

# Policy for Fast-track Fees and Levies

**MARCH 2025**

## Background

1. The Fast-track Approvals Act 2024 (the Act) provides a fast-track approvals process for infrastructure and development projects with significant national or regional benefits. The costs of the regime are intended to be covered by applicants. Government agencies, local authorities and expert panels may recover their actual and reasonable costs incurred in exercising powers, functions and duties in relation to applications (and prospective applications) from applicants and/or prospective applicants.
2. The Environmental Protection Authority (EPA) has a number of functions and powers under the Act, including under delegation from the Minister for Infrastructure. These include recovering costs incurred by the EPA, the panel convener, the panels and other Government agencies and third parties in performing or exercising functions, duties or powers under the Act.
3. The EPA may recover from prospective applicants and/or applicants any actual and reasonable costs incurred:
  - a. in the process of providing any pre-application assistance, being the actual and reasonable costs incurred by the EPA in consulting and providing assistance to the person before an application is lodged (whether or not the application is subsequently lodged) (section 104(1) of the Act);
  - b. by the EPA and any other Government agency in performing or exercising their functions, duties, or powers under this Act in relation to the application (section 104(2)(a) of the Act); and
  - c. in relation to a panel and a panel convener in performing or exercising their functions, powers, and duties under this Act in relation to the application (section 104(2)(b) – under delegation from the Minister for Infrastructure under section 105 of the Act).
4. The EPA may also recover from applicants the costs of contributions to relevant third parties (section 104(4) of the Act).
5. The purpose of this policy is to outline how the EPA will recover costs from applicants and/or prospective applicants. It also outlines some considerations for any waivers or refunds that the EPA may grant.
6. This policy does not cover cost recovery by other Government agencies directly from applicants under the Act.

## Guiding principles

### Authority to charge

7. The EPA will only recover actual and reasonable costs as provided for in the Act and the Fast-track Approvals (Cost Recovery) Regulations 2025 (the Regulations). Any costs to the EPA and other Government agencies incurred in carrying out functions and duties and exercising powers under the Act are intended to be fully funded by applicants and neither the EPA nor any other Government agency should subsidise the cost of processing applications or any other aspect of running the fast-track consenting regime.
8. Under the Regulations, the EPA will charge Applicants:
  - a. A fixed price levy/ levies (see section *Levy and levy refunds* below); and

- b. An application fee/s, which are to be paid upfront.
9. Further fees may be payable as set out in section *Recovery Methods* below.

## Efficiency

- 10. In performing and exercising its functions, duties, and powers under this Act, the EPA will, as far as is reasonably practicable, minimise costs and avoid delay in accordance with section 92(2) of the Act.
- 11. The EPA is committed to continuous improvement of the efficiency of its processes. Staff will be allocated to tasks as appropriate and their time will be cost recovered at the applicable charge-out rate. When the EPA uses contractors, we will follow our procurement policy.

## Transparency and simplicity

- 12. The Act allows the recovery of actual and reasonable costs incurred. This policy states our charge-out rates which vary depending on the staff member involved in undertaking our functions under the Act. It also sets out the rates for expert consenting panel members.
- 13. This policy also states our approach to actual and reasonable costs, so that our approach to recovering costs is transparent and easy to understand.

## Equity

- 14. Our approach ensures cost recovery is fair and just because we will apply the same processes to every applicant and/or prospective applicant who costs may be recovered from for work under the Act. This policy includes a process for resolving disputes or objections to costs invoiced. It also states our approach to procurement.

## Recovery of costs

### Application Fees

- 15. Application fees payable up front are listed below per Schedule 1 of the Regulations.

<b>Application Type</b>	<b>Application Fee</b>	<b>GST</b>	<b>Total</b>
Referral	\$12,000 + GST	\$1,800	\$13,800
Land Exchange	\$36,000 + GST	\$5,400	\$41,400
Substantive	\$250,000 + GST	\$37,500	\$287,500

## Staff charge-out rates

16. The EPA will recover the actual and reasonable costs of staff time at the following charge-out rates per hour, excluding GST:

<b>Role</b>	<b>From 7 February 2025</b>
Administrator	\$152
Advisor	\$192
Senior Advisor/Analyst	\$266
Team/Project Leader	\$319
Surge Resources	\$450

17. These charge-out rates are based on the mid-points of the EPA salary bands effective 1 July 2024, an allowance that covers EPA indirect costs, and an assumption of 1,282 billable hours worked per year.
18. Charge-out rates for front line staff also include an overhead component to reflect the level of support provided. The methodology for calculating has been independently reviewed.
19. The charge-out rates were set by the EPA Board on 5 February 2025.
20. Whenever necessary, the EPA may use contractors for any tasks to be completed by the EPA under the Act. Where the staff charge-out rates are not applicable to contractors, the actual and reasonable cost of contractors may be passed directly through to applicants.

## Panel convener, chair and members' fees

21. The EPA will recover the costs of the panel convener, the expert panel chairperson and the panel members as set out below, which reflect the fees framework set by the Minister for Infrastructure. If the panel convener sits on a panel, then the EPA will recover the costs of the panel convener to the extent required for their role on the panel.

<b>Panel Position</b>	<b>Daily fee (excluding GST)</b>
Panel convener	\$3,600 - \$5,000
Panel Convener as Panel Chair	Their equivalent daily fee  Note: There will be no double payments for performing both Convener and Chair roles in a single day
Judge as Panel Chair	Same as their equivalent daily fee as a judge at the time of appointment and does not exceed the daily fee of a High Court Judge
Non-judge chair	\$1600 - \$5000
All other panel members	\$1600 - \$5000

22. The EPA may recover the actual and reasonable costs of EPA staff time and any other costs incurred in consulting and providing assistance to a prospective applicant before a substantive application is lodged (pre-lodgement assistance) under section 104(1) of the Act, including, but not limited to:
  - a. meeting with a person who has the intention of lodging a substantive application, to assist their understanding of the process and lodgement requirements; or
  - b. any other pre-lodgement engagement including reviewing of documentation, and any other assistance and correspondence associated with a prospective substantive application.
23. The EPA may recover pre-lodgement costs whether a substantive application is ultimately lodged or not.

### Recovery methods

24. The EPA may recover actual and reasonable costs for pre-lodgement assistance.
25. The EPA requires prospective applicants to pay all costs incurred by any other Government agency in respect of any pre-lodgement assistance prior to lodging a substantive application, directly to the relevant Government agency.

### Levy and application costs associated with all applications

26. An applicant will be charged a fixed levy for each referral, land exchange and substantive application. This is fixed and non-refundable.
27. Applicants will also pay an application fee upfront for each application. This is an initial deposit based on estimated costs. Applicants will only ever be charged actual and reasonable costs.

### Costs associated with referral applications and land exchange applications

28. The EPA may, on behalf of the Ministry for the Environment and the Department of Conservation recover from applicants all actual and reasonable costs in relation to a referral application and a land exchange application, respectively. Applicants will pay the application fees for referral applications and land exchange applications to the EPA in accordance with the Regulations.
29. Where the actual and reasonable costs incurred in respect of referral and land exchange applications:
  - a. *exceed the respective application fees for these applications* - the EPA will require applicants to pay additional charges for actual and reasonable costs incurred, either through an additional fee to act as a deposit or invoiced to the applicants monthly.
  - b. *are less than the respective application fees for these applications* – the EPA will refund the balance to the applicant in the payment run 120 days after a decision has been made

### Costs associated with substantive applications

30. The EPA may recover from applicants all actual and reasonable costs incurred by the EPA, any other agency, a panel and a panel convener in performing or exercising their functions, duties or powers under section 104(2) of the Act, including but not limited to:

- a. completeness and scope assessments for substantive applications, including consultation with other Government agencies and local authorities;
  - b. supporting the panel appointment process;
  - c. secretariat support to the panel, including processing of panel members' fees and disbursements claims;
  - d. receipt of fees and levies and cost recovery functions on behalf of other Government agencies;
  - e. advice to the panel if requested;
  - f. issuing and distribution of further information requests;
  - g. travel and other expenses incurred in providing secretariat and advice support to a panel;
  - h. administrative and support matters that are incidental or ancillary to the determination of applications; and
  - i. exercising any other functions, duties and powers as may be required under the Act in relation to an application.
31. All costs are recoverable irrespective of whether the approvals sought in the substantive application are granted, declined, or the substantive application is withdrawn by the applicant.
32. Where the actual and reasonable costs incurred in respect of a substantive application:
- a. *exceed the respective application fees for these applications* - the EPA will require applicants to pay additional charges for actual and reasonable costs incurred, either through an additional fee to act as a deposit or invoiced to the applicants monthly.
  - b. *are less than the respective application fees for these applications* - the EPA will refund the balance to the applicant.

### Panel members' costs

33. The EPA may recover, on behalf of the Minister for Infrastructure, the actual and reasonable costs associated with the functions of an expert panel, including but not limited to:
- a. panel convener fees;
  - b. panel chair fees;
  - c. panel members' fees; and
34. travel and other expenses incurred by panel conveners, chairs and members in carrying out their duties.

### Disbursements

35. The EPA may recover disbursement costs associated with an application on an actual and reasonable basis. Disbursement costs may include, but are not limited to the actual and reasonable cost of:
- a. contractors;
  - b. specialist or technical advisers appointed by the panel;

- c. reports commissioned by the panel;
- d. costs incurred by a relevant Government agency or local authority providing assistance at the request of the panel or the EPA;
- e. any travel expenses incurred in connection with an application, e.g. for site visits;
- f. printing, postage, courier expenses;
- g. hireage and costs associated with any hearing venue, or remote access facility (if a hearing is required), including recording and transcription services;
- h. document sharing platform/application costs; and
- i. any other disbursements recoverable from the applicant under the Act.

## Recovery Methods

- 36. Once a substantive application is lodged, in the first instance the EPA will recover all actual and reasonable costs against the initial application fee payable by applicants under the Regulations.
- 37. The EPA will provide monthly statements to the applicant showing costs incurred by all Government agencies during the preceding month and the balance of the initial application fee.
- 38. If the EPA determines that the actual and reasonable costs incurred in respect of an application are likely to exceed the total sum of fees or charges paid by an applicant, the EPA will require an applicant to pay either:
  - a. a further fixed fee (to act as a further deposit) in the sum of \$50,000 or
  - b. any other sum as determined by the EPA at its discretion taking into account any estimates of the total costs to all agencies for completion of the fast-track process under the Act (if available); or
  - c. charges for actual and reasonable costs incurred, invoiced to the applicants monthly.
- 39. Where the actual and reasonable costs of the EPA and all other Government agencies are less than the total sum of fees and charges paid by an applicant (including all further fixed fees), the EPA will grant a refund in the sum of the difference between the total application fees paid and the total actual and reasonable costs in accordance with the Regulations.

## Suspension of an application

### Suspension by the EPA or Minister

- 40. Where a substantive application has been suspended by the EPA under section 61 of the Act or the Minister under section 62 the Act, the EPA may recover, from the applicant, any costs incurred or otherwise recoverable up to and including the date of a notice of the suspension under sections 61(1) or 62 (3) of the Act, plus any incidental costs incurred to give effect to the suspension.
- 41. The EPA will resume processing and incurring costs associated with a substantive application when the EPA resumes processing of the application under section 61(2) or receives notice from the Minister withdrawing the suspension direction under section 62(3) of the Act.

## Suspension by applicant

42. Where an applicant requests processing of their substantive application to be suspended under section 64 of the Act, the EPA may recover the costs incurred until and including the date the panel grants a suspension, plus any necessary consequential costs to give effect to the suspension.
43. Where a substantive application is returned to the applicant at the direction of the panel under section 66(4) of the Act, the EPA will recover any further costs incurred until and including the date the EPA notifies the decision of the panel to return the application.

## Quality assurance

44. EPA staff will record all hours spent on a task, service or function associated with a particular application by way of timesheeting recording time in 15 minute increments by project, task and expenditure type. It is the responsibility of the Team Leader, and/or the Manager, to identify what time can be reasonably on-charged in accordance with this policy.

## Dispute resolution

45. The Act does not provide a formal process for applicants to object to costs charged.
46. If an applicant has a concern with an invoice, applicants must contact the EPA in writing as soon as possible, but no later than 15 working days after receiving the relevant invoice.
47. If the matter cannot be resolved through initial communication, the issue will be escalated within the EPA as appropriate. The EPA will respond to issues as soon as reasonably practicable and will provide the complainant with progress updates if the issue cannot be immediately resolved.
48. If the matter raised concerns costs recovered by the EPA on behalf of another Government agency, the EPA will liaise with the relevant agency as necessary.
49. The EPA will provide the complainant with a response detailing the concern, the matters taken into consideration, and the outcome.

## Levy and levy refunds



50. The Regulations set levies payable by applicants at the time an application is made as follows:

Application Type	Levy Due	
	Ex-GST	Amount payable (inc GST)
Referral	\$6,700 + GST	\$7,705
Land Exchange	\$13,400 + GST	\$15,410
Substantive	\$140,000 + GST	\$161,000

51. The levies are payable by all applicants to the EPA under the Act and the Regulations so that the following costs can be met:

- a. The costs to the EPA, a panel, and a panel convener in performing and exercising their functions, powers and duties under this Act where those costs are not otherwise recovered by fees or charges under the Regulations.
- b. The costs of the Minister for Infrastructure, the EPA, the Ministry for the Environment, a panel, a panel convener, or an administering agency in relation to appeals and other legal proceedings under the Act.
- c. The costs of collecting the levy.
- d. The costs of financing any shortfall in recovery of costs and any bad debts.

52. The levy is payable by all applicants, even if the application is subsequently withdrawn. Under regulation 7 of the Regulations the EPA may, in whole or in part, waive or refund the payment of a levy if the EPA is satisfied that the waiver or refund is reasonable in the circumstances.

53. Any waivers or refunds of a levy will be considered by the EPA on a case-by-case basis, at the EPA's discretion. Where an applicant considers that they should be considered for a waiver or a refund of a fee or a levy, the applicant should write to the EPA's Fast-Track team. Examples of matters the EPA may take into account when considering waivers or refunds, include, without limitation:

- a. If the levy charged by the EPA was incorrect.
- b. If the costs incurred in processing an application are significantly reduced because the application relates to the same or substantially the same project subject of a previous application (which had previously been withdrawn or assessed as incomplete or returned to the applicant for any other reason).

## Review

54. This policy is accurate at the time of publication according to the EPA's best efforts. The EPA will endeavour to keep this policy current by reviewing this policy at appropriate intervals.

## Disclaimer

55. Nothing in this policy alters the laws of New Zealand, any other official guidelines or requirements, or constitutes legal advice. The EPA will not be liable, whether in contract, tort equity or otherwise, for any action taken in reliance of any aspect of this policy, including any error, inadequacy, deficiency, flaw in, or omission from the information contained in this policy.