

Policy for Fast-track Fees, Levies and Cost Recovery

JUNE 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.
2. The Environmental Protection Authority (**EPA**) has a number of functions, duties and powers under the Act, including under delegation from the Minister for Infrastructure. These include recovering costs.
3. Government agencies, local authorities, expert panels and (in limited cases) third parties 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).
4. The purpose of this policy is to outline how the EPA will recover amounts from applicants and/or prospective applicants and apply those amounts to costs incurred throughout the fast-track approvals process. It also outlines some considerations for any waivers or refunds that the EPA may grant.

Guiding principles

Authority to charge

5. 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**). The Act and Regulations allow for the EPA to recover such costs from an applicant, which has lodged an application under the Act, in the following situations:
 - a. the actual and reasonable costs incurred by the EPA and certain other agencies in performing or exercising their functions, duties, or powers in relation to the application (**EPA and Agency Costs**);
 - b. the actual and reasonable costs incurred in relation to a panel and a panel convener in performing or exercising their functions, duties, or powers in relation to the application (**Panel and Panel Convener Costs**); and
 - c. set contributions to certain Māori consultation groups
6. 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.
7. Further amounts to those scheduled in the Regulations may be payable, as set out in section *Recovery Methods* below.

Efficiency

8. All persons exercising functions and powers under the Act must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised under the Act.

9. 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.

Transparency and simplicity

10. 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 panel members, as determined by the Minister for Infrastructure.
11. This policy also states our approach to actual and reasonable costs, as that concept may apply to other parties, so that, as far as possible, our approach to recovering costs is transparent and easy to understand.

Equity

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

Recovery of costs

Levy and application fee costs for all applications

13. In accordance with the Regulations, an applicant will be charged:
 - a. a fixed levy for each referral, land exchange and substantive application; and
 - b. an upfront application fee for each application.
14. Where the actual and reasonable costs incurred:
 - a. *exceed the initial application fee* - the EPA will require the applicant to pay additional amounts for actual and reasonable costs incurred, either through an additional fee or invoiced in arrears to the applicant monthly; and
 - b. *are less than the application fee* - the EPA will refund the balance to the applicant, and will endeavour to do so in the monthly payment process that comes after 120 days after a decision has been made
15. Applicants will only be charged actual and reasonable costs. The EPA does not recover costs incurred by other agencies in consulting and providing assistance to a prospective applicant before the application is lodged. In accordance with section 104(1), that is for each agency to recover directly.
16. Any applicable referral or land exchange application fee must be paid to the EPA at the time the referral or land exchange application is lodged.

Application Fees

17. Application fees, payable up front, are listed below per Schedule 1 of the Regulations.

Application Type	Application Fee	GST	Amount Payable
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

Levies

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

Application Type	Levy	GST	Amount payable
Referral	\$6,700 + GST	\$1,005	\$7,705
Land Exchange	\$13,400 + GST	\$2,010	\$15,410
Substantive	\$140,000 + GST	\$21,000	\$161,000

19. Such levies are payable by all applicants to the EPA under the Act and the Regulations so that the costs described in s 109(1) of the Act can be met, which include:

- 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; and
- d. the costs of financing any shortfall in recovery of costs and any bad debts.

20. 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.

21. 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 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; or
- 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).

EPA staff charge-out rates

22. This part sets out the EPA's rates. The EPA also recovers costs on behalf of other agencies, which will have different rates.
23. The EPA will recover the actual and reasonable costs of staff time at the following charge-out rates per hour, excluding GST:

Role	From 7 February 2025
Administrator	\$152
Advisor	\$192
Application Lead/Analyst	\$266
Team Leader/Principal Advisor	\$319
Surge Resources	\$450

24. These charge-out rates are based on the mid-points of the EPA salary bands effective 1 July 2024 and an assumption of the available billable hours worked per year.
25. 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.
26. The charge-out rates were set by the EPA Board on 5 February 2025.
27. Whenever necessary, the EPA may use contractors for any tasks to be completed by the EPA under the Act. Actual and reasonable contractor costs will be charged at the Surge Resources rate set out above, which include an overhead component to reflect the level of EPA support provided.
28. 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:
- meeting with a person who has the intention of lodging a substantive application, to assist their understanding of the process and lodgement requirements; or
 - any other pre-lodgement engagement including reviewing of documentation, and any other assistance and correspondence associated with a prospective substantive application.
29. The EPA may recover pre-lodgement costs whether a substantive application is ultimately lodged or not.

Panel convener, chair and members' fees

30. The EPA will recover the costs of the panel convener, the expert panel chairperson and the panel members at the rates as set out below, which reflect the fees framework set by the Minister for Infrastructure and are recoverable from application fees. 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.

Panel Position	Daily fee (excluding GST)
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	\$1,600 - \$5,000
All other panel members	\$1,600 - \$5,000

Costs associated with referral applications and land exchange applications

31. The EPA may, on behalf of each of the Ministry for the Environment, the Department of Conservation and any other applicable agency, recover from an applicant all actual and reasonable costs in relation to a referral application or a land exchange application, respectively. Applicants pay application fees for referral applications and land exchange applications to the EPA in accordance with the Regulations.
32. The initial application fees and levy amounts are set out above.

Cost recovery of EPA and Agency Costs

33. The EPA may recover from applicants the actual and reasonable costs incurred by the EPA and certain other agencies in performing or exercising their functions, duties or powers, including (where such costs are reasonable and proportionate to the functions, duties or powers being performed or exercised):
 - 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;
 - f. issuing and distribution of further information requests;
 - g. travel and other expenses incurred in providing secretariat and advice support to a panel;
 - h. preparing for and attending conferences, hearings and mediations called by the panel convener or panel; and
 - i. administrative and support matters that are incidental or ancillary to the determination of applications.

34. Agencies are encouraged to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised. Not doing so risks incurring costs that may not be recoverable by the EPA under the Act and Regulations. For example, where conferences are called for considering procedural matters, cost recovery will be limited by that function.
35. Costs may be recoverable irrespective of whether the approvals sought in the substantive application are granted, declined, or the substantive application is withdrawn by the applicant.
36. The EPA may only recover from applicants the actual and reasonable costs of itself, and certain other agencies as defined in the Act, performing functions and powers under the Act. Where a person or organisation (who is not such an agency) is invited to provide comments in accordance with sections 17, 35 or 53 of the Act (or, in relation to a substantive application, at any other time after the panel has formed under section 50) and incurs costs in responding, its costs will not be recoverable from the applicant by the EPA.

Cost Recovery of Panel and Panel Convener Costs

37. The EPA may recover from applicants, on behalf of the Minister for Infrastructure, all actual and reasonable costs incurred in relation to a panel and a panel convener in performing or exercising their functions, powers, and duties under the Act, including but not limited to (to the extent the below relate to the panel and panel convener performing or exercising their functions, powers and duties):
 - a. panel convener fees;
 - b. panel chair fees;
 - c. panel members' fees; costs of a special adviser appointed by the panel to assist with a substantive application; and
 - d. travel and other expenses incurred by panel conveners, chairs and members in carrying out their duties.
38. The EPA may also recover the actual and reasonable costs incurred in relation to the panel convener holding conferences, prior to a panel being set up in accordance with section 50 of the Act (**Convener Conference**). This may include conferences for the purpose of:
 - a. determining the timing of the panel decision; and
 - b. determining the appointment of panel members.
39. To the extent that a panel convener requires any person to attend a Convener Conference to enable the panel convener to perform or exercise their functions, powers, and duties under the Act, costs incurred by that person may be considered Panel and Panel Convener Costs and may be recovered by the EPA (at its discretion).
40. Persons who wish to recover costs for participation in Convener Conferences will need to ensure that these costs are reasonable and proportionate to the functions of the particular Convener Conference.
41. Once a panel has been set up, the ability for any third parties to recover costs through the EPA is limited to the Māori consultation groups described in the Regulations (see below).

Third Party Contributions

42. The EPA will pay a contribution (as set out in Schedule 2 of the Regulations) towards the actual and reasonable costs incurred by Māori consultation groups who:
 - a. have commented on the application that they were invited to comment on under section 17, 35 or 53 of the Act; and
 - b. have completed an application for payment of contributions in accordance with requirements set out on the Fast-track website: [MCG-contribution-fee-application-form-June-2025.pdf](#).

Disbursements

43. The EPA may recover disbursement costs associated with an application on an actual and reasonable basis that are incurred by a party who the EPA may recover costs from the applicant in respect of. 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

44. Once a substantive application is lodged, in the first instance the EPA will apply the initial application fee and any subsequent application fees paid by the applicant under the Regulations against actual and reasonable costs incurred (to the extent these are recoverable under the Act and regulations).
45. The EPA will provide monthly statements to the applicant showing costs incurred by itself, other agencies, the panel and panel convener (and if relevant, any third parties) received during the preceding month and any balance of the initial application fee and subsequent application fees.
46. 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:
47. a further application fee in the sum of \$50,000; or
 - a. any other fee amount as determined by the EPA at its discretion, taking into account any estimates of the total costs for completion of the fast-track process under the Act (if available); or

- b. charges for actual and reasonable costs incurred, invoiced to the applicants monthly.
- 48. Where the actual and reasonable recoverable costs are less than the total sum of fees and charges paid by an applicant (including all further fees and other sums paid), the EPA will grant a refund of the difference between the total amounts paid and the total actual and reasonable costs recoverable in accordance with the Act and Regulations.
- 49. Interest accruing from fees or charges in the period after payment may be retained by the EPA and applied to costs that may be recovered under the Act.
- 50. Any fees that are not paid by any applicant when due will constitute a debt owing the EPA and the EPA may take any action available to it in order to recover such debt.

Suspension of an application

Suspension by the EPA due to non-payment of costs, or by Minister

- 51. 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.
- 52. 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

- 53. 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.
- 54. 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

- 55. 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

- 56. The Act does not provide a formal process for applicants to object to costs charged.
- 57. 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.

58. 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 applicant with progress updates, if the issue cannot be immediately resolved.
59. If the matter raised concerns costs recovered by the EPA on behalf of another agency, the panel or panel convener or any Māori consultation groups, the EPA will liaise with the relevant party as appropriate.

Review

60. 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

61. 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.

Queries

62. If you have any queries in relation to this policy please contact contact@fasttrack.govt.nz.