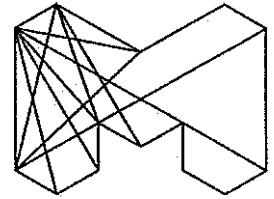


# Confirmed minutes



**CITY OF MELBOURNE**

## **Future Melbourne Committee Minutes**

**Meeting Number 46  
Tuesday 8 November 2022**

**Town Hall Commons**

### **Present**

Lord Mayor Sally Capp (Chair)  
Deputy Lord Mayor Nicholas Reece  
Councillor Dr Olivia Ball  
Councillor Roshena Campbell  
Councillor Jason Chang  
Councillor Elizabeth Doidge (via Zoom)  
Councillor Davydd Griffiths  
Councillor Jamal Hakim  
Councillor Philip Le Liu  
Councillor Rohan Leppert  
Councillor Kevin Louey

Confirmed at the meeting of the Future Melbourne Committee  
On Tuesday 22 November 2022

# Confirmed minutes

## 1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Lord Mayor Sally Capp, advised that:

- the meeting was being streamed live and that an audio and video recording would be made available on the City of Melbourne website before close of business Wednesday 9 November.
- the agenda comprises of five reports from management, of which one is confidential.

## 2. Disclosures of conflicts of interest

The Lord Mayor advised that conflicts of interest should be disclosed as they arise.

## 3. Confirmation of minutes of the previous meeting

Moved: Cr Hakim

*That the minutes of meeting No 45, held on Tuesday 18 October 2022, be confirmed.*

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

## 4. Matters arising from the minutes of the previous meetings

There were no matters arising from the minutes of the previous meeting.

## 5. Public questions

### ATET floating nightclub

The Lord Mayor advised that 13 public questions had been received that relate to the ATET floating nightclub at North Wharf, Docklands. One question was requested to be asked in person, and the Lord Mayor noted that given the other 12 questions received on this matter are substantially similar they would be read as a combined summary by the Deputy Lord Mayor as City Planning Portfolio Lead.

The Lord Mayor invited Graham Mercer who asked the following question:

*Regarding the planning amendment application TP-2021-620/A relating to ATET barge at North Wharf, Docklands:*

*Please advise how many objections have been lodged to this application so far?*

*Please advise how many noise complaints council has received since ATET began operation, approx. 2 weeks ago.*

*Nearby residents are severely impacted by this business. Young children and residents in general unable to sleep until after 1am.*

*Please advise why this noise polluter has been allowed to continue unabated?*

*When can residents expect some relief from this untenable situation?*

The Lord Mayor thanked Graham for his question.

The Deputy Lord Mayor advised that the further 12 questions received from Docklands residents raise concerns about excessive noise, trading beyond allowable hours, and unsocial behaviour; and read the following:

*Annette Thompson raises issues with the noise testing undertaken to date and asks can council assure residents that no decision will be made to allow ATET to trade on Sundays until a thorough noise assessment has been completed and concerns of residents are addressed?*

*Ben Ball, Chairperson of the Docklands Representative Group, raises concern with the suitability of ATET operating in a high-density residential area with an open harbour allowing sound to spread easily and noted resident's right to "quiet enjoyment of property".*

*Bill Thompson raises concerns on the validity of the process and asks why did council approve the Planning Permit without community engagement and scrutiny?*

*Christine Reiffel advises that the disturbing noise from ATET causes stress and anxiety for residents and notes that residents are unable to open doors or sit on their balcony.*

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**Colin Cleghorn** notes the lack of public toilets in the Docklands area, and the problem this presents with two or three hundred people exiting ATET.

**Lydia Woodgate** asks what actions Council is taking to minimise the negative impacts on residents in the Victoria Harbour area.

**Melissa Black** notes the impacts on sleep, work and mental health and advises that the noise makes it impossible to enjoy home life.

**Nina M** asks if action will be taken against the breaching of permit laws and why Council supports this as a way to bring people to Docklands

**Pauline Wright** asks Council to note EPA's comments on ATET, and to consider the effect of noise on children and babies, and the damage to the neighbourhood caused by antisocial and dangerous behaviour of patrons leaving the venue.

**Sandra Severin** asks council to consider whether the ATET business is in keeping with the recommendation of the report on the Docklands Summit, to ensure communications celebrate Docklands and promote events that align with Docklands as a family friendly precinct.

**Silvana Cee** asks what noise controls are in place, the plans to protect residents from disruption, and why council is not interested in breaches of RSA at the venue.

**Zoran Radojkovic** asks if it would be possible to find a more suitable location for the business, or to help the business change its operating model to something that would not cause continuous uproar of the local community.

The Deputy Lord Mayor referred to Julian Edwards, Director Planning and Building who provided the following response:

*Thank you all for submitting your questions regarding the operations of the venue, ATET, which is located at 938 Collins Street Dockland, also known as Shed 2, North Wharf Road Docklands.*

*The Planning requirements for Docklands were established to provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment. Many of the uses do not require planning permission or formal advertising. The specific controls applicable to the area of water beyond the wharf do identify that approval is required for a nightclub or bar, however advertising is exempt. These are included in the Planning Scheme definitions of 'Place of Assembly' and 'Food and Drink Premises.'*

*Subject to venue management and noise conditions, Council approved the use of a barge as a 'Place of Assembly' at this location, as it met all the planning requirements.*

*Following the opening weekend, Council investigated the venue and formed the view that noise was likely to have been excessive and that operations were outside those allowed by the permit.*

*Council subsequently undertook a series of follow up actions. This included requiring the venue to undertake Acoustic Testing. The testing was conducted by a suitably qualified independent Acoustic Consultant and their assessment. This assessment demonstrated that the venue was compliant with the planning permit and noise protocols as set by the EPA. Council had this assessment peer reviewed and also undertook separate testing which confirmed general compliance. On this basis, Council currently has no grounds to start proceedings to seek the venue be discontinued.*

*Matters relating to Responsible Service of Alcohol (RSA) and other anti-social behaviours should be directed to Victoria Police and Council will continue to work with them as well as the EPA and the VGCC regarding various noise and liquor issues, as well as anti-social behaviour.*

*Council will also explore with the authorities and other service providers in the area the most appropriate response to public amenity needs. This includes the location of the barge and options to relocate to its original proposed location at the west end of North Wharf, as well as officers working with Victoria Police to patrol and monitor anti-social behaviour. The City of Melbourne will continue to facilitate random noise testing to ensure that the conditions of the permit are being complied with.*

*Council has since received an application to amend the planning permit, seeking to include Sunday trading. This application is currently being considered and will be presented to a future FMC for a decision of Council.*

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The Deputy Lord Mayor provided further comment to advise that antisocial and dangerous behaviour will not be tolerated in Docklands or anywhere in the City of Melbourne, and noted that Council believes Docklands can be a vibrant, lively, family friendly community and all residents of Docklands are entitled to a liveable community, a liveable suburb. The Deputy Lord Mayor noted that public amenity concerns in Docklands need to be responded to and that includes the City of Melbourne working with Development Victoria and others in identifying a location for the barge which is sustainable. The Deputy Lord Mayor advised that the City of Melbourne will be stepping up activities with Victoria Police and Council's own street patrols to monitor antisocial behaviours.

### Planning permitting parameters for new businesses

Sandra Severin submitted the following written question:

*In Planning for permitting for new businesses, what parameters are in place to ensure the business is compatible with the demographics of the area, socio-economic, environmental and geographic, considering the Docklands zone is a family residential and mixed use zone, and ensuring the compatibility of businesses for such an area?*

The Deputy Lord Mayor, City Planning Portfolio Lead thanked Sandra for the question and read out the response to the question as provided by Krista Milne, (Acting) Co-General Manager Strategy, Planning and Climate Change:

*The Melbourne Planning Scheme guides development and uses through policies and controls. Like many areas across the City of Melbourne, there is specific guidance for Docklands.*

*The vision for Docklands is a vibrant, active waterfront area with a mix of commercial, residential and innovation uses. The economic development strategies also include the encouragement of the activation of the waterfront through a range of commercial uses.*

*Where a planning permit is required for a use, Council must balance the vision of Docklands with reasonable amenity expectations of residents living in a mixed use precinct. This may occur through things like the design of buildings, the operating hours of uses and noise attenuation measures where appropriate.*

*The planning permit assessment process seeks to undertake this balancing act by considering all relevant matters in the planning scheme before a decision is made.*

Public Question Time exceeded the 15 minutes provided for under the Governance Rules, and a procedural motion was considered to extend Public Question Time.

Moved: Cr Leppert

*That the period for public questions be extended to allow the Committee to hear questions submitted in advance of the meeting.*

Seconded: Deputy Lord Mayor Nicholas Reece

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### City of Melbourne Executive Structure

Mary-Lou Howie submitted the following written question:

*The resignation of the City of Melbourne's CEO presents an opportunity to re-set the council's administration to become a more equitable, three-tiered democratic decision-making structure: the Management, Lord Mayor and Councillors, and the public which includes stakeholders, residents and rate-payers.*

*The reported close ties of previous CEO Justin Hanney to the current Victorian Government where he had a long career as a high-ranking officer may have led to a blurring of the checks and balances provided by the separate three - level governing system: National, State and Local Government, all vital to a functioning democracy where independence of each is critical.*

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*My question is in three parts:*

- 1. Is this not now a perfect opportunity to review the Council's top-heavy, autocratic organisational structure and re-set how we want the City of Melbourne to operate?*
- 2. Will the City of Melbourne seek the views of sitting councillors whose job is to represent the community?*
- 3. Will the City of Melbourne show fiscal responsibility before embarking on a costly recruitment campaign for another CEO when clearly there is a competent woman, Alison Leighton, Deputy CEO, now acting in the interim role?*

The Lord Mayor thanked Mary-Lou Howie for the question and provided the following response:

*Council has appointed the Deputy CEO Alison Leighton to be our Acting CEO until the end of June 2023. A key responsibility of the Council, as outlined in the Local Government Act 2020, concerns the recruitment of the Council's CEO. The Council is required to go through a recruitment process and that process will commence in the New Year. All Councillors will be involved in the appointment of the CEO. The Act also makes clear that all matters relating to staffing (apart from the appointment of the CEO) are the responsibility of the CEO. Through our regular meetings and briefing sessions with the CEO, Councillors are updated on any significant staffing matters and this will continue. Alison, her staff in Team Melbourne and all Councillors are all focussed on delivering for the community and welcoming huge crowds to the city over the coming months and into the New Year.*

### **Actions on Climate Change**

Chris Thrum submitted the following written question:

*The United Nations Climate Change Conference, COP27 is happening in Egypt. The climate scientists' predictions have been prescient. Everyone can see that serious weather events are occurring with more frequency and greater intensity. Schoolchildren no doubt would be asking, what are your thoughts on climate change and what is the City of Melbourne doing in regards to handling the effects of climate change?*

Cr Leppert, Environment Portfolio Lead thanked Chris for the question and read out the response to the question as provided by Krista Milne, (Acting) Co-General Manager Strategy, Planning and Climate Change:

*The City of Melbourne declared a climate and biodiversity emergency in 2019 which acknowledges that temperature rise above 1.5°C will lead to major and irreversible damage to ecosystems and identified it as a key pillar for priority action in our Council Plan 2021-25.*

*We are taking bold action to reduce emissions and to address climate change impacts. This includes purchasing 100 percent renewable energy; investing \$40 million in stormwater harvesting and water sensitive design which captures and reuses around 180,000 kilolitres of water per year; greening the city by planting 3000 trees a year; and increasing permeability by over 3500 m<sup>2</sup> through park expansion and streetscapes projects, such as Greenline. All of these actions help reduce exposure to the impacts of climate change, and protect the community.*

*For further information on how the City of Melbourne is addressing climate change you can visit our website.*

### **Falun Dafa events**

Tina Sofos asked the following question:

*Our community has a regular presence in Melbourne's CBD. In addition to a daily information stall along Swanston Street, we support our local community by offering free weekly Falun Dafa meditation and exercise sessions at both Fitzroy gardens and Queen Victoria Gardens. We also present New York-based Shen Yun Performing Arts every year in Melbourne's best venues to promote authentic traditional Chinese culture. In recent years, health and wellbeing has become a major focus in many peoples' lives, and also a priority of the State Government. Falun Dafa is an Ancient Chinese cultivation practice of mind and body with teachings based on the principles of truthfulness, compassion and forbearance that help people improve their mental, moral and physical wellbeing. We believe Falun Dafa can play a major part improving health and wellbeing of Melburnians. We ask for support from Melbourne City Council by*

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*having both free public exercise sites listed on the council's website, by coming to our events to gain a better understanding of us, in the hope that more people will benefit from Falun Dafa.*

Cr Dr Ball, Health, Wellbeing and Belonging Portfolio Lead thanked Tina for her question and noted that the Recreation and Waterways team has been in touch with Tina to gather more information, and discussions are continuing about these sessions. Cr Dr Ball advised that Councillors look forward to hearing the outcome of discussions.

### **Further questions about ATET nightclub**

Graham Mercer *noted that there is an application from ATET to extend their operating hours to include Sundays, which Julian advised will be assessed at a Future Melbourne Committee meeting at a later date and Graham asked how often these meetings take place. Graham noted that ATET has advertised an event happening on Sunday 13 November, which should not be able to go ahead. Graham extended an invitation to any decision makers to visit residents' apartments on a Friday or Saturday at 1am to listen to noise that the residents' have to listen to and advised that the venue does not meet noise limits.*

The Lord Mayor thanked Graham for his questions and advised that *Future Melbourne Committee meetings take place twice a month, the next meeting being 22 November. The Lord Mayor advised that noise limits are set by the Environment Protection Authority (EPA), and Council has the responsibility of monitoring and managing them. The Lord Mayor noted that Councillor Hakim is a resident of Docklands and has been monitoring the activity there. The Lord Mayor thanked Graham for his offer and advised that Council will continue to monitor and manage the points raised.*

## **6. Reports from management**

The Lord Mayor advised that the following submissions had been received in accordance with the Council's Governance Rules.

### **Submissions/Correspondence**

In relation to Agenda item 6.1, **South Yarra Heritage Review – Commencement of Melbourne Planning Scheme Amendments C425 and C426:**

#### **Item of correspondence:**

- Kevin Collas-Arundell.

In relation to Agenda item 6.3, **Docklands Summit Actions and Next Steps:**

#### **Request to speak:**

- Ariel Valent, Docklands Neighbourhood House.

#### **Item of correspondence:**

- Ben Ball, Chairperson, Docklands Representative Group
- Ariel Valent.

In relation to Agenda item 6.4, **Proposed Property Divestments:**

#### **Requests to speak:**

- Kelly Langford, Midwives and Mothers Australia
- Janet Ireland, Midwives and Mothers Australia.

#### **Items of correspondence:**

- Daniel Loton
- Kelly Langford
- Janet Ireland.

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### 6.4 Proposed Property Divestments

The Lord Mayor advised of a Councillor request to defer item 6.4 of the agenda, Proposed Property Divestments report and asked that Council consider a procedural motion for the deferral prior to item 6.1.

Moved: Cr Leppert

*That the Future Melbourne Committee defer agenda item 6.4 to its next meeting on 22 November 2022 and that, to ensure compliance with the Community Engagement Policy, the report include an additional attachment setting out the community consultation findings, including survey results in relation to each property as well as the performance of the online advertisements.*

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### Heritage Portfolio

Cr Leppert assumed the role of Chair for the Committee to consider a report from management in relation to the Heritage Portfolio.

#### 6.1 South Yarra Heritage Review – Commencement of Melbourne Planning Scheme Amendments C425 and C426

The purpose of this report was to endorsement of the South Yarra Heritage Review August 2022 and approval to commence Planning Scheme Amendments C425 and C426 to implement the review.

The Lord Mayor Sally Capp declared a material conflict of interest in this matter as she received a donation in the 2020 election campaign from a party affected in this matter, and left the meeting at 6.04pm prior to discussion taking place.

Deputy Lord Mayor Nicholas Reece declared a material conflict of interest in this matter as he received a donation in the 2020 election campaign from a party affected in this matter, and left the meeting at 6.04pm prior to discussion taking place.

Cr Campbell declared a material conflict of interest in this matter as she received a donation in the 2020 election campaign from a party affected in this matter, and left the meeting at 6.04pm prior to discussion taking place.

Cr Louey declared a material conflict of interest in this matter as he received a donation in the 2020 election campaign from a party affected in this matter, and left the meeting at 6.04pm prior to discussion taking place.

Moved: Cr Leppert

1. *That the Future Melbourne Committee resolves to:*
  - 1.1. *Endorse the South Yarra Heritage Review August 2022 (Attachment 2 of the report from management).*
  - 1.2. *Authorise management to progress actions to implement the findings of the South Yarra Heritage Review Volume 2: Aboriginal Cultural Values Assessment August 2022 (Attachment 2 of the report from management) including the following:*
    - 1.2.1. *continue to consult with Traditional Owners about interpretation of the places identified in the review, including via the Aboriginal Melbourne Interactive Map*
    - 1.2.2. *consult with First Peoples - State Relations about nominating places to the Victorian Aboriginal Heritage Register and amending an existing place on the register*
    - 1.2.3. *consult with Heritage Victoria about recognition of the Aboriginal values of places on the Victorian Heritage Register.*

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- 1.3. *Request that the Minister for Planning prepare and approve South Yarra Heritage Review Interim Controls Planning Scheme Amendment C425 (Attachment 3 of the report from management) pursuant to Section 20(4) of the Planning and Environment Act 1987 (Act).*
- 1.4. *Seek authorisation from the Minister for Planning to prepare and exhibit South Yarra Heritage Review Planning Scheme Amendment C426 (Attachment 3 of the report from management) in accordance with the Act.*
- 1.5. *Apply to Heritage Victoria to:*
  - 1.5.1. *revise the extent of registration for Christ Church South Yarra at 683-701 Punt Road, South Yarra to include the land around the existing church to the title boundaries*
  - 1.5.2. *nominate Domain Park Apartments at 191-201 Domain Road, South Yarra and Melbourne Hebrew Congregation Synagogue at 2W-8W Toorak Road, South Yarra to the Victorian Heritage Register.*
- 1.6. *Authorise the General Manager Strategy, Planning and Climate Change to make any required policy neutral changes to the amendment documentation prior to exhibition, should other amendments that affect the same provisions in the Melbourne Planning Scheme be gazetted prior to the public exhibition of these amendments.*
- 1.7. *Authorise the General Manager, Strategy, Planning and Climate Change to make any further minor editorial and referencing changes to Planning Scheme Amendments C425 and C426 as required.*

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Councillors Dr Ball, Chang, Doidge, Griffiths, Hakim, Le Liu and Leppert.

Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece, Cr Campbell and Cr Louey returned to the meeting at 6.20pm

The Lord Mayor resumed the chair for the remainder of the meeting.

### **6.2 Economic Development Strategy 2031 – post-pandemic economic profile**

The purpose of this report was to recommend the Future Melbourne Committee endorse interim targets to guide the delivery of the City of Melbourne's (CoM) economic development strategy (EDS) to ensure that the city's continued growth benefits all residents and businesses.

Moved: Cr Campbell

1. *That the Future Melbourne Committee:*
  - 1.1. *Adopt an interim target of \$120 billion in Gross Local Product for the city by 30 June 2024.*
  - 1.2. *Adopt an interim target of 525,000 jobs in the city by 30 June 2024.*
  - 1.3. *Adopt an interim target of \$229,000 in Gross Local Product per job (on average) in the city by 30 June 2024.*
  - 1.4. *Reconfirm its commitment to the Economic Development Strategy target of reducing shopfront vacancies to less than 5 per cent by the end of 2023.*
  - 1.5. *Request that management report back to the Future Melbourne Committee on progress towards achievement of the interim and 2031 targets before the end of the current financial year.*

Seconded: Cr Hakim



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The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 6.3 Docklands Summit Actions and Next Steps

The purpose of this report was to seek the Future Melbourne Committee endorsement of the Docklands Summit actions and next steps.

- Ariel Valent of Docklands Neighbourhood House addressed the Committee.

Moved: Cr Hakim

#### 1. *That the Future Melbourne Committee:*

- 1.1. *Endorses the Docklands Summit actions and next steps (attachment 2 of the report from management) subject to removal of the third action in the "Cater for different modes of transport" solution, noting that the extension of the E-Scooter trial will be considered by Council in a separate decision.*
- 1.2. *Prioritise the following projects, subject to the allocation of funding and resourcing:*
  - 1.2.1. *convene a stakeholder group to facilitate connections in the precinct and continue momentum from the Summit*
  - 1.2.2. *undertake immediate beautification and wayfinding improvements around Victoria Harbour, Harbour Esplanade, Newquay and Lorimer Street.*
  - 1.2.3. *partner with Development Victoria (DV) to deliver physical improvements and a program of small-scaled activations to Yanonung Quay*
  - 1.2.4. *ensure communications celebrate Docklands and promote events that align with Docklands as a family friendly precinct*
  - 1.2.5. *partner with DV to review the operational capacity of existing community facilities and identify opportunities for improvements*
  - 1.2.6. *prepare a Public Realm Improvements Plan to review the current provision of amenities and identify areas for improvements and activations*
  - 1.2.7. *create a Strategic Plan Docklands, partnering with the State Government to ensure cross-Government support*
  - 1.2.8. *establish a Docklands Governance Review Group with the State Government*
- 1.3. *Expresses serious concern that the Moonee Ponds Creek trail remains closed to the public, calls on Development Victoria to articulate a process and date by which the trail will be reopened adjacent to the creek, and requests that the Acting Chief Executive Officer write to Development Victoria and the Responsible Minister to give effect to this position.*

Seconded: Deputy Lord Mayor Nicholas Reece

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

### 7. General business

There were no items of general business.

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### 8. Urgent business

There were no items of urgent business.

### 9. Public questions

There were no further public questions.

### 10. Closure of meeting to the public

Moved: Cr Hakim

1. *That pursuant to section 66 of the Local Government Act 2020 (Act), the meeting of the Council be closed to members of the public for the consideration of the items under the following categories:*

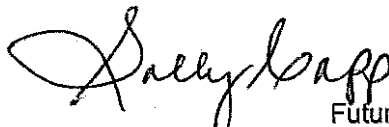
- 1.1 *Agenda item 14.1 as it contains private commercial information, which if released, would unreasonably expose the business to disadvantage by disclosing financial information to competitors.*

Seconded: Cr Griffiths

The motion was put and carried unanimously with the following Councillors present: Lord Mayor Sally Capp, Deputy Lord Mayor Nicholas Reece and Councillors Dr Ball, Campbell, Chang, Doidge, Griffiths, Hakim, Le Liu, Leppert and Louey.

The Lord Mayor declared the meeting closed to the public at 6.58pm.

Confirmed at the meeting of the Future Melbourne Committee on Tuesday 22 November 2022.



Chair  
Future Melbourne Committee