

Before the Fast-track Expert Consenting Panel

UNDER Fast-track Approvals Act 2024 ("Act")

IN THE MATTER An application under section 42 for approval to Sunfield, a project listed in Schedule 2 of the Act

BY Winton Land Limited

Memorandum of counsel for 897 Alpha Limited

Dated: 18 February 2026

Presented for filing by:



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MAY IT PLEASE THE PANEL

1. This memorandum is filed by Counsel for 897 Alpha Limited, in response to a request of the Panel dated 18 February 2026 that "As the cut off for comments was close of business on 17 February 2026, the Panel Chair has asked that you file a memorandum of counsel setting out the reasons why the comments were filed late."
2. Counsel advises that the reasons for the late filing were that:
 - (a) The director of 897 Alpha Limited is currently overseas and was not in a position to give instructions, which delayed the expert review of conditions.
 - (b) Expert comments on conditions on stormwater were not able to be provided until late yesterday afternoon and expert comments on traffic were not received until today.
 - (c) Counsel has been in an Environment Court mediation on 17 and 18 February 2026 and did not have an opportunity to review the expert stormwater comments until after the mediation concluded after the close of business yesterday or to review the comments on traffic until after close of business today.
 - (d) These factors resulted in a delay in filing of comment on the stormwater conditions of approximately two and a half hours after the close of business on 17 February 2026.
3. Counsel apologises for the delay and requests that the Panel consider the comments on the basis that the comments were received before the start of the following working day, no final decision has been made, 897 Alpha is directly affected and generally supportive of development considering the comment on conditions from 897 Alpha would give clarity on its position.
4. If that Panel is minded to consider late comments aimed at improving the clarity and drafting of the conditions then 897 Alpha would respectfully request that the Panel also consider the following comments received from its traffic expert today:
 - (a) Condition 110 states *"No more than 10% of the dwellings within the development shall be provided with a maximum of one carparking space. The Consent Holder shall maintain a schedule of private car-parking spaces within the Site which shall be provided to Council on request."*

(b) This should express that 1 space per 10 dwellings is a maximum but the drafting leaves space for an alternative reading (i.e. if 10% have a maximum of can the other 90% have an average of 0.9) and should be clarified.



JL Beresford
Counsel for 897 Alpha Limited