

# TOWN OF COTTESLOE



## STRATEGIC PLANNING COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
7.00 PM, WEDNESDAY, 17 AUGUST 2011

**CARL ASKEW**  
Chief Executive Officer

19 August 2011



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**STRATEGIC PLANNING COMMITTEE**
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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 7:00 PM.

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

Mayor Kevin Morgan	Presiding Member
Cr Jack Walsh	
Cr Jay Birnbrauer	
Cr Greg Boland	

**Officers Present**

Carl Askew	Chief Executive Officer
Mat Humfrey	Manager Corporate & Community Services
Geoff Trigg	Manager Engineering Services
Andrew Jackson	Manager Development Services
Lydia Giles	Executive Officer

**Apologies**

Nil

**Leave of Absence (previously approved)**

Nil.

**Officer Apologies**

Nil.

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

Nil.

**4 PUBLIC QUESTION TIME**

Nil.

**5 PUBLIC STATEMENT TIME**

Nil.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Moved Cr Boland seconded Cr Walsh**

[Minutes February 23 2011 Strategic Planning Committee.doc](#)

**The Minutes of the Ordinary meeting of the Strategic Planning Committee, held on 23 February 2011 be confirmed.**

**Carried 4/0**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 GENERAL

#### 10.1.1 TOWN OF COTTESLOE - ACTION PLAN REVIEW - AUGUST 2011

**File No:** SUB/108  
**Attachments:** [Action Plan 17 August 2011](#)  
[DLG Integrated Planning and Reporting Framework and Guidelines](#)  
[DLG Integrated Planning and Reporting Schedule](#)

**Responsible Officer:** Carl Askew  
Chief Executive Officer

**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 17 August 2011

**Author Disclosure of Interest** Nil

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### SUMMARY

This report recommends that Committee receive the updated *Action Plan* report and provide feedback to the CEO and senior staff present at the meeting on agreed modifications to the Action Plan for subsequent presentation to Council.

### BACKGROUND

The *Future Plan 2006 to 2010* for the Town of Cottesloe was finalised and adopted by Council in June 2007. At that time two review dates for the Future Plan were set, so that the document would return to Council. The first of those review dates was set at November 2008 and the second was in November 2010. Following the adoption of the *Future Plan*, an *Action Plan* was developed and an updated review of that plan is tabled for consideration at each meeting of the Strategic Planning Committee.

In September 2009, Committee determined to make changes to objectives 5.2 and 6.1 by updating the intent and focus of each. These changes were subsequently approved by Council. In November 2010 Council resolved to receive an amended Action Plan report having noted the completion of the development of the new joint library facilities and determining to add in two new items:

- Under Objective 4: Development, a new item 4.7 be added to read “Develop a strategy to address the requirements of the State Government’s Directions 2031 Strategies and Policies”.
  - A new Dynamic Priority be added to read: “Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe”.
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## STRATEGIC IMPLICATIONS

The Action Plan has obvious strategic implications. Council's Strategic (Future) Plan, from which the Action plan is derived, now requires review.

In addition, and as part of the suite of changes introduced by the Minister for Local Government, all Councils have been advised of the need to undertake and improve their strategic planning. An *Integrated Planning and Reporting Framework* has been prepared, together with associated guidelines for local governments, and inclusive of asset management and long term financial planning.

All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995* (the Act). It is intended that regulations will be made under S5.56(2) of the Act to briefly outline the minimum requirements to achieve this. These changes are anticipated to be made by the Department in August 2011

The following information is taken from the documentation provided by the Department and a copy of the full Framework and Guidelines is attached to this report.

*The Integrated Strategic Planning Framework provides the basis for improving the practice of strategic planning in local government. It addresses the minimum requirements to meet the intent of the Act and outlines processes and activities to achieve an integrated strategic plan at the individual local government level.*

*There are three major parties to the development of an integrated strategic plan:*

- 1. **The community** – participates in a community planning process to determine major vision or intended big picture directions and also participates in regular reviews of those directions.*
- 2. **The Council** – signs off the Strategic Community Plan resulting from the community planning process, the four year reviews updating that plan, and the annual budget.*
- 3. **The local government administration** – supports delivery of the Strategic Community Plan, the 4-yearly reviews, and annual budget through its corporate business planning.*

*To achieve an integrated strategic planning process at least two plans are needed: The minimum requirement to meet the intent of the plan for the future is the development of:*

- **A Strategic Community Plan;** and*
- **A Corporate Business Plan.***

*The key principle of the planning process is to provide both the future aspirations for the local government and a path to achieve them. Specific strategies address issues such as community safety or disability plans and place or local area plans. Strategic outcomes are supported by the identification and planning of all financial, human resource, asset and infrastructure requirements and income opportunities over the longer term. It is acknowledged that local governments will have different starting points for integrated strategic planning and many will have existing processes that*



*specify how place or area plans, specific strategies, Council endorsement of four year plans or annual plans are to be treated.*

*The framework does not intend to require a single methodology to be applied by local governments and is intended to guide local governments to a successful integrated strategic planning process, which, at its most simple, would deliver the following outcomes:*

- *There is a long term strategic plan that clearly links the community's aspirations with the Council's vision and long term strategy.*
- *The local government has a Corporate Business Plan that integrates resourcing plans and specific council plans with the Strategic Plan.*
- *The Council has a clearly stated vision for the future viability of the local government area.*

*Adopting integrated strategic planning is potentially the most important performance improvement initiative available to local governments. Currently, more than two thirds of local governments in Western Australia do not have a strategic planning process that is linked to long term asset management and financial planning.*

## **POLICY IMPLICATIONS**

None known

## **STATUTORY ENVIRONMENT**

Division 5 — Annual reports and planning principal activities

### *5.56. Planning principal activities*

- (1) *Each financial year, a local government is to prepare a plan for the next 4 or more financial years.*
- (2) *The plan is to contain details of—*
  - (a) *the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan;*
  - (b) *the objectives of each principal activity;*
  - (c) *the estimated cost of, and proposed means of funding, each principal activity;*
  - (d) *how the local government proposes to assess its performance in relation to each principal activity;*
  - (e) *the estimated income and expenditure for each financial year affected by the plan; and*
  - (f) *such other matters as may be prescribed.*

*Regulation 19C of the Local Government (Administration) Regulations 1996 refers, i.e.*

### **19C. Planning for the Future – section 5.56 of the LGA**

- (1) *In this regulation – “**plan for the future**” means a plan made under section 5.56.*

- (2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- (3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- (4) *a local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
- (5) *A council is to consider a plan, or modifications, submitted to it and is to determine\* whether or not to adopt the plan, or the modifications, as is relevant.*

*\*Absolute majority required.*

## **FINANCIAL IMPLICATIONS**

Adoption of the Future Plan and associated Action Plans will inevitably require expenditure as per Council's adopted budget and long term financial plan.

## **SUSTAINABILITY IMPLICATIONS**

The Town has continuously demonstrated a high level of regard for the sustainable management of Council's resources and the Future Plan not only supports sound financial management but also meets the legislative requirements contained within the Local Government Act 1995 and associated Regulations.

## **CONSULTATION**

The Future Plan was developed in consultation with the community by way of public submission periods and refined by the Town's Strategic Planning Committee prior to adoption by Council.

## **STAFF COMMENT**

In relation to the Action Plan, the following strategies were identified by Council as priorities for 2010/11.

- 1.2 Reduce beachfront hotel numbers to a sustainable level.
- 1.5 Identify increased opportunities to use existing facilities or provide new venues for formal community cultural events and activities.
- 1.9 Develop a Community Safety Strategy
- 2.1 Produce a draft Structure Plan for consultation purposes showing the sinking of the railway and realignment of Curtin Avenue together with 'what's possible' in terms of sustainable redevelopment and pedestrian and traffic links.
- 3.1 Develop the 'Foreshore Vision and Master Plan' in consultation with the community.
- 3.4 Introduce electronically timed parking.
- 4.1 Develop planning incentives for heritage properties.
- 4.5 Consider undeveloped Government owned land for higher density development provided there is both public support and benefit for the Cottesloe community.

- 4.7 Develop a strategy to address the requirements of the State Government's Directions 2031 Strategies and Policies.
- 5.1 Adopt a policy position on assets that have a realisable value such as the Depot and Sumps.
- 5.2 Subject to the satisfactory resolution of land tenure, design and funding requirements, progress the development of new joint library facilities.
- 5.3 Develop an integrated Town Centre plan to improve all aspects of the infrastructure of the Town Centre.
- 5.6 Develop a long term asset management plan and accompanying financial plan.
- 6.1 Further improve the community consultation policy in recognition of the need for greater community engagement when change is needed.
- DP1 Complete the adoption of Local Planning Scheme No. 3 including the preparation of all draft policies to a stage where they can be advertised for public comment.
- DP2 Report on the proposed tasks identified in the Climate Change Vulnerability study and their impacts, priorities and applicability to the Town of Cottesloe
- DP3 Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe.

The following *program summary* in relation to the above strategies is provided. More detail is contained in the attached updated Action Plan.

Rating	Ref	Comment
O	1.2	Council's strategy to monitor anti-social behaviour is ongoing. Last report to Council in August 2010. Changes at CBH have significantly reduced (improved) incidents of anti-social behaviour.
O	1.5	Civic Centre future use study reported to Council in February 2010. Additional report to all Councillors in August 2010 including consideration by Public Events Committee. Report on Catering contractor in February 2011. Ongoing.
C	1.9	Develop a Community Safety Strategy. Report to Council in May 2010 and adoption of Safer Sustainable Cottesloe Plan 2010 – 2014.
O	2.1	As per Council resolution in October 2009, Draft Plan progressed through EbD. Working Group reconvening with a view to further community consultation on a preferred alignment. Suggestion from Minister and meeting with DoP regarding Council liaising with LandCorp to plan a ToD.
O	3.1	As per Council resolution in October 2009, Foreshore Implementation Working Group meeting regularly to consider and oversee realisation of the Concept Plan. Consultant engaged. Plan completed with implementation schedule a cost estimates being finalised. Outlook is to present Plan and Strategy to Council for endorsement.
C	3.4	Meter Eyes have been installed at the Foreshore and Town Centre

		with a second phase roll out in the Town Centre to be planned as part of Town Centre Working Group and subject to budget consideration.
C/O	4.1	Proposed LPS3 and related draft policy as well as practice by staff and the Heritage Advisor have addressed the consideration and application of heritage incentives so far.
O	4.5	Council has resolved to pursue structure planning for the area which will include consideration of higher density development. At present the focus is on resolving Curtin Avenue, the railway and east-west connectivity as the key infrastructure prerequisites to overall structure planning for land uses and development. Subject to finalisation of LPS3 development zones.
O	4.7	Develop a strategy to address the requirements of the State Government's Directions 2031 Strategies and Policies. Research being undertaken and report to be prepared.
C/O	5.1	Plan is currently progressing for the Depot. Consultants investigating concept and feasibility of joint facility at Mosman Park. Shared option with Subiaco and Nedlands is ongoing. Station Street sump site under consideration.
C	5.2	Joint Library construction complete. Landscaping finalised. Official February 2011.
C/O	5.3	A consultant has completed this study having regard to the related Station Street and railway lands planning initiatives influencing the future of the Town Centre.
O	5.6	WAAMI program has been restarted and will become the basis for the Town's asset management plan and will link to the long term financial plan adopted in August 2010.
H	6.1	This matter has not progressed due to other priorities.
C/O	DP1	LPS3 was submitted to WAPC in May 2009 and has been re-advertised for modifications proposed by the Minister for Planning. Council is currently considering the submissions for response on finalisation of the Scheme.
C	DP2	Geological study to determine the rock/sand sections of the foreshore approved with grant funding. Work completed in February and reported to Council in March 2011. Final report due in August 2011.
O	DP3	Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe. Draft Local Law prepared in preparation for workshop and report to Council. Draft Management Plan being researched.
<b>Legend</b>		<b>O=Ongoing C=Complete/substantially complete H=On Hold</b>

This agenda item represents an opportunity for Committee members to review progress and provide informal feedback on where staff should be headed in terms of implementing individual actions. It is recommended that Committee receive the Action Plan and provide comment to the CEO and senior staff present at the meeting on agreed modifications to the Action Plan prior to presentation to Council.

In relation to the Future Plan there is now a stated process, framework and guidelines for the creation of both a Strategic Community Plan and a Corporate Business Plan. The expectation is that these new plans will be developed and introduced over the next 18 months in time for the 2013/14 Budget (refer to attached schedule). It is recommended that Council commence the process of undertaking its Strategic Community Plan.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Birnbrauer**

**That Council;**

- 1. receive the Action Plan Report as amended by the Strategic Planning Committee**
- 2. commence the process of reviewing its Strategic Plan and developing a Strategic Community Plan in line with the Minister's Integrated Planning and Reporting Framework.**

**Carried 4/0**

**10.1.2 LOCAL GOVERNMENT ELECTIONS – PROPOSED CHANGE OF MEETING DATES FOR OCTOBER 2011**

**File No:** SUB/383  
**Attachments:** [Committee and Council Meeting Dates 2011](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 17 August 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

Due to the Local Government elections in October 2011 this report recommends a variation to the advertised Council and Committee meeting dates for October 2011.

**BACKGROUND**

The Local Government Elections are scheduled for Saturday 15 October 2011 and it is usual for the new Council to meet as soon as possible after the election results are known, in order for elected members to make their declaration of office, determine Council seating arrangements, elect a deputy Mayor, determine Standing Committee memberships and arrangements, as well as Advisory Committee memberships, appointment of Council delegates to other Local Government bodies, and appointment to various community organisations and informal working groups.

Council at its meeting of 13 December 2010 resolved to recommend to the Local Government Advisory Board (LGAB) that the number of elected members (Councillors) be reduced from ten (10) to eight (8), effective from the next ordinary elections in October 2011 and that changes be made to ward boundaries. This resolution was subsequently formally communicated to the Chairman of the LGAB and the Department of Local Government.

In March 2011 the Department of Local Government advised the Town that the Minister for Local Government had accepted the recommendations of the LGAB as outlined by Council, with changes to be implemented in time for the 2011 elections, and with all Councillor positions to be declared vacant. Administrative processes to obtain the Governor's approval and to publish the changes in the Government Gazette were undertaken and the Government Gazette dated 3 May 2011 (No:73) subsequently confirmed that Order.

In November 2010 Council resolved to set its meeting dates for 2011 and these dates were subsequently advertised as required by the Act. A copy of the report to and resolution by Council is attached for information purposes.

The meeting dates as approved by Council for October 2011 are as follows;

- Development Services Committee meeting Monday 17 October
- Works & Corporate Services Committee Tuesday 18 October

- Ordinary Council Meeting

Monday 24 October

In 2009 the Local Government elections took place on Saturday 17 October and a Special Council meeting was held on Monday 19 October. The Ordinary meeting of Council was held the following Monday 26 October 2009 with Standing Committee meetings having been held immediately following the Special Council meeting on Tuesday 20 October and Wednesday 21 October 2009 (*Note: the Development Services Committee was moved from the Monday to the Wednesday to accommodate the Special Council meeting*).

## STRATEGIC IMPLICATIONS

### Objective 7: Organisation Development

*To effectively manage Council's resources and work processes.*

- Deliver high quality professional governance and administration.

## POLICY IMPLICATIONS

None known

## STATUTORY ENVIRONMENT

Regulation 12 of the Local Government (Administration) Regulations applies:

***Public Notice of Council or Committee meetings –s.5.25(g):***

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
  - (a) *the ordinary council meetings; and*
  - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

## FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

## SUSTAINABILITY IMPLICATIONS

Nil

## CONSULTATION

Strategic Planning Committee

## STAFF COMMENT

The endorsed meeting dates for October 2011 are outlined above. The Local Government elections are scheduled for Saturday 15 October 2011. If it is intended to hold the first meeting of the new Council on the first available Monday after the elections, as per convention, then there is a need to change the currently advertised Development Services Committee meeting.

In relation to meeting options, the following are provided for consideration;

1. Based upon the process followed in 2009, one option is for Council to *defer* the current date of the Development Services Committee meeting from Monday 17 October to Wednesday 19 October and to advertise a Special Council meeting on Monday 17 October 2011. All other dates including the Ordinary Council meeting on Monday 24 October remain as advertised.
2. A second option is to *cancel* both the October Standing Committee meetings and maintain the current scheduled Ordinary Council meeting date of Monday 24 October but advertise it as a *Special meeting of Council* in order to conduct *only* the business of elected member declarations of office, determination of Council seating arrangements, election of the deputy Mayor, and determination of Standing Committee and Advisory Committee memberships, appointment of Council delegates to other Local Government bodies, and appointment to various community organisations and informal working groups.
3. A third option is to *defer* the existing October Committee and Council meetings by one week and to advertise a Special Council meeting for Monday 17 October 2011. The current Development Services and Works & Corporate Services committee meetings would be deferred from Monday 17 October and Tuesday 18 October to Monday 24 October and Tuesday 25 October respectively, and the Ordinary Council meeting would be deferred from Monday 24 October to Monday 31 October, with all changes to be advertised accordingly.

With option 1 above, the timeframes are very short and newly appointed elected members would need to obtain copies of the respective Committee agenda and be available to meet on the following two days (Tuesday 18 October and Wednesday 19 October respectively) and consider their respective reports before deliberating. Committee recommendations would then be made to the Ordinary Council meeting on Monday 24 October.

Option 2 provides a more reasonable timeframe after the elections for all members, especially any new members, an opportunity to familiarise themselves with the business of Council and the content of Committee agenda prior to meeting. It will however increase the size of the Committee agenda in November. If there was an imperative for a particular issue to be considered by Council or a decision to be made, or it was considered that the content of the Committee agenda in November may be too large, Council could determine to set alternative Committee dates after the appointment of the new Council and potentially schedule a Special meeting to determine the respective Committee business.

Option three, on balance, allows for a Special Council meeting to be held as soon as possible after the elections as well as allowing for the normal business of Committee to be transacted the following week and Council the week after. However it will require the deferral of the current advertised dates by seven days. This timing would allow new Councillors opportunity to liaise with the Mayor and other elected members as well as receive an initial induction and background briefings on the business of Council, prior to formally meeting as a new Council.

On balance option three is the preferred way forward and is recommended.



**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Walsh**

**That Council**

- 1. declare a Special Council meeting on Monday 17 October 2011 the purpose of which is for newly elected members to make their declaration of office, determine Council seating arrangements, elect a deputy Mayor, determine Standing Committee as well as Advisory Committee memberships, appointment of Council delegates to other Local Government bodies, and appointments to various community organisations and informal working groups.**
- 2. amend and adopt the following meeting dates for October 2011;**
  - Development Services Committee meeting - Monday 24 October**
  - Works & Corporate Services Committee meeting - Tuesday 25 October**
  - Ordinary Council meeting - Monday 31 October**
- 3. advertise all meeting dates in accordance with the Act.**

**Carried 4/0**

**10.1.3 LEGAL PROCEEDINGS - POLICY REVIEW**

**File No:** POL/12  
**Attachments:** [Draft Policy Legal Proceedings](#)  
[Amended Policy Legal Proceedings Cr Boland](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 17 August 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe policy for Legal Proceedings has been amended by Council staff. This report recommends that Council adopt the policy, noting some minor changes have been recommended.

**BACKGROUND**

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

The Legal Proceedings policy was presented to Council in June 2011 however as part of its consideration Committee noted that the attached amended policy did not *highlight* the changes made by officers and therefore determined to refer the matter direct to Council, with the CEO to include a "marked up" version of the proposed policy with the Council agenda. The marked up policy was circulated with the Council agenda and a subsequent amendment to the policy from Cr Boland was also circulated to all members and tabled at the meeting. Given the changes proposed and after consideration, Council determined to refer the matter back to administration for further consideration by Committee.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Proposed minor changes have been made by officers and an amended version has also been previously circulated by Cr Boland (copies attached).

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Nil

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

The matter was considered by Committee and Council in June 2011 and Cr Boland circulated an amended policy for discussion.

**STAFF COMMENT**

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Minor changes are recommended to be made to this policy at this time, as per the attachment.

**VOTING**

Simple Majority

**OFFICER RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Walsh**

**THAT Council adopt the updated Policy on Legal Proceedings as per attached.**

**COMMITTEE COMMENT:**

**Committee discussed the attached Policy and Cr Boland spoke to the changes he had proposed. With the exception of the references to civil matters/proceedings in points (2), (3) and (4) Committee endorsed the other changes. The CEO agreed to provide a copy of the amended policy with the Council agenda.**

**AMENDMENT**

**Moved Cr Boland, seconded Mayor Morgan**

**That the amended policy as discussed and agreed at Committee be accepted and presented to Council for adoption.**

**Carried 4/0**

**COMMITTEE RECOMMENDATION**

**That the amended policy as discussed and agreed at Committee be accepted and presented to Council for adoption.**

**AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 4/0**

**10.1.4 REGIONAL COOPERATION - POLICY REVIEW**

**File No:** POL/3  
**Attachments:** [Draft Policy Regional Cooperation Amended Policy Regional Cooperation Cr Boland](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer  
**Proposed Meeting Date:** 17 August 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

The Town of Cottesloe policy for Regional Cooperation has been amended by Council staff. This report recommends that Council adopt the policy, noting some minor changes have been recommended.

**BACKGROUND**

A process of review and update for all Council policies has been implemented by the Administration and policies are being presented to Council as they are reviewed for endorsement.

The Regional Cooperation policy was presented to Council in June 2011 however as part of its consideration Committee noted that the attached amended policy did not *highlight* the changes made by officers and therefore determined to refer the matter direct to Council, with the CEO to include a "marked up" version of the proposed policy with the Council agenda. The marked up policy was circulated with the Council agenda and a subsequent amendment to the policy from Cr Boland was also circulated to all members and tabled at the meeting. Given the changes proposed and after consideration, Council determined to refer the matter back to administration for further consideration by Committee.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Proposed minor changes have been made by officers and an amended version has also been previously circulated by Cr Boland (copies attached).

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Nil

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**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

The matter was considered by Committee and Council in June 2011 and Cr Boland circulated an amended policy for discussion.

**STAFF COMMENT**

This policy has been reviewed to ensure it is relevant to the Town of Cottesloe's current working environment. Minor changes are recommended to be made to this policy at this time, as per the attachment.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Walsh**

**THAT Council adopt the updated Policy on Regional Cooperation as per attached.**

**Carried 4/0**

**10.1.5 CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW**

**File No:** PER/94  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 17 August 2011

**Author Disclosure of Interest** The author has an interest in the matter as it directly relates to his employment.

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**SUMMARY**

This report recommends that Council confirm the establishment and appointment of the Performance Review Panel for the Chief Executive Officer's annual performance appraisal in order to make recommendations to Council in accordance with Clause 8 of the Chief Executive Officer's contract of employment. It further recommends that Council invite a representative from WALGA's *Workplace Solutions* to join the panel to provide independent facilitation and professional advisory services.

**BACKGROUND**

In December 2010 Council resolved as follows:

*THAT Council:*

- 1 *Receive the Performance and Remuneration Review reports and endorse the overall rating of "Satisfactory - meeting the performance requirements of the position of Chief Executive Officer of the Town of Cottesloe".*
- 2 *Increase the Chief Executive Officer's annual remuneration package to \$166,123 pa (3.8%), effective from 5<sup>th</sup> January 2011 (noting the increase to the remuneration package remains within Band 3 of the SAT recommended structure).*
- 3 *Adopt the following Key Result Areas for the 2011 appraisal period.*
  - 3.1 *Finalise the gazettal of the Local Planning Scheme No. 3 including the preparation of draft policies.*
  - 3.2 *Progress the preferred solution for Council's Depot services and redevelopment of the current site.*
  - 3.3 *Manage the Local Government Reform Strategy as determined and supported by Council.*
  - 3.4 *Develop a strategy to promote Council services and activities at the beachfront in order to better align with expectations for the wellbeing and enjoyment of the local community and visitors to the Town of Cottesloe, including completing the review of the Beach and Beach Reserves Local Law.*
  - 3.5 *Subject to external funding, develop a strategy to oversee the realisation of the Foreshore Concept Plan*
  - 3.6 *Endeavour to progress Council's preferred solution for Curtin Avenue and the railway line.*

- 3.7 *Finalise and adopt a plan for the Town Centre and Station Street*
  - 3.8 *Finalise a short and long term asset management plan and accompanying financial plan.*
  - 3.9 *Assist Council with a review of its Future Plan 2006 – 2010.*
  - 3.10 *Manage the introduction of the Local Government Industry Award 2010 inclusive of the development and implementation of a new Enterprise Bargaining Agreement (EBA No. 4) for the Town.*
  - 3.11 *That the CEO conducts a desktop review of the Town's Standing Orders with the review to address the application of clause 12.1.*
- 4 Conduct the next review of the CEO's performance by December 2011, in accordance with the contract of employment between Council and Mr Askew.

*Carried 9/0*

In accordance with the Position Description for the Chief Executive Officer the principal Objectives of the position are;

- Provides visionary leadership and strategic management and direction for the Town of Cottesloe.
- Provides the primary link through effective engagement between the Council, Staff, Stakeholders and the Community to achieve the Town's goals and objectives.
- Responsible for ensuring the highest level of business excellence, integrity, corporate governance and accountability, which is demonstrated within an environment of transparency, trust, openness, honesty and fairness for all.
- Commits to "Broad Objectives for the Future" in the Future Plan 2006 – 2010, namely:
  - Protecting and enhancing the lifestyle of residents and visitors.
  - Resolving the divisive nature of the configuration of the railway and main roads.
  - Enhancing beach access and the foreshore.
  - Managing the complexities involved in pressures for development.
  - Managing infrastructure and council buildings in a sustainable way.
  - Earning the community's confidence in council.

Clause 7 of the CEO's contract reads as follows;

7. *PERFORMANCE CRITERIA & KEY RESULT AREAS*

*The following performance criteria apply to this contract:*

- *Provide accurate and timely advice to Council based on available and appropriate information;*
- *Works collaboratively with Council;*

- *Facilitate the development and achievement of the Local Government's strategic plan through the involvement of stakeholders and the persistent application of effort;*
  - *Maintain a work environment that facilitates the development of people and encourages them to perform at a high level;*
  - *Ensure the effective and accountable application of financial and physical resources;*
  - *Develop and implement continuous improvement strategies to enhance service delivery;*
  - *Initiate the development, implementation and review of Policy.*
- These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this contract.*

### **Key Result Areas**

- *Key Result Areas will be developed for each 12-month period of the Contract.*
- *Key Result Areas are not intended to cover all aspects of the position, only those which are most clearly linked to the achievement of the Local Government's strategic objectives and Future Plan.*
- *Key Result Areas will be tangible and measurable and within the Employee's area of control and authority.*

Clause 12 of the CEO's contract reads as follows;

### **12. REMUNERATION**

*12.2.1 The remuneration package referred to in sub-clause 12.1 shall be reviewed annually by Council. A review shall not result in a decrease in the remuneration package.*

As part of the Town's Future Plan 2006 to 2010 there are a number of *Strategic Priorities and Dynamic Priority Projects*. In relation to both the Action Plan and Dynamic Projects, the following strategies were identified by Council as ongoing priorities for 2011 at its November 2010 meeting.

<b>Priority</b>	<b>Item</b>	<b>Related Objective</b>
1	Finalise Local Planning Scheme No. 3 including the preparation of all draft policies	DP1 A
2	Progress options for the Council depot site	Objective 5.1
3	Implement a strategy to oversee the realisation of the Foreshore Concept Plan	Objective 3.1



4	Proactively pursue solutions for Curtin Avenue and the railway	Objective 2.1
5	Report on the proposed tasks identified in the Climate Change Vulnerability study and their impacts, priorities and applicability to the Town of Cottesloe	DP 2
6	Complete the development of new joint library facilities	Objective 5.2
7	Finalise and adopt a plan for the Town Centre and Station Street.	Objective 5.3
8	Enhance use of the Civic Centre	Objective 1.5
9	Develop sustainability and capacity criteria to assess major strategies	

### STRATEGIC IMPLICATIONS

The achievement of Council's Future Plan is related to the performance of the Chief Executive Officer.

### POLICY IMPLICATIONS

None known

### STATUTORY ENVIRONMENT

The relevant sections of the Local Government Act read, in part, as follows:

#### **5.23. Meetings generally open to the public**

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
  - (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

**5.38. Annual review of certain employees' performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

**5.39. Contracts for CEO's and senior employees**

*(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

*(1a) Despite subsection (1) -*

*(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*

*(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

*(2) A contract under this section -*

*(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;*

*(b) in every other case, cannot be for a term exceeding 5 years.*

*(3) A contract under this section is of no effect unless -*

*(a) the expiry date is specified in the contract;*

*(b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*

*(c) any other matter that has been prescribed as a matter to be included in the contract has been included.*

*(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.*

*(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*

*(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*

*(7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*

Regulation 18D:

- *The performance of the CEO be reviewed at least once a year;*
- *The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review. and,*

- A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

### **FINANCIAL IMPLICATIONS**

Any change in remuneration will have a budgetary impact. The current budget allows for a minimum CPI increase.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **CONSULTATION**

Mayor

### **STAFF COMMENT**

As listed above, a number of organisational strategies were identified by Council as ongoing priorities for 2010/11 whilst a number of specific Key Result Areas (KRA's) for the CEO were also identified in December 2010. In addition, 2011 has seen ongoing challenges placed before Council, including the ongoing local government reform agenda, budget, ward review and reduction in elected member numbers, and local government elections in October 2011.

The review process is conducted by the Review Panel under the auspices of the Mayor (whose role is to *"liaise with the CEO on the Local Government's affairs and the performance of its functions"*) and it is recommended that evaluation of performance should also invite input from all elected members.

In accordance with Council's December 2010 resolution, the CEO's performance and remuneration review should be completed by December 2011. Initial contact with Mr John Phillips, Executive Manager WALGA Workplace Solutions has confirmed his availability to once again support Council and the Review Panel with facilitation and professional advisory services.

### **VOTING**

Simple Majority

### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Walsh**

**THAT Council**

- 1. Confirm the appointment of the Mayor, Deputy Mayor and Deputy Presiding Members of the Development Services and Works & Corporate Services Committees as members of the CEO's Performance Review Panel with its role/responsibility being to;**
  - a. Conduct the CEO's annual performance review based upon the performance objectives set for 2011.**
  - b. Make recommendations to Council on the CEO's contract, remuneration and performance objectives for 2012.**

2. Invite a representative from WALGA's Workplace Solutions to join the panel to provide independent facilitation and professional advisory services.

Carried 4/0

**10.1.6 REVIEW OF STANDING ORDERS LOCAL LAW 2011**

**File No:** CLL/5  
**Attachments:** [Draft Standing Orders Local Law 2011](#)  
**Responsible Officer:** Carl Askew  
**Author:** Chief Executive Officer  
Carl Askew  
Chief Executive Officer

**Proposed Meeting Date:** 17 August 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to endorse the proposed Standing Orders Local Law 2011 and refer for State wide public advertising.

**BACKGROUND**

The existing Standing Orders Local Law is due for review, having been last gazetted in December 1999. Provisions within the existing law have been identified by staff as lacking or generally requiring update and specifically some clauses, such as 12.1 *Members to Rise*, have been identified by Council as requiring change.

**The Purpose** of the local law is to provide rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to meetings of electors. All meetings are to be conducted in accordance with the Act, the Regulations and the Town's Standing Orders.

**The Effect** of this local law is to deliver;

- (a) better decision making by the Council and committees;
- (b) the orderly conduct of meetings dealing with Council business
- (c) better understanding of the process of conducting meetings; and
- (d) the more efficient and effective use of time at meetings.

A summary of the sequence of events involved in adopting or amending Local Laws is as follows;

- Proposed Local Law considered by the Council
  - Statewide and local public advertising undertaken with a six (6) week submission period
  - A copy of the proposed Local Law and a copy of the notice is forwarded to the appropriate Minister(s)
  - After the last day for public submissions, the local government considers any submissions made and makes (adopts) the Local Law (as proposed or with minor variations)
  - After making the Local Law, the local government publishes it in the Gazette, again advertises locally and forwards a copy of it to the appropriate Minister(s)
-

- Copies of the Local Law, together with explanatory memoranda, are then submitted to the Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

### **STRATEGIC IMPLICATIONS**

Council Local Laws are an important part of the administration and good governance of the district. Review of Local Laws ensures continued relevance to our community.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY ENVIRONMENT**

Section 3.5 & 3.12 of the Local Government Act applies.

#### **3.5. Legislative power of local governments**

1. *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
2. *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*
3. *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*
4. *Regulations may set out –*
  - (a) matters about which, or purposes for which, local laws are not to be made; or*
  - (b) kinds of local laws that are not to be made,*

*and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind*
5. *Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).*

#### **3.12. Procedure for making local laws**

1. *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
2. *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
3. *The local government is to –*
  - (a) give Statewide public notice stating that –*

- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

(b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

(c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

3a. *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

4. *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

**\* Absolute majority required.**

5. *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

6. *After the local law has been published in the Gazette the local government is to give local public notice –*

(a) *stating the title of the local law;*

(b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*

(c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

7. *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

8. *In this section –*

*making ~ in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Regulation 3 of the Local Government Functions and General Regulations provides the following.

**3. Notice of purpose and effect of proposed local law - s. 3.12(2)**

*For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –*

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law*

**FINANCIAL IMPLICATIONS**

The primary costs associated with the review of local laws are the officer time to research and review the existing Local Law, prepare reports for Committee and Council and analyse any submissions received. In addition there are associated state wide/local advertising and gazettal costs which are estimated at \$3,000.

**SUSTAINABILITY IMPLICATIONS**

Nil

**CONSULTATION**

If Council approves the proposed amended Standing Orders Local Law 2011 it will be forwarded for public state wide and local advertising. It will also be forwarded to the Minister for Local Government in accordance with the Act. As a minimum, advertising will include the West Australian, local press, the Cott news page, copies at the Administration and Library, and the Town's notice boards and website. After the statutory advertising period has closed and submissions analysed a second report will be prepared for Council's consideration.

**STAFF COMMENT**

In December 2010 Council resolved, as part of the CEO's performance review, to adopt a number of Key Result Areas (KRA) for the 2011 appraisal period. One such objective was;

- 3.11 That the CEO conducts a desktop review of the Town's Standing Orders with the review to address the application of clause 12.1.*

In considering the existing Standing Orders Local Law the Chief Executive Officer has carried out research with the Department and from recently gazetted Standing Orders Local Laws, as well as previous legal advice obtained. In summary, the desktop review has identified a number of additions to the existing Local Law, some changes in language and terminology, the removal of two clauses, changes to other existing clauses, including clause 12.1 and 7.3, and a re-numbering of the document to accommodate these changes.

A copy of the proposed Local Law is attached to this report. Included at the front of the Local Law is a Memo from the CEO which summarises the reasons for the major changes (additions and amendments) to the existing Local Law. To assist Councillors in assessing proposed changes, any deletions of existing text are shown in the draft document as a "*strikethrough*" and any additions (new clauses) are shown in "*blue*". There are a number of changes that have been made to the Standing Orders Local Law to ensure good governance and meeting process. The resulting



(final) draft Local Law, once endorsed by Council, will delete all *strikethroughs* and remove all text colouring prior to advertising.

In considering the report and amended Local Law Council has three main options;

1. Leave the Standing Orders as they are for now on the basis that there will be a new Council in October 2011 who may have different views/opinions.
2. Propose only minor amendments to the current Standing Orders such as clause 12.1 "Members to Rise" (and associated clause 7.3). The risk with this option is that the Department and/or Joint Standing Committee (JST) may not accept only the minor changes and will direct the Town to complete a full review.
3. Undertake a more substantial review (as per the attached) and advertise accordingly. Given the age of the current Local Law, the need for various changes, the views of the Department and JST in relation to Standing Orders and more recently gazetted Standing Orders Local Laws, this is the officer preferred approach.

Overall, option three is recommended and Committee input into the attached draft Standing Orders Local Law 2011 is sought prior to endorsement by Council.

The initial resolution of Council is *only* to endorse the advertising of the Local Law in accordance with the provisions of the Act and a copy is to be provided to the Minister for Local Government. After the advertising period has closed officers are to prepare a second report to Council summarizing the feedback and submissions received, prior to any further consideration.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT:**

Committee discussed the attached draft Local Law and a range of issues were raised, with a number of changes made to the document. The CEO agreed to document all changes and to include an updated version with the Council Agenda. Committee determined to amend the officer recommendation, point (2), to note that the draft Local Law had been amended.

## **OFFICER RECOMMENDATION**

**Moved Mayor Morgan, seconded Cr Walsh**

**THAT Council;**

1. **Note that a review of Local Law No. 1 - Standing Orders has been undertaken.**
2. **Cause state wide public notice to be given of the proposed Standing Orders Local Law 2011, as attached, in accordance with the provisions of the Local Government Act 1995 and with a copy to be provided to the Minister for Local Government for comment; and**

3. Consider any comment received following the close of public submissions.

**AMENDMENT**

Moved Cr Boland, seconded Cr Walsh

That the word 'attached' in item 2 of the officer recommendation be replaced with word 'amended'.

Carried 4/0

**COMMITTEE RECOMMENDATION**

1. Note that a review of Local Law No. 1 - Standing Orders has been undertaken.
2. Cause state wide public notice to be given of the proposed Standing Orders Local Law 2011, as amended, in accordance with the provisions of the Local Government Act 1995 and with a copy to be provided to the Minister for Local Government for comment; and
3. Consider any comment received following the close of public submissions.

**AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 4/0

**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 8:05 PM.

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