



Guide to Mediation Programme

This guide is for participants involved in Warringah Council's mediation programme for Development Applications. It is intended to assist you in understanding of the mediation process and the requirements of Council's Mediation Policy.

WHAT IS MEDIATION?

Mediation is a voluntary, confidential process, where people in a dispute can come together to find a solution to their dispute with the assistance of an independent and impartial mediator.

WHAT ARE THE STEPS IN MEDIATION?

If you would like to participate in the Mediation Programme, the following steps are involved:

1. Lodge a completed application for Mediation.
2. The Mediation Coordinator will contact the relevant assessment officer to ascertain whether the issue is suitable for mediation. If the application is suitable, the Mediation Coordinator will contact all parties involved to ask whether they are prepared to enter mediation. If one party does not agree, the process will cease.
3. If all parties agree, the Mediation Coordinator will contact the both parties to arrange separate pre-mediation meetings.
4. The parties and the mediator then conduct the mediation at a mutually convenient time and place within 21 days of the pre-mediation meeting. The mediation will result in a signed agreement, a partial agreement or no agreement at all.

WHAT IS THE PRE-MEDIATION EXPLANATORY MEETING?

Pre-mediation meetings are held to clarify issues and allow all parties involved to prepare for the mediation. Any person who has lodged an objection is invited to attend the pre-mediation meeting for objectors.

This meeting is chaired by the Mediation Coordinator with a Council Development Assessment Officer present to respond to any queries about development controls and the Local Environment Plan.

At this meeting, residents will be asked to nominate representatives who will attend the mediation on their behalf. This will be up to 4 spokespersons and up to 4 observers.

WHAT IS REQUIRED FOR RESIDENTS TO ATTEND THE MEDIATION?

Every person attending the mediation is required to sign the Agreement to Mediate, which ensures confidentiality of the proceedings and is a requirement under Council's Mediation Policy.

WHAT HAPPENS AT THE MEDIATION?

The mediator will conduct a meeting with the nominated representatives and the applicant to discuss their concerns and issues in relation to the development application. Mediations are not held at Council's Civic Centre.

The mediator helps the parties to explore options and assists the parties to reach agreement. The mediator does not make recommendations or decisions on how the issues should be resolved, and are neutral and independent from Council.

Our mediators are supplied by the Community Justice Centre, which is part of the NSW Attorney General's Department.

HOW DOES THE MEDIATION AFFECT COUNCIL'S ASSESSMENT OF THE DEVELOPMENT APPLICATION (DA)?

Council's Local Approvals Service Unit, will continue their DA assessment process while the mediation process takes place. This can include the assessment by other areas of Council including traffic, stormwater, environmental etc. If a mediated agreement is reached and both parties agree, then this information is generally forwarded to the planning officer for consideration is assessing the DA. Any mediated agreement must still comply with relevant Codes and regulations.

If the matter is called before the full Council the outcome of the mediation will be included in the report to Council. One speaker from each side may also be given the chance to address Council at its meeting. Please contact Council's Administration & Secretariat Section for further details.

Other resources:

1. *Warringah Council's Mediation Policy.*
 2. *NSW Law Society, Environmental Disputes Mediation Service - a guide for the community, at <http://www.lawsociety.com.au/practice/adr/documents/>*
 3. *Community Justice Centre publications, <http://www.cjc.nsw.gov.au/cjc.nsf/pages/publications>*
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