

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

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) Conditions of development approval
- c) Non-compliant development
- d) Amenity issues including built form, noise and odour
- e) Drainage issues
- f) Pets
- g) Privacy
- h) Fences and retaining walls
- i) Trees

Where no more than 2 adjoining neighbours (in addition to the applicant) are involved. 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 however it is preferable that neighbours develop their own solutions using mediation and discussion particularly in relation to civil matters that fall outside the regulatory process.

The City may defer compliance action for a period of up to 3 months or longer as required at the discretion of the City to enable the parties to attend mediation. 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.

3. Detail

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). The City cannot compel neighbours to participate in mediation. After the City 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 City policies and legislation.

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Where mediation has occurred, the matter will be determined considering the outcome of the mediation as well as the statutory obligations of the City. This does not affect the infringements and legal action.

Where mediation has previously occurred, unless the current matter is significantly different to the previously mediated matter, further mediation may not be offered.

4. Community Consultation

This Policy is internally focused upon the Council and the Administration and hence is not required to undergo public consultation .

5. Governance

This Policy will be implemented by the CEO administratively with Council allocating a budget for mediations to occur. The CEO will consider all requests for mediation and subject to budget availability, will approve if the result is likely to avoid enforcement costs. All requests will be considered on the merits of the request and may be rejected by the CEO if not determined to be in the City's interest.

6. Measures of Success

This Policy will be measured every three years by the effectiveness mediation has on avoiding enforcement.

7. Definitions

Nil.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	N/A		
Relevant Delegation	CEOA		
Related Internal Procedures	N/A		
Related Budget Schedule	Operating budget allocation		
Legislation	Local Government Act 1995		
Notes and Conditions	N/A		
Authority	Council		
Adopted	112 October 2021	Next Review Date	12 October 2023