

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P1133/2016  
PERMIT APPLICATION NO. TP-2016-188

**APPLICANT** King and Godfree Pty Ltd  
**RESPONSIBLE AUTHORITY** Melbourne City Council  
**RESPONDENTS** Carlton Residents Association Inc.; John Bryson; Ian and Greta Bird  
**SUBJECT LAND** 291-299 Lygon Street and 222-224 Faraday Street CARLTON VIC 3053  
**WHERE HELD** Melbourne  
**BEFORE** S. R. Cimino, Member  
**HEARING TYPE** No hearing  
**DATE OF ORIGINAL ORDER** 17 August 2016  
**DATE OF CORRECTION ORDER** 30 August 2016

**CORRECTION ORDER**

- 1 Pursuant to Section 119 of the *Victorian Civil and Administrative Tribunal Act* 1998, the Tribunal's Order in Application P1133/2016 dated 17 August 2016 is corrected as follows:
- 2 Condition 11, as appearing in Appendix A of the order, is corrected to read:
  11. There must be no music to the courtyard at all times (7 days a week). Music noise in all other outdoor areas must only be played at background levels to the satisfaction of the Responsible Authority.
- 3 The Responsible Authority is directed to issue a permit incorporating the correction set out in this order.

S. R. Cimino  
**Member**

## REASONS

- 1 By order dated 17 August 2016, the Tribunal ordered the grant of a permit for various buildings and works on the land to facilitate its use for same and consumption of liquor.
- 2 By email dated 19 August 2016, the Responsible Authority drew the Tribunal's attention to what they suggested was an error within the Tribunal's order, and submitted that the Order should be corrected.
- 3 The Responsible Authority notes that there is inconsistency between the requirements of conditions 4(f) and 11 in the order. Specifically, condition 4(f) says that there is to be no music to the ground floor courtyard at all times while condition 11 says that there should be no music to the courtyard between 9 pm and 10 am the following day.
- 4 The Responsible Authority says this represents an error that should be corrected to achieve a consistent outcome. The Responsible Authority suggests that to overcome the problem, condition 11 should be amended so that its requirements are consistent with condition 4(f). The permit applicant's lawyers agree.
- 5 Section 119 of the *Victorian Civil and Administrative Tribunal Act 1998* provides that the Tribunal may correct an order made by it if the order contains:
  - a a clerical mistake;
  - b an error arising from an accidental slip or omission;
  - c a material miscalculation of figures or a material mistake in the description of any person, thing or matter referred to in the order; or
  - d a defect of form.
- 6 I am satisfied that an error from an accidental slip has occurred here, comprising the accidental drafting of inconsistent conditions. I formed this view immediately on the matter being brought to my attention. It was always my intent for the conditions to be consistent. This is achieved by the correction to condition 11 as suggested by the Responsible Authority and agreed to by the applicant. I therefore find it appropriate to authorise a correction of the order.

S. R. Cimino  
**Member**