

## Service 2: Neighbour Mediation

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### 1. Purpose

The purpose of this policy is to establish a neighbourhood mediation service which is fair, user friendly and neutral from the council's perspective and which supports strategies to resolve differences between neighbours related to matters relevant to council.

### 2. Policy Statement

This policy is intended for smaller scale matters including (but not limited to):

- (a) Unauthorised development
- (b) Non-compliant development
- (c) Amenity issues including noise and odour
- (d) Drainage issues
- (e) Pets
- (f) Privacy
- (g) Fences and retaining walls
- (h) Trees

where no more than 2 adjoining neighbours (in addition to the applicant) are involved.

- 2.1 The City recognises that while it has a statutory obligation to uphold the requirements of various legislative instruments in an effective and efficient manner, in many cases it is preferable that neighbours develop their own solutions using mediation and discussion.
- 2.2 The City may defer compliance action for a period of up to 2 months to enable the parties to attend mediation.
- 2.3 The City will meet the costs of up to 3 mediation sessions conducted by a professional mediator appointed by the City during the deferral period where these sessions are agreed to and attended by all parties and where the matter falls within the statutory jurisdiction of the City.
- 2.4 In determining whether mediation is necessary the City shall take into consideration the nature of the issues raised by neighbours and any history of compliance issues on the respective sites, and whether there are reasonable arguments on both sides

(i.e. where the merits of the case and specific impacts could both reasonably be argued).

- 2.5 The City cannot compel neighbours to participate in mediation. After Council has formally invited neighbours to attend mediation and one or more neighbours do not wish to attend, the matter will be determined in accordance with relevant legislation.
- 2.6 Where mediation has occurred, the matter will be determined taking into account the outcome of the mediation as well as the statutory obligations of the City. This does not affect the City's ability to issue an infringement notice or take other legal action. Where mediation is proposed, regard is to be given to the statutory time frames associated with infringements and legal action.
- 2.7 Where mediation has previously occurred, unless the current matter is significantly different to the previously mediated matter, further mediation may not be offered.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	N/A		
Related Internal Procedures	N/A		
Related Budget Schedule	N/A		
Legislation	<i>Local Government Act 1995</i>		
Notes and Conditions	N/A		
Authority	Council		
Adopted	27 August 2019	Next Review Date	27 August 2021