

BEFORE THE EXPERT CONSENTING PANEL

FTAA-2507-1089

UNDER THE

FAST TRACK APPROVALS ACT 2024 ("Act")

IN THE MATTER OF

an application for approvals by Matakanui Gold Limited to establish, operate, rehabilitate and ultimately close an open pit and underground gold mining operation known as the Bendigo-Ophir Gold Project

**MEMORANDUM OF COUNSEL FOR THE CENTRAL OTAGO WINEGROWERS
ASSOCIATION INCORPORATED TO ACCOMPANY THEIR COMMENTS**

10 APRIL 2026

JGH BARRISTER

**James Gardner-Hopkins
Barrister**

M: [REDACTED]

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MAY IT PLEASE THE PANEL:**Introduction**

1. I act for the Central Otago Winegrower's Association Incorporated (**COWA**).
2. This memorandum accompanies the comments and supporting material. It is not intended to repeat that material. Rather it is intended to raise certain preliminary matters for the Panel's consideration, that may assist its consideration as to the procedural steps it takes going forward.

Legal matters/ interpretation

3. The Panel is experienced and is unlikely to need a step by step walk through of its decision-making requirements. That said, the Panel might wish to be addressed on certain legal matters under the Act, particularly since the Act has been amended since earlier decisions have been issued under the Act (including draft decisions to decline applications).
4. Accordingly, COWA respectfully suggests that if the Panel wishes to hear from any of the "parties" to the process on any legal issues, then it convene a hearing to do so, if necessary with specific questions posed. This occurred in the Taranaki VTM application.
5. While Fast Track decisions such as the Taranaki VTM application (and Delamore) may provide guidance, they are not binding on the current Panel, and the relevant "tests" under the Act (particularly as amended) remain without clear guidance from the High Court. This reinforces the benefit of having submissions on any key legal matters/ interpretation.

Conferencing

6. COWA has gone to the effort of obtaining expert advice from a number of independent experts, as part of making comments on the application.
7. It is respectfully submitted, through the Panel's process, that the Panel direct conferencing be undertaken between respective experts, with joint witness statements to be produced in the usual way. This is not uncommon, and would be appropriate in this instance to assist the Panel.

Workshop

- 8. Some Fast Track Panels have held “workshops” which appear to be more informal opportunities for engaging on key issues, including conditions, or even the reduction of the scope of the applications, as compared to a hearing.
- 9. COWA would welcome the ability to workshop the issues it has raised with the Panel, applicant, and others that have similar interests.

Forward progress

- 10. COWA looks forward to participating in the Panel process going forward, and would be supportive of any Panel conference or other communications that would assist in advancing the matters above.

10 April 2026



**James Gardner-Hopkins
Counsel for the Central Otago Winegrower’s Association Incorporated**