

Noise or smells creating a problem for you: There are numerous options

How do noise or smells create a problem for you?

Offensive noise and smells frequently occur in urban areas and affects many owners and occupiers in Sydney.

Owners and occupiers in strata schemes have options for dealing with the [offensive noise and smells](#) from other owners and occupiers in the strata scheme through the NSW Civil & Administrative Tribunal.

If the offensive noise or smell is caused by someone outside the strata scheme, a claim for [common law nuisance](#) in a court of appropriate jurisdiction e.g. Local, District or Supreme Court is the best course of action.

But in addition to the above rights is the potential to get Council involved and that under the *Protection of the Environment Operations Act 1997 (NSW)* ("POEO Act") in so far as the offensive noise or smell arises from a commercial operation, such as a noisy or smelly exhaust from a pizza shop.

You can lodge a complaint with your Local Council under the POEO Act who can investigate, prosecute and issue directives and penalties against the offending owner or occupier.

Bannermans Lawyers can assist you in making and navigating a suitable resolution to your noise or odour complaint. Please contact us on 02 9929 0226 or enquiries@bannermans.com.au.

Key takeaways

- Owners and occupiers in strata schemes can address offensive noise and smells through the NSW Civil & Administrative Tribunal.
- For issues caused by external sources, a common law nuisance claim may be appropriate.
- Complaints about offensive noise or smells from commercial operations can be lodged with the Local Council under the POEO Act.
- Bannermans Lawyers can assist in navigating resolutions for noise or odour complaints.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

Prepared by Bannermans Lawyers
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Related articles

- [Unpacking the Impact of Noise Transmission: Nuisance or Not?](#)
- [Noise in Strata Schemes](#)
- [Noise disputes in old strata schemes](#)
- [Don't be a Nuisance – the High Court Weighs In](#)



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