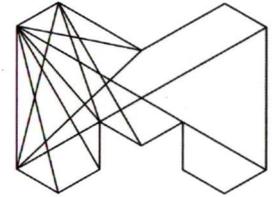


Confirmed minutes



CITY OF MELBOURNE

Future Melbourne Committee

Minutes

**Meeting Number 75
Tuesday 5 May 2020
5.30pm**

**Council Meeting Room
Level 2
Melbourne Town Hall**

Present

Lord Mayor, Sally Capp
Deputy Lord Mayor, Arron Wood
Councillor Nicolas Frances Gilley
Councillor Philip Le Liu
Councillor Rohan Leppert
Councillor Kevin Louey
Councillor Cathy Oke
Councillor Beverley Pinder-Mortimer
Councillor Nicholas Reece
Councillor Susan Riley
Councillor Jackie Watts

Confirmed at the meeting of the Future Melbourne Committee
On Tuesday 19 May 2020

Confirmed minutes

1. Commencement of meeting and apologies

The meeting commenced at 5.30pm.

The Chair, Lord Mayor, Sally Capp, advised that:

- the meeting was being streamed live and that an audio and video recording would be made available on the City of Melbourne website before close of business tomorrow
- the agenda comprised of three reports from management
- Councillors Watts and Riley were attending the meeting remotely via video and audio link
- no apologies had been received from Councillors.

The Chair, Lord Mayor, Sally Capp, made a statement about the City of Melbourne's response to COVID-19:

As part of our efforts to contain the spread of COVID-19, and pursuant to the provisions sections 394 and 395 of the *COVID-19 Omnibus (Emergency Measures) Act 2020*, Council and Committee meetings will be held virtually until further notice. During the period 1 May 2020 to 1 November 2020 Councils do not need to provide for members of the public to physically attend meetings. Providing public access to livestreamed events satisfies the public attendance test during the prescribed period.

2. Disclosures of conflicts of interest

The Chair, Lord Mayor, Sally Capp, advised that conflicts of interest would be disclosed as they arose.

3. Confirmation of minutes of the previous meeting

Moved: Cr Oke

That the minutes of open meeting No 74, held on Tuesday 7 April 2020, be confirmed.

Seconded: Cr Frances Gilley

The motion was put and carried unanimously with the following Councillors present: The Chair, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

4. Matters arising from the minutes of the previous meeting

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

5. Public questions

The Lord Mayor, Sally Capp, advised that the Committee had received three written questions in relation to vaping.

The Chair, Lord Mayor, Sally Capp, noted that the questions included some statements and, in reading those statements out loud, the Chair would not be attesting to the veracity or factual nature of those statements.

Question from Leanne Jomantas

Can you please read out medically scientific proof that vaping is as bad for you as smoking? Or is it that you are helping the federal government recoup taxes paid during the covid19 outbreak.

Their [sic] is no scientific medical reports that vaping is bad for you it has only killed people who buy black market vaping juice and mix it with other chemicals that has caused the death of people in America.

Why do you feel the need to ban something that is LEGAL to do in hospitals in Great Britain?

Please provide exponential medical evidence too [sic] back your misinformed decision to ban VAPING.

Confirmed minutes

Question from Philip Kelly

Why does the Melbourne city council at this time when we have more important matter's [sic] like the Corona Virus? You have put on the agenda to ban vaping in area's [sic] of the City of Melbourne that is an aid for X smoker's [sic] to quit smoking.

Being an X smoker it is hard enough without the City of Melbourne making it even harder! This will effect more people that come in from Local suburbs to shop. Not to count effecting business that are already struggling with the smoking bans in place now.

Is it a grab for cash on behalf of the City of Melbourne?

Question from Leah Rodgers

Hi my name is Leah and i have a question.

I was just wondering if this is really about health or money making? Since doing C.A.R.P trials I have successfully quit only using nicotine made in safe laboratories. Why not make it illegal to use flavors and and obviously cannabis oil but allow nicotine. It's safe if used correctly, 11 out of 11 of us at harm reduction have successfully quit, some weren't even looking to, or allow it through a doctor to help peek quit.

You can still make money there hey and look after Australia health. My 17yr old neighbour also quit using vapour. At least allow it to be an option when all else has failed, thanks

The Lord Mayor, Sally Capp advised that:

The City of Melbourne values the health and wellbeing of the community, particularly during and following the current coronavirus pandemic, which is why we are considering this proposal to strengthen our smoke-free policy.

The proposed amendment to the Activities Local Law 2019 in relation to e-cigarettes will include the use of e-cigarettes in the definition of 'smoke' and apply to the City of Melbourne municipality. This would mean that the use of e-cigarettes would be banned in existing and future smoke-free areas. Their use outside of these areas is still permitted, subject to Victorian tobacco and e-cigarette regulations. If endorsed, the proposed change to the local law would go through a public notice, submissions and assessment process, before returning to Council for final consideration later this year.

The proposed changes are consistent with other Australian states, territories and guidance by leading health and medical associations. The National Health and Medical Research Council, and the Chief Medical Officer Brendan Murphy believe that there is insufficient evidence that e-cigarettes have a role as cessation aids, and the Therapeutic Goods Administration has not assessed e-cigarettes for use as a method to withdraw from smoking. This means that the quality, safety and efficacy of e-cigarettes is not known.

The Australian Medical Association's President, Dr Bartone, has said that there is evidence that e-cigarettes normalise smoking, particularly among young people, increasing their risk of nicotine addiction and subsequent tobacco smoking, and that the recent vaping-related deaths in in the United States reinforces the importance of a precautionary approach where there is a potential for doing harm.

The proposed changes aim to strengthen our existing smoke-free initiatives by further:

- protecting children and young people from accessing, using and being exposed to e-cigarettes
- minimising the potential health risks associated with electronic cigarettes
- provide greater clarity for the community with consistency across State and Local Government legislation
- strengthening the commitment to reducing the harmful effects of smoking

Revenue is not and has never been a consideration for implementing smoking bans in the City of Melbourne. Our emphasis is on educating people about our smoke-free areas, not fining them. In 2019 we issued 19 fines for smoking in a smoke-free area across all City of Melbourne smoke-free zones.

Confirmed minutes

The use and sale of flavoured and/or nicotine-containing e-liquids and e-cigarettes is regulated by the Victorian Government and not part of the proposed amendment to the City of Melbourne's Activities Local Law 2019

6. Reports from management

The Chair, Lord Mayor, Sally Capp, advised that the following submissions had been received in accordance with the Council's *Meeting Procedures Code*.

Submissions/Correspondence

In relation to **Agenda item 6.1, Ministerial Planning Referral: TPM-2019-30, 346-350 Macaulay Road, Kensington:**

Request to speak

- Kate Foldi, SJB Architects

Items of correspondence:

- Simon Harvey, Chair Kensington Association
- Rilke Muir
- Moria Yffer
- Jarrod Sawers
- Stuart Tait
- Kate Foldi, SJB Architects
- Trudy Mickelborough
- Anne Patterson
- Martin Brown
- Alison Archibald
- Leanne Magree
- Francisca Araneda
- Maritza Araneda

In relation to **Agenda item 6.2, Ministerial Planning Referral: TPM-2019-5, 683-699 Elizabeth Street, Melbourne:**

Item of correspondence:

- Jamie Govenlock, Urbis

In relation to **Agenda item 6.4, 'Proposed Local Law Amendment':**

Requests to speak:

- Professor Colin Mendelsohn, School of Public Health and Community Medicine, University of NSW
- Mike Bailey

Items of correspondence:

- Irish Croger
- Andrew Hui
- Joe Biscan
- Damien Noonan
- Greg Smith
- Bel Porter
- Michael Freethy
- Colin Pateron
- Andrew Whittle
- Grace Singleton
- Steve Zdelar
- Professor Colin Mendelsohn, School of Public Health and Community Medicine, University of NSW
- Sheryl Cross
- Terry Ganly
- Dr. Alex Wodak AM, Emeritus Consultant, Alcohol and Drug Service, St Vincent's Hospital
- Frank Stath
- Mitchell Hey
- James Plesk
- Tiffany Thuesen, Director of Stakeholder Engagement, Progressive Public Health Alliance
- Fiona Patten, MP
- Kylie Lindorff, Quit Victoria
- Robert Richter QC
- Andrew Gourley
- Samuel Sexton
- Terry Barnes, Cormorant Policy Advice

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- Brad Richardson
- James Newton
- Glen Buckeridge
- Elizabeth Dabrowski
- John Bilin
- Mitchell Newman
- Matthew Cargill
- Ron Rowe
- Shady Aboeella
- Robert Hunt
- Adam Mead
- Angus Ladyman-Palmer
- David Parker
- Brett Chant, Advocacy Manager, Australian Retailers Association & Australian Retail Vaping Industry Association
- David Limbrick MP
- Michael Aguilera, Labor for Drug Law Reform
- Kelly-Ann Jolly, Heart Foundation
- Mike Bailey

Planning Portfolio

Cr Reece assumed the role of Chair for the Committee to consider two reports from management in relation to the Planning Portfolio.

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

The purpose of this report was to advise the Future Melbourne Committee of a Ministerial Planning Application PA1700727 for land located at 346-350 Macaulay Road, Kensington.

Lord Mayor, Sally Capp, declared an indirect conflict of interest in relation to this item and left the meeting at 5.47pm prior to discussion taking place. The conflict of interest was due to receipt of an applicable gift under section 78C of the Local Government Act 1989. The Lord Mayor, Sally Capp, received an election campaign donation from the architect involved with the proposal.

The following person addressed the Committee:

- Kate Foldi, SJB Architects.

Moved: Cr Reece

1. *That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the application subject to the conditions outlined in the delegate report (refer to Attachment 4 of the report from management) but with the following amendments:*
 - 1.1 *In condition 1, add parts (l) and (m) to read:*
 - (l) *A reduction in visual bulk by increasing the setbacks of levels 6 and 7 from Macaulay Road and Stubbs Street.*
 - (m) *Further design work to the through block links to invite public through access.*
 - 1.2 *In condition 12, replace part (k) with:*
 - (a) *Give rights of public access to the north-south pedestrian link located within the subject land 24 hours a day, 7 days a week, and the east-west pedestrian link located within the subject land between 7am and 7pm, 7 days a week; but to remain at all times in private ownership as part of the subject land.*

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Reece, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Riley and Watts.

C o n f i r m e d m i n u t e s

Lord Mayor, Sally Capp returned to the meeting 6.29pm after the vote had been taken.

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

The purpose of this report was to advise the Future Melbourne Committee of a Ministerial Application for a Planning Permit seeking approval for the development of land located at 683-699 Elizabeth Street, Melbourne.

Moved: Cr Reece

That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the application subject to conditions outlined in the delegate report (refer to Attachment 4 of the report from management).

Seconded: Cr Leppert

The motion was put and carried unanimously with the following Councillors present: The Chair, Councillor Reece, Lord Mayor, Sally Capp, Deputy Lord Mayor, Arron Wood and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Riley and Watts.

Finance and Governance Portfolio

Deputy Lord Mayor, Arron Wood assumed the role of Chair for the Committee to consider one report from management in relation to the Finance and Governance Portfolio.

6.4 Proposed Local Law Amendment

The purpose of this report was to seek approval to commence the statutory process proposing the Activities (Greening Melbourne, Vaping and Miscellaneous Amendments) Local Law 2020 (Proposed Local Law) to amend the Council's Activities Local Law 2019 and Environment Local Law 2019 (Local Laws).

The following people addressed the Committee:

- Professor Colin Mendelsohn, School of Public Health and Community Medicine, University of NSW; and
- Mike Bailey.

Moved: Cr Oke

1. *That the Future Melbourne Committee:*

1.1. *Pursuant to Part 5 of the Local Government Act 1989 (the Act), proposes to make the Activities (Greening Melbourne, Vaping and Miscellaneous Amendments) Local Law 2020 at Attachment 2 of the report from management (Proposed Local Law).*

1.2. *Endorses management carrying out the necessary steps to progress the proposal in accordance with the Act.*

Seconded: Cr Pinder-Mortimer

Cr Le Liu left the meeting at 6:57pm and returned at 6:58pm.

The motion was put and carried unanimously with the following Councillors present: The Chair, Deputy Lord Mayor, Arron Wood, Lord Mayor, Sally Capp, and Councillors Frances Gilley, Le Liu, Leppert, Louey, Oke, Pinder-Mortimer, Reece, Riley and Watts.

Management will contact all submitters in the coming weeks, to inform them how they can make a submission to the Submissions Committee that will be convened to consider the Proposed Local Law.

The Lord Mayor, Sally Capp, resumed the role of Chair for the remainder of the meeting.

C o n f i r m e d m i n u t e s

7. General business

There were no items of General business for consideration.

8. Urgent business

There were no items of proposed urgent business for consideration.

9. Public questions

There were no additional public questions.

10. Closure of meeting

The Chair, Lord Mayor, Sally Capp, declared the meeting closed at 7:15pm.

Confirmed at the meeting of the Future Melbourne Committee on Tuesday 19 May 2020



Chair
Future Melbourne Committee