, contact your local council. They have statutory powers to deal with barking dogs. Under the Companion Animals Act 1998, a council officer can issue a nuisance order to the owner, the registered owner or the person who normally keeps the animal. The dog can be declared a nuisance if they bark or make another noise that keeps occurring or continues to such a degree that it unreasonably disturbs neighbours.

The order remains in force for six months. If the owner does not comply with the order, the offender is liable for a fine of \$550 for the first offence and \$1100 for the second and subsequent offences.

Use the Protection of the Environment Operations Act

Seek a Prevention Notice

Under sections 95-100 of the Protection of the Environment Operations Act 1997 (POEO Act), a council officer can serve a prevention notice on the owner of a noisy dog.

The POEO Act allows local council officers to issue on-the-spot fines \$750 to individuals (\$1500 to corporations) who breach a notice. If proceedings are brought in a local court, and the offender is prosecuted, they may be liable for a maximum penalty of \$22,000.

Seek a noise abatement order

If you want to take action independently of the council, you can seek a noise abatement order. This order may be issued when a person satisfies the court that a neighbouring dog is making an offensive noise.

Under the POEO Act, offensive noise is defined as noise:

That be reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

1. Is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
2. 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.

Information supplied by Department of Environment and Conservation (NSW)

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