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Allan Lantzke 9311 8185  
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21 June 2013

Mr Peter Abetz MLA  
Chairman  
Delegated Legislation Committee  
Legislative Council  
Parliament House  
PERTH WA 6000.



Dear Mr Abetz

**Re: 38113:14- Town of Victoria Park Parking and Parking Facilities  
Local Law 2013**

Thank you for your letter dated 20 June 2013 advising of the concern raised by the Joint Standing Committee on Delegated Legislation in relation to the definition of "*builder*" during its assessment of the subject Local Law.

The Town acknowledges that the Building Regulations 1989 were repealed by section 157 of the *Building Act 2011* and as a consequence there is no definition of "*builder*" in either the *Building Act 2011* or the Building Regulations 2012.

Taking cognisance of the above the Town hereby gives an undertaking that it will amend the definition of "*builder*" so that the definition would read –

***"builder" means a person employed to construct any building or to demolish, alter or execute any work on a building already constructed, and includes the owner or occupier of the land upon which any such building is intended to be constructed, or other person for whom, or by whose order or under whose direction and control such alteration or work was done or is intended to be done, as the case may be;"***

A report seeking an amendment to the definition of "*builder*" in the Town of Victoria Park Parking Facilities Local Law 2013 to comply with the determination of the Joint Standing Committee will be presented to Council at its meeting to be held on 9 July 2013 which will be the first available opportunity.

tel (08) 9311 8111  
fax (08) 9311 8181  
abn 77 284 859 739

Administration Centre,  
99 Shepperton Road,  
Victoria Park WA 6100

Locked Bag No. 437,  
Victoria Park WA 6979

[admin@vicpark.wa.gov.au](mailto:admin@vicpark.wa.gov.au)  
[www.victoriapark.wa.gov.au](http://www.victoriapark.wa.gov.au)

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The Town also gives an undertaking that it will:

- (i) make any consequential amendments arising from the abovementioned undertaking;
- (ii) complete the undertaking within six months of the date of the Council's letter to give the undertaking;
- (iii) provide a copy of the minutes of the meeting at which the Council resolved to provide the undertaking; and
- (iv) in the interim, where the Local Law is made publically available by the Town of Victoria Park, whether in electronic or hard copy form, it be accompanied by a copy of the undertakings.

Given that the Town will now treat this matter with the utmost urgency and use its best endeavours to make the required amendment, it is requested that the Joint Standing Committee on Delegated Legislation gives consideration to not recommending the disallowance of the subject Local Law due to the cost to the Town of amending parking control software and stationery.

If you have any further queries in relation to the above then please do not hesitate to contact the Manager Health and Regulatory Services, Mr Allan Lantzke on 9311 8185.

Yours sincerely



**ARTHUR (Athanasios) KYRON**  
**CHIEF EXECUTIVE OFFICER**