
From: Chair KAInc <kaincchair@gmail.com>
Sent: Monday, 4 May 2020 2:38 PM
To: richard.wynne@parliament.vic.gov.au; development.approvals@delwp.vic.gov.au
Cc: CoM Meetings
Subject: Objection to planning permit application PA1900727, 346-350 Macaulay Road

Dear Minister,

This is an objection to planning application PA1900727, 346-350 Macaulay Road, Kensington, for which you are the responsible authority.

We request receipt of this email and confirmation that it has been received as an objection under Section 57 of the *Planning and Environment Act 1987*.

We object to the application on the following grounds:

1. The application proposes a major overdevelopment of the site. Despite purporting to be broken into separate buildings, it appears as one very bulky design. Such a bulky design is foreign to Kensington, and its presence in a declared urban renewal area is no basis to establish a new precedent of this type.
2. The mezzanines above the eighth storey are above the absolute height limit.
3. The setbacks to the seventh and eighth storeys are not adequate as they do not meet the design objectives or 1m:1m setback standard in Design and Development Overlay 63.
4. The street wall heights at Macaulay Road and at Stubbs Street far exceed 20m, or six storeys, whichever test in Design and Development Overlay 63 is applied.
5. The north-south link will allow for permanent public access, and so it is not a new part of the local road network as envisaged by the Arden Macaulay Structure Plan.
6. The east-west link is not a laneway clear to the sky and does not meet the laneway setback provisions of Design and Development Overlay 63.
7. The proposed development has a deep soil area of 685m² (7.8%) and 16 medium sized trees. It therefore falls short of meeting both requirements.
8. We note also a range of areas of regulatory non-compliance identified in the Delegates Report prepared for the City of Melbourne May Future Melbourne Committee meeting including:
 - a. Failing to meet overshadowing and natural light requirements particularly in communal and outdoor areas;
 - b. Failure to meet minimum deep soil and tree planting requirements as well as failing to make a case to remove significant existing trees;
 - c. Failure to meet minimum apartment size including failing to meet minimum width requirements by almost 20% in some cases and private open space in others.

We encourage the applicant to submit new plans that address the points above.

If not, the Kensington Association intends to appeal the decision should a permit be issued on the basis of the plans from the Future Melbourne Committee report of 5 May 2020.

The first our members became aware of these plans was the weekend of 2 May 2020. None of our members can recall any advertisement being attached to the building. We request your confirmation that the advertisement for the application was in order.

Kind regards

Simon Harvey

KA Chairperson

Kensington Association

M: info@kensingtonassociation.org

W: <https://kensingtonassociation.org>

Sent with [Shift](#)

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Rilke Muir

Email address: *

rilkem8@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Item 6.1

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

as attached

Alternatively you may attach your written submission by uploading your file here:



[submission_re_tpm201930_from_r_muir.pdf](#) 291.39 KB · PDF

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

Monday 4th May 2020

**RE: Future Melbourne Committee Meeting Tuesday 5th May 2020
Agenda Item 6.1 TPM-2019-30**

1. The Kensington Warehouse Apartments at 18 Bent St Kensington is the closest residential accommodation to this site. Along with the 'cookie factory' residents/owners in Hardiman Street we are watching our block go through enormous change from industrial to residential, as our own sites have done, with three planning approvals among our neighbours, with work commenced on one (369-399 Macaulay Rd).
2. I have also watched our precinct get even busier as apartments nearby in North Melbourne (specifically at Canning St, Haines St and Shiel St) have been built and become occupied. While I understand that development is inevitable and acknowledge that we have benefited from the convenience of a new shopping centre a 10-minute walk away, I am concerned that the existing general community amenities of the precinct cannot cope with the extra residents that will fill the future apartments.
3. What concerns me is that people are being introduced to the area *ahead of* the resources needed, such as additional childcare, kindergartens and schools, aged care and health facilities and public open space. The departments of the Victorian Government need to work together, not in isolation. Planning needs to have checklist of community facilities that are to be available in adequate numbers in tandem with new arrivals, not as a 'by and by' promise or suggestion.
4. The Arden-Macaulay Structure Plan (2012) suggests a "potential school site to be considered by DEECD" but there is still no indication that it is actually happening, nor a timeframe. Inevitably, therefore, there will be even more pressure on existing schools in the area. This will be to the detriment of families already here, and new arrivals at this project.
5. There is talk in the Structure Plan of an Upgrade for the Moonee Ponds Creek corridor but will Transport work with Planning and Council to facilitate this? Will Melbourne Water cooperate? Will the State budget allow for it?
6. The Plan also calls for establishing five new parks.
Is the state government planning to hand over to Council the site opposite the one being deliberated, i.e. the old garden centre site, on the corner of Stubbs St and Macaulay Rd and running down to creek bank? I urge Council to recommend this as part of its response to the Department of Planning to make public open space in the vicinity a reality – not empty promises.
The Delegate report initially refers to this site as a warehouse and depot which adjoins "Merri Ponds Creek" [sic] at p37 and later as potential public

open space. Planning needs to be reminded that the Victorian Government owns the site and Council should urge its release for the community as public open space.

7. I also urge Council to seek State government support for prioritising the installation and maintenance of the best-functioning pump systems at Stubbs and Bent St pumping stations to adequately handle the storm water and creek flows to reduce the incidence of streets surrounding the site flooding as a result of heavy rains (locally or further up the creek).
8. I agree with maintaining Hayball for the period of the project. This architecture firm has a good reputation for quality and working with community (nonetheless we have been ignored until now).
9. I support attention to appropriate building height, that does in no way exceed the designated height limit.
10. In regard to living areas meeting the minimum requirements (8.6.6, p67)
 - a. Why do we have minimums and then ignore them?
Already builders tend to slice a little off the dimensions during a build, this just makes it worse.
 - b. People are getting taller, not shorter, and, if anything ceiling heights and room size minimums should be reflecting this and increasing.
 - c. Hasn't the lockdown taught planners that it is important to ensure liveable spaces for everyone, especially those without gardens?
 - d. The experts may find "due to the overall layout of the apartment, is considered to nevertheless offer a reasonable level of amenity".
But would they live there themselves?
11. Private open space should also not be reduced.
12. Natural light and overshadowing are important considerations, again, this is real people living their lives. For wellbeing and health the standards should not be reduced.
13. I support the report's requirement for affordable housing (11. page 74) but can there be a specification in 11(j) to more clearly indicate that this percentage should include the same percentage of 1, 2 and 3 bedroom homes?
14. I welcome the proposed retail tenancy restrictions and hope that in prohibiting taverns this also prohibits gambling machines.
15. I am particularly concerned at the impact of traffic at the rather difficult intersection of Stubbs and Bent Streets with Macaulay Road so near the Macaulay Bridge and consider this disappointingly overlooked in the traffic impacts (7.9.1, p 69).

16. In regard to Tree 6 (see 8.10.4, p 70) that the Council report suggests could stay, I would like to see it removed. When the China Berry fruit drops (for months each year) they make a real trip hazard for pedestrians and I consider them a bad planting option where they are over footpaths, increased pedestrian traffic as a result of this development will exacerbate the problem.
17. I have talked to other residents here and it is agreed that despite us being the closest existing residents to this development we were UTTERLY unaware of the proposal until reviewing the FMC Agenda.
Is Council able to suggest the developer/architect/construction team establish formal lines of communication with the local community (including the Kensington Association), the commercial neighbours to the west and north and the development planned for the opposite corner?

I am happy to respond to any questions that may arise from the above comments and will be watching the FMC meeting online on May 5th but do not wish to speak to this submission, unless any Councillor would like to question me in that forum.

Thank you
Rilke Muir

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Moira Yffer

Email address: * moira.yffer@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * TPM –2019–30 Macaulay

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I am writing to express my concerns about the proposed building referred to in agenda item title.

- 1) This seems to have appeared out of nowhere and it is unbelievable that I live in the next street to something so massive which has only come to my notice a few days ago. There has not even been a basic notice on the building itself, which could have alerted local residents and allowed time for studying the plans and negotiation outcomes.
- 2). How is it anticipated that the impact on the existing community infrastructure will be managed – for instance public transport, school places, parking, open spaces?
- 3). There are already 3 major new developments planned around that area including 2 literally over the road. How will these new developments impact on each other to enhance the neighbourhood?

4). It appears that not all the guidelines set by Council are being adhered to in the proposal.

I look forward to hearing back regarding my urgent concerns,

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*

Name: * Jarrod Sawers

Email address: * jarrodsawers@yahoo.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: TPM-2019-30 Macaulay rd

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Hi

I am a resident of Robertson Street Kensington and I would like to object to this planned development on Macaulay road.

I have several serious concerns about what is an inappropriate development.

1. There has been insufficient or no public notifications of this development, giving residents no chance to object.
2. The size is completely out of character with Kensington in general and this Street in particular which features low level buildings and at most 2 storey residential houses.
3. There are 2 other Significant developments underway on the other side of Macaulay road. If this development

proceeds, Macaulay Road will become a concrete canyon and traffic at a small narrow corner (Stubbs and Macaulay) will become even more unmanageable.

4. The plan fails to meet minimum requirements for size of rooms, setbacks, wall heights, soil areas and trees.

5. There is no required commitment for investment in local infrastructure such as schools.

This sets a very concerning precedent for what is a quiet and green corner of the city of Melbourne and this must be taken into account.

Thank you

Jarrold sawers.

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*

Name: * Stuart Tait

Email address: * janestv@netspace.net.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: 6.1 Ministerial Planning Referral: TPM-2019-30, 346-350 Macaulay Road, Kensington

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

As a long term resident of Barnett St Kensington I object to the above proposal. The Mixed Use Zone between Barnett St and Stubbs St has yet to be developed and this proposal will set a precedent for further developments. The Arden-Macaulay Structure Plan, 2012, Figure 3.21, indicates a maximum height for this region to be 20 m. Further the Structure Plan allows for higher developments if the developer caters to public good.

My disappointment is with the Council Officers recommendation that 8 stories is acceptable, and this is the first development in the zone. Effectively, any height control of 20 m is now redundant and the residents have been misled throughout the exhaustive consultations to develop the Structure Plan.

Effectively, this is a 9 storey development when the roof is included. The public amenities are laughable, 2 lanes

leading nowhere. Where does a child kick a football or swing a cricket bat? Where is the developers commitment to green spaces?

This site will house in excess of 900 people adding, with other developments in the area, additional stress to traffic management on Macauley and Stubbs St. Both these streets are gridlocked during peak hours.

In agreeing with these recommendations, Councillors will be setting a precedence where any commitment to height limits consulted with the community are not worth the paper they are written on. The local community and residents in this development will be let down due to overcrowding, lack of green space and higher traffic densities.

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I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Kate Foldi

Email address: *

kfoldi@sibplanning.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Ministerial Planning Referrak PM-2019-30

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[fmc_notes_id_1794972.pdf](#) 316.24 KB · PDF

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

Yes

File/Job No: 330606
Date: 5 May 2020

From: Kate Foldi
Project: UAG Kensington (350 Macaulay Road)

Re: 346-350 Macaulay Road Kensington



Project Visualisation: 350 Macaulay, Corner Macaulay Road & Stubbs Street

- 425 residential apartments and 5 ground level retail tenancies, basement car parking & bicycle parking at the heart of the Arden-Macaulay Urban Renewal Area – an area made up of large under-utilised industrial sites which is recognised as being in transition and described as an ‘intensive, mixed use continuation of Melbourne’s central city’.
- The subject site is the former Vision Australia site, comprising 8 separate (factory) titles now being consolidated into one site and title of approximately 8803 square metres.
- Active retail frontages are proposed along the Macaulay Road frontage and an integrated loading bay will allow for deliveries off-street via a new western laneway within the development site.

- The net public benefit of 350 Macaulay is significant. The design has been modelled as one of the most strategically located and large (8,800sqm+) development sites within the Arden-Macaulay Structure Plan area.
- The high calibre of the consultant team is evident in the design outcome and the associated imagery. The apartments provide a diverse range of accommodation types and affordability ranges; the average apartment size is 72sqm.
- UAG has made provision for 10 affordable housing type apartments allocated to Vision Australia including a common room for vision-impaired residents and their guide dogs. A dog-run and laneway access at the north-west corner of the site have been specifically designed to accommodate guide dog residents-in-training for Vision Australia providing safe, (non-vehicular) lane access to ground level apartments with courtyard gardens. Final details of the Vision Australia Proposal or a suitable Affordable Housing Provider are being resolved.
- Apartment designs meet (and in many instances surpass) ESD standards and Better Apartment Design Standards (BADS) realise an exceptional quality of design.
- Before and since lodgement, UAG has worked closely with MCC officers to fine tune the application to ensure that the development is an excellent response to relevant planning controls and policies and expectations set out in the 2012 Arden Macaulay Structure Plan but also relevant guidelines.
- The development incorporates the principles for a new laneway design—not because our client had to but rather because they’re endeavouring to do the right thing. By setting the building back a full 7 metres from the western boundary and thus the greater portion of the 6 metres recommended in the Arden Macaulay Structure Plan, it is even more generous and neighbourly than the design parameters suggest.
- Clause 2.0 Connectivity and laneways states that ‘Development along new and existing laneways and pedestrian connections must comply with the laneway controls in Table 3’. Table 3 outlines the mandatory and discretionary provisions for each Interface Type shown on Map 1. Map 1 does not show a Laneway either adjacent to or through our client’s site. There are various locations on Map 1 where a Laneway is identified – our client’s site is not one of them.
- Table 3 does not apply to this site. Notwithstanding, our client has sought to make a voluntary contribution to assist Council with their aspirations for through-block permeability with not only a north-south link but also an east-west link both of which are generously landscaped and will remain open during daylight hours despite remaining in private ownership (proposed by condition 12).
- A 6 storeys street wall is proposed to the Macaulay Road frontage in accordance with Table 3. Thereafter the building is set back 4.4 metres from the frontage, reaching a maximum height of 8 storeys. The discretionary provisions for the Stubbs Street envisage a street wall if 20 metres (with a 1.1-metre-high parapet/balustrade)
- There is only one objection to the application and that objector does not have an interest in property either adjoining the site or otherwise close to it. This is not surprising given the light industrial nature of adjacent neighbours but it is also an acknowledgement of the design benefits of the development. The only shadow cast is across 140m² of land immediately to the west at 11am, and no shadow at all from midday onwards - representing only 0.7 per cent of the total parcel of land.
- The development will proceed in 4 co-ordinated, stand-alone stages with the basement, basement ramp and Buildings A and B as Stage 1



Western Laneway precinct, public thoroughfare and Ground level garden terraces, with shading and planting to levels above.

- Environmentally Sustainable Design (ESD) standards surpass required levels of compliance, including rooftop solar energy production, water detention and harvesting for re-use, cycling provisions (for visitors and residents), energy efficient measures to all lighting and fixture, and superior building envelope performance in terms of:
 - o Passive solar design
 - o Thermal insulation
 - o Acoustic performance
- Urban-heat-island effect reduced by replacing concrete hardstand and factory roof structures with new landscaped courtyard design including rooftop landscaped terraces.

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Trudy Mickelborough

Email address: * Trudy.mickelborough@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * TPM-2019-30 Macauley Rd

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

OBJECTION to Proposal TPM-2019-30

Dear Sir / Madam,

We are long term residents of Robertson Street, Kensington and have JUST been made aware of a potential development at the corner of Robertson Street and Stubbs Streets, Kensington. There has been no notification of any sort to what seems to be an underhanded way to get an unregulated development through the channels of approval.

The size of the development exceeds the local 6 storey regulations. An 8 storey building cramming in some 400 tiny apartments and over 500 car parks is obscene for this quiet residential area. Some of the rooms appear to be below minimum size standards.

The setback also does not meet requirements. It seems this developer is not only trying to sneak the development through but is also very greedy, not at all environmentally minded and has no care at all about the impact this would have on the area and its residents.

I find it difficult to believe this massive development would be approved given the details I have briefly outlined.

And on top of this the traffic congestion the vehicles from 500 car spaces will cause – and the lack of any plan to deal with the snarl – should alone be enough reason for a dramatic down scaling of the proposed plans. Stubbs Street and Macauley Road are already over congested and virtually unusable during peak periods and it is difficult to see how these roads will function at all with this development. The nearest railway station is the sub–standard Macauley station where trains are unreliable and already overcrowded.

These transport problems will only be further exacerbated with two other large developments on the South side of Macaulay Road and a third in nearby Thompson Street.

Should this proposal go ahead it will set a precedent for future developments and the quaint lifestyle appeal Kensington has will be lost for all time.

Yours sincerely,

Trudy and Peter Mickelborough

Kensington

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Name: * Anne Patterson

Email address: * eannepatterson@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * Tpm-2019-30 Macauley Rd

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Central to the success of high density development is scale and connection to surrounding community....if this is out of kilter it can lead to barren streetscape, a withdrawal of community from using streets for community interaction which directly impacts on community wellbeing...

The recent 'lockdown' throughout Kensington has shone a

light on critical role of the streets in keeping and indeed facilitating the sense of neighbourliness and connection. A large number of homes have single storey frontages and the apartments have a double storey limit. Impersonal towering blocks kill a sense of community and in fact can contribute to a feeling of anonymity.

There are 3 other developments happening in Kensington where the community is the centre of all planning and

design. These developments are specifically fostering community wellbeing through attention to scale and open space.

This is the model of development suited to a small inner city suburb.

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Name: * Martin Brown

Email address: * martin@learningmakers.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: TPM-2019-30 Macaulay Rd

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Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Dear Chairperson,

I learned of the proposed development of the Macaulay Rd Vision Australia site today from the Kensington Association. They only found out about it two days ago. This, in itself is alarming and flies in the face of best practice community consultation.

As to the development, the proposed 400-apartment, 500-car space project is completely out of keeping with any

previous Kensington residential development.

There could hardly be a worse location for a development of this size. The intersection of Macaulay Road, Bent and Stubbs Streets and the close proximity to the to the disastrous Macaulay Road level crossing needs a major upgrade. No further residential development should be on the table until those infrastructure improvements have been completed.

The proposed 8-storey format appears to be essentially 9 storeys which clearly contravenes regulations. Regardless, this development, along with several other similar proposed developments is a traffic disaster in the making. Have these developments been passed by traffic engineers? If so, it is clearly time to get a second opinion.

As a resident of nearby Robertson Street, I urge the committee to reject this proposal immediately and to focus their attention on facilitating the improvement of infrastructure and community spaces around the vicinity before any other such proposals are entertained.

Regards,

Martin Brown.

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*

Name: * Alison Archibald

Email address: * ali_archibald@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

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Agenda item title: TPM-2019-30 Macaulay Rd

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

This is an absolutely massive development. Out of keeping with Kensington residential development. Regardless of whether car parking is provided, it will have a significant impact on car parking in the nearby streets. It will also result in substantial traffic congestion especially on Macaulay Rd which already has significant congestion due to two level crossings. Major improvements to local infrastructure would be needed to accommodate a development such as this – the impacts on parking, traffic, public transport (already extremely congested at peak hour to the point where it is often impossible to board the train) and local schools would all need to be addressed. At present the local area does not have adequate infrastructure to accommodate a development of this size.

Have setback requirements been considered? This building seems to be nine stories not eight. There appears to be

limited green spaces on this site and there is also limited green space in the area surrounding this development – that is an important consideration that doesn't appear to be adequately addressed.

What precedent does a development like this set for this area of Kensington? More developments like this will completely change this area and significantly impact the local residents in terms of parking, traffic congestion and local infrastructure.

It is extremely disappointing that there have been no community notifications about this project .

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Name: * Leanne Magree

Email address: * leannemagree@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * TPM 2019 30 Macaulay Road Development

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Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

My concern is the additional burden such as large development would have on the existing infrastructure in Kensington. As it is, the train system does not cope in peak hour. Many times I have to walk to work in the city. Additionally, Macaulay Road is severely congested at peak hours with many cars are travelling and polluting local streets to gain access. This is also a problem for bike riders. Our schools are full and our local health care centre/doctors in Gower Street is no longer taking new patients. Kensington is a small suburb with a strong sense of community, I would not like this to be placed in further jeopardy because of poor planning and more competition for our existing over stretched community facilities. I'm not against new residents but until existing improvements can be made to the area, the quality of life for everyone is compromised.

PS How about some more trees for Barnett Street it must be the ugliest and hottest Street in Kensington.

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I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Francisca Araneda

Email address: *

aranedaf@anz.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Agenda item 6.1 Ministerial Planning Referral TPM-2019-30

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[pa1700727_objiection_040520.pdf](#) 226.51 KB · PDF

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No

5 May 2020

Future Melbourne (Planning) Committee, Agenda item 6.1

Dear Councilors,

I am writing in relation to Ministerial Planning Application PA1700727 (346-350 Macaulay Road, Kensington).

I would like to note my objection to this planning application on the grounds outlined below.

Building Height – The building height exceeds the preferred height of six storeys. As such it must meet all built form outcomes, in addition to showing a '*demonstrable benefit to the broader community*'.

The proposal includes six dwellings (A1 to A6) which incorporate a mezzanine level. This mezzanine level contributes an additional storey to the development, thereby breaching the eight storey mandatory height limit. No justification has been provided for this.

The public benefits offered by the Applicant (a pedestrian link and affordable housing offer) are grossly inadequate for a development of this size and scale.

The Macaulay Road entry to the north-south link is shared with the loading area (including waste collection 3-4 times a week) making this space unsafe for pedestrians. Moreover, pedestrian access will be restricted to "non-daylight hours" and as such it is difficult to see how this will provide a 'tangible' benefit to the broader community.

Whilst commendable, affordable housing provisions are still under negotiation and as such cannot be relied upon unless a firm commitment is made.

The fact that the development is in an urban renewal area is not a reason or excuse to justify non-compliance with built form outcomes.

Built Form – Not enough has been done to mask/minimise the sheer bulk of the building and the blunt interface with Macaulay Road and Stubbs Street. Such a bulky design is foreign to Kensington.

Macaulay Road is significant for its gateway to Kensington and as such careful consideration needs to be given to how a development of this scale, size and density respects the character, fabric and neighbourhood values of Kensington.

The buildings fronting Macaulay Road and Stubbs Street must have street wall heights of no more than six storeys, and should be set back one metre for every metre of height over 20 metres. The uppermost parts of the buildings need to be set back up to 10 metres.

Street wall heights and setbacks outlined in DDO63 should be respected.

Both the City of Melbourne's Municipal Strategic Statement and the Arden Macaulay Structure Plan stress the need to retain the character and built form of existing and heritage neighbourhoods. Where the change is coming from development, the developer needs to respect the existing land use of these properties. This is not evident.

Other examples of non-compliance

Standard D10 requires the provision of deep soil areas comprising at least 15% of the site area and one large tree per 90m² of deep soil or two medium trees per 90m² of deep soil. The site has an area of 8,803m² which requires the provision of 1,320.45m² of deep soil and either 14 large trees or 28 medium trees. The development falls short of meeting both requirements.

The site also contain a number of large trees along the eastern boundary of the site which are all proposed to be removed, and are not being replaced. No justification has been provided on why this is acceptable.

Standard D19 sets out minimum balcony dimensions and areas for apartments. The minimum balcony dimension for a three bedroom apartment is 2.4 metres. The development does not comply with this requirement.

Not all living areas, meet minimum width requirements, being 3.3 metres for a studio or one-bedroom dwelling and 3.6 metres for a two or more bedroom dwelling.

Local community services

Over the last 24 months we have seen an unprecedented number of large developments being approved in this area with little consideration for the basic services needed to support such a large influx of new residents. The suburb cannot support this many new residents without further investment in these services. Train stations are over-crowded, local GP clinics are not accepting new patients and schools are at breaking point. Why isn't Council taking this into account when approving large scale planning applications? Population estimates noted in the initial Arden Macaulay Structure Plan are grossly understated and do not paint a true picture of the strain being placed on essential services.

In addition, we have been promised an upgrade for the Moonee Ponds Creek parkland corridor and the establishment of five new parts for a number of years. In its current form Moonee Ponds Creek is not usable as public open space. Will the State government support Council's plans to make any community use of this space a reality? How long will we have to wait?

Finally, I would like to note the lack of public notification and consultation around this development. I walk past this building on a daily basis on my way to the Macaulay train station and only became aware of the application on the weekend of 2 May 2020.

I can be reached on _____ or aranedaf@anz.com should you require additional information or would like to discuss any aspects of this letter.

Kind regards,
Francisca Araneda
Kensington

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Jamie Govenlock

Email address: *

jgovenlock@urbis.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

6.2 Ministerial Planning Referral: TPM-2019-5, 683-699 Elizabeth Street, Melbourne

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Please refer to attached submission letter.

Alternatively you may attach your written submission by uploading your file here:



[fmc_submission_tpmr20195_4_may_2020.pdf](#) 190.21 KB · PDF

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No



**LEVEL 12
120 COLLINS STREET
MELBOURNE VIC 3000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

4 May 2020

Jane Birmingham
Practice Leader Land Use and Development
City of Melbourne
90-130 Swanston Street
Melbourne VIC 3000

Dear Jane,

SUBMISSION TO FMC AGENDA ITEM 6.2 - TPMR-2019-5 683-699 ELIZABETH STREET, MELBOURNE

We write regarding the above Ministerial planning referral on behalf of the permit applicant, Mogprop Management Pty Ltd.

As you are aware, this application is on the agenda for Tuesday's (5 April) Planning Committee Meeting.

We would like to thank the Councillors and the Council officers for their efforts on this application and for the positive recommendation. This has been a long application process (on our end) with a lot of changes made to ensure the proposal responds Council's concerns.

Overall, our client is happy with the proposed outcome however we would like to query **Condition 21**. Specifically, we would like to query the requirement for the owner to maintain 24-hour unobstructed public access (7 days a week) to the arcade.

Our reasons for querying this condition are as follows:

- Our principal concern is safety and security. While we understand the value of having unobstructed, 24/7 connections through sites in certain locations, we do not believe that this is appropriate in all areas within the City of Melbourne. As such, it is critical that these types of connections are appropriately located so as not to compromise safety and security.
- The proposed connection is located within City North, rather than the Central City where 24/7 connections are more common. They are more common in the Central City (specifically the Hoddle Grid) because this area has the critical mass and activity to support their viability and use.
- City North is removed from the Central City and does not feature the same level of activity, particularly beyond business hours. Given this, there is concern that the 24/7 operation of an internal arcade in this location will compromise safety by creating a space that attracts unwanted activity. It would also be a significant burden for the owner to maintain 24/7 security through security guards.

- From a precinct perspective, we also note that the approved public laneway between Stage 1 and Stage 2 Elizabeth Street (south of the site) successfully breaks up the wider block between Queensberry Street and Haymarket.
- This public laneway is secured by an agreement which requires unobstructed 24/7 access and is more centrally located within the block, which will complement the surrounding footpath network and enhance connectivity at all times of any given day.
- As such, we believe that the internal arcade will be most effective during core business hours, providing relief when the precinct has the highest amount of pedestrian traffic.
- We also note that beyond core business hours, there may be an opportunity to align the operation of the arcade with retail operators within the ground floor, should a tenant be secured who trades later into the evening.

ALTERNATE WORDING OF CONDITION 21

In order to enhance the safety and security of the area while catering to anticipated pedestrian demand and flows, it is considered that aligning the operation of the arcade with business hours is warranted in this particular location.

As such, we ask you to reconsider the wording of Condition 21, shown below in track-changes.

21. Prior to the commencement of the development (excluding demolition), the owner of the land must enter into an agreement with the City of Melbourne pursuant to Section 173 of the Planning and Environment Act 1987 regarding the east west through block links between Elizabeth Street and Peel Street (Link). The Agreement must:

- a. Provide that the Link will remain privately owned and controlled.*
- b. Require the Owner to maintain **24 hour** unobstructed public access ~~(7 days a week)~~ **during core business hours (generally 7:30am-6:30pm Monday to Friday)** to the Link **except with the further permission of the Council.***
- c. Provide that the Owner is solely responsible for the care and maintenance of the Link at the Owners cost and to the satisfaction of Council.*
- d. Be to the satisfaction of the Melbourne City Council.*

The Owner must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.



CONCLUSION

In consideration of the above, we hope that you are able to exercise discretion in this instance to ensure the safety and security of the building and area. We look forward to your review of this significant proposal.

If you have any questions or if you would like to discuss this further, please don't hesitate to contact me on my details below.

Yours sincerely,

Jamie Govenlock
Director
8663 4853
jgovenlock@urbis.com.au

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * IRISH Croger

Email address: * preachvapour@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * Vaping Ban

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

These bans are based on misinformation, not on scientific evidence, and will only serve to make it harder for ex smokers to stay off the cigs.

What makes these proposed Bans even harder to fathom is that recently the Royal Australian College of General Practitioners (RACGP) endorsed nicotine vaping products as an aid for people who want to quit smoking.

Just last week, the peak professional body representing medical specialists in Australia and New Zealand announced its support for vaping as a quitting aid for smokers.

What makes it even more absurd is that Public Health England in their 2018 report found there have been no identified health risks of passive vaping to bystanders.

Where is the evidence to support the Melbourne City Council plan to ban vaping?

Please indicate No
whether you
would like to
address the Future
Melbourne
Committee or the
Submissions
(Section 223)
Committee via
phone or Zoom in
support of your
submission: *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Andrew Hui

Email address: *

andyhui01@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Vaping in the CBD

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I would like to understand why vaping has been singled out to be banned in the CBD? Vaping causes less disturbance to the general public (no ashes on the ground, no butts to throw out, almost odourless).

It is almost like you are looking to ban the cleaner and less polluting option whilst allowing the dirtier option of smoking in your city.

This is completely out of line with Melbourne councils vision. Does the council prefer we start smoking again and leave them on the top of rubbish bins all over the city and ashes all over the ground?

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

From: Wufoo <no-reply@wufoo.com>
Sent: Saturday, 2 May 2020 10:47 AM
To: CoM Meetings
Subject: Committee meeting submission form [#27]

Privacy acknowledgement: * I have read and acknowledge how Council will use and disclose my personal information.

Name: * Joe Biscan

Email address: * ioebiscan123@outlook.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * Legalise Vaping

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am. Legalise Vaping.Its detfinetly better than cigarette smoking and safer by far.

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: * Yes

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Damien Noonan

Email address: * bathomet@netspace.net.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Submissions (Section 223) Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: In support of vaping

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Melbourne City Council is planning to extend its ban on vaping in the central business district next week.

The bans are based on misinformation, not on scientific evidence, and will only serve to make it harder for ex smokers to stay off the cigs.

Surely there are more pressing issues for the council do deal with right now outside of making it harder for ex-smokers!. As most vapers will tell you, any outdoor vaping bans will only make it harder for vapers to stay off the

cigs.

What makes this even harder to fathom is that recently the Royal Australian College of General Practitioners (RACGP) endorsed nicotine vaping products as an aid for people who want to quit smoking.

Just last week, the peak professional body representing medical specialists in Australia and New Zealand announced its support for vaping as a quitting aid for smokers.

What makes it even more absurd is that Public Health England in their 2018 report found there have been no identified health risks of passive vaping to bystanders.

Where is the evidence to support the Melbourne City Council plan to ban vaping?

I have personally vaped for 7 years now and have not had a single cigarette since. Not only do I feel healthier in myself but my doctor has told me that my lungs are now the same as a non smokers.

The current approved NRT such as patches and mints are sorely lacking in comparison with vaping in keeping one successful of the cigs and, most hypocritically of all, the nicotine inhalers on the market that you can buy in any supermarket or chemist are exactly the same thing as vaping! just an extremely overpriced version that tastes rancid and underdelivers.

This is the only thing that has worked to keep me cigarette free and I implore you to check out the latest peer reviewed research in regards to vaping and making an informed decision rather than taking a reed in the wind knee jerk approach to it.

Please indicate No
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submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Greg Smith

Email address: * greg-smith7@live.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Ban on vaping in CBD

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I am an ex-smoker who has been vaping for almost two years. When in public I only vape when it will not affect anyone else. I feel vaping should be extended the same restrictions smoking has with a designated area assigned for it. My health has benefited from stopping smoking, I do not advocate that vaping is harm free and would like to focus on harm reduction. Studies throughout the world have supported my view. As an Australian citizen I feel our freedom is being eroded by governing bodies more and more each day we have the freedom of choice by right. Councils have no right to take an authoritarian stance. The city of Melbourne is actually less likely to attract people with such measures being employed.

Please indicate No

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Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Bel Porter

Email address: * brassybel@yahoo.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * Proposed local law amendment

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

The proposed decision to extend controls around cigarette smoking to vaping is not evidence-based and I urge the Council to reconsider.

The UK government, unlike Australia, has invested in extensive research into vaping and the most recent report identifies no health risk to passive inhaling of vapour.

Vaping has been around for over a decade now, and millions of people around the world use e-cigarettes on a regular basis, helping them quit smoking, and in many cases go on to quit vaping. This is how I quit smoking, however, due to

the type of limitations you propose, I sometimes find myself having to vape in smoking areas, which is not exactly supporting my efforts to improve my health.

Public Health England's most recent report can be found here: <https://www.gov.uk/government/publications/vaping-in-england-evidence-update-march-2020/vaping-in-england-2020-evidence-update-summary>

Vaping has huge potential for public health benefit, which is impeded when it is treated like smoking, despite there being no evidence for such controls. Please reconsider this proposal.

Please indicate Yes
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support of your
submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Michael Freethy

Email address: * mc.freethy@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Vaping

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Australia, including the City of Melbourne, needs to reconsider its approach to vaping. There is no evidence to suggest that inhaling second-hand vape aerosol is harmful to bystanders, and the notion that they are even remotely as harmful as cigarettes, or that they will lead to an increase in smoking in teens, is not true. The apparent war on vaping across Australia will not benefit anyone other than companies like Philip Morris and British American Tobacco. It is sad that such a forward thinking city is ok with falling so far behind the rest of the western world.

<https://publichealthmatters.blog.gov.uk/2020/03/05/8-things-to-know-about-e-cigarettes/>

Please indicate No

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(Section 223)
Committee via
phone or Zoom in
support of your
submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Colin Paterson

Email address: * colinpaterson800@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Wednesday 5 May 2010

Agenda item title: Vaping ban

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Recently the Royal Australian College of General Practitioners (RACGP) endorsed nicotine vaping products as an aid for people who want to quit smoking.

Just last week, the peak professional body representing medical specialists in Australia and New Zealand announced its support for vaping as a quitting aid for smokers.

What makes a proposed ban even more absurd is that Public Health England in their 2018 report found there have been no identified health risks of passive vaping to bystanders.

Where is the evidence to support the Melbourne City Council plan to ban vaping?

Colin.

Please indicate No
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phone or Zoom in
support of your
submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Andrew Whittle

Email address: * andrewjwhittle@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Vaping in melbourne

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

As someone who has recently stopped smoking, I cannot understate the importance of vaping as a quitting aid.

I have tried patches, gums, cold turkey and had no success. It was only with vaping and nicotine based e-liquid that I have not had a cigarette in 3 months.

Most vapers understand that it is not completely harmless, but it's been shown time and time again to be considerably safer than cigarettes.

If a ban passed restricting areas vaping is allowed, or vaping products, it is perceived by our community as ignoring our best health interests and supporting outdated and heavily taxed tobacco.

Please help us and future people who quit, to work towards a healthier life by supporting vaping, not restricting it.

Please indicate Yes
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phone or Zoom in
support of your
submission: *

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*

Name: * Grace Singleton

Email address: * gracesingleton@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Vaping Ban in CBD

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I wish to object to the bans imposed in the CBD on vaping if they come into force.

The bans are based on misinformation not scientific evidence.

If New Zealand and United Kingdom can make vaping legal for nicotine or non nicotine vaping doesn't that say something.

It is just making it harder for ex smokers to stay off cigarettes. Even the Royal Australian College of General Practitioners endorse vaping products as an aid for people trying to give up smoking.

So this will just be another reason not to come into the city and another nail in the coffin for bars, restaurants and clubs if it goes ahead.

Please indicate No
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phone or Zoom in
support of your
submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Steve Zdelar

Email address: * Sokole1941@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Submissions (Section 223) Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Ban vaping in Melbourne

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I am putting in this submission to protest Melb. City council plans to ban vaping!?

I have been a smoker for most of my life,
about two years ago I started to vape.

I had tried many times to quit smoking but failed! I tried vaping almost as a last resort, and it worked I have reduced my nicotine level to less than 6mg and am at present attempting to vape without any nicotine at all.

I think giving up the smokes is hard enough without you people making it harder! Hey I started smoking when smokes were sold in chemists, and I would really like to live my life without someone telling me what I can or cannot do!!!!

Please indicate Yes

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phone or Zoom in
support of your
submission: *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Colin Mendelsohn

Email address: *

c.mendelsohn@unsw.edu.au

Phone number *

0415976783

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

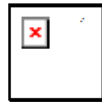
Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Agenda item: 6.4 Proposed Local Law amendment

Alternatively you may attach your written submission by uploading your file here:



[submission_to_melb_city_council_agenda_6.4_5may2020.pdf](#)

146.06 KB · PDF

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

Yes



2 May 2020

Meeting No. 74
5 May 2020, 5.30pm
Future Melbourne Committee
Council Meeting Room, Level 2, Town Hall Administration Building

Re: Agenda item: 6.4 Proposed Local Law amendment

I am making this submission on my own behalf, as an expert in the field of tobacco harm reduction.

This submission is to request that the Melbourne City Council postpones its vote on the motion to ban vaping in smoke-free areas in the Melbourne CBD. This would allow time for a comprehensive risk analysis (both the harms and benefits) of this motion and time for community feedback.

There is no justification for a ban on health grounds as there is no evidence of a health risk to bystanders from passive vaping according to Public Health England and the UK Royal College of Physicians. If there is a risk, it is even lower in an outdoor setting.

I disagree with the reasons given by the Council for the ban. In particular:

- There is convincing evidence that vaping is an effective quitting aid
- The outbreak of serious lung disease in the US is not linked to nicotine vaping. Almost all (if not all) cases are now thought to be due to blackmarket THC (cannabis) oils contaminated with Vitamin E Acetate purchased from street vendors
- In spite of the alarmist headlines, there is no good evidence that vaping is leading significant numbers of young people to become regular smokers
- Vaping is a much safer alternative to smoking, probably at least 95% safer

Banning vaping in smoke-free areas sends a message that vaping is as harmful as smoking and will discourage smokers from switching to vaping. The public health goal should be to encourage smokers to quit by whatever method works for them.

Vaping is an effective quitting aid and is now approved as a legitimate quitting strategy for smokers who are unable to quit with other methods, by the Royal Australian College of General Practitioners, Royal Australasian College of Physicians and the Royal Australian and New Zealand College of Psychiatrists.

Public vaping is a matter of etiquette not a health issue. Signage could encourage vapers to make small clouds and consider the comfort of people nearby.

I would also like to make an oral presentation at the meeting and have uploaded a PowerPoint file. I will need a data projector and screen.

Yours truly

Conjoint Associate Professor Colin Mendelsohn

School of Public Health and Community Medicine, University of New South Wales, Sydney
Foundation Chairman, Australian Tobacco Harm Reduction Association

About me

I am a medical practitioner and tobacco treatment specialist with a special interest in tobacco harm reduction (the use of safer alternatives to smoking). I am a Conjoint Associate Professor in the School of Public Health and Community Medicine at the University of New South Wales, Sydney.

I am the Foundation Chairman of the Australian Tobacco Harm Reduction Association, a health promotion charity established to raise awareness of less harmful alternatives to smoking tobacco, www.athra.org.au

I am a member of the expert committee that develops the RACGP Australian national smoking cessation guidelines.

I am a member of the NSW Health expert advisory committee on e-cigarettes

For more information, please visit my website at www.colinmendelsohn.com.au

Disclosure

I have never received funding from or had any commercial relationship with any tobacco or electronic cigarette companies.

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

S Cross

Email address: *

sheryl2805@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Submissions (Section 223) Committee

Date of meeting: *

Thursday 28 May 1964

Agenda item title: *

Vaping

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I received this email from you regarding vaping – I’m a smoker yes, I have tried the vape things –however, at the moment people are dying – non smokers – someone who’s just gone to the shops for milk.

I don’t know why you think I support you – I am a smoker but that’s my choice.

I would never smoke in a public place – we’re dealing with people’s lives here ffs

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

Yes

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Brad Richardson

Email address: *

minoricho8498@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Vaping ban

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Are you aware that vaping for many people is the only way to can continue not to smoke? Are you aware vaping is about 95% healthier than smoking? What do you have to gain from this ban other than brownie points with the big tobacco companies?!

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

Yes

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * James Newton

Email address: * y2kiwi@live.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Submissions (Section 223) Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: A ban on common sense

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

I make this submission in regards to councils planned cbd vaping ban.

How disappointing it has been that the science and peak bodies have been ignored in the proposed implementation of a law that discriminates against vapers and does nothing to support current smokers to quit traditional tobacco.

The Royal College of Physicians, Royal Australian College of General Practitioners, Public Health England, British Lung Association, ASH NZ and many other peak medical bodies support vaping as smoking cessation tool.

The council proposal quotes Quit Victoria who have a clear bias and conflict of interest whe it comes to vaping. Their funding and business model leans heavily upon the fact that people will continue to smoke or use ineffective quitting aids and relapse.

Additionally there is no evidence that second hand vapor is harmful to bystanders yet overwhelming evidence that there is no harm caused and in fact studies have shown that it is better than the surrounding air quality in most cities.

As a vaper, I for one will not be frequenting the cbd or providing my support to business's located in the cbd should this law come in to effect and I shall be advising colleagues, friends and family to do the same.

I can only hope common sense will prevail.

Thank you for your time.

Please indicate No
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(Section 223)
Committee via
phone or Zoom in
support of your
submission: *

Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Glen Buckeridge

Email address: * glen.buckeridge@yahoo.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * Proposed Local Law amendment

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Melbourne City Council is planning to extend its ban on vaping in the central business.

The bans are based on misinformation, not on scientific evidence, and will only serve to make it harder for ex smokers to stay off the cigs.

Surely there are more pressing issues for the council do deal with right now outside of making it harder for ex-smokers!. As most vapers will tell you, any outdoor vaping bans will only make it harder for vapers to stay off the cigs.

What makes this even harder to fathom is that recently the Royal Australian College of General Practitioners (RACGP) endorsed nicotine vaping products as an aid for people who want to quit smoking.

Just last week, the peak professional body representing medical specialists in Australia and New Zealand announced its support for vaping as a quitting aid for smokers.

What makes it even more absurd is that Public Health England in their 2018 report found there have been no identified health risks of passive vaping to bystanders.

Where is the evidence to support the Melbourne City Council plan to ban vaping?

Please reconsider this proposed amendment and allow vaping. It will save lives and save money in smoking related illnesses.

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*

Name: * Elizabeth Dabrowski

Email address: * elizabethj_d@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Submissions (Section 223) Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Extending vaping ban in the central business district

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

The proposed ban is based on misinformation, not on scientific evidence, and will only serve to make it harder for ex-smokers to stay off the cigs.

Surely there are more pressing issues for the council do deal with right now outside of making it harder for ex-smokers!. As most vapers will tell you, any outdoor vaping bans will only make it harder for vapers to stay off the cigs.

What makes this even harder to fathom is that recently the Royal Australian College of General Practitioners (RACGP) endorsed nicotine vaping products as an aid for people who want to quit smoking.

Just last week, the peak professional body representing medical specialists in Australia and New Zealand announced its support for vaping as a quitting aid for smokers.

What makes it even more absurd is that Public Health England in their 2018 report found there have been no identified health risks of passive vaping to bystanders.

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*

Name: * John Bilin

Email address: * bilgin.can@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Submissions (Section 223) Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Ecig ban

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

In the UK e-cigarettes are tightly regulated for safety and quality. They aren't completely risk-free, but they carry a small fraction of the risk of cigarettes. E-cigarettes don't contain tobacco and don't produce carbon monoxide, two of the most harmful constituents in cigarette smoke. There is no evidence so far that vaping causes harm to other people around you. This is in contrast to smoking, where exposure to secondhand smoke is known to be very harmful to health.

Unlike cigarettes, there is no side-stream vapour released by an e-cigarette into the atmosphere, just the exhaled aerosol. Unlike tobacco smoke, e-cigarette vapour dissipates quickly in the atmosphere.

Public Health England's 2018 independent evidence review found that to date, there have been no identified health

risks of passive vaping to bystanders. <https://www.nhs.uk/smokefree/help-and-advice/e-cigarettes>

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*

Name: * Mitchell newman

Email address: * Mitchell.newman.8@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Vaping as a nicotine replacement Therapy

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

First, I would like to tell you a bit about myself, I started smoking at the age of 16. Peer Pressure and the pursuit of being seen as "cool" threw me into a spiralling nicotine addiction. I was up to a pack a day by 17, And the only reason I had a job (even though the stress of VCE while holding a part-time job contributed to me dropping out of high school) was to pay for this addiction. I spent the next year talking with my GP, bouncing from NRT back to smokes in an unending battle. I tried patches, gum, sprays, inhalers and was denied going onto the pills due to my mental state. This kept going until I was 18, and I finally was able to buy a vape, Within a week I was only smoking a pack a week, by the second week I was only a "social smoker" and by the end of the month, I would not take a cigarette when offered. I was able to do what I had been trying to do for a year and a half, within the span of 4 weeks. My story isn't special,

Thousands of Australians have been able to quit life long addictions because of vaping, many even quitting nicotine all together.

But we can't do that if even more roadblocks are put in our way.

The RACP has changed its stance on nicotine vaping as an aid for smokers trying to quit, that now agree with The RACGP, The RANZCP and the UK Royal college of physicians (who Have been an advocate for vaping in the process of harm reduction since 2016)

Science points to negligible (if any) harm in passive vaping (or "second-hand vape") as nicotine is absorbed on inhaling and not found in the exhale. Extending the ban on vaping in the central business district will do nothing for a greener Melbourne and cause more people to revert back to smoking, taking away a "pro" of switching to vaping from tobacco cigarettes. This ban also heightens the stigma that vaping is just as harmful to you as traditional cigarettes.

This war on vaping is not what we should be spending our time on, Vaping itself does not lead to more youth smoking, nicotine is our problem, the Stores that sell to minors are our problem, lack of education on nicotine addiction is our problem.

Do you realize how much easier it is for minors to get their hands on cigarettes than it is to get a vape? Vape shops know they have a civil duty to help people, and that includes knowing not to start a youth vaping addiction. Almost all vape shop employees where once smokers themselves, they know how hard it is to have an addiction to nicotine. They do not want to be the cause of a young person's spiral.

I write this all to say, vaping saved my lungs, my wallet and my life, when no other NRT could. And I thank it for that, And I have the moral obligation to fight for it, to reach other people, to save thousands of lives from disease, addiction and death.

Please look at the facts, See how this tool can be used, Listen to the people of Melbourne.

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Privacy acknowledgement: *

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Name: *

Matthew Cargill

Email address: *

mattycargs@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

6.4 proposed local law amendment

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Smoking is a terrible habit, it kills people.
Allowing the use of vaping is essential in the battle for public health. The secondary vapour emitted from an e-cigarette is not harmful in any way to the public.
Vaping is also much cleaner, leaving no unsightly butts' all over the ground.
As an ex-smoker, vaping has saved my life.
There are many reasons vaping should be allowed, I implore you to have a look at the latest research available, and allow vapers and current smokers the chance to improve their health and their environment for the benefit of all.
Thank you

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

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Name: *

Ron Rowe

Email address: *

ron.rowe99@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

banning e- Cigarettes

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

On a cold Winter morning will those exhaling visible water vapour be considered guilty of an offence. There does not appear to be any scientific evidence that exhaled water vapour from a vaper is harmful to the user let alone persons nearby. In the USA Users suffered lung damage when they added vitamin E acetate To cannabis vapes. That substance is banned in the U K where vaping is otherwise legal for health purposes in reducing dependence on cigarettes. It's all about saving lives

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

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Name: *

Shady Aboeella

Email address: *

shadyaboeella@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Legalise vaping

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Please consider scientific research when deciding on legalising vaping as an aid to quit smoking.

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

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*

Name: * Terry Ganly

Email address: * modemen@ncable.net.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Sunday 5 April 2020

Agenda item title: * 6.4 Proposed Local Law Amendment

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

The Royal Australasian College of Physicians (RACP) is to be commended for updating its previously cautious policy to reflect the growing evidence that vaping is an effective quitting aid and is far safer than smoking.

<https://athra.org.au/blog/2020/04/23/australian-and-new-zealand-medical-specialists-announce-support-for-vaping/>

Vaping is not risk free but is far less harmful than smoking. Our advice remains that people who smoke are better to switch completely to vaping but if you have never been a smoker, don't start to vape.

<https://publichealthmatters.blog.gov.uk/2020/03/05/8-things-to-know-about-e-cigarettes/>

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Name: *

Robert Hunt

Email address: *

hunt1@live.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Legalise Vaping

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I am an ex-smoker who had smoked for 40 years I could not have quit without vaping after having tried multiple products to assist me to no avail. The impact that I would have on the public would be none as I am more than thought full of other people, therefore, I believe that this restriction would be counterproductive.

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

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*

Name: * Frank Stath

Email address: * frank.stathakis@boroondara.vic.gov.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Proposed Local Law Amendment

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I strongly disagree with Councils proposal to ban vaping in the CBD as there is no justifiable basis for the ban. There is no evidence to suggest that there is any second hand or passive effect on others when within proximity of vapour exhaled from a user. Public Health England in their 2018 report found there have been no identified health risks of passive vaping to bystanders.

The majority of vaporiser users vape as a means to stop smoking cigarettes as this is the most effective way to quit as has been clinically proven by a number of reports and studies coming out of the EU and the United Kingdom.

Furthermore, the Royal Australian College of General Practitioners (RACGP) endorsed nicotine vaping products as an aid for people who want to quit smoking. The chairman of the Anti-Tobacco Lobby has gone on public record and

appeared in numerous tv and radio interviews endorsing the use of vaporisers over cigarettes and disagreeing with the governmental knee jerk reactions to push for bans on their use and sale. Apart from the basic invasion on civil rights the action is counter productive puts out the thinly veiled message that this is more a political than public health issue. There is more noise being created around the mythical dangers of vaping than the widely known and continual dangers of tobacco based cigarettes. This may possibly have to do with the governments financial reliance on the billions of dollars in taxes and excise drawn from the sale of cigarettes.

Overall I am utterly perplexed by the push to adopt this amendment especially when considering there are more important and imminently more dangerous matters to be concentrating on like COVID-19

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*

Name: * Mitchell Hey

Email address: * mitchellhey@hotmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Submissions (Section 223) Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Vaping ban with in cbd

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Dear Sir/madam

I write to you today regarding the subject of the proposed banning of the use of e-cigarettes with in the CBD. If the proposed ban is passed it would be of great upset as many e-cigarette users rely on vaping as a healthier choice to traditional combustible tobacco. E-cigarettes have come under great scrutiny as of late by misinformed propaganda regarding lung injuries which have now been with drawn and linked to illicit cannabis cartridges that were filled with vitamin E oil which led to the concern of vaping but had nothing to do with the vaping of legal nicotine. Furthermore, second hand vapour has been proven to have no effect on bystanders in an enclosed or open space. My

recommendation would be to have designated vaping areas away from traditional smokers as we don't want to inhale the toxic clouds that traditional combustible tobacco produces. New Zealand and the United Kingdom have endorsed vaping as a healthier choice for users and the general public passing by in fact the United Kingdom would like to be cigarette free and all using e-cigarettes by 2030. In closing all vapers are very aware of the public passing and use common courtesy when exhaling vapor as to not bother bystanders by blowing it away or to the ground. Unfortunately I cannot say the same about cigarette smokers as they have very little care blowing toxic smoke into by passers and leaving their butts on the ground, drains, gutters and everywhere else. I would like to see Melbourne adopt vaping as a new way for a better future. Thank you for your time and consideration

Warm regards

Mitchell hey

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*

Name: * James Plesk

Email address: * iplesk@yahoo.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * Agenda item 6.4

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Key Issue 4.1.2

It is inappropriate to include e-cigarette use in the definition of smoking because 1) there is no tobacco in an e-cigarette, and 2) no smoking occurs when an e-cigarette is used. E-cigarettes are battery powered, no combustion occurs, and by definition, they cannot be classed as smoking.

E-cigarettes have essentially the same ingredients as common store-bought pharmaceuticals. They typically contain propylene glycol, glycerol, flavours and nicotine. These are the same ingredients as in smoking cessation products such as Nicorette Quickmist, an aerosol spray commonly sold on supermarket shelves. If two products have the same ingredients, it makes no sense to determine that one is a tobacco product while the other is a medicine, and arbitrarily

restrict one over the other. It makes no sense to determine one is dangerous when the other has long been available for purchase on supermarket shelves without even a prescription.

Key issue 5:

Contrary to the common misconception, E-cigarettes are proven to be an effective tobacco quitting method:

- 1) According to the UK's NHS, e-cigarettes are twice as effective for supporting quitting smoking than pharmaceutical products such as nicotine patches, gums and sprays.
- 2) According to a recent report by the CDC in the USA, of the smokers who quit in the past year, 1 in 4 (25.2%) were e-cigarette users.
- 3) According to the UK Govt's 2018 Expert Review:
 - e-cigarette use was associated with improved quit success rates over the last year and an accelerated drop in smoking rates across the [UK]
 - the evidence does not support the concern that e-cigarettes are a route into smoking among young people
 - vaping poses only a small fraction of the risks of smoking and switching completely from smoking to vaping conveys substantial health benefits.

Melbourne City Council should be encouraging e-cigarette use because it offers smokers an effective pathway to cessation. They are almost exclusively used by smokers and former smokers and do not appeal to non smokers beyond ad-hoc experimentation. The health focussed goal should be to encourage people to quit smoking, not to limit their options for quitting.

References:

- 1: Nicorette Quickmist ingredients: <https://www.medicines.org.uk/emc/product/5956/smpc>
- 2: US CDC report on e-cigarettes <https://www.cdc.gov/nchs/data/databriefs/db365-h.pdf#fig03>
3. NHS report on e-cigarettes and quitting <https://www.nhs.uk/news/heart-and-lungs/e-cigs-twice-effective-nicotine-patches-gum-or-sprays-quitting/>
4. UK Govt, Public Health England Expert Review on E-Cigarettes: <https://www.gov.uk/government/news/phe-publishes-independent-expert-e-cigarettes-evidence-review>

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submission: *

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I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Stephanie Thuesen

Email address: *

stephanie.thuesen@progressivepublichealth.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Agenda item: 6.7 Proposed Local Law Amendment (Vaping)

Alternatively you may attach your written submission by uploading your file here:



[mcc_vaping_1.pdf](#) 78.92 KB · PDF

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

1 May 2020

Meeting No. 73

5 May 2020, 17:30PM

Future Melbourne Committee

Council Meeting Room, Level 2, Town Hall Administration Building

Re: Agenda item: 6.7 Proposed Local Law Amendment

We write to appeal to the Melbourne City Council to postpone its vote on the motion to ban vaping in smoke-free areas in the Melbourne Central Business District. We make this appeal in good faith as it is our belief that community feedback, particularly from medical professionals, ex-smokers and vapers should occur prior to such a vote taking place.

The passing of such a motion dismisses the concept of harm reduction and its collective benefits to our communities. Harm reduction is centred on the notion of eliminating harm as opposed to being solely focussed on eliminating usage. We have seen the detrimental effects of implementing policy based solely on eliminating usage as opposed to harm with many wasted years fighting a 'war on drugs'. The elimination of all smoking is the ultimate goal but it completely dismisses the potential positive outcomes in developing policy and practice based on evidence. Developing policies that meet people where they are as opposed to blanket-rule legislation will be of incredible benefit to our community.

According to Dr Wodak, the concept of 'harm reduction' has been part of Australia's National Drug Strategy since 1985 and is also included in Australia's National Tobacco Strategy and in the World Health Organisation Framework Convention on Tobacco Control. [1]

The most dangerous way to consume nicotine is to inhale it from a cigarette. The method of burning nicotine 'creates a matrix of thousands of chemicals which are toxic to living tissue'. [2] Celebrated public health advocate Dr Michael Russell explained that, 'people smoke for nicotine but they die from tar' [3]. In 2015 Public Health England [4] estimated, after comprehensive scientific reviews, that e-cigarettes are 95% less harmful than cigarettes. Following this the UK Royal College of Physicians determined that 'the risks associated with e-cigarettes are unlikely to exceed 5% of those associated with smoking tobacco products, and may well be substantially lower.' [5] This sentiment was echoed by the US National Academies of Sciences, Engineering and Medicine stating that 'the evidence suggests that while e-cigarettes are not without health risks, they are likely to be far less harmful than conventional cigarettes'. [6]

It is our firm belief that such a ban would discourage current smokers away from vaping which is a much lower risk alternative to smoking cigarettes. The matter of vaping in public should only be considered in the context of etiquette. This could be easily resolved by the adoption of signs asking vapers to blow smaller clouds or consider people nearby when they decide to vape.

In solidarity,

Stephanie Thuesen
Director of Stakeholder Engagement

PROGRESSIVE PUBLIC  **HEALTH ALLIANCE**

1/123 Swan St, Richmond, Victoria, Australia 3121
<http://progressivepublichealth.com.au/>

About the Progressive Public Health Alliance

The Progressive Public Health Alliance is a collaboration that started in 2018, growing out of the struggle to achieve universal publicly funded access to health services and treatment for all Australians, and in particular, pioneering drug harm reduction programs.

We are driven by the decades long experience of our members in working with people and families affected by problematic drug use, smoking and alcohol abuse. The Progressive Public Health Alliance has been set up to achieve positive change in access to publicly funded healthcare and harm reduction.

We are a not-for-profit incorporated association based in Melbourne, Australia and we are funded by donations from our members and supporters. Progressive Public Health Alliance will not accept any funding or in-kind resourcing from industry or industry bodies in areas that it has involvement and does not accept any funding or in-kind resources from weapons manufacturers, pharmaceutical, gambling, tobacco and alcohol companies.

We work across Australia and our region, linking in with other progressive health organisations and movements who are committed to the same goals in their communities. Our members work with health professionals, carers, policymakers and the public to achieve our goals in providing universal health care, evidence based best practice in harm reduction and the detection, treatment and prevention of non-communicable diseases.

We have a governing board responsible for the direction and governance of the organisation, an executive officer and a small team of staff and volunteers who support our board.

References

- [1] Wodak, A. Inquiry into the Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia. Inquiry into the Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia Submission 317.
<https://www.aph.gov.au/DocumentStore.ashx?id=132666e8-be27-49a6-972a-da706153dbdd&subId=512681> (accessed 19 January 2020)
- [2] Wodak, A. Inquiry into the Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia. Inquiry into the Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia Submission 317.
<https://www.aph.gov.au/DocumentStore.ashx?id=132666e8-be27-49a6-972a-da706153dbdd&subId=512681> (accessed 19 January 2020)
- [3] Farsalions KE, Poulas K, Voudris V, Le Houezec J. Electronic cigarette use in the European Union: analysis of representative sample of 27 460 Europeans from 28 countries, 2016.
- [4] Bullen C, Howe C, Laugesen M, McRobbie H, Parat V, William J, et al. Electronic cigarettes for smoking cessation: a randomised controlled trial. *Lancet*. 2013;382
- [5] 'Nicotine without smoke tobacco harm reduction', The Royal College of Physicians
<https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0>(accessed 20 January 2020)
- [6] 'New Report One of the Most Comprehensive Studies on Health Effects of E-Cigarettes; Finds That Using E-Cigarettes May Lead Youth to Start Smoking, Adults to Stop Smoking', The National Academies of Science, Engineering and Medicine
(<http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=24952>) (accessed 20 January 2020)

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Alex Wodak

Email address: *

alex.wodak@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

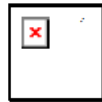
Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

6.4 Proposed Local Law Amendment

Alternatively you may attach your written submission by uploading your file here:



[04052020_submission_melb_city_council_vaping.docx](#) 138.80 KB

• DOCX

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

4 May 2020

Meeting No 74

5 May 2020, 5.30 pm

Future Melbourne Committee

Council Meeting Room, Level 2, Town Hall Administration Building

re: Agenda Item: 6.4 Proposed Local Law Amendment

I write to recommend that the City Council of Melbourne should vote against the motion to ban vaping in smoke-free areas in the Melbourne Central Business District. Instead, I recommend that the City Council of Melbourne should carefully assess the benefits and harms of a ban on vaping and also evaluate community opinion on this issue before deciding to ban vaping.

1 Economic arguments against a ban on vaping

Like the rest of Australia, Melbourne is currently experiencing the most serious pandemic in over a century. COVID19 (SARS-Cov-2) is a major health, social and economic threat, especially for socially and economically disadvantaged members of our community. Incomes have fallen dramatically, especially among low-income populations.

While there are still vigorous arguments about the net health benefits versus harms of vaping, there is no debate about the relative costs of smoking versus vaping. Based on conservative assumptions, smoking costs the average Australian smoker at least \$5,000 per year. This does not include the cost of health insurance, which is twice as high for smokers. In contrast, vaping costs on average less than \$1,000 per person per year. Compared to the rest of the community, the lowest quintile by income in the community have the highest smoking rates, smoke most cigarettes per day, start smoking at an earlier age and have the highest risk of smoking related health complications. A ban on vaping in the Melbourne CBD would exacerbate the financial problems this population is currently experiencing because of SARS-Cov-2.

2 Royal Australian/Australasian Colleges positions on vaping

Psychiatrists (RANZCP) were the first major health organisation in Australia to support vaping. Smoking is very common among people with severe mental illness. Compared to other smokers, they often start smoking at an earlier age, smoke more cigarettes per day and

have serious health complications related to smoking. General Practitioners (RACGP) approved guidelines in January 2020 which support GPs assisting smokers unable to quit using other methods if their patient requests help to start vaping. A senior physician recently gave testimony to a NZ parliamentary inquiry on behalf of the RACP which recognised the growing evidence in support of vaping and supported efforts in NZ to make vaping more available, especially for Maori people. A ban on vaping in the Melbourne CBD would ban a health intervention supported by three Royal Australian/Australasian Colleges.

3 Pushing down on vaping is pushing up on smoking

Smoking cigarettes and vaping compete for custom from people who enjoy consuming nicotine. Efforts to suppress vaping inadvertently increase smoking while efforts to suppress smoking increase vaping. Vaping is much less harmful compared to smoking though not harmless. Bans on vaping have often been followed by an increase in the share price of cigarette companies. Whatever the intentions of a ban on vaping in the Melbourne CBD, this would support cigarette company Boards, executives, staff and their share prices.

4 What problem is the City Council of Melbourne trying to solve?

Why is this ban being considered and why is it being considered now, during an extremely dangerous pandemic?

- Vaping is at least 95% less risky than smoking
- Vaping is the world's most popular quitting aid
- Vaping is about twice as effective as NRT for quitting
- Smoking rates in Australia have stalled since 2013 but their decline is accelerating in UK & US where vaping is much more common than here
- Vaping is a gateway OUT of smoking
- Unlike 2nd hand toxic cigarette smoke, 2nd hand vaping aerosol poses little if any risk to bystanders
- Vaping is a form of tobacco harm reduction. Harm reduction is part of Australia's National Tobacco Strategy, National Drug Strategy and is part of the 2003 Framework Convention on Tobacco Control which Australia has signed.

This submission is on behalf of the Australian Drug Law Reform Foundation. I am a physician and was Director of the Alcohol and Drug Service, St Vincent Hospital, Darlinghurst, Sydney (1982-2012) where I am now an Emeritus Consultant. I am President of the Australian Drug Law Reform Foundation and a Director of Australia21. I was the Foundation President of the International Harm Reduction Association (1996-2004). Together with others I helped establish Australia's first needle syringe program and Australia's first Medically Supervised Injecting Centre (when these were both pre-legal), the National Drug and Alcohol Research Centre, Australian Society of HIV Medicine and the NSW Users AIDS Association. I have published about 300 scientific papers. I have been a Short Term Consultant for a number of UN agencies involved in alcohol and drugs.

Yours sincerely,

Dr. Alex Wodak AM,
Emeritus Consultant, Alcohol and Drug Service, St Vincent's
Hospital
President, Australian Drug Law Reform Foundation
Director, Australia21
Darlinghurst, NSW, 2010,

alex.wodak@gmail.com

From: Mira Fraser [<mailto:Mira.Fraser@parliament.vic.gov.au>] **On Behalf Of** Fiona Patten
Sent: Monday, 4 May 2020 4:12 PM
To: Sally Capp - Lord Mayor of Melbourne
Subject: Letter from Fiona Patten MP RE. Vaping

Dear Lord Mayor,

Please find attached a letter from Fiona Patten regarding vaping.

Kind regards,

Mira Fraser on behalf of Fiona Patten



Mira Fraser
EA / Electorate Officer
to Fiona Patten MP

+61 3 9386 4400
Unit 1, 747 Sydney Road
Brunswick VIC 3056
fionapatten.com.au
mira.fraser@parliament.vic.gov.au



Fiona Patten MP

LEADER OF REASON



NORTHERN
METROPOLITAN
REGION

Monday 4 May 2020

Lord Mayor Sally Capp
City of Melbourne
GPO Box 1603
Melbourne VIC 3001

Dear Mayor,

I write to you today to request that the Melbourne City Council delay its vote on the motion to ban vaping in smoke-free areas in the CBD. It is my understanding that Council may not have taken into consideration the latest research on the issue and that a ban may do more harm than good.

The [Royal Australian College of General Practitioners](#), [Royal Australian and New Zealand College of Psychiatrists](#), and now The Royal Australasian College of Physicians support vaping as an option for quitting smoking.

There is no reasonable case for banning vaping on health grounds as there is no evidence of risk from passive vaping. The UK [Royal College of Physicians](#), who have been a leader in research on this issue agree saying “There is, so far, no direct evidence that such passive exposure is likely to cause significant harm”. While the report by [Public Health England](#) 2018 states that “to date there have been no identified health risks of passive vaping to bystanders”.

Smoking remains a high public health priority and is the leading preventable cause of death in Australia. Smoking rates are especially high in disadvantaged and vulnerable populations and smoking is a major contributor to health and financial inequalities. All methods to help smokers to quit should be encouraged.

Banning vaping in smoke-free areas sends a message that vaping is as harmful as smoking and will discourage smokers from switching to vaping. Allowing vapers to vape discretely in smoke-free areas provides an added incentive for smokers who cannot quit to switch to this much safer option. Vaping has the added advantage of greatly reduced smoking related litter from cigarette butts.

Given the urgent and higher priority of COVID-19, I would suggest that this vote be delayed until the issue can be fully discussed and the facts laid out for all council members to consider.

Misinformation about vaping is widespread so below is a little more information for you and I would be very happy to provide more. Feel free to contact me on 0413 734 613

Yours sincerely,

Fiona Patten MP
Leader of Reason Party
Member for Northern Metro

Nicotine Replacement Therapy (Vaping)

Are e-cigarettes or vaping linked to lung disease?

We now know that almost all (if not all) cases in the outbreak of lung injury in the US were caused by using Vitamin E acetate oil to suspend blackmarket THC or cannabis oils purchased from street dealers. Not a single case has been linked to nicotine vaping. People have been vaping nicotine for over a decade, and now more than 40 million people in dozens of countries vape nicotine, the epidemic of lung injury only occurred in one country (USA), only from 2019, and overwhelmingly among young males who used cannabis.

Does vaping help smokers quit?

Studies have shown that vaping is [more effective](#) than nicotine replacement gums and patches, probably at least twice as effective. Vaping is the most popular quitting aid globally so it is reaching many smokers who otherwise might not quit. In countries where it is widely available such as UK and US, it is increasing quit rates and population smoking rates are falling faster than ever. This endorsed in Australia by The Royal Australian College of General Practitioners, Royal Australian and New Zealand College of Psychiatrists, and The Royal Australasian College of Physicians

Does vaping lead young people to start smoking regular cigarettes?

Although vaping among non-smoking teens is associated with later smoking, there is no evidence to indicate that vaping CAUSES young people to take up regular smoking to any significant degree.

Young people who vape are risk-takers who are also more likely to smoke, drink alcohol, use cannabis and other substances and have unprotected sex, but vaping does not cause the other behaviours.

It is more likely that vaping is [diverting young people from smoking](#). Youth smoking rates are declining rapidly in the UK and US where vaping is widely available.

Regular vaping by non-smokers is rare. In the most recent Australian national survey ([ASSAD 2017](#)), only 0.3% of 12–17 year old non-smokers had vaped on 3 or more days in the last

month. Smoking precedes vaping in almost all cases and most vaping by young people is experimental and short-lived.

Should vaping and smoking be treated the same?

Vaping is a far better option than smoking. The Royal College of Physicians and Public Health England have found that vaping is [at least 95% safer](#) than smoking and is an effective quitting aid. Smoking kills up to 2 in 3 long-term users. There has not been a single death from vaping nicotine.

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Kylie Lindorff

Email address: *

kylie.lindorff@cancervic.org.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

6.4 Proposed local law amendment

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Please see submission from Quit Victoria. Cannot attach more than on file and so will send attachment to the Submission as a separate submission.

Alternatively you may attach your written submission by uploading your file here:



[quit_victoria_submission_com_local_laws_vaping.pdf](#) 175.82 KB

• PDF

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No



Submission to City of Melbourne’s Future Melbourne Committee regarding proposal to extend the definition of smoking in the Activities Local Law 2019 to include vaping –

We refer to agenda item 6.4 and the proposal to amend the *Local Activities Law 2019* by extending the definition of smoking to including vaping using an electronic cigarette. Quit Victoria would like to extend its strong support for this proposal.

The use of electronic cigarettes in smokefree areas is of concern for a number of reasons, including the following:

- The current public health evidence, as reviewed by the National Health and Medical Research Council (NHMRC) and the Therapeutic Goods Administration (TGA) does not support e-cigarette use in any form. We note that there is increasing evidence of harm associated with e-cigarette use, as summarised in the **attached** position statement prepared by Cancer Australia.¹
- Use of e-cigarettes in smokefree areas carries similar inherent dangers to the use of combustible cigarettes. Evidence on the harms associated with breathing in secondhand vapour from e-cigarettes is growing, and research indicates that passive exposure to e-cigarette vapour can lead to adverse health effects.
- By simulating the act of smoking, the use of e-cigarettes in smokefree areas has the potential to renormalise smoking behaviour (particularly for younger, more impressionable members of the community), and may illicit cravings and trigger smoking relapse among smokers who have quit.

Finally, evidence suggests that the community overwhelmingly supports banning the use of e-cigarettes in smokefree areas. Most recently, we note that findings from the Royal Children’s Hospital National Child Health Poll found that 81% of respondents supported restricting the use of e-cigarettes in public places.²

As the Committee is aware, adoption of the proposed amendment would ensure that the Activities Local Law 2019 is aligned with the smokefree provisions contained in the Victorian *Tobacco Act 1987* (which were extended to include the use of e-cigarettes in August 2017). Similar legislation also now exists in all other Australian states and territories (except for Western Australia).

¹ Available from: https://canceraustralia.gov.au/sites/default/files/statement_on_e-cigarettes_february_2018_0.pdf#_ga=2.38950499.1517660327.1588571340-1772513115.1540764754 (accessed 4 May 2020).

² The Royal Children’s Hospital National Child Health Poll (2020). E-cigarettes, vaping and teens: Do parents know the dangers? Poll Number 17. The Royal Children’s Hospital Melbourne, Parkville, Victoria. Report available from: <https://www.rchpoll.org.au/wp-content/uploads/2020/02/nchp-poll17-report-e-cigarettes.pdf> (accessed 4 May 2020). The Poll is a quarterly survey of a nationally representative sample of 2000 Australian households with children, which investigates key issues in child and adolescent health.

We believe the proposed amendment will make a positive contribution to the health and wellbeing of residents and visitors to Melbourne's existing smokefree areas by ensuring better protection from the harms of e-cigarette use. We commend the City of Melbourne for continuing to demonstrate strong leadership and commitment to the health and wellbeing of Victorians through the expansion of its Smokefree Areas Project.

Statement on e-cigarettes in Australia

February 2018

Based on current evidence, the potential benefit of e-cigarettes on smoking cessation is not established, and there is increasing evidence of health harms. Accordingly, the undersigned health and medical organisations support a precautionary approach to the promotion and availability of e-cigarettes in Australia. This is in line with recommendations from the World Health Organization and the World Federation of Public Health Associations.

E-cigarettes are battery operated devices that heat a liquid (called 'e-liquid') to produce a vapour that users inhale. Although the composition of this liquid varies, it typically contains a range of chemicals, including solvents and flavouring agents, and may or may not contain nicotine.¹

Current evidence indicates that the balance of harms at a population level significantly outweighs any potential benefit of e-cigarette use.


Key facts in informing our position at this time include:

- Growing evidence that e-cigarette use is a precursor to smoking in young people.¹⁻³ As Australia has a national smoking rate of less than 2% among 12 to 17 year olds⁴ and one of the world's lowest adolescent smoking rates among comparable nations⁵, this is of significant concern.
- Growing evidence of direct health harms, including increased risk of respiratory disease, cardiovascular disease and carcinogenesis.^{1,6-8}
- Growing evidence to suggest that e-cigarette use in non-smokers is associated with future uptake of tobacco cigarette smoking.¹
- The absence of conclusive evidence that e-cigarettes are effective as an aid to quitting smoking. The National Health and Medical Research Council has reviewed the evidence to date and concluded that evidence of cessation benefit is insufficient.⁹
- The extent to which e-cigarettes reduce harm to the user through exposure to fewer toxic chemicals than conventional tobacco cigarettes has not been determined.¹

The need for high quality research to establish the long term safety and efficacy of e-cigarettes in harm minimisation is recognised.¹

This statement is in line with the statements on e-cigarettes from the World Health Organization, National Health and Medical Research Council and the Therapeutic Goods Administration, and is supported by the following health and medical groups and health authorities.

Dr Michael Gannon
President
Australian Medical Association

Dr Helen Zorbas 
Chief Executive Officer
Cancer Australia

Professor Sanchia Aranda
Chief Executive Officer
Cancer Council Australia

Dr Jennifer Johns AM
National President
National Heart Foundation of Australia

Ms Tanya Buchanan
Chief Executive Officer
Thoracic Society of Australia and New Zealand

Additionally, the following health organisations support a precautionary approach to e-cigarettes:

- National Health and Medical Research Council
- Australian Medical Association
- Cancer Council Australia
- National Heart Foundation of Australia
- Public Health Association of Australia
- Royal Australasian College of Physicians
- Royal Australian College of General Practitioners
- Lung Foundation of Australia
- Australian Association of Smoking Cessation Professionals
- Australian Council on Smoking and Health
- Australian Competition & Consumer Commission
- Departments of Health in Australian states/territories
- World Health Organization
- World Medical Association
- World Heart Foundation
- World Federation of Public Health Associations
- Forum of International Respiratory Societies
- International Union Against Tuberculosis and Lung Disease
- British Medical Association
- Royal Pharmaceutical Society
- New Zealand Cancer Society
- Heart and Stroke Foundation, Canada
- American Association for Cancer Research
- American Society of Clinical Oncology
- US Surgeon General
- American Lung Association
- American Thoracic Society
- National Association of Attorneys General (USA)
- American College of Preventive Medicine
- American Medical Association
- American Society of Addiction Medicine
- American Osteopathic Association
- American Association of Clinical Endocrinologists
- American College of Cardiology
- American Academy of Family Physicians
- American Academy of Pediatrics
- Society of Thoracic Surgeons
- American College of Chest Physicians.

References

1. National Health and Medical Research Council. NHMRC CEO Statement: Electronic Cigarettes (E-cigarettes). https://www.nhmrc.gov.au/_files_nhmrc/file/publications/17072_nhmrc_-_electronic_cigarettes-web_final.pdf2017 [updated 3 April 2017; Accessed 24 October 2017].
2. Soneji S, Barrington-Trimis JL, Wills TA, Leventhal AM, Unger JB, Gibson LA, et al. Association between initial use of e-cigarettes and subsequent cigarette smoking among adolescents and young adults: A systematic review and meta-analysis. *JAMA Pediatr.* 2017;171(8):788-97.
3. Leventhal AM, Strong DR, Kirkpatrick MG, Unger JB, Sussman S, Riggs NR, et al. Association of electronic cigarette use with initiation of combustible tobacco product smoking in early adolescence. *JAMA.* 2015;314(7):700-7.
4. Australian Institute of Health and Welfare. 2016 National Drug Strategy Household Survey. <https://www.aihw.gov.au/reports/illicit-use-of-drugs/ndshs-2016-key-findings/contents/tobacco-smoking>. [updated 01 June 2017; Accessed 24 October 2017].
5. Cancer Australia 2018. National Cancer Control Indicators: smoking prevalence – adolescents. <https://ncci.cancer australia.gov.au/prevention/smoking-prevalence/smoking-prevalence-children-and-young-adults>. [Accessed January 2018].
6. Australian Medical Association. AMA Submission to the Standing Committee on Health, Aged Care and Sport Inquiry into the Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia. Submission 289. https://www.aph.gov.au/Parliamentary_Business/Committees/House/Health_Aged_Care_and_Sport/ElectronicCigarettes/Submissions; 2017.
7. Thoracic Society of Australia and New Zealand and Lung Foundation Australia. Inquiry into the Use of Electronic Cigarettes and Personal Vaporisers in Australia. Submission 332. https://www.aph.gov.au/Parliamentary_Business/Committees/House/Health_Aged_Care_and_Sport/ElectronicCigarettes/Submissions; 2017.
8. Royal Australasian College of Physicians. Inquiry into the Use and Marketing of Electronic Cigarettes and Personal Vaporisers in Australia. Submission 276. https://www.aph.gov.au/Parliamentary_Business/Committees/House/Health_Aged_Care_and_Sport/ElectronicCigarettes/Submissions; 2017.
9. National Health and Medical Research Council. NHMRC submission to the Parliamentary Inquiry into the Use and Marketing of Electronic Cigarettes in Australia. Submission 167. https://www.aph.gov.au/Parliamentary_Business/Committees/House/Health_Aged_Care_and_Sport/ElectronicCigarettes/Submissions; 2017.

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

robert richter

Email address: *

richter@vicbar.com.au

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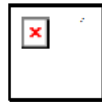
Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Vaping – Agenda Item 6.4

Alternatively you may attach your written submission by uploading your file here:



[nicotine.docx](#) 96.41 KB · DOCX

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

ROBERT RICHTER QC

Barrister

Crockett Chambers
Level 7
530 Lonsdale Street
Melbourne
Victoria 3000

Email: richter@vicbar.com.au

4 May 2020

Meeting No. 74
5 May 2020, 5.30pm
Future Melbourne Committee
Council Meeting Room, Level 2, Town Hall Administration Building

Re: Agenda item: 6.4 Proposed Local Law amendment

I am making this submission on my own behalf as a nicotine vaper and as a Melbourne-based criminal barrister.

I was a chain smoker for fifty years and was heavily addicted to nicotine. I tried and failed repeatedly to quit having found that my whole persona was seriously affected without recourse to nicotine. Without inhaling nicotine vapour, I am unable to concentrate and work effectively into the late hours of the day or during breaks.

As an addict, I have tried nicotine replacement in the form of gum, patches lozenges etc. None of these were adequate to reduce my craving because none of them gave me the immediacy of relief other than through inhalation.

Two years ago I was diagnosed with lung cancer from which I fully recovered. However, I was still unable shake the nicotine addiction.

I consulted my surgeon who told me that vaping nicotine would reduce any adverse effects on my lungs by at least 95% .

I tried vaping nicotine and have not smoked since. Vaping provides the nicotine I am addicted to and helps to prevent me from relapsing to smoking. It was the only quitting method that worked for me. The nicotine helps me to concentrate, sleep and feel normal so I can continue to run my demanding legal practice.

My surgeon accepted and expressed no reservations since I switched to vaping as it is a much safer alternative to smoking.

I understand that vaping is not risk-free but it is much safer than smoking. I am no longer exposed to the great majority of toxic chemicals in tobacco smoke which cause most of the harm from smoking.

Unlike second-hand smoke, vapour has not been shown to be harmful to bystanders.

In summary, vaping has helped me to quit smoking and is preventing me from relapsing. My vaping harms no one else.

I strongly recommend that the council delay this ban on vaping in smoke-free areas so that there can be a proper public debate and all the evidence can be considered. I believe a ban on 'considerate' vaping is not justified and is an infringement of personal rights.

I do not recommend it to non-smokers and would oppose it for non-addicts, but I consider it the safest way to sustain or withdraw from smoking.

Yours truly

This letter is confidential to the named addressee and may contain confidential and/or legally privileged information. Confidentiality and privilege are not waived by inadvertent transmission. If you are not the named addressee or believe you may have received this email in error you must not use any information conveyed by this email but are requested to notify me when deleting all copies of this email.

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Privacy acknowledgement: I have read and acknowledge how Council will use and disclose my personal information.

*

Name: * Andrew Gourley

Email address: * andygtr33@gmail.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: Banning of Vaping within Melbourne City

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

I have been vaping for over 5 years and vaping has allowed me to quit smoking and thereby improve my health and the health family by not smoking. Because vaping does not combust tobacco besides a faint odor of flavor vaping does not have any ill side affects that smoking does have. Their is no evidence that passive vaping is dangerous at all.

Vaping is 95% safer than smoking cigarettes and is unlikely to exceed 5% of the danger of smoking this figure will further refined once more long term studies have been done. This data all comes from the British royal college of physicians. In my 5 years and 11 months of vaping not once have I experienced any serious lung disease like your councilors have been quoted as saying. In fact quite the opposite my lungs feel better than ever.

Everyday 40 Australian's die from smoking related illness's, which makes that 15000 Australian's die from something

preventable each year. In my 5 years and 10 month's I have not heard of any Australian been killed from vaping at all. Rather than banning vaping I think if you allow vaping to done providing its not being an nuisance to other people around it. People who care about vaping know that being discrete in public is better than blowing huge clouds of vapor. So maybe instead of banning it, you could place responsibility on to the people vaping in public to be responsible in the Melbourne city area and be discrete about their vices. I know when I vape in public I like to be discrete and not cause other people to get pissed off.

Maybe you could hire some vaper's to issue \$60 fines to people who blow excessive amounts of vapor. And that way at least there is a bit of revenue raising in it for you. Because we all know how much local councils love revenue raising. What will you ban next?? I know my farts are definitely not as pleasant as my small vape clouds are. What I have found is that if I vape I dont fart as much anecdotal I know but would you want to take the risk???

Please indicate Yes
whether you
would like to
address the Future
Melbourne
Committee or the
Submissions
(Section 223)
Committee via
phone or Zoom in
support of your
submission: *

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Samuel Sexton

Email address: *

sam.sexton14@live.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: *

Submissions (Section 223) Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Vaping Ban Misinformed

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

The City of Melbourne proposed vaping ban is misinformed

- There is no evidence of harm from secondhand vapour.
- A ban sends a message that vaping is as harmful as smoking.
- Vaping saves lives and should be encouraged.

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No

Privacy acknowledgement: *

I have read and acknowledge how Council will use and disclose my personal information.

Name: *

Terry Barnes

Email address: *

terry.barnes@cormorant.net.au

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Future Melbourne Committee

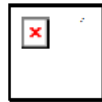
Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

6.4 Amendments to local laws

Alternatively you may attach your written submission by uploading your file here:



[melbourne_city_council_local_laws_submission_5_may_200.doc](#)

135.68 KB · DOC

Please indicate whether you would like to address the Future Melbourne Committee or the Submissions (Section 223) Committee via phone or Zoom in support of your submission: *

No



SUBMISSION

**MELBOURNE CITY COUNCIL
FUTURE MELBOURNE COMMITTEE MEETING 5 MAY 2020
ITEM 6.4: PROPOSED LOCAL LAWS AMENDMENT**

Submission re proposed local laws amendments relating to vaping in public places

I write as a public policy consultant and former senior adviser to two Federal health ministers, who works in the Melbourne CBD.

Given the limited time available, this submission was written in haste, and I apologise for any omissions or errors. My comments will be brief and made from a public policy rather than a scientific perspective.

Endorsement of other submissions

I have seen the submissions of Ass Prof Colin Mendelsohn and distinguished drug and alcohol consultant Dr Alex Wodak AM, and I commend them to the Committee as clinical expert perspectives on the relative risks of vaping compared to combustible tobacco smoking.

I understand that both have sought to address the Committee on this item, and I hope that this can be accommodated in the interests of obtaining a balance of expert views.

The balance of evidence

While noting that Quit Victoria and the Cancer Council of Victoria have firm, even unshakeable views about the risks and harm from vaping, Prof Mendelsohn and Dr Wodak, among an increasing number of others in the medical and public policy communities, highlight that theirs is not a unanimous view.

In fact, there are very strongly-held, indeed passionate views, on both sides of this issue, and disputes both over the evidence available to date and how long is needed to form a definitive view about the relative merits and risks of vaping.

Council should be aware of the polarised nature of the vaping debate in deliberating. Contrary to the claims of some, this is not an area of settled science.

Banning or treating vaping as co-equivalent to smoking is no longer a universal view in Australia

While prohibition of vaping is certainly the prevailing official policy view in Australia, at both federal and State levels, the blanket level of expert support or prohibition has had is crumbling.

As Dr Wodak points out, in Australia qualified acceptance of vaping as an alternative to smoking, particularly in respect of being an effective cessation aid, had been given by:

- The Royal Australian College of General Practitioners (RACGP).
- Royal Australian and New Zealand College of Psychiatrists (RNZCP); and
- The Royal Australian College of Physicians (RACP).



Their positions as Colleges have changed as the balance of evidence and international practice has changed. That indicates that policy-makers would always be wiser to wait and see what is continuing to emerge, rather than ban now ask questions later. Any ban, once implemented, is always far harder to unwind.

Those in favour of prohibitions can no longer claim that their view has universal support in Australian clinical and scientific circles.

Australia's position is an outlier in terms of comparable jurisdictions

Contrary to the strong assertions of some, in terms of permitting and regulating vaping, Australia is an outlier. Our moves to heavily restrict and ban vaping is not the norm but an outlier in comparable jurisdictions:

- England and the other United Kingdom nations regulate vaping benignly including, unlike Australia, permitting nicotine vaping. Both Public Health England (PHE) and the royal college of Physicians (RCP) have concluded, on analysing the available study evidence, that the first- and second-hand risks of vaping are at least 95 per cent less than combustible tobacco smoking
 - The RCP position is especially important as it was the RCP that, in the early 1960s, first blew the whistle on the undoubted connection between smoking and lung cancer.
 - Over the last decades, the UK smoking rate fell from around 20 per cent to 12 per cent, a level like Australia's.
- Canada has legalised and regulated vaping, including nicotine vaping.
- New Zealand is going through a heavily consultative process of legalising vaping, including nicotine vaping.
- It is also accepted, while heavily regulated, by the European Union via the EU Tobacco Products Directive, and individual EU states make their own regulations under the TPD framework.

The key point is that, in these jurisdictions, vaping is at least tolerated because it is recognised as a compelling alternative to smoking and therefore a useful new Tobacco Harm Reduction tool where established policy interventions, like social marketing, tobacco excise or plain packaging, have stalled or failed.

If it is treated and regulated in the same way as smoking, the incentive for smokers to switch from combustible tobacco to vaping is not compelling, almost to the point of "why would you bother"?

Public policy approach

It is fair to say the court is still out on the risks and potential harms of vaping, but unlike the claims made by its opponents the weight of accumulating evidence is mounting in its favour.

To equate vaping with smoking arguably goes too far, and effectively demonises something that may release smokers from their tobacco addiction with minimal to nil second-hand harm. Given that Australia's smoking rate remains stubbornly high despite the best efforts of policy interventions including tobacco plain packaging and eye-watering excise increases, imposing further bans on vaping and where people can vape at this time should be avoided, not rushed into.



Vaping should be regulated sensibly

Only hard-core libertarians believe vaping should be a totally regulation-free activity. On the contrary, vaping needs to be sensibly regulated to ensure:

- Vaping products are certifiably safe and free of impurities.
- Vaping products are not sold or distributed to minors, nor marketed to non-smokers.
- People vape with consideration for others and are not a public nuisance.

If it is accepted that vaping is much less risky to users, and negligibly risky to bystanders (ie, the PHE/RCP view), then it is the third point that is most relevant to Council's responsibilities.

If the real issue is regulating vaping as a public nuisance – such as vapers emitting steam train-like clouds in open spaces without consideration for where they are and that that are disrupting other people's enjoyment of Melbourne's streets and public spaces – that should be treated as a nuisance matter rather than a public health matter. Defining what is and is not acceptable vaping behaviour and educating vapers to voluntarily behave appropriately, done in consultation with vapers and the wider Melbourne community, would be a more nuanced, sensible, prudent and balanced approach to the perceived problem.

Ensuring vapers to do the right thing when and where they interact with others – not blowing clouds of steam, keeping a respectful distance from non-vapers around them, and the like – therefore is better done by educating users' behaviour, not heavy-handed compulsion and prohibitions.

Recommendation

There is no clear, demonstrated need for these local laws amendments now.

There is no pressing problem needing addressing other than any perceived inconsistencies with the *Tobacco Act 1987* and its recent vaping amendments, which were themselves passed on the same narrow and selective evidence as these proposed amendments appear to be. In that case State Parliament – both Government and Opposition – accepted the prevailing view on prohibiting vaping, without any interest in, or genuine attempts to, consider the full range of available evidence.

In other words, there is no need to rush to change anything.

Rather than pass these amendments now, they should be deferred for 12-18 months. Council can use the postponement to consider the evidence and consult more widely than Quit Victoria, and to look at what happens in overseas jurisdictions – including at municipal level – and form considered and balanced conclusions.

Council should at least consult with the RACGP, RACP and RANZCP before deciding.

If, at the end of that time, the evidence in favour of regulating vaping behaviour more benignly than smoking is still not convincing, only then should Council pass these amendments.



To quote a well-known anti-smoking advocate, Emeritus Professor Simon Chapman AO, the first lesson of public health advocacy is “Always respect evidence, and if the evidence changes so should you”¹.

There is nothing to be lost for Melburnians from Council postponing these amendments for 12-18 months to allow a thorough consideration of the up-to-date scientific and anecdotal evidence on vaping and its effects, both for and against.

Terry Barnes

Principal

Cormorant Policy Advice

4 May 2020

¹ S. Chapman, Reflections on a 38-year career in public health advocacy: 10 pieces of advice to early career researchers and advocates, *Public Health Research and Practice*, 2015

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*

Name: * Adam Mead

Email address: * adam@amead.com

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * 4.1.2. extending the definition of smoking to include vaping using an e-cigarette, to align the Local Law with the Tobacco Act 1987

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

Vaping

Why does the Melbourne City Council insist on relying on medical experts regarding Coronavirus but refuses to listen to medical experts on the issue of vaping?

Given the volume of new evidence that is still emerging regarding vaping safety and it's efficacy for the cessation of smoking, blanket classification as 'also smoking' is counterproductive and counterintuitive, discouraging for those trying to quit and appears to be based on sensationalist journalism and issues in unrelated international regions.

Any continuing uncertainty on the issue of vaping should be met with further research to address that uncertainty, and this had been done, and continues to be done. No randomised controlled studies have shown any hidden serious side effects from vaping, caution should be applied when considering any other form of less stringent study.

The assertion that vaping may lead teenagers to smoking cigarettes is not based on sound evidence and is laughable in Australia given the vast difference in cost between vaping and smoking cigarettes.

Studies have not shown that in Australia teenagers that vape would not have instead smoked cigarettes had vaping not been available. Council should be aware of potential unintended consequences when insufficient analysis is available. One being a switch from vaping back to cigarettes.

I have summarised recent new evidence and medical association endorsements below:

<https://athra.org.au/blog/2020/04/23/australian-and-new-zealand-medical-specialists-announce-support-for-vaping/>

Summary:

The Royal Australasian College of Physicians (RACP) has updated its policy to reflect the growing evidence that vaping is an effective quitting aid and is far safer than smoking.

Professor Bullen explained that the vaping products are much better quality than in the past and can deliver nicotine like a cigarette. They are not safe products, he said, but “by all accounts they are safer than smoking. I don’t think there is any question about that”.

STUDY

<https://pubmed.ncbi.nlm.nih.gov/24029165/>

Interpretation: E-cigarettes, with or without nicotine, were modestly effective at helping smokers to quit, with similar achievement of abstinence as with nicotine patches, and few adverse events.

There are now three leading Australian medical Colleges which acknowledge a role for vaping to help smokers quit, in particular where other methods have failed

All three Colleges agree that the science supports a role for vaping. It is time for the government to follow the experts and the evidence.

The Royal Australian College of General Practitioners (RACGP):

“probably safer than smoking, given e-cigarettes did not have the large number of toxic combustibles and carcinogens found in cigarettes”

“if you have someone who has not succeeded in quitting using [NRT] methods and they are interested in nicotine vaping, there is some evidence of benefit and they could be considered”

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Phone number * 0439677873

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: The Melbourne City Council needs to lift the misguided and misinformed vaping bans

*

Please write your submission in the space provided below and submit by no later than 10am on the day of the scheduled meeting. Submissions will not be accepted after 10am.

These vaping bans on smoke free areas in the Melbourne central business district are based on misinformation, not on scientific evidence and will only serve to make it harder for ex-smokers to stay off cigarettes and discourage current smokers to switch to a safer option.

I believe there are more pressing issues for the council to deal with right now instead of making it harder for ex-smokers! As most people will tell you, any outdoor vaping bans will only make it harder for vapers to stay off cigarettes.

What makes this even harder to fathom is that recently the Royal Australian College of General Practitioners (RACGP) endorsed nicotine vaping products as an aid for people who want to quit smoking.

Recently, the peak professional body representing medical specialists in Australia and New Zealand announced its support for v
quitting aid for smokers.

What makes it even more absurd is that Public Health England in their 2018 report found there have been no identified health ri
passive vaping to bystanders.

Where is the evidence to support the Melbourne City Council plan to ban vaping?

There is no reasonable case for banning vaping on health grounds as there is no evidence of risk from passive vaping.

The plan by the Melbourne City Council to extend its ban on vaping in the central business district is based on fear and misinfo
on scientific evidence, and will do more harm than good.

Banning vaping in smoke-free areas sends a message that vaping is as harmful as smoking which is misinformation and will dis
smokers from switching to vaping. Allowing vapers to vape discretely in smoke-free areas provides an added incentive for smol
cannot quit to switch to a much safer option, as recommended by the Royal Australian College of General Practitioners.

Based on the available evidence, the Council has no justification to ban vaping on health grounds. It also has no moral authority
reasons. According to the "harm principle."

"The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to
to others."

Vaping should be restricted on convenience or amenity grounds. Good etiquette would mean vapers would not blow large cloud
others without permission. However, like farting in public or strong body odour, official bans and fines are not appropriate.

You may have a few rebuttals similar to what I use as examples below and provide an answer for them:

"E-cigarettes are relatively new but we know that there is a possible link to serious lung disease."

WRONG.

We now know that almost all (if not all) cases in the outbreak of lung injury in the US were caused by blackmarket THC or canna
oils contaminated with Vitamin E Acetate purchased from street dealers. Not a single case has been linked to nicotine vaping.

E-cigarettes were often marketed as a way to help smokers to quit. "But health experts agree that there simply isn't the evidenc

these claims"

WRONG.

Studies have shown that vaping is more effective than nicotine replacement gums and patches, probably at least twice as effective as the most popular quitting aid globally so it is reaching many smokers who otherwise might not quit. In countries where it is widely available such as UK and US, it is increasing quit rates and population smoking rates are falling faster than ever.

"Growing evidence that e-cigarettes can lead young people to start smoking regular cigarettes."

WRONG.

In spite of the alarmist headlines. Although vaping among non-smoking teens is associated with later smoking, there is no evidence to indicate that vaping CAUSES smoking to any significant degree. It is more likely that vaping is diverting young people from smoking. Smoking rates are declining rapidly in the UK and US where vaping is widely available. Smoking precedes vaping in the great majority of cases and most vaping by young people is experimental.

"Banning vaping in smoke-free areas would send a clear message that it wasn't a better option to smoking."

WRONG.

Vaping IS a far better option than smoking. Vaping is at least 95% safer than smoking and is an effective quitting aid. Smoking kills in 3 long-term users. There has not been a single death from vaping. Vaping is also about 90% cheaper than smoking.

What we need is for the Melbourne City Council to acknowledge the scientific evidence on vaping, acknowledge that vaping is a far safer option than smoking and saves lives due to being an effective quit tool for smokers, for the Melbourne City Council to finally lift these vaping bans that are doing more harm than good.

I have included references and evidence below:

<https://www.smh.com.au/national/gps-cautiously-recommend-e-cigarettes-to-help-smokers-give-up-20200126-p53uwk.html?fbclid=IwAR2KLqSdPR56DGJ7IPsCvjTzBqEyitdYXCsAd39jaqhSShF2GhOnpYv95SE>

<https://athra.org.au/blog/2020/04/23/australian-and-new-zealand-medical-specialists-announce-support-for-vaping/>

<https://publichealthmatters.blog.gov.uk/2020/03/05/8-things-to-know-about-e-cigarettes/>

<https://www.gov.uk/government/publications/vaping-in-england-evidence-update-march-2020>

<https://www.racgp.org.au/clinical-resources/clinical-guidelines/key-racgp-guidelines/view-all-racgp-guidelines/supporting-cessation>

<https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction>

<https://study.com/academy/lesson/john-stuart-mills-harm-principle-definition-examples-quiz.html>

<https://athra.org.au/blog/2019/12/21/vitamin-e-acetate-in-illicit-thc-cartridges-confirmed-as-vali-cause-new-research/>

<https://athra.org.au/blog/2020/02/03/study-confirms-vaping-will-save-australian-lives/>

<https://athra.org.au/blog/2020/03/07/vaping-is-a-gateway-out-of-smoking-for-young-people/>

<https://athra.org.au/blog/2019/12/23/vaping-is-95-safer-than-smoking-fact-or-factoid/>

<https://athra.org.au/blog/2020/03/14/who-is-misinforming-melbourne-city-council-on-vaping/>

<https://onlinelibrary.wiley.com/doi/10.1111/add.14656>

<https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-019-0294-6>

<https://academic.oup.com/ntr/advance-article-abstract/doi/10.1093/ntr/ntz025/5320447?redirectedFrom=fulltext>

https://journals.lww.com/epidem/Citation/2019/05000/Potential_Country_level_Health_and_Cost_Impacts_of.14.aspx

<https://www.sciencedirect.com/science/article/abs/pii/S0306460318310189?dgcid=coauthor>

<https://www.neim.org/doi/10.1056/NEJMoa1808779>

<https://link.springer.com/article/10.1007%2Fs11739-018-02011-1>

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Name: * David Parker

Email address: * davidparker6@optusnet.com.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: * Vaping ban in the CBD

*

Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Dear council members,

I am concerned at the Melbourne city councils recent decision to consider banning vaping in Melbournes CBD. There is overwhelming evidence that continues to support vaping as an effective method of quitting smoking and given the lack of any substantiated claim as to the detrimental effects of vaping it surprises me that you would consider making it more difficult for smokers to switch to a healthier alternative. In every way measurable vaping is a healthier alternative to smoking. To be clear, I'm not advocating for vaping to occur anywhere that smoking isn't already currently allowed. I just think that a reduction in risk to the general public through passive smoke inhalation

and a direct decrease in cigarette butt waste would be a positive side effect of allowing vaping to continue. I understand that you may not yet be convinced that vaping is the harm free holy grail that it's represented as, but this is only because it is in it's infancy as a practice and time will continue to show that it is one of the most effective tools in stopping smoking. Compared with the well documented and verified detrimental effects of smoking cigarettes and it beggars belief that you would be against vaping but allowing smoking to contiunue. I sincerely hope that you decide to continue to work on making Melbourne the progressive city that it is and discard this ban on vaping.

Sincerely, David Parker.

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Name: *

Brett Chant

Email address: *

brett.chant@retail.org.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Agenda Item 6.4 Local Law Amendment

Alternatively you may attach your written submission by uploading your file here:



[mcc_vaping_ban_submission_040520.pdf](#) 164.56 KB · PDF

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No



Australian Retail
Vaping Industry
Association

Member Group of the Australian Retailers Association



Meeting No 74
5 May 2020, 5:30PM
Future Melbourne Committee
Council Meeting Room, Level 2, Town Hall Administration Building

Monday, 4 May 2020

Dear Councillors,

RE: RETAILERS OPPOSE CBD VAPING BAN – AGENDA ITEM 6.4

The Australian Retail Vaping Industry Association (ARVIA) is a Member Group of the Australian Retailers Association (ARA) and represents specialist vape stores as well as ordinary retailers that want to see lifesaving smoke free products legalised in Australia.

ARVIA and the ARA strongly object to the proposed amendment to the *Activities Local Law 2019* to extend existing smoking bans in the Melbourne Central Business District (CBD) to include vaping and e-cigarettes.

The international peer reviewed scientific evidence is conclusive that vaping is not only 95% safer than traditional cigarettes for vapers, but that there is no health risk to bystanders posed by vape devices or electronic cigarette vapour.

While Australia remains the only Western Democracy to ban vaping, in every other civilised nation in the world, vaping is helping record numbers of smokers to quit smoking and is transforming and improving lives. Not only is vaping driving down smoking rates, but nations where vaping is legal, such as the US and the UK, are witnessing dramatic falls in youth smoking without any concomitant increase in youth vaping.

Given that vaping is the most popular and effective quit smoking tool now available, likening it to smoking, and falsely claiming that vaping will somehow lead to smoking or poses a health risk to bystanders is false, disingenuous and is not based on any evidence available from anywhere in the world.

In recent months both the Royal Australian College of General Practitioners (RACGP) and the Royal Australasian College of Physicians (RACP) have updated their policy in relation to smoking cessation and now endorse vaping as a proven method to help smokers quit. The Royal Australian and New Zealand College of Psychiatrists also recognise that vaping is safer than smoking.

In addition to these three major Australian medical colleges, internationally there are numerous highly regarded organisations that recognise that vaping is safer than smoking and is a proven and effective quit smoking tool. These include:

- The New Zealand Health Promotion Agency
- The New Zealand Medical Association
- Hāpai Te Haora (Maori Public Health)
- The New Zealand College of General Practitioners
- Heart Foundation New Zealand
- Cancer Society New Zealand
- Quitline NZ
- Pharmacy Guild of New Zealand
- Public Health England
- The British National Health Service
- Royal College of General Practitioners
- Royal College of Physicians
- Royal College of Psychiatrists
- The Royal College of Midwives
- Royal College of Nursing
- Cancer Research UK
- The British Medical Association
- The British Lung Foundation
- The British Heart Foundation
- The US National Academies of Sciences Engineering Medicine (NASEM)

Notwithstanding the plethora of major well-respected national and international organisations that endorse vaping, opposition to vaping by so-called public health groups in Australia such as *Quit Victoria* is based purely on self-interest, emotion and ideology, rather than science. This is resulting in 21,000 Australians dying from a painful, traumatic and entirely avoidable smoking related death every year.

Banning and restricting access to vaping simply protects traditional cigarettes and only serves the interests of Big Tobacco. We therefore urge Councillors to vote against this proposal so as to not further entrench the place of combustible tobacco in our community, and to work with Australian retailers to embrace scientifically proven safer smoke free alternatives.

Please do not hesitate to contact me if you have any questions.

Yours sincerely,

Brett Chant

Advocacy Manager

Australian Retailers Association & Australian Retail Vaping Industry Association

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David Limbrick

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david.limbrick@parliament.vic.gov.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Local Law Amendment Agenda Item 6.4

Alternatively you may attach your written submission by uploading your file here:



[letter_to_melbourne_city_council_regarding_vaping_ban.pdf](#)

134.79 KB · PDF

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DAVID LIMBRICK MP

LIBERAL DEMOCRATS MEMBER FOR SOUTH EASTERN METROPOLITAN REGION



Meeting No 74
5 May 2020, 5:30PM
Future Melbourne Committee
Council Meeting Room, Level 2, Town Hall Administration Building

5 May 2020

Dear Councillors,

I am writing to ask for the motion to ban vaping in the Melbourne CBD be delayed.

During this unprecedented public health crisis there has not been enough time for public consultation and a thorough consideration of the evidence to support such a policy. Public comments made by Lord Mayor Sally Capp and Councillor Beverley Pinder suggest that experts have not been widely consulted.

While there is still debate and emerging evidence about the relative safety of vaping products and their effectiveness as an aid for quitting smoking the weight of evidence suggests that they are significantly safer than tobacco smoking and twice as effective as other quitting aids.

Vaping is now accepted as a legitimate and effective quitting aid and a far less harmful alternative to smoking. Recently the Royal Australian College of General Practitioners issued new guidelines which support the use of vaping for smokers who have tried to quit with other methods and failed. The Royal Australian College of Physicians and the Royal Australian and New Zealand College of Psychiatrists also support vaping.

Leading health organisations have concluded that secondhand vapour is of minimal risk to bystanders and that vapour has only a tiny fraction of the chemicals in tobacco smoke. Furthermore, vapour is a liquid aerosol which dissipates quickly unlike tobacco smoke which has a much longer half life. This dispersion is much more rapid in an outdoor environment.

While many young people are experimenting with vaping there is scant evidence that it is leading young non-smokers who would never have smoked to take up regular smoking. Most teen vapers were already smoking prior to vaping.

Over recent years the considerable efforts to reduce smoking rates in Australia have failed to have a significant impact while countries that have embraced vaping as a public health tool and safer consumer alternative have seen significant declines as people switch to the safer alternative.



DAVID LIMBRICK MP

LIBERAL DEMOCRATS MEMBER FOR SOUTH EASTERN METROPOLITAN REGION



There is no public health justification for this ban and it could in fact be detrimental to public health aims by further discouraging people from switching to a safer alternative. With no reasonable justification this policy merely infringes on the civil liberties of people in the City of Melbourne and should be reconsidered.

Thank you for your consideration.

Yours sincerely

David Limbrick MP
Liberal Democrats Member for
South Eastern Metropolitan Region

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Michael Aguilera

Email address: *

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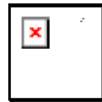
Date of meeting: *

Tuesday 5 May 2020

Agenda item title: *

Agenda item: 6.7 Proposed Local Law Amendment Vaping

Alternatively you may attach your written submission by uploading your file here:



[mcc_vaping_lfdlr.pdf](#) 75.97 KB · PDF

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1 May 2020

Meeting No. 73

5 May 2020, 17:30PM

Future Melbourne Committee

Council Meeting Room, Level 2, Town Hall Administration Building

Re: Agenda item: 6.7 Proposed Local Law Amendment

We write to appeal to the Melbourne City Council to postpone the voting of the proposed local law amendment to ban vaping in smoke-free areas in the Melbourne Central Business District.

As a collective we believe that such an amendment must receive input from key stakeholders including; harm reduction experts, medical professionals, ex-smokers, current smokers, vapers, ex-vapers, and trade unionists across Melbourne prior to a vote occurring.

Smoking tobacco is one of the leading causes of preventable illness and early mortality in Australia. Over 70 of the reported 7000 chemicals in cigarette smoke are known to cause cancer. 15.2% of Australians smoked tobacco products in 2017-2018, of which 13.8% were daily smokers¹. Tobacco continues to be the leading cause of cancer in Australia contributing a staggering 22% of cancer burden². It is estimated that around 19,000 people die every year due to cigarettes and is said to cause heart disease, diabetes, stroke, cancer, renal disease, eye disease, asthma and emphysema³, therefore it is no surprise that tobacco continues to be the leading cause of preventable health burden and injury⁴.

¹ Australian Bureau of Statistics. National Health Survey: First Results, 2017-18. Catalogue no 4364 0.55.001. 2018. Available at: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.001~2017-18~Main%20Features~Smoking~85>.

² Australian Institute of Health and Welfare, Alcohol Tobacco and other Drugs in Australia, People with Mental Health Conditions, <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/priority-populations/people-with-mental-health-conditions>

³ Australian Bureau of Statistics, Smoking, <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.001~2017-18~Main%20Features~Smoking~85>.

⁴ Australian Institute of Health and Welfare, Alcohol Tobacco and other Drugs in Australia, People with Mental Health Conditions, <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/priority-populations/people-with-mental-health-conditions>.

The estimated social cost of tobacco smoking in 2015-16 period was a staggering \$136.7⁵ billion and disproportionately affects the most vulnerable communities in Australia given the geographic and social groups that take up and continue to smoke tobacco.

Whilst overall smoking rates have dropped, the rapid rate of price increases on cigarettes since 2010⁶ has done little to aid community members living in remote or low socioeconomic areas as tobacco use continues to be a leading cause of health and financial instability⁷.

Early research indicates that vaping may be a useful quitting aid for tobacco smokers. This would be a game changer to preventable health diseases in Australia, as vaping has far fewer harmful chemicals than tobacco smoke. The promising research on its efficacy needs to be heard and evaluated accordingly by the council. With this in mind it is our belief that such a ban would merely discourage current smokers, who may be thinking about engaging in a low-risk alternative, away from quitting aids such as vaping.

We implore the Melbourne City Council to rethink this amendment and instead investigate the potential benefits of promoting vaping as a low-risk alternative to cigarette smoke.

It is our contention that:

1. Melbourne City Council must postpone the vote.
2. Prior to engaging in such a vote, Melbourne City Council must engage with current smokers, ex-smokers, vapers, medical professionals and trade unions to come to an informed opinion on the matter based on experience and evidence.

In solidarity,

Labor for Drug Law Reform Victoria

⁵ Whetton S, Tait R, Scollo M, Banks E, Chapman J, Dey T, Abdul Halim S, Makate M, McEntee A, Muhktar A, Norman R, Pidd K 2019. Identifying the Social Costs of Tobacco Use to Australia in 2015/16. National Drug Research Institute, Curtin University, Perth, Western Australia.

⁶ The Department of Health, Tobacco Control Timeline, <https://www1.health.gov.au/internet/publications/publishing.nsf/Content/tobacco-control-toc-timeline>

⁷ Marmot M, Goldblatt P, Allen JG. Fair Society Healthy Lives. 2010. Available at: <http://www.instituteoftheequity.org/resources-reports/fair-society-healthy-lives-the-marmot-review>

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Name: *

Kellie-Ann Jolly

Email address: *

kellie-ann.jolly@heartfoundation.org.au

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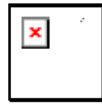
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Tuesday 5 May 2020

Agenda item title: *

Greening Melbourne, Vaping and Miscellaneous Amendments Law

Alternatively you may attach your written submission by uploading your file here:



[submission_to_future_melbourne_committee.docx](#) 45.26 KB ·

DOCX

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Submission to Future Melbourne Committee: Item 6.4 – Proposed Local Law Amendment

The Heart Foundation tenders this submission in support of the proposed Activities (Greening Melbourne, Vaping and Miscellaneous Amendments) Local Law 2020. Our submission focuses on amendments to the Activities Local Law 2019 that would extend the definition of smoking to include vaping using an e-cigarette.

The Heart Foundation strongly supports the proposed amendments. In doing so, we are in alignment with the Cancer Council and support the content of their submission.

Our rationale can be summarised as follows:

- Based on current evidence, the potential benefit of e-cigarettes on smoking cessation is not established, and there is increasing evidence of health harms. Further detail is available in the attached e-cigarette statement (**Attachment 1**).
- Australian data suggest that the proportion of people aged 12-17 years, who are non-smokers, and have tried e-cigarettes has almost tripled between 2013 and 2016.ⁱⁱ There is growing evidence that e-cigarettes lead youth and young adults to begin smoking,ⁱ and that their use is associated with a higher risk of respiratory disease,ⁱⁱ heart disease^{xii} and the precursors to cancer.ⁱⁱⁱ
- At this point, there is insufficient evidence to demonstrate that e-cigarettes help people quit smoking. Current evidence indicates that the potential harms outweigh any potential benefits across the whole population.
- Nicotine delivered by smoking tobacco products, or using e-cigarettes, is linked to an acute increase in heart rate and blood pressure.^{iv} Nicotine constricts skin and coronary blood flow.^v Nicotine potentially increases the risk of acute cardiovascular events in users with existing cardiovascular disease.^v

Further, the proposal will align the Local Law with the *Tobacco Act 1987* and ensure consistency with that Act. It will also contribute to improved amenity in the City of Melbourne and contribute to improving the experience of visitors to, and residents of, the city.

We commend the proposal to Council and would be happy to provide further comments and input if required.

ⁱ Soneji, S. *et al.* Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis. *JAMA Pediatr*. 797-788:(8)171;2017 .doi:10.1001/jamapediatrics.2017.1488

ⁱⁱ Chun, LF, Moazed, F, Clafee, CS, Matthay, MA, and Gotts, JE. Pulmonary toxicity of e-cigarettes. *Am J Physiol Lung Cell Mol Physiol*. 313(2): L193-L206, 2017

ⁱⁱⁱ Stephens, WE. Comparing the cancer potencies of emissions from vapourised nicotine products including e-cigarettes with those of tobacco smoke. *Tobacco Control*. 2018. 27: 10-17

^{iv} Benowitz, NL and Friaman, JB. Cardiovascular effects of electronic cigarettes. *Nat Rev Cardiol*. 2017 August ; 14(8): 447-456

^v Benowitz, NL and Burbank, AD. Cardiovascular toxicity of nicotine: 48Implications for electronic cigarette use. *Trends Cardiovasc Med*. 2016 August ; 26(6): 515-523.

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Name: * Mike Bailey

Email address: * mike@notsmoking.org.au

Please indicate which meeting you would like to make a submission to by selecting the appropriate button: * Future Melbourne Committee

Date of meeting: * Tuesday 5 May 2020

Agenda item title: 6.4 Proposed Local Law Amendment

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Please write your submission in the space provided below and submit **by no later than 10am on the day of the scheduled meeting.** Submissions will not be accepted after 10am.

Council proposes to ban vaping in certain public outdoor areas.

As a person who stopped smoking through the use of vaping with an e-cigarette several years ago I object to this unjustified restriction.

After more than a decade of research around the chemical composition of e-cigarette vapour, no evidence has been found that they pose a health risk to bystanders.

Council appears to have been lobbied by Cancer Council Victoria (under the trading name Quit Victoria) to include vaping in bans. This organisation does not provide a balanced view of the risks and opportunities of e-cigarettes. They also do not keep up to date with the evidence.

The New Zealand Govt encourages smokers to switch to vaping if they cannot or will not stop smoking.

<https://vapingfacts.health.nz/>

The UK Govt has held a similar position for a number of years.

Australia is an outlier. Melbourne City Council should not put this restriction in place unless it has evidence it will reduce harm to bystanders.

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