

# NSW councils' setback in merger battle

9NEWS September 20, 2016

A string of NSW councils due to be forcibly merged by the Baird government have lost their legal challenge against the proposed amalgamation.

Proceedings brought by Hunters Hill, Lane Cove, Ku-ring-gai and Shellharbour councils were rejected by Justice Tim Moore in the Land and Environment Court on Tuesday.

Councils that launched legal action with respect to these three proposals have until Tuesday to consider an appeal, Local Government Minister Paul Toole said.

Justice Moore did however find problems in the reports prepared by delegates into mergers involving Mosman, North Sydney and Strathfield councils.

There was no proper statutory foundation for the proposed merger of Mosman, North Sydney and Willoughby councils, Justice Moore ruled, adding that the delegate in charge failed to address the mandatory matters of the Local Government Act as part of his inquiry and report into the amalgamation.

The same applied for the amalgamation of Burwood, Canada Bay and Strathfield councils, he said.

The judgement means delegates and the Local Government Boundaries Commission will have to rewrite sections of their reports before those councils can be merged.

"The government will closely examine the findings in relation to these delegates' reports," Mr Toole said.

Greens MP David Shoebridge has labelled the result an embarrassing outcome for the Baird government.

"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," he said on Tuesday.

"While a number of councils have also had their cases dismissed, it is by no means the end of the road for these councils and we are likely to see the majority of cases play out in the Court of Appeal."

Local ratepayers will foot some of the legal costs if those councils decide to launch an appeal.

© AAP 2016

<http://www.9news.com.au/national/2016/09/20/17/24/nsw-councils-setback-in-merger-battle>