



Neighbour Dispute Mediation Policy

Policy Type: Council Policy Policy Owner: Director Community Development	Policy No. CP125 Last Review Date: 18 September 2024
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Policy Objectives

To establish a clear and consistent process for City staff when referring individuals to mediation services, ensuring all parties receive appropriate support and guidance.

To promote the use of external mediation services as an alternative approach to resolving neighbour disputes.

Policy Scope

This policy applies to all City staff involved in responding to neighbour disputes relevant to the City.

The City will assist any resident or ratepayer of the City of Melville to access mediation services, provided the dispute meets the provisions in this policy, and relates to a property within the City of Melville area. The City does not cover the cost of this service. Mediation services cover a range of issues, including but not limited to, the following:

- Dividing fences
- Encroaching roots and branches
- Amenity issues from noise and odour
- Privacy issues
- Non-compliant developments
- Property damage
- Construction issues
- Building encroachments

Definitions

Mediation Service: A professional service that helps disputing parties reach a mutually agreed outcome with the help of an independent mediator.

Dispute: A disagreement or conflict between individuals, be that two residential neighbours, adjacent businesses or a combination of the two.



Policy Statement

1. Approach to Dispute Resolution

The City will assist residents and ratepayers to access mediation services when it relates to certain neighbour disputes, specifically those related to the City's role as a decision-making or regulator, or certain civil disputes affecting a persons' reasonable use of their property (e.g. dividing fences, encroachment, property damage, construction issues).

Mediation is not intended to replace the City's role in enforcing compliance and making decisions on Council-related matters. The City may however choose to suspend compliance action or defer decision making on a matter where the relevant parties have agreed to attempt mediation.

2. Procedure for Referral to an External Mediation Service

- a) Identification of Dispute: Generally speaking, it will be the responsibility of a resident or ratepayer to bring an issue to the attention of the City.
- b) Overview of the Dispute: The relevant technical officer will review the details of the dispute, assess the situation, clarify any questions or concerns raised by the disputing party and outline the relevant City policies and legislation regarding the dispute.
- c) Communication: The City will explain the mediation process and clarify any questions or concerns raised by the disputing parties.
- d) Referral: If the aggrieved party would like to progress to mediation, the City can help to facilitate the process. If the City is unable to get in contact with one of the relevant parties, or they are uninterested in attending mediation, the affected party will be notified that the mediation referral will not proceed, and where relevant, the matter will be progressed in accordance with relevant City policies and legislation. The City cannot compel neighbours to participate in mediation.
- e) Resolution: A resolution via mediation does not negate the need for the City to make decisions on matters relevant to its responsibilities as a local government. However, where mediation has resulted in an agreed outcome, and that outcome can be reasonably accommodated as part of the City's decision making (in line with its statutory obligations), the City will endeavour to do so. This requires that the parties agree to disclose the outcome of mediation to the City.

3. Training

Staff will receive training on the referral process to ensure they are equipped to handle the process effectively.

4. Review

This policy will be reviewed annually to ensure its effectiveness and updated as necessary.

5. Further Assistance

This policy should be read in conjunction with the City of Melville's Mediation Guide, to ensure all stakeholders have a clear understanding of the process and to ensure effective implementation of the policy.



References that may be applicable to this Policy

Legislative Requirements: (to be completed)
Procedures, Process Maps, Work Instructions: (to be completed)
Other Plans, Frameworks, Documents Applicable to Policy: (to be completed)
Delegated Authority No: (to be completed)

Local Government Act
N/A
N/A
N/A

ORIGIN/AUTHORITY

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Reviews

N/A