

Noise in Strata Schemes

Noise is one of the most common cause of complaints within residential strata buildings. Complaints may involve noise from hard floors and lack of appropriate floor coverings, mechanical noise from air-conditioning equipment, motor vehicles and alarms, noise from renovation works, noise from activities such as parties and music and noise from barking dogs and other pets.

All of these can be problematic, but this article will focus on complaints relating to flooring, which in our experience are the most likely to lead to court or tribunal proceedings.

This article will also focus on residential strata buildings, as additional issues apply to commercial buildings, particularly licensed premises.

Noise issues are far better dealt with proactively, by implementing appropriate by-laws, promoting awareness of by-laws by owners and occupants and facilitating communication between lot owners, with a view to airing and resolving issues before they progress to a point where expensive court or tribunal proceedings become unavoidable.

Schemes will likely have adopted the model by-laws under the strata schemes management legislation. These do deal with floor coverings and other noise issues, but necessarily in a generic way and owners corporations should consider making a by-law addressing the issue in a manner considered appropriate for the particular building. In doing so, they should bear in mind that:

- The best approach is probably to either prohibit installation of hard floors or removal of carpets exposing hard floors or at least to specify standards which must be met if this occurs.
- In deciding what standards to specify, bear in mind that Building Code of Australia standards are widely considered to be inadequate in relation to noise in residential strata buildings. The Australian Association of Acoustic Engineers standards are better, but better still would be standards specified by the particular owners corporation, based on expert advice as to the requirements of the particular building.
- Some form of noise insulating floor covering is necessary. No timber floor will be as effective as carpet on proper underlay and polished concrete slabs generally do not even comply with the inadequate Building Code of Australia standards.

Where a dispute arises, which the parties cannot resolve by negotiation, court or tribunal proceedings may be an option. In particular:

- An owner aggrieved by a decision of an owners corporation not to approve proposed changes to flooring may be able to challenge the decision in the New South Wales Civil and Administrative Tribunal.

- An owners corporation or individual owners aggrieved by noise made by another owner, may be able to obtain orders to stop or manage the noise. Court proceedings are a possibility, but the better options are either to make a complaint to Council (Council having broad powers under noise control legislation) or to issue a notice to comply with by-law(s), followed up by enforcement action in the Tribunal. Further information may be found in the below article.

[Enforcement of By-laws](#)

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