

# Council amalgamations: more councils join legal battle with state government over mergers

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## FORCED COUNCIL AMALGAMATIONS ANNOUNCED

NSW Premier Mike Baird announces details surrounding the state's local government amalgamations.

- Mike Baird sets out the path to fewer councils
- Woollahra to take NSW government to court over amalgamations

Several new legal actions against amalgamations are expected to be launched after two councils voted to go to court if the government proceeded with mergers, and another three were due to vote Tuesday night.

The wave of insurrection, mainly from North Shore councils against the Baird government's plans for larger local government areas through forced mergers, came as the minister revealed he already had the reports on his desk from the delegates of the Boundaries Commission and that he does not intend to make them public or available to councils before he decides on mergers.

The decision is likely to anger residents who turned out at public meetings in their hundreds, mostly to oppose mergers. Councils are now in a race against time to begin cases, with a recommendation from the minister on each merger possible as early as late April.

Woollahra Council has already begun action in the Land and Environment Court and on Tuesday it sought and received an undertaking from the Minister for Local Government, Paul Toole that he would not attempt to act on the delegate's report into the forced merger of Woollahra with Randwick and Waverley until after the hearing on April 20.



*A spokesperson for Local Government Minister Paul Toole said that no decision had been made on any merger proposal. Photo: Peter Rae*

The basis of its case is the government used the wrong section of the act when it adopted a fast-tracked process to force amalgamations. It also says the public hearings by the delegates have been inadequate and unfair.

But other councils, which have already finished their public meetings, could be in imminent danger of being ordered to merge.

The delegates had a deadline of March 25 to hand over their reports. Once the minister receives comments from the Boundaries Commission he can move immediately to order amalgamations. At that point councils would cease to be legal entities able to take action.

The government has already sought expressions of interest from councillors willing to serve on the mega councils. A willingness to support the merger plans is a key criteria.

Ku-ring-gai Council, which is slated to merge with Hornsby to form a council of 270,000 residents, voted last week to commence proceedings in the Supreme Court. It is seeking release of a report by KPMG which the government used to quantify the benefits of mergers and which has been denied under freedom of information laws.

The council was in a preliminary hearing on Tuesday and was told that it would also not be given the report of the delegate, Garry West, who held the public hearing into the Hornsby-Ku-ring-gai merger, or the recommendation of the Boundaries Commission, which are still to come.

Mosman, Hunters Hill and Strathfield councils are all due to vote Tuesday night on whether they will begin legal action similar to Woollahra's. North Sydney has already voted to support Woollahra's legal action challenging the process.

Most councils are considering funding the legal costs from their litigation budget, but cases are likely to be expensive and if the government loses, there is little doubt it would appeal. This means ratepayers could be up for long and expensive litigation. Woollahra has allocated a significant portion of its \$180,000 litigation budget.

A spokesperson for Mr Toole said that no decision had been made on any merger proposal. "The minister is awaiting the reports of the Boundaries Commission and will review those when received, along with the reports of the delegates, ahead of any decision.

"The government is aiming to make a decision on proposals currently under consideration midyear," she said.

<http://www.smh.com.au/nsw/council-amalgamations-more-councils-join-legal-battle-with-state-government-over-mergers-20160405-gnysag.html>