

Barking dogs

Fact sheet



It's natural for dogs to bark – it's how they communicate. However, excessive or prolonged barking can be disruptive and affect neighbourhood harmony.

Common reasons dogs bark:

- reacting to people, animals or noises
- separation anxiety
- being hungry or unwell
- seeking attention
- unsuitable confinement or poor conditions
- lack of exercise or boredom.

Council recognises that barking is part of normal neighbourhood noise, however, pet owners have a responsibility to manage their animals' behaviour, particularly when barking becomes offensive.



The RSPCA has tips to help with your dog's barking at pscouncil.info/rspca-barking-tips



Responsible pet ownership

As a dog owner, you're encouraged to regularly assess your pet's behaviour and surroundings. Some effective strategies include:

- Consider having no more than 2 dogs per residential lot.
- Use solid fencing or restrict views to neighbours or public spaces.
- Increase exercise and provide mental stimulation.
- Provide toys, bones, or puzzle feeders to reduce boredom.
- Consider citronella collars or similar aids.
- Seek professional help or consult your vet – some dogs may suffer from anxiety, requiring treatment.

There is often no single solution – it may take a combination of efforts to address persistent barking.

It's important to remember that quick fixes are often short term, and therefore need to be adopted in conjunction with long term behavioural changes from the owner and the dog, to help mitigate offensive barking long term.



What is 'offensive noise'?

Under the Protection of the Environment Operations Act 1997, offensive noise is defined as noise that:

- Is harmful (or likely to be) to others outside the property.
- Unreasonably interferes with others' comfort or rest.
- Is repeated or occurs at inappropriate times (e.g, early morning or late at night).

For the purposes of dog barking noise, it is accepted that dogs may bark for various reasons and this alone does not make the noise offensive. As a guide to dog barking noise interfering unreasonably with comfort or repose, the dog noise would need to meet 1 or more of the following:

- Barking before 7am or after 8pm.
- Repeated barking that interrupts normal home activity such as sleep, conversations, phone calls, watching television, or study.
- An established pattern or prolonged exposure.



Council's recommended approach

Port Stephens Council adopts a **step-by-step** approach, in line with the **NSW Ombudsman** and **NSW EPA guidelines**, which encourages residents to seek cooperative solutions before formal action is taken.

The NSW Ombudsman guidelines encourage neighbouring properties to adopt mediation rather than litigation in dealing with matters affecting either party. The reason for the guidelines is that 'offensive noise' is extremely difficult to prove and will require the persons affected by the noise to be willing to provide ongoing evidence and appear as a witness (if necessary) in court.

Adopting a mediation approach allows for negotiated outcomes, helps maintain neighbourhood relationships, and aims to reach a mutually acceptable agreement that avoids the need for regulatory intervention.

Step 1: Learn your options

Visit the LawAccess NSW website for advice on resolving neighbourhood issues:

lawaccess.nsw.gov.au

Step 2: Speak with your neighbour

Dog owners are often unaware their dog is barking excessively, especially when they're not home. A friendly conversation or letter in their mailbox can often solve the issue or open a conversation around the issue, to attempt a negotiated outcome.

Step 3: Submit a complaint to Council

If noise persists after speaking with the owner, allowing time for changes to be made and take effect, a Customer Request can be submitted to Council by visiting **pscouncil.info/ranger-report**

You must submit a **Council-approved Dog Noise Diary** and a **formal statement** over a 7-day period. Download the form at **pscouncil.info/dog-noise-diary**

A preliminary assessment and risk assessment will be undertaken to ascertain if the noise meets the threshold for investigation.

You may be asked to provide further supporting evidence, which may include:

- additional or extended noise diaries
- witness statements
- video evidence.

Should a noise diary not be submitted, the concerns be lodged anonymously or if the threshold for investigation could not be met, Council will send an advisory letter to the owner, requesting an assessment and to reach out to neighbours to discuss their options.





What happens next?

If Council proceeds with an investigation:

1. Initial contact

Council will notify the dog owner of the concern and encourage a resolution.

2. Assessment

As Rangers aren't able to be positioned at private properties, submission of supporting evidence including witness statements, recordings and additional diaries for extended periods may be required.

3. Noise abatement direction

In the event a Noise Abatement Direction is to be considered by Council, significant evidence from potentially separate households may be required.

4. Legal action

If the matter escalates and sufficient evidence exists, Council may issue a Prevention Notice, Penalties, or Court Attendance Notice.



Other options

If Council cannot take enforcement action and the noise continues, residents may:

- Apply for a Noise Abatement Order through the local court, Legal Aid NSW.
Visit pscouncil.info/noise-order
- Seek their own private mediation.
- Seek private legal advice.

Important reminders

- Council remains a neutral party that is required to provide procedural fairness to all involved.
- Council Compliance Actions are undertaken in line with the applicable legislations, regulations and Council Policies.
- Personal details of complainants are kept confidential and won't be disclosed by Council staff.
- If the matter proceeds to Court or penalties, concerned parties will be required to give oral evidence and noise diary/submissions will be tendered in evidence.
- Residents are encouraged to initiate mediation, as Council cannot compel private communication or comment on individual behaviour or actions.
- Dog owners should take concerns seriously and assess their pets' behaviour and environment.

Questions

Contact Council's Ranger Team



02 4988 0115



compliance@portstephens.nsw.gov.au