



Merri-bek
City Council

SPECIAL COUNCIL MEETING AGENDA

Monday 20 July 2026

Commencing 6.00 pm

**Bunjil (Council Chamber), Merri-bek Civic Centre,
90 Bell Street, Coburg**

Language Link

This is the Agenda for the Council meeting.
For assistance with any of the agenda items,
please telephone 9240 1111.

這是市政會會議的議程。您若在理解議程中有需要協助的地方，請打電話給“語言連接 (Language Link)”翻譯服務，號碼9280 1910。

Questo è l'ordine del giorno per la Riunione del consiglio Comunale. Se hai bisogno di aiuto sugli argomenti in discussione, sei pregato di telefonare al Language Link al numero 9280 1911.

Αυτή είναι η Ημερήσια Διάταξη για τη Συνεδρίαση του Συμβουλίου (Council Meeting). Για βοήθεια με οποιοδήποτε από τα θέματα της ημερήσιας διάταξης, παρακαλείστε να τηλεφωνήσετε στο Γλωσσικό Σύνδεσμο (Language Link), στο 9280 1912.

هذا هو جدول أعمال اجتماع المجلس البلدي. للمساعدة بأي بند من بنود جدول الأعمال الرجاء الاتصال بخط Language Link على الرقم 9280 1913.

Belediye Meclisi Toplantısının gündem maddeleri burada verilmiştir. Bu gündem maddeleri ile ilgili yardıma ihtiyacınız olursa, 9280 1914 numaralı telefondan Language Link tercüme hattını arayınız.

Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo luận, xin gọi điện thoại cho Language Link qua số 9280 1915.

यह काँसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी भी विषय के बारे में सहायता के लिए कृपया 9280 1918 पर फोन कीजिए।

这是市政府例会的议题安排，如果需要协助了解任何议题内容，请拨打9280 0750。

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ।
ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ,
ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

1. **WELCOME**
2. **APOLOGIES/LEAVE OF ABSENCE**
3. **DECLARATIONS OF CONFLICTS OF INTERESTS**
4. **COUNCIL REPORTS**
 - 4.1 NOTICE OF NATIVE TITLE DETERMINATION APPLICATION 3

4. COUNCIL REPORTS

4.1 NOTICE OF NATIVE TITLE DETERMINATION APPLICATION

Director Community, Eamonn Fennessy

Director Place and Environment, Pene Winslade

Community Wellbeing; and Property

Officer Recommendation

That Council:

1. Becomes a respondent to the application for determination of native title in Victoria known as "Perry James Wandin & Ors on behalf of the Wurundjeri Woi-Wurrung People and State of Victoria & Ors" (Federal Court Proceeding VID1466/2025).
2. Authorises the Chief Executive Officer to engage legal representation to:
 - a) take steps on behalf of Council to become a respondent;
 - b) provide legal advice to Council regarding the application, and
 - c) to otherwise act on behalf of Council throughout the application process.

REPORT

Executive Summary

The Wurundjeri Woi-wurrung People have lodged a Native Title Determination Application in the Federal Court seeking recognition of native title over approximately 10,424 square kilometres across metropolitan Melbourne and surrounding municipalities, including the City of Merri-bek.

The application applies to Crown land only and excludes freehold land, private property and public works. As a result, Council-owned freehold land is not affected. Council's interest relates to Crown land where it is appointed as Committee of Management or has statutory land management responsibilities.

Under the *Native Title Act 1993 (Cth)*, Council has been invited to become a respondent party to the proceeding. If Council elects to do so, a Notice of Intention to Become a Party must be filed with the Federal Court by 21 July 2026.

Becoming a respondent does not mean Council opposes or supports the Native Title claim. Rather, it enables Council to protect its legal interests, remain informed throughout the proceedings and participate where matters affect Crown land under Council's management.

Officers have obtained legal advice which recommends Council become a respondent party to preserve its legal interests while participating proportionately in what is expected to be a lengthy court process. It is important to note that State and territory governments are the lead respondents in Federal Court Native Title claims because they legally own and manage unallocated Crown land, public infrastructure, and natural resources.

It is therefore recommended that Council become a respondent party and consider participating in a joint legal representation arrangement with other affected councils which, among other benefits, has the potential advantage of mitigating legal costs.

Previous Council Decisions

No previous Council decisions.

1. Policy Context

This report has been prepared having regard to:

- *Native Title Act 1993 (Cth)*
- *Local Government Act 2020 (Vic)*
- *Traditional Owner Settlement Act 2010 (Vic)*
- *Crown land (Reserves) Act 1978 (Vic)*
- Merri-bek Council Plan 2025-2029
- Merri-bek Statement of Commitment to Aboriginal and Torres Strait Islander Peoples
- Merri-bek's commitments to reconciliation, self-determination and meaningful engagement with Traditional Owners.

2. Background

On 30 October 2025, the Wurundjeri Woi-wurrung People lodged a Native Title Determination Application in the Federal Court (VID1466/2025). The application was accepted for registration by the National Native Title Tribunal and covers approximately 10,424 square kilometres across metropolitan Melbourne and surrounding municipalities, including Merri-bek.

Councils named in the application are Banyule City, Baw Baw Shire, Bayside City, Boroondara City, Brimbank City, Cardinia Shire, Casey City, Darebin City, Frankston City, Glen Eira City, Greater Dandenong City, Hepburn Shire, Hobsons Bay City, Hume City, Kingston City, Knox City, Lake Mountain Alpine Resort (Unincorporated), Macedon Ranges Shire, Manningham City, Maribyrnong City, Maroondah City, Melbourne City, Melton City, Mitchell Shire, Monash City, Moonee Valley City, Moorabool Shire, Murrindindi Shire, Nillumbik Shire, Port Phillip City, Stonnington City, Whitehorse City, Whittlesea City, Wyndham City, Yarra City, Yarra Ranges Shire, and Merri-bek City Council.

The application seeks legal recognition of native title over Crown land within the claim area. It does not apply to freehold land, private property or existing public works and infrastructure.

Council has received formal notice of the proceeding as a relevant local government authority under the *Native Title Act 1993 (Cth)* and has until 21 July 2026 to elect to become a respondent party. After this date, Council would require leave of the Federal Court to participate in the proceeding.

Within Merri-bek, Council's primary interest relates to Crown land where it has statutory land management responsibilities, including land for which it acts as Committee of Management. Becoming a respondent ensures Council can appropriately consider any implications for these land interests as the proceedings progress.

It is important to note that State and territory governments are the lead respondents in Federal Court Native Title claims because they legally own and manage unallocated Crown land, public infrastructure, and natural resources. Under Australian law, native title determinations are fundamentally a legal dispute between the traditional owners and the Crown. In contrast, local governments (councils) have the status of "interested parties" and are not mandatory respondents, though they can choose to join proceedings.

3. Issues

The principal decision for Council is whether to become a respondent to the proceedings. Respondent status enables Council to:

- protect its legal interests in Crown land it manages
- receive court documents and updates
- participate in mediation and negotiations where Council interests are affected
- understand implications for future land management and infrastructure delivery
- contribute to any negotiated consent determination affecting Council-managed Crown land.

Becoming a respondent does not require Council to oppose the Native Title claim. It enables Council to participate in the proceedings to ensure its statutory responsibilities and community interests are appropriately recognised.

If Council elects not to become a respondent, it would rely primarily on the State Government and other parties for information and representation and would have limited opportunity to influence any negotiated outcome affecting Crown land under Council management.

Joint Representation

Multiple Councils are currently in the same position as Merri-bek, in that they are considering whether to become a respondent to the application, with Melbourne City Council and Banyule City Council having already resolved to become a respondent.

Given this, there is likely to be opportunity to engage in joint representation with other respondent Councils. This carries several advantages for Council including:

- Minimising solicitor costs for attendances over the course of proceedings
- Ensuring we understand the approach being taken across the sector and remaining consistent across the sector
- Collaborative approach to addressing the legalities and risks of the situation

Although Council would be participating in joint representation, its solicitors would provide individual advice and services relating to items specifically relating to Merri-bek, including claims over individual Crown land parcels.

Council could opt out of joint representation at any time if it feels its interests are not being best represented through this approach.

Community impact

There is no immediate impact on Council services, public access to parks or reserves, or Council-owned land arising from the Native Title claim.

If native title is ultimately recognised, Council will continue to perform its statutory functions and manage land in accordance with relevant legislation. Some future activities on affected Crown land may require additional consultation or procedural steps.

Respondent status ensures Council is well positioned to understand and respond to any future implications for the community.

Climate emergency and environmental sustainability implications

There are no direct climate emergency implications associated with this report.

Should native title be recognised, future land management practices may provide opportunities for greater collaboration with Traditional Owners in Caring for Country initiatives and environmental stewardship.

Economic sustainability implications

There are no direct economic sustainability implications arising from the recommendation.

Participation as a respondent assists Council in managing potential future legal, operational and asset management risks associated with Crown land under Council management.

Legal and risk considerations

Council has obtained preliminary legal advice from Maddocks.

The advice recommends Council become a respondent party as the most appropriate mechanism to preserve Council's legal interests in Crown land while allowing Council to monitor proceedings and participate where required.

The advice further notes that respondent status does not require Council to actively contest the application.

Human Rights Consideration

The implications of this report have been assessed in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

The recommendation is considered compatible with the Charter. Becoming a respondent party does not affect the human rights of any person and does not represent opposition to the Native Title application. Rather, it enables Council to fulfil its statutory responsibilities while recognising the legal processes established under the *Native Title Act 1993* (Cth).

4. Community consultation and engagement

As this report relates to Council's participation in Federal Court proceedings, no public consultation has been undertaken.

Council officers have obtained legal advice and have engaged with other affected Victorian councils regarding the proposed joint legal representation.

Should Council resolve to become a respondent, a communications plan will be prepared to respond to community enquiries and provide clear information regarding the purpose of Council's participation.

Affected persons rights and interests

The application has been made by and on behalf of the Wurundjeri Woi-Wurrung people.

Merri-bek City Council has maintained a strong relationship with its First Peoples stakeholders and residents and aims to uphold and reflect the principles outlined in its Statement of Commitment.

Officers have contacted representatives from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and the Merri-bek First Peoples Advisory Committee to advise Council would be considering becoming a respondent to the proceedings.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

The funds required to implement this recommendation, estimated at \$50,000, are available within the current Corporate Legal cost centre budget over a multi-year process. The native title legal process is expected to continue over several years, potentially up to or even above 10 years. Council will also consider participation through a joint legal representation arrangement with other affected councils, which may minimise legal costs over time.

7. Implementation

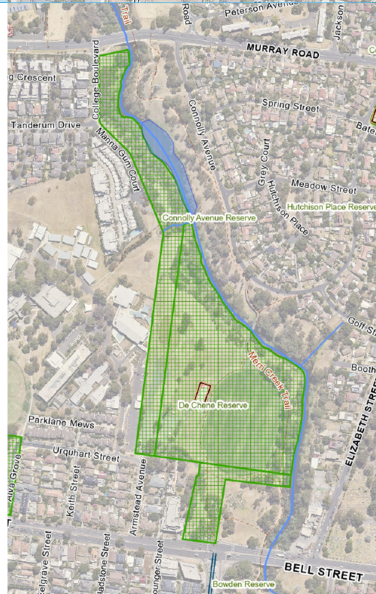
Should Council elect to become a respondent to the application, officers will:

- Instruct Council's solicitors to lodge required forms with the Federal Court to become a respondent.
- File the necessary documentation before the statutory deadline of 21 July 2026; and provide future reports to Council as the proceedings progress or where decisions are required.
- Through Council's solicitors, seek to participate in a joint representation arrangement with other councils.

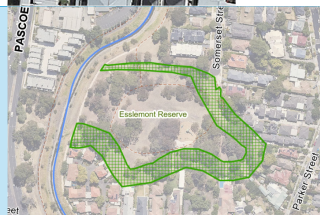
Attachment/s

1 [↓](#) Crown Land Parcels Merri-bek D26/312127

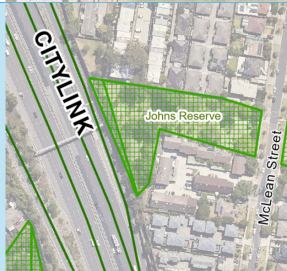
Address	aka	Use	Title Ref	Crown Allotment	Picture
GIBSON AVENUE, BRUNSWICK WEST 3055	Part Of Gibson Avenue	Govt Road	11742/253	2554/PP2796	
104-110 NEWLANDS ROAD, COBURG NORTH 3058	Yaruk'ho Wilam Edgars Creek Parkland	Creek Corridor/ Open Space	11742/268 11742/292 11742/299 11742/300	2640/PP2796 2639/PP2796 2638/PP2796 2637/PP2796	

Address	aka	Use	Title Ref	Crown Allotment	Picture
66/66A BELL STREET, COBURG 3058	McDonald Reserve	Sporting Reserve (inc Tennis Courts)	11742/307 11742/334 11742/336 11742/339 11742/366 11742/369 11742/375 11742/377 11742/386 11742/540 11742/557	1-11~3/PP2796	
193 URQUHART STREET, COBURG 3058	De Chene Reserve	Open Space/Sp orting Reserve	11742/550 11793/659 11793/660	2C/PP2796 13~2/PP5182 14~2/PP5182	

Address	aka	Use	Title Ref	Crown Allotment	Picture
229 HOPE STREET, BRUNSWICK WEST 3055	Part Braddy Reserve	Open Space	11742/309	104A\PP2796	
6 HERBERT STREET, PASCOE VALE 3044	Part Herbert Street Reserve	Open Space	11742/335	2037\PP2796	
6 JEWELL CRESCENT, BRUNSWICK WEST 3055	Jewell Crescent Reserve	Open Space	11742/343	2142\PP2796	

Address	aka	Use	Title Ref	Crown Allotment	Picture
UNION STREET, BRUNSWICK WEST 3055	Part Moonee Ponds Creek Linear Reserve	Open Space/Cre ek Corridor	11742/344	2143\PP2796	
31 WHEELER STREET, PASCOE VALE SOUTH 3044	Access Moonee Ponds Creek Trail	Open Space	11742/363 11742/393	2141\PP2796 141A\PP2796	
29 REYNARD STREET, COBURG 3058	Small Part of Reynard Street	Road	11742/392	134B\PP2796	
1 SOMERSET STREET, PASCOE VALE 3044	Part Esslemont Reserve	Open Space	11742/403	142A\PP2796	

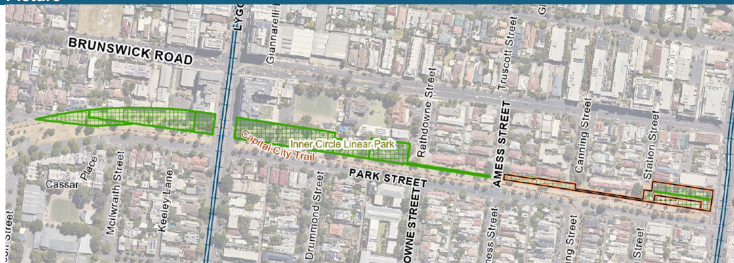
Address	aka	Use	Title Ref	Crown Allotment	Picture
160-162 BELL STREET, COBURG 3058	Old Coburg Police Station/Courthouse	Buildings	11742/404 11742/412	143C\PP2796 143B\PP2796	
CHARLES STREET, COBURG NORTH 3058	Part Charles Street	Govt Road	11742/407	149F\PP2796	
PAU STREET, COBURG NORTH 3058	Part Pau Street	Govt Road	11742/408	149H\PP2796	
TURNBULL DRIVE, PASCOE VALE SOUTH 3044	Turnbull Drive Unnamed Reserve	Open Space	11742/434	2369\PP2796	
TURNBULL DRIVE, PASCOE VALE SOUTH 3044	Turnbull Drive Unnamed Reserve (Road Reserve)	Govt Road	11742/469	2381\PP2796	
URQUHART STREET, COBURG 3058	Part Urquhart Street	Govt Road	11742/448	2351\PP2796	

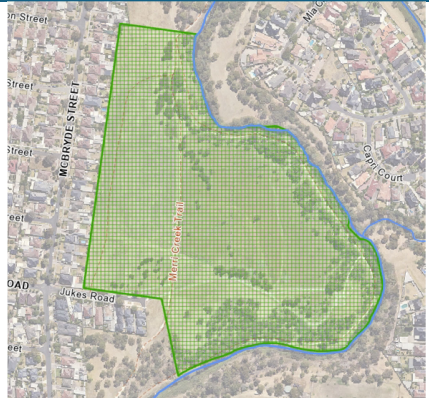
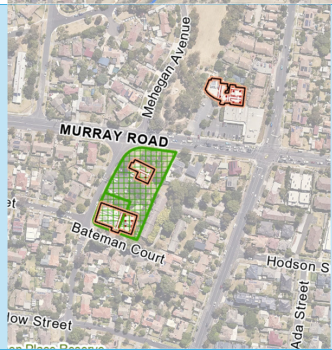
Address	aka	Use	Title Ref	Crown Allotment	Picture
PENTRIDGE BOULEVARD, COBURG 3058	Part Pentridge Boulevard	Govt Road	11742/450	2350\PP2796	
270 SYDNEY ROAD, BRUNSWICK 3056	Former Brunswick Mechanics Institute	Building	11742/456	2333\PP2796	
MCLEAN STREET, BRUNSWICK WEST 3055	Part Dunstan Reserve	Open Space/Sporting Reserve	11742/558	25B~A\PP2796A	
35-37 MCLEAN STREET, BRUNSWICK WEST 3055	Johns Reserve	Open Space	11742/559 11742/588	24A~A\PP2796A 2020\PP2796A	

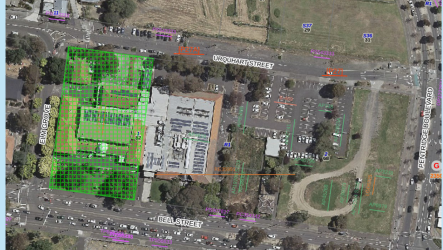
Address	aka	Use	Title Ref	Crown Allotment	Picture
21 DUGGAN STREET, BRUNSWICK WEST 3055	Sheils Reserve	Open Space	11742/560 11742/576	48A~A\PP2796A 73A~A\PP2796A	
44 HOPETOUN AVENUE, BRUNSWICK WEST 3055	Part Hopetoun Avenue Reserve	Open Space	11742/571	2013\PP2796A	
16-24 HOPETOUN AVENUE, BRUNSWICK WEST 3055	Fraser Reserve	Open Space	11742/574 11742/603 11742/586	2010\PP2796A 2011\PP2796A 20A~A\PP2796A	

Address	aka	Use	Title Ref	Crown Allotment	Picture
238 DAWSON STREET, BRUNSWICK WEST 3055	Barker Reserve	Open Space	11742/582	46A~C\PP2796A	
LYGON STREET, BRUNSWICK EAST 3057	Part of Lygon Street	Govt Road	11742/583	2031\PP2796A	
AMESS STREET, BRUNSWICK EAST 3057	Part of Amess Street	Govt Road	11742/584	2032\PP2796A	

Address	aka	Use	Title Ref	Crown Allotment	Picture
208A DAWSON STREET, BRUNSWICK WEST 3055	Hudson Reserve	Open Space	11742/587 11742/592	20A~C\PP2796A 16A~C\PP2796A	
HOPETOUN AVENUE, BRUNSWICK WEST 3055	Moonee Ponds Creek Reserve – Albion St to Hopetoun Ave	Open Space/Creek Corridor	11742/589	17A~A\PP2796A	

Address	aka	Use	Title Ref	Crown Allotment	Picture
301-315 PARK STREET, BRUNSWICK EAST 3057 + UNITS 1 & 2, 815 NICHOLSON STREET, BRUNSWICK EAST 3057	Inner Circle Linear Park + Velocycles & District 35 Café	Open Space/Buil dings	11742/590 11742/591 11742/594 11742/595	17B~6\PP2796A 17A~6\PP2796A 5A~16\PP2796A 5A~11\PP2796A	
WAXMAN PARADE, BRUNSWICK WEST 3055	Moonee Ponds Creek Linear Park – Albion St to Evans St	Open Space/Cre ek Corridor	11742/598 11742/600 11921/119 11921/121 11839/098	2044\PP2796A 2043\PP2796A 2058\PP2796A 2060\PP2796A 2038\PP2796A	

Address	aka	Use	Title Ref	Crown Allotment	Picture
2 JUKES ROAD, FAWKNER 3060	Bababi Djinanang Grassland Reserve	Open Space	11782/723	2013\PP3831	
12 CONNOLLY AVENUE, COBURG 3058	Barry Beckett Children's Centre + Newland Senior Citizens Centre	Buildings	11793/649 11793/658 11793/651 11793/652	2006\PP5182 2005\PP5182 30C\PP5182 30A\PP5182	

Address	aka	Use	Title Ref	Crown Allotment	Picture
406 VICTORIA STREET, BRUNSWICK 3056	BRUDI	Buildings	11870/261	2756\PP2796	
90 BELL STREET, COBURG 3058	Town Hall Elm Grove Offices	Civic Centre	11918/160	1~2\PP2796	
46 HOPETOUN AVENUE, BRUNSWICK WEST 3055	Part of Hopetoun Avenue	Govt Road	11924/079	2063\PP2796A	
PARK STREET, BRUNSWICK WEST 3055	Part of Park Street	Govt Road	11994/367	2028\PP2796A	
CARR STREET, COBURG NORTH 3058	Part of Carr Street	Govt Road	12082/084	2820\PP2796	