

Amalgamation cessation: Woollahra's legal bid could be first of many

AltMedia March 10, 2016

Christopher Harris



Mayor of Woollahra Toni Zeltzer

Woollahra Council has brought out the big guns: it threatened the Minister for Local Government Paul Toole with legal action and hired eminent Barrister Bret Walker SC.

On Monday, the council wrote to the Minister, warning him of a legal challenge to forced amalgamation of its council with Waverley and Woollahra, saying that the state government is forcing the amalgamation with an incorrect part of the Local Government Act.

Woollahra is arguing that the law was intended for voluntary merges only, not forced ones.

Prior to the 1999 amendment being introduced, a plebiscite had to be conducted to seek residents' approval for any merger.

If successful, the legal challenge could take the state government's amalgamation plan back to square one.

Greens Spokesperson for amalgamations David Shoebridge told City Hub that there were many more councils who were willing to join Woollahra's legal challenge.

"The arguments which have been presented by Woollahra are equally applicable to all proposed amalgamations," Mr Shoebridge said.

"It is proof of undemocratic this is as well as just how pointlessly bloody minded the Premier is about this process." "Even if they are allowed to use these provisions, the law then requires a compulsory plebiscite"

Rafaele Catanzarti from the Save Our Councils Coalition said he believed Woollahra's move could be the first of many legal challenges from local councils.

"I think you are going to find more and more councils going down the legal challenge now the realities of amalgamations are setting in."

Speaking to City Hub, Woollahra Mayor Toni Zeltzer said that the council's move comes after some deliberation on their position.

"Many have written to ask why we weren't taking up legal action to see if there was a legal avenue," she said.

"I didn't take that up very quickly, but I thought I had better cover that base," Clr Zeltzer said.

"Our solicitors and Brett Walker SC have in their due diligence looked into the genesis of these provisions, and looked at how they came about, and they occurred in 1999, and the reason was to streamline voluntary mergers."

"Our community in two separate surveys has rejected forced mergers and they've said no."

The council has given the Minister seven days to respond to this request or will seek to have the case heard in court.

It is believed that any potential court challenge would take place in the NSW Land and Environment Court.

A spokesperson for the Minister for Local Government Paul Toole said "The Minister's Office has received correspondence from Woollahra Municipal Council".

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