



Amendments to consenting pathways for coal mining

Update following the Resource Management (Freshwater and Other Matters) Amendment Act 2024 that came into force on 25 October 2024

The Government has aligned the consent pathways for coal mining with other mineral extraction activities across national direction.

Context

The National Policy Statement for Freshwater Management (NPSFM), National Policy Statement for Indigenous Biodiversity (NPSIB), and the National Environmental Standards for Freshwater (NES-F) provide consent pathways for extractive activities, including for coal. These consent pathways contain gateway tests¹ to manage significant adverse effects on wetlands and significant natural areas (SNAs).

Previous consent pathways for activities associated with a coal mine that would affect wetlands or SNAs contained additional controls and were not aligned with the consent pathways for other mineral extraction activities. National direction has now been amended to remedy this misalignment.

Alignment of consent pathways across national direction

Amendments contained in the Resource Management (Freshwater and Other Matters) Amendment Act 2024 (the Amendment Act) include:

- revoking regulations 45D(7) and 45D(8) of the NES-F
- replacing clause 3.22(1)(e)(i) of the NPS-FM
- amending clauses 3.11(1)(a)(ii) and (iii) of the NPSIB
- revoking clause 3.11(1)(a)(iv) of the NPSIB.

The changes, which apply to all coal mining resource consent applications that affect wetlands or SNAs, have the following effects.

¹ For example, one gateway tests relate to whether there is a 'functional' or 'operational' need for an activity to be located in a particular location.

- The consent pathway for coal mines now applies to both new and existing coal mines (previously, it was limited to the operation or extension of existing coal mines).
- The sunset clause for thermal coal mines has been removed (previously, thermal coal was excluded from the consent pathway from 31 December 2030).

These changes apply to:

- resource consent applications lodged with a consent authority from 25 October 2024
- resource consent applications lodged with a consent authority before 25 October 2024, provided the consent authority has not advised the applicant of the decision on the application.

Resources

For more information about the NPS-FM, including factsheets and a link to the regulations: see Ministry for the Environment: [National Policy Statement for Freshwater Management](#).

For more information on the NPSIB, including factsheets and a link to the policy statement, see Ministry for the Environment: [National Policy Statement for Indigenous Biodiversity](#).

For more information, including background information on the Amendment Act, see Ministry for the Environment: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

To view the Amendment Act, see New Zealand Legislation: [Resource Management \(Freshwater and Other Matters\) Amendment Act 2024](#).

