

## Animal Noise Nuisance Investigation Procedure

Policy Type	Governance Procedure	Version:	3.0
Responsible Officer	Coordinator Health & Local Laws	Date Approved:	17/12/2025
Review Officer:	Manager Customer & Community Services	Review Due:	17/11/2029
Author:	Coordinator Health & Local Laws	Commencement:	17/12/2025

### 1. PURPOSE

To ensure that when a complaint is received regarding an alleged animal noise nuisance, the Council response is managed in accordance with requirements under relevant legislation and local laws.<sup>1</sup>

### 2. SCOPE

This procedure applies to all animal noise nuisance complaints reported in the Mareeba Shire Council jurisdictional boundary.

### 3. PROCEDURE STATEMENT

This procedure will be followed in sequence upon Council receipt of a report of an animal noise nuisance from an affected person (the complainant):

#### Complaint Received

- All complaints received will be managed via Council's Customer Request Management system (CRM) and full and accurate notation of each action taken in relation a complaint will be recorded against the Customer Request (CR) complaint file.
- All complaints will be processed within three (3) days from date of receipt.

#### Action of complaints:

- Health and Local Laws Administration Officer (HLLAO) will send out a noise monitoring package (NMP) to the complainant. The NMP will include information on Council's investigation process as well as information on how to mediate with the relevant animal owner regarding an animal noise nuisance.
- Noise monitoring of 14 days in a 21-day window is to be undertaken by the complainant. Noise monitoring can be submitted outside this window where circumstances prevent monitoring activities e.g., the complainant is a fly-in-fly-out (FIFO) worker.
- where no NMP is submitted by the complainant, Council will not progress investigation of the complaint.
- Once the NMP is submitted to Council, a new CR will be created by the HLLAO with the NMP attached. Local Laws Officers (LLOs) will commence assessment of the submission.
- If the NMP has been submitted incorrectly, LLOs will contact the complainant and discuss further requirements. If the NMP has been submitted correctly, LLOs will contact the complainant, discuss the evidence and explain that corroborating evidence will now be sought.

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<sup>1</sup> See *Subordinate Local Law No. 2 (Animal Management) 2018* (MSC). See also *Animal Management (Cats and Dogs) Act 2018* (Qld).

- Council requires the NMP to be submitted with the correct number of days (14 days in a 21 day window) the animal noise nuisance issue was recorded, and it must be signed and dated by a Justice of the Peace in the relevant areas, to verify the validity of the data within.
- LLOs will undertake a neighbourhood door knock exercise in the relevant geographic area. LLOs will seek input from an additional two (2) properties and a maximum of five (5) properties (where possible) willing to also complete an NMP.
- LLOs will provide detailed notes against the relevant CR of all contact made on the door knock exercise and where NMP submissions were made.
- If the additional property owners do not wish to complete a full noise monitoring diary of 14 days in a 21 day period, the authorised officer may ask if they wish to complete a written statement form outlining the days and times the barking noise nuisance is occurring. Alternatively, the property owner can complete a shortened noise monitoring period (these options may be available at the discretion of the authorised officer).
- If no corroborating evidence (additional NMP submissions) is submitted or sourced, LLOs will decide if further investigation is required (including if further noise monitoring sessions are to be carried out by the authorised officer).
- HLLAO will attach any additional NMPs received. LLOs will assess the submissions.

### **Noise nuisance determined (Noise diary assessed as sufficiently adequate to proceed to independent monitoring)**

- LLOs will conduct a minimum of two (2) independent noise monitoring sessions within the appropriate times to eliminate any collusion based results. Where noise nuisance is proven to be outside of Council's normal business hours, the matter must be prior escalated to management for direction.
- Where no corroborating properties were obtained, LLOs will determine the necessity for conduct of extra noise monitoring sessions if the original submission indicates potential existence of a noise nuisance.
- All noise monitoring activities undertaken will be captured using Body Worn Cameras (BWC).
- LLOs will contact all parties (including corroborating parties) on the outcome of the additional NMPs and any independent monitoring activities.

### **Where independent noise monitoring activities does not constitute a nuisance**

- LLOs will contact complainant/s and animal owner/s on the outcome of the investigation and independent monitoring activities. HLLAO to assist in the drafting of written correspondence to be sent to complainant detailing the outcome. Any written correspondence will be attached to the relevant CR.

### **Where independent monitoring activities confirms noise nuisance**

- LLOs will assess the evidence to determine if a breach has occurred and a Penalty Infringement Notice (PIN) may be issued to the animal owner for the offence of failing to maintain minimum standards – noise nuisance.

**OR**

- LLOs will assess the evidence and inform the animal owner if a Compliance Notice (CN) is to be issued for the breach.

- The CN will give the animal owner a timeframe to comply and resolve the issue (this will be determined on a case by case basis, but usually between 7 to 14 days).
- LLOs to dispatch CN as may be required.
- LLOs will hand deliver CN where possible. LLOs will note the actions taken and the relevant CR will remain open until after assigned date of CN expiry.
- LLOs will contact complainant and ascertain if compliance has been achieved.
- LLOs will notify all animal owners of the outcome.

### Where non-compliance with Compliance Notice is reported

- LLOs will determine if further independent noise monitoring is required.
- LLOs will determine if a PIN is to be issued or the subject animal is to be seized and removed from the property.

### Decision and review rights

Council will keep complainants informed of the progress of an investigation into an animal noise nuisance complaint. Upon arriving at a decision on the outcome of an investigation into a complaint, Council will provide complainants with information on any available review rights relevant to the decision.

## 4. REPORTING

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No additional reporting is required

## 5. DEFINITIONS

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### Local government controlled area—

- 1) A local government controlled area means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of Local Government Controlled Areas:

- parks, reserves and gazetted foreshores
    - a. camping grounds or caravan parks on land owned or controlled by the local government
    - b. local government swimming pools
    - c. cemeteries
    - d. Council Chambers and local government offices
- 2) A local government controlled area includes part of a local government controlled area.
  - 3) A local government controlled area does not include a residential lot on 'Deed of Grant in Trust' land.
  - 4) A local government controlled area means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.<sup>2</sup>

## 6. RELATED DOCUMENTS AND REFERENCES

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*Animal Management (Cats and Dogs) Act 2008* (Qld)

*Body Worn Camera Policy* (MSC)

*Local Law No.1 (Administration) 2018* (MSC)

*Local Law No. 2 (Animal Management) 2018* (MSC)

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<sup>2</sup> See *Local Law No. 1 (Administration) 2018* sch 1.

*Subordinate Local Law No. 2 (Animal Management) 2018 (MSC)*

## **7. REVIEW**

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It is the responsibility of the Manager Customer & Community Services to monitor the adequacy of this procedure and implement and approve appropriate changes. This procedure will be formally reviewed every four (4) years or as required from time to time.