

6 August 2025

Te Waihanga / New Zealand Infrastructure Commission
Level 7, The Todd Building
95 Customhouse Quay
Wellington 6011

By online submission

Attention: To whom it may concern

Submission: Draft National Infrastructure Plan

- 1 Reflective Construction Law is a law firm established in 2018 to provide project focused support to the construction sector. We are part of the All-of-Government external legal panel.
- 2 We are pleased to make this submission as part of the consultation being carried out by Te Waihanga / New Zealand Infrastructure Commission (**Te Waihanga**) on the Draft National Infrastructure Plan (**NIP**). Strengthening New Zealand's infrastructure industry is necessary and the systematic approach of Te Waihanga through the NIP should be commended. Overall, we support the recommendations made in the NIP.
- 3 Initially we provide some overarching submissions; and then provide targeted feedback on the specific recommendations in the feedback form. We have maintained the headings from the NIP for ease of reference.

Overarching comments

- 4 **Support for Te Waihanga** – There are two distinct aspects of the NIP: (1) the collation and dissemination of information; and (2) practical input in infrastructure investment. Achieving these objectives will require cross-sector buy-in and it would be good to see Te Waihanga's mandate strengthened through targeted regulation and/or agency directives. Our understanding is that agency engagement is largely voluntary and as a result the foundation underpinning the NIP should be strengthened through:
 - a. Regulation that requiring agencies to provide information as part of its regular reporting cycle (such as providing the information at the same time as budgets are submitted for approval).
 - b. Mandating an IPP review for all large projects (for example >\$100m), and recommending an IPP review for lower value projects (say >\$10m).
- 5 **Support for agencies** – The IPP review to ensure projects are appropriately scoped and funded is useful. Large project can receive this review through Te Waihanga but in our view all projects would benefit from some level of review / planning. It would be good if a simplified version of this review could be applied at an agency level to smaller projects and doing so would increase consistency across the entire infrastructure pipeline.



- 6 **Support the industry** – It will be important to support the industry through funding / subsidies so the relevant skills can be developed ahead of the demand curve. Retentions of qualified staff can be encouraged through a bonding scheme and ensuing these skills are valued in tender assessment. One aspect that is not investigated is the ability to provide this training to the industry and an examination of how training is being administered would further strengthen the objectives of the NIP.
- 7 In the next section we provide our response to the specific recommendations under the NIP:

To what extent do you agree that 'establishing affordable and sustainable funding' is a priority for New Zealand?	
Regularly update 'forward guidance' - long-term information about what New Zealanders need and where, which projects can best meet those needs in the most affordable way, and what infrastructure is in progress in the national 'pipeline' - so that decision makers have what they need to make well informed decisions.	Strongly agree. Achieving this requires timely and accurate information and to ensure the relevant information is provided a standardised approach to reporting and costing should be implemented / mandated.
Use independent advice from the Infrastructure Commission to guide long-term budgeting, so that decisions about how much we can spend in the future are based on evidence of what New Zealand needs, to ensure we can invest the right amount in the right places, at the right time.	Agree This advice should be one factor that needs to be taken into account when setting budgets and spending decisions.
Allow government agencies that plan and perform well to get funding that covers multiple years, so they can better deliver infrastructure projects with less disruption.	Agree. The difficulty of limiting funding availability to agencies that plan and perform well is that the agencies who do not meet the criteria will not have the funding availability which either perpetuates the issue and/or creates inequality among New Zealand.
Take a more consistent approach to the way New Zealanders pay for network infrastructure (like roads and water) by making sure charges to users and those who benefit cover the costs. This means we'll have more money from general taxation for social infrastructure (like hospitals and schools).	Neutral. While we support the principle of ensuring infrastructure is funded by those who benefit it will be important to understand what this means in practice. For example, if the roading network is paid for on a user basis this would



	increase costs for those who live further from central areas (which includes those on lower income).
Require that charges for using our roads and rail (e.g. fuel taxes, road user charges, congestion pricing) cover the cost of building and looking after them, making the land transport system self-sustaining.	Neutral. See above.

To what extent do you agree that 'clearing the way for infrastructure' is a priority for New Zealand?	
Make sure planning rules support more people to use the infrastructure we already have and that we plan to build.	Strongly agree.
Set clear and stable policies so infrastructure investors can plan ahead with confidence — especially in key sectors like electricity.	Strongly agree.
Make sure the resource management and planning rules enable important infrastructure projects — while still protecting the environment and managing interactions with surrounding communities.	Strongly agree. It is important to ensure a predictable and consistent policy environment. Our view is that the scope of this recommendation could be read as being very broad. Successive governments have been trying to achieve this balance for some time. Given the context of the NIP the scope of this recommendation could be re-worded so it is targeted on output the NIP can produce (i.e. providing clear direction to ensure the resource management and planning rules) so it can be measured and achieved.
Use long-term regional growth plans — known as spatial plans — to align where new homes, roads, and other infrastructure will go. These plans bring together land use, infrastructure, and funding decisions in one place, so that growth happens where infrastructure is already planned, affordable, and easier to deliver.	Strongly agree.



<p>Plan how we train and grow the infrastructure workforce based on a longer-term view of New Zealand's infrastructure needs, beyond current projects, to ensure we have the right skills, in the right places, at the right time.</p>	<p>Strongly agree.</p> <p>The NIP predicts that skills will need to be developed ahead of time and it will be important to support the industry in this regard through funding / subsidies so the relevant skills can be developed and engaged ahead of the demand curve. Methods of retaining qualified staff could be encouraged through mechanisms such as a bonding scheme and ensuing these qualifications are valued in tender assessments.</p>
<p>Support the people leading government infrastructure projects by setting clear job expectations and creating better training and career pathways.</p>	<p>Agree.</p> <p>A lot of the NIP focuses on the early stages of a project (procurement/forecasting). Skills are needed across the project lifecycle, including the increased focus on asset maintenance.</p>
<p>Require infrastructure providers to publish clear and transparent information about their performance, to ensure that the interests of the people who use and pay for infrastructure are protected.</p>	<p>Agree.</p> <p>It is important that the information provided is complete and consistent; and provided in a timely manner (which may require a top-down directive / mandate). Templates and guidelines will be necessary. Where this information relates to the private sector commercial drivers need to be considered.</p>

To what extent do you agree that 'starting with maintenance' is a priority for New Zealand?	
<p>Require all central government agencies to develop and maintain full, accurate registers of their infrastructure and produce long-term plans for how they'll look after it and improve it.</p>	<p>Strongly agree.</p> <p>Understanding the asset base is essential to be able to plan appropriately.</p> <p>Producing long-term asset plans will require a specific skill set and there may need to be training and support available to ensure agencies are able to do this in an effective and accurate manner. Some form of auditing would be useful as is suggested under a future recommendation.</p>
<p>Require agencies to report how well they are delivering on their long-term infrastructure plans,</p>	<p>Strongly agree.</p>



including how their infrastructure is performing, so that decisions can be made based on up-to-date information.	Same comments above apply about having the resources, skills and templates to be able to report efficiently and accurately.
Have experts independently check whether government agencies' long-term infrastructure plans are sound and being followed.	Strongly agree.

To what extent do you agree that 'right-sizing new investment' is a priority for New Zealand?

Make the information that government uses to decide on infrastructure projects public - like business cases, budget requests, and expert advice - so people can see how decisions are made.	Strongly agree.
All central government-funded infrastructure projects have an independent assessment to make sure they're ready before money is spent.	Agree. We believe this recommendation could go further and required all large public infrastructure projects to have an independent assessment (for example all projects over \$100m). An independent assessment should be encouraged for lower value projects (say projects over \$10m). Low value projects should still be assessed against the same criteria but at an agency level and under much simplified criteria. It would be useful for a simple template/checklist to be prepared for this purpose.
Stronger upfront risk management and assurance processes are required for all projects – making sure risks are visible and well-managed from start to finish.	Strongly agree.
Track and publish what projects actually cost, when they're delivered, and what benefits they provide so that we can improve future infrastructure projects.	Strongly agree.



Conclusion

8 We would be happy to provide any further information or speak to our submission in person if that was useful. Thank you for the opportunity to provide input and we look forward to the final plan being presented later this year.

Yours faithfully,

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Reflective Construction Law Limited

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