

# Council amalgamations: government push for mergers suffers setback

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*ABC News 31 May 2016 – A major setback on the road to NSW council amalgamations.*

- NSW councils set to merge
- Nationals and federal Libs oppose mergers
- \$15 million council grant program

The state government's council amalgamation agenda is set to come under more scrutiny after Strathfield Council elected to push on with its case against the Minister for Local Government, Paul Toole, saying "serious matters" had emerged from documents produced by the NSW government.

Earlier, the government had agreed to settle the case after conceding a flaw in the report by the Department of Local Government delegate on Strathfield, Burwood and Canada Bay Councils. The minister described it as a "legal technicality".

The case has been stood over until Wednesday morning by Justice Tim Moore of the Land and Environment Court to allow the parties to draw up their arguments about what he said were "serious matters".

There were no clues as to which issues had emerged from the documents.



*Minister for Local Government Paul Toole conceded there had been errors in the public hearings in relation to the amalgamation of Strathfield Council with Canada Bay and Burwood councils. Photo: Daniel Munoz*

The state government's push for council amalgamations suffered a serious setback on Tuesday after legal representatives for the minister conceded there had been errors in the delegate's report recommending the amalgamation of Strathfield Council with Canada Bay and Burwood councils and offered to pay costs.

The orders restrain the government from using the flawed delegate's report as the basis for implementing this merger but did not explain what was wrong with the report.

In question time, Premier Mike Baird said he would take "every action possible to ensure we are looking after ratepayers in this state".

"We will take whatever action's required. If we're required to amend reports or re-do sections or whatever's required, we will do that."

But Strathfield refused to accept the end of the case, after it appeared the government planned to simply remedy the undisclosed error and continue with its merger plans.

Mr Tim Robertson SC, appearing for Strathfield, said his client's case went far deeper than simply a technical error and he would prefer to "bat on".

Other councils, including Mosman, Hunters Hill, Ku-ring-gai, Woollahra, Oberon and Walcha are also appealing the government's decision to force mergers on similar grounds. It was unclear whether the problem identified by the government would also apply to these cases.

Strathfield residents groups and councillors were initially jubilant.

"It's a win for residents in NSW and for democracy," Save our Strathfield convener and Christian Democrat Senate candidate Nella Hall said.

The government issued a short statement: "Due to a legal technicality in the delegate's report on the proposed merger of Strathfield, Burwood and Canada Bay councils, the delegate will consider the matter and reissue his report," Mr Toole said.

"As this matter is currently before the courts, it would not be appropriate for me to comment further," he said.

Depending on the flaw the decision may require fresh Boundaries Commission hearings and for the government to follow the requirements of the Local Government act more closely.

It does not prevent the merger altogether.

The case is also unlikely to reverse council mergers that have already occurred.

Greens MP David Shoebridge said: "The amalgamation of Strathfield, Burwood and Canada Bay councils can no longer go ahead, and the government has to go back to square one.

"When a government tries to do a job on local communities and cut legal corners and rush through an undemocratic process it is no wonder they trip up.

"This case comes on top of other damning revelations about the lack of independence in the government's KPMG financial assessments, a lack of independence that is repeatedly being raised in court against the government's forced amalgamation process, and with their latest debacle it looks like it will only continue." Mr Shoebridge said.

<http://www.smh.com.au/nsw/council-amalgamations-government-push-for-amalgamations-suffers-setback-errors-made-in-strathfield-canada-bay-and-burwood-merger-20160531-gp7z35.html>