

Hunters Hill & Lane Cove Win legal battle; State must pay costs!

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Hunters Hill and Lane Cove Councils won their legal battle against the forced mergers on Monday when the Court of Appeal unanimously passed down its decision in favour of the councils.



Phil Jenkyn OAM *Save Hunters Hill Municipality* Co-convenor

The Court ruled against the Land and Environment Court and awarded costs of around \$350,000 to be paid to our ratepayers by the Berejiklian Government.

The decision was delivered by Justice Basten, Justice MacFarlan and Justice Sackville around 11 am and ruled that the process used to justify the forced merger of Hunters Hill, Lane Cove and Ryde is invalid and set aside the much-maligned Boundary Commission delegate's report which failed to show that more than 80 per cent of ratepayers in the three council areas opposed the forced merger.

Significantly, the Court of Appeal supported the contiguous land argument that Hunters Hill and Lane Cove cannot be merged because their land is not joined by a natural demographic boundary.

Save Hunters Hill Municipality spokesman Phil Jenkyn was in court when the decision was handed down.

"This has been the most significant legal win in the history of Hunters Hill," he said.

"We've won our court costs and so much for those gutless wonders on councils who wanted us to abandon the court case as a waste of ratepayers money.

"All that remains now is for Premier Gladys Berejiklian to resign because what this decision indicates is that what the Liberal State Government has tried to do is illegal and immoral and shows an appalling ignorance of the law and how important local democracy is to local communities.

“The very first thing she must do before she goes is to hold plebiscites on forced mergers in those areas that backed down under government pressure and were forced to merge.”

Mr Jenkyn has also called on Lane Cove MP Anthony Roberts and Ryde MP Victor Dominello to consider their futures.

“What disappoints us the most is that our local MPs didn’t stand up in public and support their communities and the question must be asked is should they stay on as local members in communities they wouldn’t fight for.”

The Court’s ruling also validates the fighting spirit of The Weekly Times.

“Victory comes to the brave and defeat comes to those who backed down to threats from their party political masters in the Liberal Party.”

<http://www.weeklytimes.com.au/hunters-hill-state-must-pay-costs/>