

NSW council amalgamations: Councils win appeal and have two forced mergers set aside

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The New South Wales Government's amalgamation plans have hit a snag after a court set aside two mergers due to flaws in the recommending reports.



PHOTO: [Mayor of Hunters Hill Richard Quinn says polls show a majority of people are against the mergers.](#) (ABC News: Nick Dole)

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The state's Land and Environment Court heard one appeal from Mosman and North Sydney councils against a proposed merger with Willoughby City Council.

The second appeal was brought by Strathfield Council against a proposed merger with Burwood and Canada Bay councils.

In his decision, Justice Timothy Moore said there were flaws in reports by government-appointed delegates who recommended mergers for those councils.

Justice Moore said there was "no proper statutory foundation" for either of the proposed amalgamations at the current time, given the errors.

But NSW Local Government Minister Paul Toole said he welcomed the court's judgment and noted the issues raised.

"The court actually found the delegate did not adequately consider two of the 11 factors outlined by the Local Government Act," he said.

"It looks at things such as the geography, communities of interest, the finances representation.

"This is a matter that'll go back to the local delegate and it will actually be for their determination for review and further examination."

Most people against mergers, councillor says

However four other councils were unsuccessful in their appeals, with Justice Moore dismissing the cases of Hunter's Hill, Lane Cove, Ku-ring-gai and Shellharbour.

He said their complaints about the amalgamation process were unfounded.

Hunter's Hill Mayor Richard Quinn said the dismissal of his council's case was disappointing, particularly given the wide community opposition to mergers.

He argued that the forced mergers were contrary to the majority view of polls.

"Eighty per cent of people said that they don't want this to proceed," Mayor Quinn said.

"We believed from the outset communities should have a direct say in how they're governed.

"I'm not going to say that we're ever going to give up."

Mayor Quinn said Hunter's Hill Council had spent around \$250,000 to date on the case.

Mergers mean loss of local democracy: activist group

Save Our Councils coalition president Carolyn Corrigan, who is also a member of Mosman Council, said the legal expense of fighting the amalgamations was warranted.

"Sure there's an expense, but the bigger expense is the loss of local democracy," she said.

"It's an absolutely priceless right that we have."

When asked whether those opposing the mergers were being heard, Mr Toole said opinion was fairly voiced throughout the amalgamation process.

"There's an opportunity for community input, delegates do their reports, it goes to the Boundaries Commission and after that ... it comes back to myself as the minister to consider," he said.

"That is a lengthy process but it's a very important process to ensure people have their say."

The four unsuccessful councils will have a week to consider whether they will appeal against the outcome.

The State Government has already created 20 new councils under its amalgamation program over the course of this year, reducing

152 councils to 112, sacking hundreds of councillors and appointing administrators in their place.

"Already these 20 new councils are providing more services and additional infrastructure into those communities," Mr Toole said.

<http://www.abc.net.au/news/2016-09-20/nsw-councils-win-appeal-to-have-forced-mergers-set-aside/7863126>