

# Fighting on: Woollahra councillors unanimously back appeal against merger judgment

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Woollahra Mayor Toni Zeltzer said the council owed it to the community to continue its fight against amalgamation. Picture: John Appleyard

**WOOLLAHRA Council would push ahead with an appeal against a judgment handed down last week which dismissed its legal challenge against the State Government’s merger plans.**

After a secret briefing with council lawyers on Monday night, councillors unanimously endorsed Mayor Toni Zeltzer’s decision to proceed with an appeal in a last-ditch attempt to prevent a merger with Randwick and Waverley.

Woollahra Mayor Toni Zeltzer said there was “overwhelming support” from councillors to pursue an appeal after legal advice indicated there were grounds for challenging the

judgement handed down by Chief Judge Brian Preston in the Land and Environment Court on Wednesday.

“As far as I’m concerned, we haven’t exhausted all avenues in view of there being grounds for an appeal,” said Ms Zeltzer.

“It was a unanimous decision by the council to challenge the merger and we owe it to 82 per cent of the community who did not want this merger.”

She said the cost of an appeal would be much less than their legal costs to date, which have climbed to \$692,000.



Woollahra council's anti-merger rally in Guilfoyle Park, Double Bay.

“The one-off cost of our challenge pales in comparison to how Woollahra residents will be hit with an annual increase in rates of between \$7m and \$17m,” she said.

It is understood there were a couple of councillors who were not entirely comfortable with the added costs of appealing, including Katherine O’Regan and Susan Wynne.

“My preference was not to appeal but I didn’t have the numbers so I didn’t oppose it,” said Ms O’Regan.

“This only frustrates and delays the process because we are not winning the battle.

“I’m happy to be on the train until this point but this is the last stop.”

Ms O'Regan said money spent on legal fees could have been better spent in the community, especially when the council's budget surplus usually averaged just \$40,000 a year.



*Woollahra councillor Katherine O'Regan was not entirely comfortable with appealing. Picture: Craig Wilson*

“We need to spend ratepayers money wisely and the money we have spent on legal fees could have funded the repair of footpaths and potholes.”

In the Land and Environment Court on Wednesday, Chief Judge Brian Preston said the council had not established any of its grounds of challenge and ordered the council to pay the State Government's costs.

As Woollahra's challenge was seen as a test case, the ruling dampens the hopes of several other councils who have launched legal action against the Government.

Woollahra Council's main legal challenge was that the State Government failed to conduct a proper inquiry into the merger as required under the Local Government Act and did not give reasonable public notice of the inquiry.

The council's lawyers also argued natural justice was denied to the council when it was not given access to the full KPMG report, including the methodology used to determine that savings of \$149m would be made from a three way merger.

They also questioned whether the KPMG report was independent.

“I find that Woollahra Council has not established any of its grounds of challenge,” said Judge Preston.



*Local Government Minister Paul Toole said the merger would save ratepayers \$149m over 20 years*

“The proceedings should therefore be dismissed. The applicant is to pay the respondents costs of the proceedings.”

Woollahra’s loss almost certainly obliterates the hopes that several other councils who have mounted legal challenges against the Government.

North Sydney, Ku-ring-gai, Mosman, Oberon and Cabonne Councils are all fighting the State Government’s amalgamation plans.

<http://www.dailytelegraph.com.au/newslocal/wentworth-courier/fighting-on-woollahra-councillors-unanimously-back-appeal-against-merger-judgment/news-story/f58b239fd6e328d81d34540e6d89214e>