

## **87D Request for application to go directly to Environment Court**

Under section 87D, an applicant may make a request for direct referral as follows:

- (1) *The applicant must request the relevant consent authority to allow the application to be determined by the Environment Court instead of by the consent authority.*
- (2) *The applicant must make the request in the period—*
  - (a) *starting on the day on which the application is made; and*
  - (b) *ending 5 working days after the date on which the period for submissions on the application closes.*
- (3) *The applicant must make the request electronically or in writing on the prescribed form.*

## **Section 87E of the Resource Management Act 1991**

Under section 87E, Council must make a decision on a request for direct referral as follows:

- (4) *If the consent authority determines under section 88(3) that the application is incomplete, it must return the request with the application without making a decision on the request. Section 88(4) and (5) apply to the application.*
- (5) *If the consent authority receives the request after it has determined that the application will not be notified, it must return the request.*
- (6) *If the consent authority receives the request before it has determined whether the application will be notified, it must defer its decision on the request until after it has decided whether to notify the application and then apply either subsection (4) or (5).*
- (7) *If the consent authority decides not to notify the application, it must return the request.*
- (8) *If the consent authority decides to notify the application, it must give the applicant its decision on the request within 15 working days after the date of the decision on notification.*
- (9) *In any other case, the consent authority must give the applicant its decision on the request within 15 working days after receiving the request.*
- (10) *No submitter has a right to be heard by the consent authority on a request.*
- (11) *If the consent authority returns or declines the request, it must give the applicant its reasons, in writing or electronically, at the same time as it gives the applicant its decision.*
- (12) *If the consent authority declines the request under subsection (5) or (6) the applicant may object to the consent authority under section 357A(1)(e).*