

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 18 JULY 2011

**CARL ASKEW**  
Chief Executive Officer

21 July 2011



## DEVELOPMENT SERVICES COMMITTEE

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6:04pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)****Present**

Cr Jay Birnbrauer	Deputy Presiding Member
Cr Jo Dawkins	
Cr Davina Goldthorpe	Arrived 6:07pm
Cr Ian Woodhill	
Cr Victor Strzina	

**Officers Present**

Mr Andrew Jackson	Manager Development Services
Mr Will Schaefer	Planning Officer
Mrs Julie Ryan	Development Services Secretary

**Apologies**

Cr Jack Walsh  
Cr Jay Birnbrauer  
Cr Patricia Carmichael

**Officer Apologies**

Mr Carl Askew	Chief Executive Officer
Mr Ed Drewett	Senior Planning Officer

**Leave of Absence (previously approved)**

Nil

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Mr Bernard Seeber re Item 10.1.1 – 80 Railway Street proposal

Mr Seeber summarised the history of the place and recent master planning undertaken by his firm for the National Trust towards improved usage and conservation, including the accommodation needs of various groups. He also handed-out A3 plans of the proposal.

Mr Jonathan Strauss re Item 10.1.1 – 80 Railway Street proposal

Mr Strauss referred to large display plans and elevations in describing the layout of the existing and proposed buildings and parking etc areas, as well as the heritage works to be performed.

Ms Kirsty Barrett re Item 10.1.1 – 80 Railway Street proposal

Ms Barrett raised no specific objection to the proposal, however, she emphasised the needs of the Primary School for more classroom space and ongoing discussions between the School and Department of Education with those involved in Wanslea, although no outcome had been reached at this stage.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Strzina, seconded Cr Dawkins**

**That Cr Woodhill and Cr Birnbrauer be granted leave of absence for the August Development Services Committee meeting.**

**Carried 5/0**

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Moved Cr Dawkins, seconded Cr Strzina**

[Minutes April 18 2011 Development Services Committee.doc](#)

**The Minutes of the Ordinary meeting of the Development Services Committee, held on 18 April 2011 be confirmed.**

**Carried 5/0**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**10 REPORTS OF COMMITTEES AND OFFICERS****10.1 PLANNING****10.1.1 80 RAILWAY STREET - "WANSLEA" MASTERPLAN PART 1 -  
CONSERVATION WORKS, ALTERATIONS AND ADDITIONS**

<b>File No:</b>	<b>2130</b>
<b>Attachments:</b>	<a href="#">WansleaAerialPhotos.pdf</a> <a href="#">WansleaApplicantLetters.pdf</a> <a href="#">WansleaNeighbourComments.pdf</a> <a href="#">WansleaPlans.pdf</a> <a href="#">WansleaSitePhotos.pdf</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>William Schaefer</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2011</b>
<b>Author Disclosure of Interest:</b>	<b>None</b>
<b>Property Owner:</b>	<b>National Trust of Australia</b>
<b>Applicant:</b>	<b>Bernard Seeber Pty Ltd Architects</b>
<b>Date of Application:</b>	<b>22 December 2010</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Use:</b>	<b>AA - A use that is not permitted unless special approval is granted by the Council</b>
<b>Lot Area:</b>	<b>7430m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Not applicable</b>

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**SUMMARY**

This application is seeking the following variations to Council's Scheme or Policies:

- Building height;
- Parking.

Each of these aspects is discussed in this report, which refers to revised plans received on 6 June 2011.

Given the assessment that has been undertaken, the recommendation is to conditionally approve the application.

**BACKGROUND**

The site has been used by community groups continuously since the establishment of the Wanslea orphanage in 1905. At present the site is owned by the National Trust of Australia and occupied by the Cottesloe Wellness Centre, which accommodates a variety of cancer support groups.

There are five main buildings and several small outbuildings on the site. The oldest and largest is the two-storey brick and iron former orphanage, which dates from

1905. Other significant structures include the two-storey brick staff quarters (1958) in the centre and the weatherboard/iron Army buildings in the south east corner of the site (constructed 1940-43).

The buildings on the Wanslea site are structurally sound but are in need of urgent conservation works. The proposed additions and conservation works are intended to rationalise the existing cancer support/day care operations and perhaps enable some degree of financial sustainability.

## **PROPOSAL**

The overall aim of the Masterplan Part A is to consolidate the operations of the Cottesloe Wellness Centre in conserved and modernised facilities. It is important to note that this proposal does not involve works to the buildings and spaces currently used for child care and an infant play group.

The scope of works includes:

- Installation of service infrastructure near the entrance to the site;
- Conservation works and maintenance;
- Landscaping;
- Two-storey alterations and additions to the 1958 Staff Quarters building; and
- A new two-storey building to the north of the 1905 Wanslea building.

A development application for the above was lodged with the Town in December 2010. Following detailed feedback from Council's planning staff, revised plans were submitted on 6 June 2011.

## **STRATEGIC IMPLICATIONS**

Conservation of the heritage place and expansion / improvement of the premises for community-related purposes are essentially consistent with Council's objectives and policies for the built and social environments in Cottesloe.

## **POLICY IMPLICATIONS**

As above.

## **STATUTORY ENVIRONMENT**

- Town of Cottesloe Town Planning Scheme No 2
- Heritage of Western Australia Act 1990
- Municipal Heritage Inventory

## **FINANCIAL IMPLICATIONS**

No direct costs to Council.



## TPS2 & LPS3

Under the land use definitions of current TPS 2, activities on site would best be categorised as either “Consulting Rooms” or “Professional Offices”. Both of these are AA uses, which may be permitted with special approval from Council.

Under proposed LPS 3, the Residential R20/R30 zoning and density coding of the site would continue.

Based on the land use definitions in LPS 3, the operation of the Cottesloe Wellness Centre/ Cottesloe Playgroup/ Cottesloe Child Care Centre would fall under the categories of “Community Purposes” and “Family Day Care”. These land uses are listed as discretionary uses under the LPS 3 Zoning Table, and are thus supportable by Council.

Overall, the existing and intended uses are essentially consistent with the range of institutional, educational civic and community uses typically permitted on local reserves or public property.

## HERITAGE

The Wanslea site occurs on the State Register of Heritage Places. In addition, the site is listed with the National Trust (who is also the owner) and is a Category 1 place on the Town’s Municipal Inventory.

The site is vested in the National Trust by virtue of a management order. As the NT act under delegated authority from the HCWA, it has not been necessary to refer the application to the HCWA for comment.

When considering proposals in a heritage context, Council is required by Clause 5.1.2 of TPS 2 to have regard to: *The need for preservation of existing trees or areas or buildings of architectural or historical interest; and the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally.*

The property is classified in the MHI as Category 1, which is defined as: *Highest level of protection appropriate. Included in the State Register of Heritage Places. Provide maximum encouragement to the owner to conserve the significance of the place. Photographically record the place.*

The MHI description of the place is: *Independent Order of Odd Fellows (IOOF) Orphans’ Home. Historic, architectural and social significance.*

The conservation works are to be undertaken by the Trust and can be relied upon as acceptable consistent with its charter, expertise and practices in this field.

## VARIATIONS

Non-Compliance with TPS 2	Min/Standard	Proposed
Building Height – New Two-Storey Addition behind	Max height of walls 6.0m above NGL in	8.5m above NGL in centre of building

Wanslea Building	centre of building	
<b>Building Height</b> – Height of Two-Storey Additions to Staff Quarters	Max height of walls 6.0m above NGL in centre of additions	8.5m above NGL in centre of additions
<b>Parking</b> (calculated for proposed new office space only)	11 bays	No new bays proposed

## CONSULTATION

The application was advertised by the Town in accordance with TPS 2. The advertising consisted of a letter to adjoining property owners.

A total of two written comments was received. Main points from the submissions are as follows:

Sally Grainger and Brad Wylynko of 13 Mann Street, and Anna Coxon and Teague Czislowski of 11 Mann Street

- Concerns regarding visual impact of new two-storey building and potential for reflection from roof;
- Queries regarding tree removal and attendant increase in roof-reflection;
- Concern regarding asbestos removal.

Mr Richard Atkins, Chairman, North Cottesloe Primary School Council

- Not so much an objection as a request for Council to defer consideration of the development application until such time as a consensus between the National Trust and the North Cottesloe Primary School is reached on the matter of school-use of buildings on the Wanslea site in future.

It should also be noted that members of the school council have been liaising with the Town and the applicant directly with regard to the school's future use of Wanslea buildings. The applicant has stated a willingness to continue discussion, and it ought to be remembered that new applications can always be lodged in the event of future arrangements between the school and site owners. In the meantime, the application does not concern buildings that the school wishes to use and may be approved without fear of prejudicing further discussions between the parties.

## APPLICANT'S JUSTIFICATION

A letter of justification has been submitted with the development application. The main points of the letter are as follows:

- Despite their age, the buildings on site are structurally sound and reflect many original materials and finishes. The owners are extremely mindful of the need to respect the uncommon heritage qualities of the buildings and have therefore aimed at the conservation, interpretation, adaptive re-use of existing structures, as well as complementary new development;

- The owners are heritage management specialists who fully intend to honour the site's community-use traditions;
- Carparking facilities are more than adequate at present, with only 50% of bays utilised during office hours.
- Visitors and staff make frequent use of public transport (buses and trains) to the site. Of the 6 full time, office-hour Cancer Support Association staff and 12 off-peak casual staff such as telemarketers, 8 use the train.
- In the future it is intended for Wanslea tenants to make exclusive use of Carpark No. 1 (the southernmost carpark), rather than continue to share the facility with the primary school. At present the school actively discourages this practice.
- The 24-bay parking facility on the Railway Street road reserve is also capable of accommodating cars associated with Wanslea.
- The estimated total *practical* parking requirement for new occupants and current occupants is 28 bays.
- Varied topography and the requirement to work around the locations/levels of existing buildings are such that variations from normal building height restrictions are required;
- New development is proposed to occur downslope from the nearby residential areas, which will reduce the effects of new buildings on neighbours.

## STAFF COMMENT

### Building Height

#### NEW TWO-STOREY BUILDING

A new two-storey, flat-roofed building is proposed for an area immediately to the north of the Wanslea building. This building is proposed to be used as office and meeting space by the tenants of the main Wanslea building, and as such does not present any change of use issues.

The large extent of the Wanslea site (7430m<sup>2</sup>) renders the standard method of determining building height, which is assessment based on NGL in the centre of site, impractical. However, in such circumstances, Clause 3 of *TPSP 005 Council Policy In Relation to Building Heights* allows for officers to determine building heights from data that occur on other points of the site. In this instance, it is considered that a datum directly beneath the addition would be most appropriate.

By this rationale, the height of the new building is 8.5m above NGL. In this respect Clause 5.1.1 (c) of TPS 2 prescribes a traditional pitched roof two-storey building height standard of 8.5m for the roof ridge with a wall height standard of 6.0m. In comparison, residential flat-roofed buildings are often assessed against the Residential Design Codes standard of 7.0m, but as the proposed building is not intended for residential use the assessment is conducted under the Scheme provisions; however, the 7.0m standard is a useful guide. The wall heights of the

new building are thus technically 2.5m above the height standard, although a shortcoming of TPS 2 is that it is unclear about modern, flat-roof designs, hence some discretionary assessment is called-for.

In this connection Clause 5.1.1 (c) of TPS 2 allows for variations to height standards in cases where natural ground forms indicate that a variation is warranted and the amenity of neighbouring areas is not unreasonably diminished.

The applicant has justified the variation on the basis that wheelchair and pedestrian traffic from the Wanslea building to the new building necessitate matching levels. Lowering the structure to ensure compliance with the Scheme would result in a building that may prejudice the very members of the community it is designed to serve.

The variation is further justified on the basis that its distance from neighbouring properties is sufficient to ensure that there will not be negative effects on view corridors or the provision of sunlight and ventilation. For example, no point of the proposed building would be closer than 16.0m to any neighbour, and 100% of the midwinter midday shadow would fall on the subject lot. No privacy issues are expected, and in the context of the many mature trees and the much-larger Wanslea building nearby, the mass of the proposed new building is considered unlikely to generate any problems.

It is noted that the undercroft feature of the new building does not readily satisfy the Scheme's definition for an undercroft, as it higher than the NGL and is also higher than 1 metre above the spot level for the centre of the street boundary. In most normal residential contexts such a building would be regarded as three storeys in height and therefore not approvable. However, as the building is not intended for residential use and as the undercroft space is designed as a void rather than for storage or habitable purposes, this clause and height control is not really applicable.

In summary, given the need for particular floor levels resulting in the building form and height, as well as recognising the importance of the Wanslea site to the community, the proposal can be supported on the basis of TPS 2 Clause 5.1.1 (a), which allows for the approval of more than two storeys when Council has considered "the circumstances and merits of each case in terms of the amenity and development control provisions of this Scheme."

A written objection to the potential visual impact of the building was received from the owners of 11 and 13 Mann Street. It is considered that as the above two properties would be approximately 23 metres and 35 metres, respectively, from the proposed new building, it is likely that the effects of glare and bulk will be less than anticipated. It should also be noted that a number of mature trees will remain in place between the submitters and the proposed building.

#### ADDITION TO STAFF QUARTERS

Part of the proposal to convert the old staff quarters building into modern offices involves the construction of two-storey additions that would be approximately 1.24m above the 6.0m wall-height standard.

In this instance the variation is unlikely to affect the amenity of neighbouring properties. No point of the proposed building would be closer than 19.0m to any neighbour, and 100% of the midwinter midday shadow would fall on the subject lot. The building would not affect the views from neighbouring properties, or perceptibly alter the passage of sea breezes. And as the existing old staff quarters building would remain 1.36m higher than the additions, the mass of the new work would be relatively modest.

No concerns regarding this element of the proposal were raised by neighbours.

### **Parking**

It is proposed to add a total of 440m<sup>2</sup> of new office space to the site. If assessed as *Administrative, Commercial and Professional Offices* under the Vehicle Parking Requirements prescribed by Table 2 of TPS 2, a further 11 bays are required to be provided. If the existing floor space of all other buildings is considered, a total of 55 bays would be required for all operations on site once the development is complete.

The applicant claims that notwithstanding the above requirement, no new parking bays need be provided as the number of existing bays (30) is expected to be sufficient for future activity on site. It is claimed, for example, that fewer than 50% of the existing bays are utilised during office hours at present, and that if the expected staff form the basis for calculations (as opposed to floor space forming the basis for calculations) only 28 bays will be required for all operations in all buildings on site.

The applicant's rationale is supported by three arguments. The first is that the Wanslea site is so reliably serviced by nearby public transport that demand for parking is unusually low.

The Grant Street railway station is less than 300m from the subject property, well within the 400m "ped shed" that defines a practical walking distance to/from a service stop. Thus, 40% of the Cancer Support Association's full time, office hours staff and off-peak casual staff catch the train. It is also claimed that a significant portion of visitors use the train.

The established pattern of public transport use by visitors and staff is expected to ameliorate the demand for additional parking.

The second argument posits that staff numbers are a better basis for parking requirement calculations than floor space. For example, as there is no proposed change in staff numbers for the Cancer Support Association, or the Play Group/Child Care Centre, no increase in demand for parking is expected for the existing tenants even though the tenants will occupy more space.

Nevertheless, it must be pointed out that new tenants (Breast Cancer Care WA and Make-A-Wish) are proposed, and these will require a total of 16 bays for their full time staff. Whilst it could reasonably be expected that some of the new staff would forgo the inconvenience and expense of car use and utilise the nearby train service, there will be visitor traffic associated with each tenant.

The third argument rests on the availability of the 24-bay Railway Street parking facility for Wanslea staff and visitors. Council's Manager Engineering Services has

confirmed that Wanslea staff and visitors are entitled to use of the carpark, and has also indicated a willingness to arrange the shifting or Railway Street/rebuilding of the carpark such that the facility would occur on the eastern side of the street.

As the carpark is shared with the school, peak demand for parking occurs around 9am and 3pm, with the carpark relatively uncongested for the rest of the day. Use of the carpark for overspill from the Wanslea site therefore does seem feasible.

It is noted that under TPS 2 Clause 5.4.4 the cash-in-lieu provisions are applicable only to commercial zones rather than the Residential zone, so it is not a consideration in this case. Further, the activities on the Wanslea site suit assessment under the land use "Other" in Table 2, which gives Council discretion to determine parking requirements "having regard to the nature of the use to be made of the site."

On balance, while the application is perhaps a little optimistic about the number of parking bays that will be required in future, Council is able to approve the parking as proposed. It is expected that any overspill can be comfortably accommodated in the Railway Street parking facility. However, should Council be concerned, then additional parking could be required by a condition of approval. The condition could require that new bays are provided either initially or at a later stage when performance of the parking arrangements that are currently proposed can be assessed.

### **Service Infrastructure**

The service infrastructure proposed for near the Railway Street entrance will modernise the supply of electricity, gas and so on to the site. The water tanks and pump are required by law for fire control and are long overdue. Each of the structures has been assessed from a planning perspective and is technically in order with regard to setbacks, height and other such design elements. Nevertheless, due to the prominent location of the infrastructure, a condition requiring the aesthetic treatment of materials, screening and finishing has been included.

### **General Comment**

The proposal is assessed to satisfy the general amenity considerations prescribed by TPS 2 Clause 5.1.2 which Council is obliged to have regard to.

### **CONCLUSION**

The proposal involves the conservation, enhancement and expansion of facilities that are of considerable architectural and social significance. The proposed new structures would be relatively modest and are regarded as unlikely to affect the amenity of neighbours. Demand for new parking would probably be low and the existing carparks are deemed to be sufficient. There remains the option to relocate Railway Street and its associated carpark in future should demand prove higher than expected. In the meantime the application could be approved without prejudicing dialogue between the school and owners about shared use. Overall the proposal represents an outstanding opportunity for Council to support the community.

### **VOTING**

Simple Majority

**COMMITTEE COMMENT**

Committee was supportive of the proposal in itself in terms of the design, development and heritage improvements. Committee was also supportive in-principle of the potential for the future needs of the Primary School to be supplemented by the Wanslea facilities, subject to further discussions and arrangements by the relevant parties. Committee moved that an Advice Note be added to assist in this regard.

**OFFICER RECOMMENDATION****Moved Cr Strzina, Seconded Cr Dawkins**

THAT Council GRANT its Approval to Commence Development for the proposed conservation works and alterations and additions at 80 Railway Street, Cottesloe, as per the revised plans dated 6 June 2011, subject to the following conditions:

1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
2. The external profile of the development as shown of the approved plans shall not be changed, whether by addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
4. The new roof surfaces shall be treated to reduce glare if following completion of the development Council considers that glare adversely affects the amenity of adjoining or nearby neighbours.
5. Air-conditioning plant and equipment shall be located closer to the proposed buildings than the adjoining buildings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
6. Any future proposed change of use on the site shall require a planning application to and approval by the Town.
7. Signage does not form part of this approval any future proposed signage requires an application to and approval by the Town.
8. The proposed services upgrade and infrastructure near the Railway Street entrance to the property shall be designed, constructed, finished and screened with aesthetically suitable materials and vegetation to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.
9. The undercroft of the new two-storey building shall not be used for any storage or habitable purposes.

10. The site shall be landscaped to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.

### **AMENDMENT**

**Moved Cr Strzina, seconded Cr Goldthorpe**

**That an Advice Note be added as outlined by the Manager of Development Services.**

**Carried 5/0**

### **COMMITTEE RECOMMENDATION**

**THAT Council GRANT its Approval to Commence Development for the proposed conservation works and alterations and additions at 80 Railway Street, Cottesloe, as per the revised plans dated 6 June 2011, subject to the following conditions:**

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9. The undercroft of the new two-storey building shall not be used for any storage or habitable purposes.
10. The site shall be landscaped to the satisfaction of the Manager Development Services, and full details are required to be provided as part of the building licence application.

**Advice Note:**

The applicant is requested to continue liaison with the North Cottesloe Primary School, Department of Education and Town of Cottesloe regarding the needs of the School in relation to forecast population growth and the opportunity into the future for the development and use of the Wanslea site and buildings to assist in accommodating those needs, by mutual arrangement between the National Trust and the School, with particular regard to the potential for use of the former army building/s in the first instance.

**AMENDED SUBSTANTIVE MOTION**

**Carried 5/0**

**11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING**

Nil

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:04pm.

*CONFIRMED: PRESIDING MEMBER* \_\_\_\_\_ *DATE: .../.../...*