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The Challenges and Opportunities of Sports Facility Development by the Private Sector in New Zealand

A Dissertation submitted in partial fulfilment of the requirements for the Degree of Master of Planning at Lincoln University by James Tapper

Lincoln University 2016
Abstract of a Dissertation submitted in partial fulfilment of the requirements for the Degree of Master of Planning.

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by

James Tapper

A passion for participating in sport and recreation is ingrained in the culture and identity of the New Zealand population. While local authorities play an important role in ensuring the provision of sports facilities in a manner that adequately serves a city or district, in recent times the private sector has become increasingly involved in the development of sports facilities. Therefore, this study was conducted to identify the challenges and opportunities for the private sector in developing community sports facilities in New Zealand. By employing qualitative methods, including the use of a case study and semi-structured interviews with a range of key players involved in the issue, the research identified the presence of a market-led approach to sports facility development and provided counter evidence to the existing body of knowledge that suggests sports facilities developed by the private sector erode community connectedness (Arai & Pedlar, 2003; Brueggemann, 2002; Tomlinson, 1991). Moreover, it was argued that the provision of sports facilities by the private sector can in fact benefit communities, particularly when a developer has philanthropic motives. Despite recognisable benefits of the use of market mechanisms, the findings strongly supported the role of the Resource Management Act 1991 (RMA), and the resource consent process in particular, in regulating sports facility development, mitigating the negative impacts and facilitating public input. The study provided a further analysis of the strengths and weaknesses of public-private partnerships as a way to improve the methods and structures used for market-led sports facility provision under the RMA. Consequently, in order to achieve more efficient, effective and equitable provision, the research recommended nurturing greater collaboration between the public and private sectors during the resource consent process and providing simpler and more accessible planning documents for developers and philanthropists.

Keywords: sports facility provision, sport, recreation, leisure, planning practice, planning theory, communicative planning, collaboration, public participation, neo-liberalism, resource management, resource consent process
Acknowledgements

I would firstly like to thank each of the participants that took part in this research. I am incredibly grateful for your willingness to take the time to assist me with this study. I am especially thankful for the interest each of you showed in my topic and the knowledge and experience you readily shared.

I would also like to thank my employers for their support throughout the year. The initial idea for this research stemmed from a conversation in the office almost a year ago and I have learnt so much and garnered inspiration from similar conversations throughout the year. I feel very lucky to have such a supportive work place and I thank you all for putting up with my naïve questions!

I would like to express gratitude to my supervisor, Koji Kobayashi. I couldn’t have done it without you. Thank you for continually supporting me and being a pillar of positivity throughout the year. Your enthusiasm for my topic and willingness to assist me (even on your weekends!) is greatly appreciated.

Lastly, I want to say thank you to my family who have always been supportive of all my endeavours. I would like to acknowledge my inspirational grandmother and my two sisters for supporting me as I undertook this study. Most importantly, I would like to thank my parents who have been my greatest support team. I’m truly grateful for everything you have done for me.
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<td>LGA</td>
<td>Local Government Act 2002</td>
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<td>MfE</td>
<td>Ministry for the Environment</td>
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<td>PPP</td>
<td>Public Private Partnership</td>
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<td>RFI</td>
<td>Request for Further Information</td>
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<td>RLAB</td>
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Chapter 1
Introduction

The New Zealand population has a long-standing passion for participation in sport and recreation that is engrained within the nation’s culture and identity (Falcous & McLeod, 2012; Palenski, 2012). The effective provision of sports facilities, with respect to the location, cost and number of facilities, in New Zealand and internationally is an important factor in maintaining and enhancing the level of participation in sport and can result in beneficial outcomes for communities (Arai & Pedlar, 2003; Coalter, 2000; Jarvie, 2003). Indeed, there has been intense discussion, both in the public and academic realms, about the roles of the public and private sectors in providing sport and recreation, with a particular focus on the provision of facilities. Arguments exist in the literature both in favour of and in opposition to the market-led development of recreation and sports facilities, with little consensus on the necessities of regulating development or the extent to which it should occur. In the New Zealand context, both the public and private sectors must adhere to resource management legislation, namely the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA), when providing sports facilities. Although the private sector need not adhere to the LGA, the RMA has been considered restrictive by private developers who can significantly contribute to the development of community sports facilities. In particular, the resource consent process, prescribed by the RMA, has received criticism for its regulatory and somewhat costly nature (Pickford, 2014; Severinsen, 2014). Despite the criticisms, there is undoubtedly a body of support for regulatory processes such as the resource consent process in order to monitor the effects of development, mitigate against the potential negative impacts of neo-liberalism and provide for community engagement (Hewison, 2015; Sager, 2011).

The aim of this research is to explore the challenges and opportunities for the private sector in developing community sports facilities in a relatively regulated environment under the RMA in New Zealand. Specifically, the research focuses on two broad areas: the strategic provision of sports facilities by the private sector and associated politics with the public sector; and the impacts of regulation on the development of sports facilities by the private sector, with a particular focus on the resource consent process as outlined in New Zealand’s RMA. Through qualitative research methods including interviews and documentary analysis, the author aims to uncover practical knowledge and ideas from those operating within the fields of sports facility development, resource management planning and local governance. In addition, the research seeks to utilise the findings in order to contribute to the body of knowledge in the areas of planning and policy in sport and recreation facility development as well as to provide practical recommendations for private developers, planning
practitioners and local authorities on the ways in which the development of sports facilities by the private sector can be improved.

The following overarching research question and subsidiary research questions have been developed in order to explore the research aim:

What are the challenges and opportunities associated with the development of community sports facilities by the private sector under the Resource Management Act in New Zealand?

Subsidiary questions are as follows:

- In what ways, if any, can the private sector contribute to the effective provision of sports facilities within a community?
- What is the role of the resource consent process in local sports facility development?
- To what extent is the public consultation process under the RMA necessary in the development of sports facilities?
- To what extent can changes to resource management legislation in New Zealand address the challenges faced by the private sector in obtaining resource consent for community sports facility development?

Although the focus has been restricted to the provision of sports facilities in order to manage the scope of this research, the findings of the study are likely to be applicable to the current and potential challenges within the resource management process that private developers are required to undergo when providing any kind of facility that may benefit the community.

This dissertation is structured as follows. Following this introduction, Chapter 2 assesses the existing arguments within the body of literature on neoliberalism and the market-led provision of recreation, leisure and sports facilities. Additionally, it provides a review of literature relating to citizen engagement and communicative, collaborative planning, alongside an assessment of existing theories related to the RMA. Chapter 3 outlines the legislative context within which the investigated issue occurs. This section includes an overview of the most important resource management legislation in New Zealand (namely, the RMA and LGA), a description of the resource consent process and an outline of relevant changes proposed for the RMA as a result of the Resource Legislation Amendment Bill 2015 (RLAB). Chapter 4 provides a justification for the use of a case study and semi-structured interviews in conducting this research. In addition, the chapter describes each of the participants, their roles and areas of expertise, and the reasons as to why they were selected for the study. Chapter 5 presents the key findings of the research, which have been organised into four main themes. The findings of the
research, in combination with the review of literature in Chapter 2 and the legislative context in Chapter 3, have provided the basis for a discussion on the study's contributions to the existing body of knowledge, contained in Chapter 6. The discussion centres firstly on establishing the New Zealand context for sports facility provision including the strengths and weaknesses of market-led development of facilities and the importance of regulation provided under the RMA and LGA. Secondly, Chapter 6 utilises the findings and literature to establish potential areas of improvement in terms of the structures and methods currently existing for sports facility development in New Zealand. Lastly, Chapter 7 provides a summary of the study and suggests several points for further research that have arisen from the findings.
Chapter 2
Literature Review

This chapter provides a detailed review of the available literature that is relevant to this research. Notably, while leisure studies have offered useful frameworks and cases for this research, there has been a scarcity of academic literature on the provision of community sports facilities and the processes through which they are developed. Hence, this chapter will focus on theories related to the access to, and provision of, resources for recreation and leisure by the private sector. It is considered that the theories and paradigms in the fields of recreation and leisure studies can be applied to understand the provision of community sports facilities, given that sports facilities often serve as primary space for community recreation and leisure. In addition, the chapter will review relevant theories from the field of planning with a particular focus on citizen engagement in decision-making and communicative (collaborative) planning practice.

2.1 Neo-liberalism and the impacts of market-led development

A common theme in literature on the provision of recreation and leisure facilities is the recent shift towards neo-liberal (or ‘laissez faire’) politics in a number of developed countries. The literature shows there has been a clear shift towards market-led governance in many western countries in recent years (Arai & Pedlar, 2003; Brueggemann, 2002; Coalter, 1998, 2000; Curry, 2001; Polistina, 2007). Hence, neo-liberalism is considered as an important paradigm that provides a framework for discussing the provision of sports facilities by both public and private sectors. Neo-liberalism is considered in the literature to be a governmental shift in policy away from publicly planned outcomes and towards competitive, market-led, (generally) private strategies (Brown, 2003; Kiely, 2006; Sager, 2011). It promotes economic freedom and limits political intervention through regulation (Brown, 2003; Sager, 2011). However, varying viewpoints exist in the literature on the benefits and inadequacies of neo-liberalism for the provision of recreation and leisure facilities.

One viewpoint in support of neo-liberal development is that of Coalter’s (1998) who argues that the market approach towards leisure facilities by governments has led to an increase in social citizenship as society is provided with a wider range of facilities and, in turn, a greater forum through which to participate socially. He suggests that the variety of facilities provided by the market assists in abridging a socially disruptive gap between the community and individuals who have no forum through which to be socially involved. Coalter (2000) furthers this argument in a later piece of research as he explains that commercial leisure provision allows consumers greater choice both in terms of what is provided and what individuals choose to consume. To sum up Coalter’s (1998, 2000) arguments, the diverse
range of recreation and leisure activities provided by market-led development leads to greater social
citizenship as consumers can channel their interests towards a particular leisure activity and become
socially engaged with others who are interested in the same activity. In this regard, Coalter (1998, p. 34) comments that “to concentrate on the potentially exclusionary nature of markets for some is also
to ignore their liberatory potential for others.”

Similarly, Curry (2001) supports the view that the shift towards neo-liberalism in places such as England
and New Zealand has benefitted the provision of recreation and leisure facilities. Specifically, Curry
(2001) argues that a market focus by governments has allowed for greater citizen empowerment as
consumers (and non-consumers) have more control over the use of services and the source through
which they are funded. This shift to laissez-faire style politics, according to Curry (2001), has provided
a greater focus on asset sales and market control and has led to a transferral of power away from
central governments and towards community groups and private companies. Additionally, Curry
(2001) reasserts Coalter’s (1998) argument that a market focus has allowed for ‘consumer preference’
and more localised control of recreational facilities. He suggests greater emphasis on ‘consumer
preference’, as opposed to ‘collective provision’, has meant an improvement in the equitable provision
of recreation and leisure facilities. Curry (2001) expands on this point by explaining that the collective
provision of recreation facilities is based on what the state perceives to be good for citizens, as opposed
to allowing individuals to choose what they wish to consume. From Curry’s (2001) perspective then,
although a reduction in collective funding of recreational facilities by citizens (through rates and taxes)
has occurred as a result of market-led developments, it can be argued that funding of facilities actually
has become more equitable as consumers are only paying for what they use.

Whereas Curry and Coalter endorse perspectives on the positive effects of the neo-liberal ideology,
much of the literature emphasises its adverse effects. For instance, Polistina (2007) uses outdoor
leisure as a focus to analyse its impacts suggesting that neo-liberalism has impacted on the
sustainability of resources and has created a culture of corporate greed. Cureton and Frisby (2011)
suggest that the market-led approach has significantly affected the number of low-cost or free leisure
activities provided by the public sector. From this view, citizens from lower socioeconomic
backgrounds have greater difficulty in participating in sport and leisure given the increase in the cost
and number of pay-per-use facilities (Cureton & Frisby, 2011). Similarly, Thibault, Kikulis, and Frisby
(2004) contend that market-driven principles focus largely on the demands of the middle and upper
class in order to generate greater revenue and do not provide affordable facilities for lower
socioeconomic citizens. Furthermore, in contrast to Coalter (1998, 2000) who proposes the idea of
increased social citizenship through neo-liberalism, Williams (2001) argues that community
development and an ethic of care are concepts tied to social liberalism and are not applicable to neo-
liberalism and its consumerist, capitalist nature.
A by-product of the rise of neo-liberalism has been an increase in the use of Public-Private Partnerships (PPPs) for the provision of important public infrastructure (Dixon, Dogan, & Kouzmin, 2004; Sager, 2011; van den Hurk & Verhoest, 2016). Growing importance has been placed on the public sector’s ability to be cost-efficient in providing community facilities, in order to ensure that user costs for consumers are affordable (Dixon et al., 2004). Sager (2011) explains that PPPs allow the public sector to outsource some elements of development and operation to private entities, which generally increases efficiency as the involvement of the private sector raises the need to be competitive. In return, such partnerships afford private businesses with profitable investment opportunities and the ability to share risk with the public sector (Sager, 2011).

Although Sager (2011) is able to point out a number of benefits associated with PPPs, he also discusses some of the possible adverse effects of the partnership structure. He argues that as a result of the involvement of the private sector in PPPs, there is a general concern that the structure may shift the goals of development and operation away from being in the best interest of the public and towards being in the interest of a private, naturally competitive business. In addition, Sager (2011) asserts that PPPs may lead to higher user rates in the interest of increasing profits, with little consideration given to the resultant impacts on the equity of facility provision. Concerns over a reduction in equity as a result of PPPs aligns with Cureton and Frisby’s (2011) assertions described above on neo-liberalism more generally and the way in which it has reduced the number of affordable recreational and leisure facilities. A body of literature also exists in relation to the lack of transparency that can be associated with PPPs (Grimsey & Lewis, 2002; Reynaers & Grimmelikhuijsen, 2015; Willems, 2014). As Reynaers and Grimmelikhuijsen (2015) suggest, external transparency can often be foregone when a public service is undertaken in part or in whole by the private sector given that private entities do not carry the same level of public accountability as the public sector. Furthermore, Reynaers and Grimmelikhuijsen (2015, p. 610) argue that internal transparency is a critical aspect of a PPP as it “allows procurers to assess whether the private party is competent and acting in the public interest.” They contend that without such transparency, there is a risk that the interests of the private sector may diverge from those of the public sector and the interests of the community more generally. In addition, Reynaers and Grimmelikhuijsen (2015) assert the importance of transparency from the public sector in ensuring information is available and accessible to their private partners, or else they risk divisiveness and inefficiencies.

### 2.2 Communitarianism and sports facility development

The above discussion on the benefits and implications of market-led development for the provision of sport and recreational facilities allows for more in-depth debate on the specificities of the issue. Of particular importance are the arguments within academic literature on the varying effects of private
and public recreation/leisure facility development on ‘communitarianism’ (Arai & Pedlar, 2003; Forde, Lee, Mills, & Frisby, 2015; Jarvie, 2003). A number of academics argue that the commercialisation of recreation and leisure has led to a loss of community and citizen connectedness (Arai & Pedlar, 2003; Brueggemann, 2002; Tomlinson, 1991). Arai and Pedlar (2003, p. 186) are particularly forthcoming with this viewpoint, suggesting that a consequence of privatisation and commercialisation in providing leisure facilities “has been to restrict our perception of the social benefits of leisure as a practice to those that are reaped by the individual (e.g., individual health and well-being), and to de-emphasize the meaning of leisure to the community.” It is argued that as a result of privatisation, leisure has become an individualistic pursuit of pleasure and consumption (Cureton, 2010). In this sense, leisure consumers are lured to particular outputs and outcomes by individual benefits while emphasis is rarely placed on the importance of group activities in creating social interactions and community connectedness (Arai & Pedlar, 2003).

Furthermore, Reid (2009) suggests that the market approach towards the provision of recreational facilities has led to a loss of sense of place within communities. Reid (2009) argues that prior to market-led facility provision, communities (particularly in rural areas) often shared a passion for one or two specific recreational activities and thus felt a significant sense of place and belonging towards the particular recreational facility at which that activity takes place. As a result of an inherent sense of place and belonging, a community was further connected through the provision and development of facilities related to the recreational activity (Reid, 2009). However, Reid (2009) maintains that a shift from a government-centred approach towards a market-led approach has meant that leisure/recreational facility provision is centred purely on economic demand and viability, with little or no consideration of the importance of such facilities for the community. This is echoed by Brueggemann (2002, p. 118) who maintains that “while possessive individualism and ruthless self-interest provide us with freedom and opportunity, they leave little space beyond the self by which we can obtain social nurture.”

In contrast, as is mentioned above, Coalter (2000) argues that a shift towards market-led development has generated greater choice in leisure and recreation and, in turn, intensified community connectedness and social interaction through increased social citizenship. It is suggested that greater choice allows citizens to become passionate about a particular activity and become an intricate member of that social community (Coalter, 2000). Conversely, public sector provision of community facilities assumes that every citizen will want to utilise such facilities and does not accommodate choices for those who do not wish to do so. The result is a loss of social interaction and social citizenship for those citizens who recreate through alternative means to those provided by the public sector (Coalter, 2000). The discussion on communitarianism infers that when sports facilities are developed by the private sector, particular attention should be paid to the potential effects on the community or
sense of belonging and the ways in which they can be avoided or mitigated, as opposed to a sole focus on economic outcomes and procedural efficiency.

### 2.3 Citizen engagement, communicative planning and collaboration

In addition to the discussion within academic literature on communitarianism is the debate on citizen engagement and citizen empowerment in the development of sports facilities. It is noted by the OECD (2001) and Sklar, Autry, and Anderson (2014) that the concepts of citizen engagement and communitarianism are linked in that effective citizen engagement results in stronger and more connected communities. The concept of citizen engagement is most commonly described through the use of Arnstein’s (1969) ‘Ladder of Citizen Participation’, displayed in Figure 1, below.

![Ladder of Citizen Participation](image)

**Figure 1: Arnstein's (1969, p. 217) 'Ladder of Citizen Participation' (re-created by the author).**

The ladder shows the varying degrees of participation, with ‘citizen control’ being considered the highest level of empowerment. Arnstein (1969) suggests that rungs 1 and 2 ('Manipulation' and 'Therapy') are merely forms of mitigation to replace a lack of participation. Rungs 3 to 5 ('Informing', 'Consultation' and 'Placation') are token forms of participation with little guarantee of any action.
occurring as a result (Arnstein, 1969). Finally, rungs 6 to 8 (‘Partnership’, ‘Delegated Power’ and ‘Citizen Control’) are forms of participation that empower citizens to influence decisions to varying degrees (Arnstein, 1969).

Arnstein’s (1969) ladder has been used as an important theoretical framework for citizen engagement and the basis of discussion within the literature for many years (Hurlbert & Gupta, 2015; Ruesga & Knight, 2013; Tritter & McCallum, 2006). Since the inauguration of Arnstein’s ladder in 1969, academic writing on public engagement has been extensive and wide-ranging (Ruesga & Knight, 2013). Therefore, this review will focus specifically on literature that is related to either the development of sport, recreation and leisure facilities or the field of planning. Sklar et al. (2014) provide a critique of a lack of citizen engagement with specific regard to the recreation sector. They argue that citizen engagement must go beyond basic public consultation and allow for citizen empowerment, with the end result being effective community development. It is suggested that the processes of citizen engagement and community development are interactive (Sklar et al., 2014). In order to go beyond consulting with the public, citizens must be involved in the development process from the outset. Previous studies have identified a number of methods that are recommended for citizen involvement including; citizen advisory boards, outreach to low income residents and combined projects between various community organisations (Autry & Anderson, 2007; Sklar et al., 2014).

Similarly, Fortier and Gravelle (2015) suggest that citizen engagement goes beyond consulting with the public, citing the concept of ‘citizen action’ as an important aspect. It is argued that in order for citizens to truly engage in the development and operation of recreational facilities, they must be involved in the process through ‘action’ (Fortier & Gravelle, 2015). According to Fortier and Gravelle (2015), ‘citizen action’ most commonly involves volunteerism, although it is noted that this is not always possible in the context of facility development. Another form of citizen action is labelled ‘citizen mobilisation’ through which citizens take action against a governing body’s decisions and exercise their democratic rights. It is argued that citizen mobilisation “contributes to the development of civic expertise, promotes community spirit, and improves decision-making” (Fortier & Gravelle, 2015, p. 160).

In contrast, Rydin and Natarajan (2015) present a view of public engagement with a particular focus on the actions of governing bodies, as opposed to citizens. They argue that the materiality of public engagement can affect the outcome and the willingness of citizens to participate. Rydin and Natarajan (2015) suggest that governing bodies should put greater emphasis on the way in which public consultation is undertaken and how the process can be made more effective and engaging. Similarly, Pidgeon, Demski, Butler, Parkhill, and Spence (2014) argue that getting citizens to engage with governmental documents is a common challenge, given that such documents often contain technical information which is difficult for the public to comprehend. They explain that while it is important to
consult with technical experts on policy matters, it is just as important to ensure that the information can be relayed to the public in a way that does not diminish its importance or meaning (Pidgeon et al., 2014). By doing so, it ensures the public can remain actively involved in decision-making on governmental issues.

In the context of planning theory, citizen engagement is a critical aspect of the communicative (collaborative) planning approach (Tewdwr-Jones & Thomas, 1998). Communicative planning theory is underpinned by Habermas’ theory on communicative action, which asserts that individuals can achieve cooperative action through the process of deliberation (Sager, 2009; Tewdwr-Jones & Allmendinger, 1998). Healey (1992) was one of the first theorists to conceptualise communicative planning theory from Habermas' paradigms. In discussing ‘planning for debate’, Healey (1992) outlines five new directions for planning including the suggestion to move away from scientific rationalism as a guide for planning action. Instead, she argues for a collaborative approach to planning through which various individuals communicate in order to “assert their own principles and ‘mutually’ adjust when they get in each other’s way” (Healey, 1992, p. 147). On the communicative planning method, Sager (2009, p. 3) further explains that it “demands more than communication with stakeholders and an involvement process merely informing the public.” He argues that the planning method aims to promote transparent deliberation – a critical aspect of democracy – by ensuring the participation of a wide range of affected groups from a variety of social orientations, each aiming to reach a mutually agreeable result through empathy and communication (Sager, 2009).

Although much of the literature is pointed towards support for communicative planning (and by association, citizen engagement) (Bond, 2011; Healey, 1992; Sager, 2009), that support is not necessarily unconditional. Tewdwr-Jones and Allmendinger (1998) argue that communicative planning is based on utopianism and fails to deal with the complex political environment within which planning occurs. According to Tewdwr-Jones and Allmendinger (1998), the method does not address the power relations at play within government and between proponents, participants and local governments. Similarly, the planning method fails to account for the inequality of resources which may limit one’s ability to be heard or to participate (Tewdwr-Jones & Allmendinger, 1998). Sager (2009) provides an analysis of communicative planning and a critique that the method incites a desire to reach unrealistic consensus which can be harmful and exclusionary. By forcing a consensus based on a conception of what is ‘good’ for society, marginalised views may not be truly considered or accepted, which effectively denies the freedom to disagree as an essential element of democracy (Sager, 2009). Therefore, Sager (2009) claims that consensus could be considered shallow or illusionary when decisions under the communicative planning model represent only the views of the most powerful parties in the process.
Cheyne (2015) discusses citizen engagement from a communicative planning perspective, with a focus on changes to governance in New Zealand over recent decades. She suggests that public participation in decision-making is a long standing principle of democracy, which stems from the notion that it is a basic human right for a member of the public to be given the opportunity to provide input on a decision which may affect them. Cheyne (2015) goes on to provide an overview of participatory planning in New Zealand and describes how the inclusion of public participation processes in the RMA gained international attention upon its enactment for being innovative and forward thinking. On the other hand, she also acknowledges a number of perceived problems with the public participation process in New Zealand. One of the problems that Cheyne (2015) identified was that at the turn of the century, a perception began to arise amongst members of the public in New Zealand that local authorities were not willing to listen during public consultation processes and that the concept was a ‘sham’. In addition, she notes that issues have arisen in relation to the inefficiencies of the process. As a way of addressing these issues, the current national government in New Zealand has begun to reform the RMA in an attempt to streamline the public participation process (Cheyne, 2015). However, Cheyne (2015) argues that such changes will only serve to reduce participation in planning and remove powers from local authorities in a shift towards recentralisation.

In summary, there appears to be a consensus in literature that the use of a public participation process in decision-making is vital in western democratic societies such as New Zealand. As Arnstein (1969, p. 216) points out, “the idea of citizen participation is a little like eating spinach: no one is against it in principle because it is good for you.” While public involvement is considered to be an important democratic right for citizens, literature also acknowledged that there are some challenges associated with it.

### 2.4 Theorising in relation to the Resource Management Act 1991

The literature shows that New Zealand’s most important environmental statute is undoubtedly the Resource Management Act (Connell, Page, & Bentley, 2009; Makgill & Rennie, 2012; Salmon, 2015; Severinsen, 2014). The RMA serves to govern the effect of human activities on the environment in New Zealand by adopting an integrated approach to the sustainable management of the country’s natural and physical resources (Connell et al., 2009; Hewison, 2015).

The Act integrates legislation on the use and protection of land, water and air resources, while acknowledging the importance of socio-cultural factors (Hewison, 2015). The wide ranging, integrated nature of the RMA is underpinned by its broad definition of ‘environment’,

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1 Local authorities are regional, district or city councils, as defined in Section 2 of the RMA.
2 ‘Environment’ is defined in the RMA as follows: “environment includes—
   (a) ecosystems and their constituent parts, including people and communities; and
Grinlinton (2015, p. 4) recognises that humans and human activities are “inescapably part of their surrounding ecosystem and the broader physical environment.” Furthermore, Hewison (2015) explains that the inclusion of people and communities in the definition – as well as the reference to social, economic and cultural matters – shows that the RMA contains an anthropocentric component. An integral part of the anthropocentric nature of the RMA is Part 2, Section 5(1) (see Appendix A) which states the purpose of the Act as being “to promote the sustainable management of natural and physical resources.” The same section then provides a definition for sustainable management, which includes the need to enable “people and communities to provide for their social, economic, and cultural well-being and for their health and safety” while safeguarding the ecological aspect of the environment (Resource Management Act 1991 [RMA] s 5(2)).

Pickford (2014) explains that in making decisions on resource consent applications under the Act (see Chapter 3 for more detailed discussions on the process), decision-makers are required to determine whether granting a consent to permit the use of a resource can be considered consistent with the purpose of the RMA. In doing so, decision-makers have in recent times applied an ‘overall broad judgement’ approach, whereby the potential positive and negative effects of a proposal are balanced to inform a broad judgment (Hewison, 2015; Pickford, 2014). However, Pickford (2014) argues that the broad judgement approach to decision-making under the RMA has led to economic inefficiency. Pickford (2014) suggests that the way the approach is applied does not provide for a fair and well-considered cost-benefit analysis of the positive and negative effects of the proposal. This is despite the fact that the definition of sustainable management under the RMA necessitates a balance between social, economic and cultural factors as well as the protection of the biophysical environment (Hewison, 2015). In Pickford’s (2014) view, the resource costs of development and the costs associated with various conditions attached to a resource consent are not generally considered by decision-makers in balancing the effects of a proposal. Additionally, the positive effects of a proposal are often given little weight, while the adverse environmental effects receive significant attention.

Severinsen (2014) also provides a viewpoint on the way in which decisions are made under the RMA, again with a focus on the resource consent process. Severinsen (2014) discusses the concept of ‘precaution’ in decision-making under the RMA, arguing that it is unclear to what extent the potential effects of a development need to be proved or backed by evidence for them to be considered in a decision. He argues that the RMA does not clearly outline the level of precaution that is required to be taken in assessing applications for resource consents and therefore, the level of precaution taken is
inconsistent and dependent on the decision-maker or local authority. According to Severinsen (2014), some decision-makers may view any form of potential effect arising from a proposal – proven or not – as being important to consider in deciding on an application, whereas others may disregard any potential effects if those effects cannot be proven by scientific knowledge. As a solution to the inconsistencies, Severinsen (2014) argues for flexible subordinate planning documents and policy statements, that clearly define the level of precaution to be taken by decision-makers on RMA matters, whilst still enabling development without restricting applications by unproven potential effects.

### 2.5 Gaps in knowledge

It is noted that there is an agreement on a view towards citizen engagement as a necessary part in effective decision-making processes. It is widely considered an important democratic approach that should be utilised to ensure that decision-making is transparent and effective and that citizens’ needs are satisfied (OECD, 2001, 2009). However, it is possible that public consultation processes may unnecessarily slow or interfere with developments that would ultimately benefit the community (such as community sports facilities). This is indeed a gap in the existing knowledge that will be addressed in the research. Similarly, a knowledge gap appears to exist with regard to the importance of communication between, or a partnership of, public sector and private sector for the provision of sports facilities, particularly in the context of New Zealand. The literature often presumes clearly separate roles of public and private sectors without considerations into the possibility of partnership or collaboration. Hence, this research will seek a possibility of the ways in which a community can benefit from both public and private sectors, and especially effective communication and partnerships between them.
Chapter 3
Legislative Context

Given that this research, and associated case study, is set within the context of New Zealand, it is necessary to provide an outline of the country’s resource management legislation, which forms an integral part of the study. This section draws upon both academic and grey literature to present a general background on the RMA and the LGA in New Zealand and to explain the resource consent process as it is illustrated in the RMA. In addition, this chapter provides detail on the proposed amendments to the RMA contained within the RLAB, which is currently before Parliament.

3.1 The RMA and the LGA explained

The RMA and the LGA are the two main statutes in New Zealand for the governance and management of land use development (see Chapter 2.4 for an analysis of the purpose of the RMA). The RMA outlines a number of planning functions including the need for a ‘territorial authority’\(^3\) to ensure that there is a district plan for the relevant district at all times.\(^4\) A district plan is required to include objectives, policies and rules to ensure the sustainable management of resources within the district to which it relates. In addition, a district plan generally includes planning maps that zone land within the district to assist in directing or restricting certain types of development within particular areas. The RMA is also responsible for directing the need to obtain resource consent for the proposed use of resources. This process is considered important to this research and has been extrapolated in a separate section, below.

The LGA was legislated in 2002 and altered the structure and power relations of local governance in New Zealand (Edmonds, 2015). The purpose of the Act was initially similar to the RMA in that it involved the promotion of a sustainable development approach by local governments, including the consideration of community well-being – which is comparable to the sustainable management approach outlined in the purpose of the RMA. Edmonds (2015, p. 440) asserts that the purpose of the LGA was to allow local governments to “exercise a broad role in promoting the social, economic, environmental, and cultural well-being of their communities both in the present and for the future.” Alongside the up keeping of their regulatory functions, local councils were able to undertake action to better their community in a manner they viewed as being appropriate. In essence, local governments became the caretakers of their communities.

\(^3\) In defining ‘territorial authority’ the RMA refers to the definition contained in the LGA, which defines a territorial authority as being a city or district council.
\(^4\) See Section 73 of the RMA.
However, a major amendment to the purpose of the LGA occurred in 2012, which removed the four forms of well-being (social, economic, environmental, and cultural well-being) from both the purpose of the Act\(^5\) and the purpose of local government.\(^6\) The purpose of local government in the LGA now includes the need to:

> ... meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. (Local Government Act 2002 [LGA] s 10(1)(b))

The result has been to shift the role of local government. Prior to the 2012 amendments, local governments were considered to be the general overseer of the well-being of a community, responsible for carrying out regulatory action, as well as non-regulatory action where appropriate, to attain sustainable development. In this sense, local governments had flexibility and the use of discretion in order to carry out their duties (Edmonds, 2015). Following the amendments, the role of government has been redefined in an attempt to increase operational efficiency (Edmonds, 2015). As a result, local councils are required to focus almost entirely on the regulatory functions of local government, ensuring that those functions are completed in a cost-effective manner. No longer does the role of local government include an element of broad discretion through which local councils can undertake action in an attempt to best serve the four well-beings of the community. Rather, council functions are restricted to the provision of local infrastructure and public services, alongside the undertaking of their regulatory functions.

Under the LGA, a role of local authorities is the mandatory preparation of a long term plan for the area. Long term plans are required by the LGA and are in force for a three year period, at which point they are renewed.\(^7\) The plan must include a 10 year focus and describe the matters which the local authority plans to carry out in order to best meet the needs of the community (Edmonds, 2015). The plan should also describe proposed funding mechanisms for the undertaking of the authority’s duties over the 10 year period. In addition to the requirement to prepare a long term plan, is the need to establish an annual plan each financial year.\(^8\) The annual plan must propose an annual budget and a funding impact statement. Also, the annual plan should reference the long term plan as the two documents should provide some form of integration (Edmonds, 2015). The funding and provision of sports facilities by local authorities is a matter commonly considered within both the long term plan and the annual plan.

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\(^5\) For the purpose of the LGA see Section 3(d) of the Act. The purpose of the Act is also presented in Appendix A.

\(^6\) For the purpose of local government see Section 10(1) of the LGA. The purpose of local government, as stated in the LGA, is also displayed in Appendix A of this document.

\(^7\) See Section 93 of the LGA.

\(^8\) See Section 95 of the LGA.
As a result, the two plans have significant influence over the strategic provision of sports facilities by local councils, as does the LGA more generally.

### 3.2 The resource consent process

The resource consent process is clearly defined in Part 6 of the RMA. The process is considered to play an integral role in achieving the sustainable management goal of the Act, serving as a regulatory function to manage the use of resources (Casey, 2015). Resource consent is granted by local authorities and permits the undertaking of a regulated activity by a person or group of people. Consent is required when a proposed activity that involves the use of land contravenes any rule stated in a district plan (Casey, 2015).9

#### 3.2.1 Categorising land use activities

The RMA allows for district plans to categorise activities into one of six different categories: permitted; controlled; restricted discretionary; discretionary; non-complying; or prohibited.10 Any activity categorised in a district plan as ‘permitted’ does not require a resource consent. Conversely, any activity identified as ‘prohibited’ cannot be granted resource consent and cannot lawfully be undertaken unless the district plan is changed to allow resource consent for the activity to be considered. In the instance that a person is aiming to undertake an activity identified in a district plan as ‘controlled’, ‘restricted discretionary’, ‘discretionary’ or ‘non-complying’, resource consent is required to obtain permission for the activity to take place.11

A local authority cannot refuse a consent application for a ‘controlled’ activity, though the activity category allows the authority to impose some specified conditions. A local authority has the power to award or decline an application for a ‘restricted discretionary’ activity, yet the consideration of the application and any subsequent conditions imposed can only be undertaken in relation to the matters specified under the relevant rule(s) in the district plan. An application for a ‘discretionary’ activity provides a local authority with the ability to consider any aspect in relation to the proposal before making a decision on it. In this case, the authority can impose conditions related to any matter and are not restricted to the confines of the matters outlined in the district plan. Similarly, a local authority is not restricted in its consideration of a ‘non-complying’ activity or the subsequent conditions imposed should resource consent be awarded. However, an application for a ‘non-complying’ activity is required to prove that the activity will have a no more than minor effects on the environment and that

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9 See Section 9 of the RMA. It is acknowledged that a resource consent may also be required for the use of resources other than land (such as water) and can be required by alternative mechanisms (such as contravening a rule in a regional plan), but for the purpose of simplicity, this chapter will focus specifically on land use and consents required as a result of district plan provisions.

10 See Section 77A of the RMA.

11 For further detail on the categories of activities that require resource consent, see Section 87A of the RMA.
it is not contrary to the objectives and policies contained within the district plan before consent can be granted.\footnote{For further details on the various activity categories and the ways in which local authorities are required to respond differently when considering an application and imposing conditions, see Sections 104A – 104C of the RMA.}

As a result of the category system, the extent to which local authorities can regulate a proposed activity is prescribed to them based on the anticipated severity of environmental effects arising from that activity. In relation to the activities requiring resource consent, those that are anticipated to be the least severe are generally categorised as ‘permitted’ or ‘controlled’ activities in a district plan. Activities that are normally associated with more significant environmental effects are usually categorised as ‘discretionary’ or ‘non-complying’, while ‘restricted discretionary’ activities fall somewhere in between. The latter three categories afford local authorities more regulatory power over those activities as they are expected to result in potentially severe adverse effects on the environment (Casey, 2015).

Typically, district plans contain ‘planning maps’ that assist in directing different types of development in certain areas of a district. In this regard, a local authority generally overlays a map of the district with a variety of ‘land zones’ while each zone contains its own set of related rules within the district plan. The rules applicable to each zone permit the types of anticipated developments for that part of the district and restrict incompatible activities in which case, resource consent is usually required. For the most part, the proposal of an activity which is not generally considered by the district plan to be compatible with the applicable land zone results in a more stringent resource consent process, increasing the time and cost of the process.

\subsection*{3.2.2 Notification}

Sections 95 to 95B of the RMA allow for local authorities to notify the public of an application for resource consent. In such an instance, members of the public may submit to the relevant local authority in support or in opposition of the proposed activity (or activities) for which consent is being sought. In this regard, local authorities have three options for notification: (a) \textit{non-notification}, whereby it is deemed that a proposal will not affect any person and any adverse environmental effects will be less than minor; (b) \textit{public notification}, whereby it is deemed that a proposal will have or is likely to have more than minor adverse effects on the environment; (c) \textit{limited notification}, whereby it is deemed that a proposal will not result in more than minor adverse effects on the environment but may have adverse effects on specific parties (such as those living at properties neighbouring a proposed development). In this instance, a local authority will only notify particular parties that are
deemed to be affected by a proposal. Thus, the right to submit on a proposal is limited to those parties that are notified.\textsuperscript{13}

### 3.2.3 Hearings

Upon receiving an application for consent, a local authority has 10 working days to make a decision on whether it should be notified. If an application is non-notified, there is no requirement for a hearing to be held. Similarly, there is no requirement for a hearing to be held for a publicly or limited notified application. However, in the instance that an application is publicly or limited notified and a submitter requests to be heard, a hearing must be held.\textsuperscript{14}

Under Section 100A of the RMA, the applicant or any submitter has the right to request that an independent commissioner hears and decides on an application. However, it is becoming increasingly common that local councils delegate to independent commissioners to hear and decide on resource consent matters without any request being made by the applicant or a submitter (Casey, 2015). Typically, local government planning staff will prepare an evaluation report prior to a hearing, which assesses the potential effects of a proposal and details the submissions received (Casey, 2015).\textsuperscript{15} The report is then circulated amongst the applicant, the submitters and the person(s) hearing and deciding on the consent application.\textsuperscript{16}

At a hearing, any submitter may appear and call evidence (Casey, 2015). Similarly, the applicant is given an opportunity to call evidence in relation to the proposal, and in some instances, so too is the relevant local authority. The applicant may alter the proposal during a hearing, provided that any alteration does not result in any additional parties being affected (Casey, 2015). Having heard and considered all of the evidence, the chair of the hearing will then issue a decision in writing within 15 working days of the conclusion of the hearing.\textsuperscript{17}

### 3.2.4 Obtaining resource consent – a summary of the process

Having explained a number of the individual elements of the process, this section will provide a summary of the process as a whole. The entire resource consent process is outlined in Figure 2, which was re-created based on the diagram by Hapuarachchi, Hughey, and Rennie (2016).

\textsuperscript{13} For further details on the different notification options, see Sections 95 – 95G of the RMA.
\textsuperscript{14} Additionally, a local authority can deem a hearing necessary, in which case one must be held. For further details, see Section 100 of the RMA.
\textsuperscript{15} For further detail on the preparation of reports prior to a hearing, see Section 42A of the RMA.
\textsuperscript{16} See Section 103B of the RMA.
\textsuperscript{17} For further detail on the way in which a decision must be made on a resource consent, see Sections 104 – 104D of the RMA.
The resource consent process in New Zealand under the RMA (re-created by the author based on Hapuarachchi, Hughey and Rennie (2016, p. 433) and Ministry for the Environment (1999, p. 7)).

The Figure shows all of the potential steps for obtaining resource consent following the lodging of an application with the local authority. Included in the diagram is the pathways for public or limited notification for an application. Additionally, the diagram refers to the ability of local authorities to make a request for further information (RFI) at certain stages of the process. An RFI affords local councils with the opportunity to obtain greater understanding in relation to a proposal and clarify any...
points of uncertainty. The diagram also shows the steps for appealing a local council’s decision on an application, which is conducted through the Environment Court and the High Court. Under Section 120 of the RMA, the right to appeal to the Environment Court in relation to a decision made on a resource consent application is limited to the applicant or any person who made a submission on the application during the council hearing. Section 299 directs that any person who is party to an Environment Court proceeding also has the right to appeal to the High Court on Environment Court decisions, yet appeals may only be made on points of law.

### 3.3 Amendments to the RMA

Since the enactment of the RMA in 1991, the Act has undergone several major amendments in order to adjust to the changing needs and circumstances of society (Hewison, 2015). Major amendments have been enacted in 2003, 2004, 2005 and 2013. However, the most significant changes to the Act to date occurred in 2009 as a result of The Resource Management (Simplifying and Streamlining) Amendment Act. The 2009 amendments made changes to a number of areas including the resource consent process, the public participation process and district plan development (Hewison, 2015). The changes were, amongst other matters, aimed at increasing the efficiency of the resource consent process.

In 2015, the RLAB was introduced in an attempt to build on the changes made to the RMA as a result of the prior amendments (Hewison, 2015). At the time of writing, the RLAB remains before Parliament awaiting its second reading. The Ministry for the Environment (MfE)\(^{18}\) (2015, p. 9) describes that the overarching purpose of the RLAB is “to create a resource management system that achieves the sustainable management of natural and physical resources in an efficient and equitable way.” In addition, MfE (2015, p. 9) outlines three main objectives for the RLAB, including the aim to achieve “proportional and adaptable resource management processes, so that... processes and costs are able to be scaled, where necessary, to reflect specific circumstances.” Notably, from these statements it can be drawn that one of the main intentions of the RLAB is to increase the efficiency of resource management processes, particularly in terms of cost.

To further explain the significance of the RLAB in relation to this research, the author has reviewed the Bill and identified the most relevant amendments and additions. The most noteworthy amendments proposed within the RLAB are in relation to administrative charges by local authorities and the public submission process.

\(^{18}\) MfE are a government department generally responsible for overseeing matters relating to the RMA in New Zealand. The RLAB was introduced to Parliament by the current Minister for the Environment.
The RLAB proposes the inclusion of a new Section 18A in the Act which directs ‘procedural principles’ for “every person exercising powers and performing functions under [the] Act” (Resource Legislation Amendment Bill 2015 [RLAB] s 8(18A)). Within the proposed section is a directive to ensure that processes are timely, efficient and cost-effective and are proportionate to the functions being undertaken or exercised. In addition, the Bill proposes the inclusion of a Section 36AAA which provides a list of criteria for local authorities when setting administrative charges. The section includes a provision (4)(b) allowing local authorities to fix different charges when an activity undertaken by the person(s), who are required to pay a certain charge, offsets the cost for local authorities in carrying out any of their various functions, powers or duties. Similarly, the proposed inclusion of a Section 36AAB (1) would allow a local authority absolute discretion to remit the whole or any part of a charge in relation to the processing of a resource consent. Conversely, the RLAB proposes an amendment to Section 36 of the RMA which would allow local authorities to charge additional costs to a person if they deem the specified fixed charge for processing a resource consent (or any other activity) to be inadequate to recover the actual costs of administration.

In relation to the public submission process, the RLAB proposes the insertion of a Section 41D into the RMA for the purpose of furthering the ability of local authorities to strike out submissions.\footnote{Under Section 41C(7) of the RMA, local authorities have the ability to strike out submissions if they believe them to be “frivolous or vexatious” or if they do not disclose a relevant and reasonable case or if it is considered an abuse of the hearing process to allow the submission to be taken further (Resource Management Act 1991 [RMA] s 41C(7)).} The proposed amendment would permit local authorities to strike out a submission if the authority considers any one of the following to apply: (a) the submission does not contain sufficient factual basis; (b) it is not supported by evidence; (c) it is supported by an ‘expert’ whose evidence is stated to be of expert quality but is found not to be independent or to have come from someone not deemed to be an actual expert; and, (d) it is unrelated to the actual or likely adverse effects of the proposal (Resource Legislation Amendment Bill 2015 [RLAB] s 120). It is noted that the proposed amendment to the submission process would afford local authorities greater discretion to strike out insufficient or inappropriate submissions, potentially at the risk of undermining a person’s right to submit under the current system. Section 41C(9) of the RMA (which is proposed to be moved to Section 41D in the RLAB) allows for a person whose submission is struck out to object to the decision. In the instance of an objection, it is likely that the resource consent process may be slowed, despite the intention of striking out a submission being to avoid any unwanted procedural delays.

Lastly, it is noted that the RLAB proposes the inclusion of Sections 58B – 58J which would provide for the use of a national planning template. A national planning template would be prescribed by the Minister for the Environment and could specify the structure and form of district plans. The purpose
of a national planning template would be to encourage national consistency in terms of the creation of plans and policy statements. The planning template would result in a more prescriptive planning environment, whereby local governments would be directed by central Government in relation to the structure and form of local planning documents.
Chapter 4

Methodology

This chapter outlines the qualitative methodology used in conducting this research and provides a brief background of each of the participants from whom information was collected. The chapter provides a rationale for undertaking a case study approach and utilising semi-structured interviews. In addition, it outlines the reasons for using purposive sampling in selecting participants.

4.1 Case study approach

A case study was selected as the basis for this research in order to allow for in-depth examination of a phenomenon as guided by key research questions. A case study focuses on providing a thorough description of a bounded case (Creswell, 2014; Mutch, 2005; Yin, 2003). Yin (2012) argues that case study research has the ability to provide an in-depth understanding of a case and can lead to findings in relation to real-world behaviour. Stake (2006) suggests that a case can be bounded in terms of the number of people involved, by common characteristics or by a certain geographical area and that the central focus of the case is generally an individual, a group or a community. The case study approach was deployed as the best means to answer the overarching questions pertaining to this research, given that the issue under investigation requires in-depth knowledge and information from specific individuals and groups who were directly involved in and affected by particular processes under New Zealand legislation. It is noted that the research is informed by the examination of legal and professional documents in addition to the findings from the case study and interviews. In this sense, the case study approach acted as a vehicle for wider discussion amongst the participants about community facility developments and planning for resource management in New Zealand more generally while locating both generalisability and particularity of the issues that were identified and discussed by the case study.

The case study for this research is a sports facility that has been built by a private developer. The name, location and specific nature of the facility were anonymised in this research for ethical reasons, having agreed with the participants to maintain their anonymity. Discretion has been utilised largely due to the political sensitivity that accompanied the case as the facility development under investigation generated a significant level of a dispute among the affected parties, and within the community more generally (see Chapter 5 for a detailed background of how the facility was planned and built). Therefore, a pseudonym has been provided for the case. The sports facility will hereby be referred to as the ‘Smithsville Sports Facility’ and the sport for which the facility is utilised will be labelled ‘the Sport’. Additionally, in order to maintain the anonymity, the area in which it is situated will be referred
to in this study as ‘Smithsville’ and the associated local council will be referred to as the ‘Smithsville Council’. As outlined more in detail below, the interviewees are referred by their occupations and areas of expertise.

In selecting a case study for this research, broad criteria were established to ensure the chosen facility was suitable to address the research questions. The criteria that were used are outlined below:

- The facility must have been initiated and mainly funded by a private developer.
- The facility must be available for use by the public.
- The facility must have gained resource consent and must have been publicly or limited notified during that process.

The Smithsville Sports Facility was chosen given that it was able to satisfy all three of the above points. The facility was entirely funded by a private developer; it is available for use by the public (although it is noted that bookings are required); and it was limited notified. In addition, the application to develop the facility proceeded to a hearing where there was a submitter in opposition. This was considered to enhance the significance of the Smithsville Sports Facility as a case study, given that the associated hearing process allowed for analysis of the community values of the facility as well as the public participation process in relation to resource consents more generally.

### 4.2 Semi-structured interviews

Nine semi-structured interviews were undertaken in order to gather data for this research. According to Mutch (2005), semi-structured interviews involve a list of key questions that are followed, though open-ended, and often lead onto alternative questions depending on the direction of conversation. The semi-structured interview approach was considered appropriate to gather the most relevant data, whilst utilising the predetermined list of questions to ensure the interviews stayed within the allocated timeframes and relevant themes for the research. The semi-structured approach also afforded the opportunity to understand individual perspectives on the issues and follow leads as they arose throughout the interviews.

The interviews were conducted during the months of July and August in 2016 at a variety of locations. In most cases, the interviews were undertaken at the participants’ place of work, although in one instance an interview occurred at a participant’s home. Of the nine interviews conducted, each interview was between 20 and 40 minutes long and contained between 5 and 8 structured questions and a series of unstructured questions in response to comments made by the participants. Prior to the interviews, each participant was sent a research information sheet and asked to sign a consent form.
permitting the recording of the interview and the use of the data in the research. Each participant was made aware of the fact that they would be kept anonymous in the research.

Interview questions were written so as to be specific for each participant and their area of expertise. For instance, some participants had greater experience in terms of legislative processes such as the resource consent process, thus their questions were more targeted towards resource management and law in the New Zealand context. Conversely, others had more experience and knowledge in the political, strategic and policy realms of sports facility development and their questions were specified more towards how sports facilities are provided and the relationship between the public and private sectors.

Following the recording of each interview through the use of a digital recorder, the digital file was sent to a professional research assistant who subsequently produced a digital transcript for each interview. The transcripts were sent to the relevant participant for amendments and approval, before being used in the research. Upon approval from the participants, thematic analysis was used to identify a number of themes arising throughout the transcripts and categorise data within those themes. Braun and Clarke (2006) explain that thematic analysis begins with familiarising one’s self with the data through repeated reading. It then involves the coding of data by identifying a series of broad themes or patterns, which can then be categorised into a few main overarching themes (Braun & Clarke, 2006). In relation to this research, a series of sub-themes were identified and eventually organised into four main themes, which have been utilised and presented in Chapter 5. In addition, relevant quotes were extracted from the data and tabulated. The quotes were organised under the main theme headings and displayed in the table alongside a description of their relevance to the research. This allowed for quotes to be easily extracted and inserted into the research.

4.3 Participants

Nine participants were purposely selected for this research and were each interviewed once. The purposeful selection of participants aligns with Davidson and Tolich’s (2003) description of non-probability sampling. They suggest that non-probability sampling is the deliberate seeking of certain elements for the research, given that those elements are considered to be both important and relevant. Mutch (2005) discusses a similar concept in describing purposive sampling. She argues that purposive sampling is the selection of a sample because it suits the purpose of the research.

In the instance of this research, each of the nine participants was purposively selected as they were considered to withhold relevant knowledge and experience on a particular subject and could therefore contribute significantly to the research. In selecting the participants, a balance was sought between private sector representatives, public sector employees and expert resource management
professionals. A number of participants were also selected as a result of their involvement in the development of the Smiths Sports Facility. In this regard, data were collected from almost all of the key players involved in the development of the Smiths Sports Facility. Therefore, it was considered unnecessary to include more than nine participants in the research. In addition, data have been collected from a number of high-level personnel in relation to sports facility provision in New Zealand and resource management issues. These participants included an elected councillor, the head of a local authority’s recreation and sport department and a practicing resource management expert with over 25 years of experience in the field.

As mentioned in Section 4.1 above, it has been agreed with the participants that their anonymity will be maintained. Therefore, each participant has been given a title. It was considered important that each participant is described by his or her role or area of expertise as this validates his or her statements to a degree and gives the reader an insight into the perspective from which the statement is coming. Honorifics (Mr or Ms) have been used to ensure the titles are personified. As shown in Figure 3 below, the selected participants can be divided into three separate pods: local government; private sector; and resource management experts.

Figure 3: A diagram categorising the participants into three different pods.
Each pod of participants provided a different perspective on the issue that this research aims to examine. It is noted that the resource management experts both represent two pods. Mr Commissioner, whilst independent, is contracted by local government to undertake work. Mr Expert Planner has worked for the public sector, but currently directs a private consultancy and has therefore been included in the private sector pod.

**Mr Developer**

‘Mr Developer’ is a business owner, philanthropist and private developer. He is the instigator, sole financer and developer of the Smiths Sports Facility. Mr Developer is an immigrant to New Zealand and he concedes that his knowledge and experience of the resource consent process was somewhat limited prior to developing his Smiths Sports Facility. He has been purposely selected as a participant given his central role in developing a private sports facility that has potential benefits for the community and the way in which he has publicly vented his frustrations with the planning process in New Zealand.

**Mr Councillor**

‘Mr Councillor’ is an elected member of the local authority for Smithsville. He has served one term as an elected councillor with particular involvement in the area of financial and strategic planning. Mr Councillor has been purposely selected as a participant for this research given his involvement with Smiths Sports Facility through communications with Mr Developer. In addition, Mr Councillor has been selected in order to gain a more broad insight from a political point of view on the role of the private sector in providing sports facilities to an area and the ways in which local councils can support developers through the resource consent process.

**Mr Lawyer**

‘Mr Lawyer’ is a partner at one of New Zealand’s major law firms. He has extensive experience as a resource management lawyer with specialist knowledge of the RMA and its implementation. Mr Lawyer acted on behalf of Mr Developer during the resource consent process for the development of the Smiths Sports Facility. He has been chosen as a participant given his extensive knowledge and experience of the resource consent process and his involvement in the consenting process for the Smiths Sports Facility.

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20 It is considered that although Ms Council Planner, Ms Council Policy Planner, Mr Lawyer and Mr Consultant Planner all have extensive knowledge in the field of resource management, their selection for this research was due to their knowledge of the resource consent process specifically in relation to the Smiths Sports Facility. Together, they provide perspectives from both the public and private sectors. Thus, while each of the abovementioned participants have provided data on resource management more generally, they have not been included in Pod 3 given that this was not their main purpose for participating in the research.
Ms Council Planner

‘Ms Council Planner’ is a senior resource management planner at the local council for Smithsville. She has worked at the Council as a planner for nearly 10 years, with her predominant role being the processing of a wide range of resource consent applications. Ms Council Planner was responsible for processing the Smiths Sports Facility resource consent application on behalf of the Council and subsequently provided evidence at the hearing. She has been specifically selected as a participant for the research so as to gain the perspective of a local government planner with experience in the resource consent process.

Mr Council Sport Manager

‘Mr Council Sport Manager’ is the head of recreation and sport at the local council for Smithsville. In his own words, his role involves:

the planning, the policy towards recreation and sports. It covers the operation of recreation and sports facilities, it covers what we call the asset ownership of recreation and sports facilities... Anything the Council has to do with recreation and sports will come through my area.

Mr Council Sport Manager has previously had communication with Mr Developer in relation to the development of the Smiths Sports Facility. He has been selected as a participant to provide a general insight into the various ways in which sports facilities are provided and operated, with a particular focus on the role of the private sector. In addition, he has been chosen to provide an opinion on whether local authorities should assist the private sector in developing sports facilities and if so, the ways in which this can be done.

Mr Consultant Planner

‘Mr Consultant Planner’ is a director and senior planner at a professional services consultancy operating in Smithsville. He has almost 15 years of experience working for both local government and private consultancies. Mr Consultant Planner was engaged by Mr Developer to provide initial advice in terms of site selection and project design for the Smiths Sports Facility. He was subsequently employed to prepare the resource consent application for the facility on behalf of Mr Developer and provide evidence at the hearing as an expert witness. He has been chosen as a participant given his involvement in the consenting process for the Smiths Sports Facility and also his extensive knowledge in terms of planning practice and the resource consent process.

Mr Expert Planner

‘Mr Expert Planner’ is a director of a planning and resource management firm. He has over 25 years of experience working as a planner for local government and consultancies both in New Zealand and the United Kingdom. He also acts as an independent hearing commissioner on resource management
issues. Although Mr Expert Planner has not had any prior involvement with the development process for the Smiths Sports Facility, his knowledge and experience in the local context of resource management were invaluable for the author to properly contextualise the case study. He has been purposely selected to provide general views related to the resource consent process, planning practice and potential amendments to resource management legislation in New Zealand.

Ms Council Policy Planner
‘Ms Council Policy Planner’ is a land use planner at the local authority for Smithsville. She has been working for the Council for nearly 9 years, predominantly working on plan changes, land zoning and plan writing. She has had some indirect involvement with Mr Developer in relation to the Smiths Sports Facility through the plan writing and land zoning functions of her role at the council. Ms Council Policy Planner has been chosen as a participant to provide expertise on the subject of land zoning, specifically the provision of open space zoned land for the development of sports facilities by both the public and private sectors.

Mr Commissioner
‘Mr Commissioner’ describes himself as being a certified “Independent Resource Management Commissioner, and [is] available to be appointed as a Commissioner by any council.” He has extensive experience in making decisions on resource consent applications. Mr Commissioner was appointed by the Smithsville Council as the sole Commissioner for the hearing in relation to the Smiths Sports Facility resource consent application. Having heard evidence and submissions from all of the parties involved, he made the decision to grant resource consent to Mr Developer for the facility. He has been purposely selected as a participant in order for the author to gain his opinion on the effectiveness of the resource consent process for the Smiths Sports Facility, and for facility development more generally. In addition, his views on the planning system and resource management legislation amendments in New Zealand have been sought.
Chapter 5
Results and Findings

This chapter presents the results and findings from the case study. The chapter begins with a description of the context of the Smiths Sports Facility development and then provides analysis of the interview data in regard to the two broad topics: the role of the private sector in providing sports facilities to a community; and, the effectiveness and efficiency of the resource consent process for community sports facilities built by the private sector.

The Context of Smiths Sports Facility

Mr Developer built the Smiths Sports Facility with the intention of providing a high quality [Sport] facility for the community of Smithsville. As Mr Developer had been involved in both playing and governing [the Sport] for many years, he understood the importance of quality facilities in developing individual talents and building a sense of club culture and pride. In Smithsville, Mr Developer found that the majority of facilities provided by the Council for [the Sport] were only available on a seasonal basis and were not built to a high standard. As a successful business person, Mr Developer had a substantial amount of finance available for philanthropic endeavour in constructing a purpose-built facility to encourage the improvement of [the Sport] in Smithsville. The development and subsequent operation of the Smithsville Sports Facility has, according to Mr Developer, resulted in “the best [Sport] programme for kids under 12 in [Smithsville].”

Mr Developer initiated the idea for a high quality [Sport] facility in 2011 when he met with personnel at the Smithsville Council and announced his desire to “invest up to $3million” into the development of a [Sport] facility. Mr Developer suggested that despite initial excitement amongst local government councillors, a year passed with little communication from the Council on the offer. In 2012, he began searching for suitable and available land to develop the facility, in collaboration with the local [Sport] governing body. He also met with numerous local sport organisations in an attempt to reach a lease agreement for the use of their land. However, he had little success and therefore decided to purchase his “own piece of land and try and build” the Smiths Sports Facility. Mr Developer sought land that was sizeable enough to contain the facility, yet was in close proximity to the Smithsville urban centre and associated transport networks. He eventually found a suitable property in a ‘rural zone’\(^{21}\) on the outskirts of Smithsville which he purchased in anticipation of developing the Smiths Sports Facility.

\(^{21}\) See Chapter 3.2 for further information on the use of land zoning by local authorities. In Smithsville, a ‘rural zone’ is predominantly utilised for agricultural activities or lifestyle living, although some recreational activities are anticipated.
As with most other large-scale developments undertaken in New Zealand, the Smithsville Sports Facility proposal contravened a number of rules in the district plan and Mr Developer was therefore required to obtain resource consent for the development. Mr Developer engaged Mr Consultant Planner to meet with the local council on the matter, prepare a resource consent application for the proposal and submit it to the local authority. Following lodgement of the application with Council, the resource consent process was undertaken in the manner in which it is outlined in Figure 2 of Chapter 3. The local council opted for limited notification of the proposal, allowing several neighbouring properties the opportunity to submit in support or opposition. While Mr Developer was able to appease the majority of his neighbours’ concerns by modifying the proposal, one neighbour submitted in opposition. The opposing neighbour had concerns in relation to the size of the proposal and the resultant effects on the character of the surrounding area. In essence, the submitter was of the view that the proposal was not suitable for its chosen location.

Hence, a resource consent hearing commenced in 2014. Mr Developer engaged Mr Lawyer to advocate on behalf of him at the hearing and Mr Consultant Planner (along with a traffic and environmental health expert) to provide expert evidence. Ms Council Planner prepared an evaluation report on behalf of the local authority prior to the hearing, the conclusion to which was her conditional support for the development. Additionally, she presented evidence at the hearing, representing the local authority. Evidence was also heard on behalf of the submitter in opposition. Mr Commissioner, who was responsible for deciding on the consent application, granted resource consent the following month with a number of attached conditions. There were no subsequent appeals from the submitter or Mr Developer. The Smiths Sports Facility has since been developed and is now in operation.

**Findings from the case**

As informed by the literature review, the interview data were collected on two broad interrelated topics. The first area of research involved gaining an understanding of the role of the private sector in providing sports facilities to a community. Ancillary to this was determining the ways in which the public sector accounts for involvement from private developers when planning and developing sports facilities. This topic provides an insight from a strategic and political perspective on the provision of sports facilities. The related findings assist in formulating an understanding of the ways in which sports facilities can be provided in order to best meet the needs of communities. The second broad area of research reviews the effectiveness and efficiency of the resource consent process for community sports facilities built by the private sector. This area was aimed at further understanding the extent to which regulatory processes can impact on the development of sports facilities by the private sector and whether any negative impact can be reduced or avoided.

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22 Refer to Chapter 3.2 for a detailed overview of the resource consent process in New Zealand.
Both of the broad topics described above were discussed with each of the participants through a range of interview questions that were formulated to suit participants’ areas of expertise. The information provided by the participants has resulted in the uncovering of four main themes that contribute to the two broad areas of research: (a) filling the gap; (b) the perks and pitfalls of the resource consent process; (c) collaborative development, and; (d) planning comprehension and efficiency. In addition, sub-topics have been identified to further support the overarching themes. Each of the main themes will now be introduced, with the findings contained under the relevant headings.

5.1 Filling the gap

This theme has arisen from findings on the various ways in which the adequate provision of facilities for communities can be realised through the roles of both the public and private sectors. Contained within this theme are findings on the ‘gaps’ that are filled in terms of sports facility provision and the extent to which the involvement of the private sector in developing sports facilities can benefit communities.

5.1.1 Accounting for the private sector

Mr Developer, Mr Council Sport Manager and Mr Councillor shared their views on the respective roles of both the public and private sectors in providing sports facilities. They all agreed that the private sector played an important part in the provision of sports facilities for communities. When Mr Councillor was asked whether he considered that the private sector could play a role in providing sports facilities, his response was, “absolutely and I think the private sector can play a role in lots of things.” Similarly, Mr Council Sport Manager responded to the same question by stating, “we think there’s an ongoing role for the private sector.” While the ways in which the private sector can contribute are further discussed in the subsequent sub-topics below, it is clear from the findings that there is agreement amongst the participants from both private and public sectors that the private sector is important in providing sports facilities.

The findings also provided insight into the extent to which local councils take into account the role of the private sector when determining the facilities that need to be provided. Mr Council Sport Manager, Mr Councillor and Ms Council Policy Planner all described how the Council firstly reviews Smithsville’s ‘network’ in terms of existing sports facilities, before ultimately aiming to fill any gaps that have been identified. Mr Councillor used the example of swimming pools: “we don’t want to have too many swimming pools... so if somebody comes in to build a swimming pool somewhere that will go into the city network even if we’re not owning or even operating it.” Ms Council Policy Planner offered a similar example in relation to open space – the Council will review areas of publicly accessible open space (be they privately or publicly owned) before making a land purchase for additional open space. She states
that such land purchases by Council are “driven by a wish to plug the gaps if there is a shortage of a particular type of open space in a particular area.” Mr Council Sport Manager also emphasised the role of a local authority in the city ‘network’ of sports facilities as follows:

Absolutely, there’s a role there [for the private sector] and they do [provide sports facilities], they always have done and we hope they always will. Generally speaking the role of a council is to provide facilities where others can’t so we’ll fill a gap... The Council will also capacity build – it’s working with community groups or private sector organisations to assist them in providing facilities or operating and so forth so we provide a number of roles. (Emphasis added)

Mr Council Sport Manager furthered his description of the role of a council by suggesting that local authorities will often provide facilities that are not economically viable for the private sector to run, yet remain important to the community. According to Mr Council Sport Manager, “in a number of cases, facilities would just not be able to be afforded by either individuals or businesses so the community as a whole get together, contribute in the form of rates and the community provide and that’s really what we [the Council] do in a number of cases.” In contrast, what the Council does not do is to “go into an area and try and duplicate what the private sector are doing. The Council won’t go in and compete... we’ll leave it to the private sector so we’ll fill in where they don’t provide” (Mr Council Sport Manager). Thus, the evidence showed the importance of the private sector in providing facilities, while it was suggested that the public sector fill any remaining gaps.

5.1.2 Independence and specialisation

A number of the participants described how the private sector has the ability to specialise in the provision of a facility for a specific sport and considered this to be in contrast to the way in which the public sector generally provides shared sports facilities. Mr Developer was particular forthcoming with this viewpoint: “if [a facility] is public you can’t use it just for yourself, just for your club, you have to share with somebody.” The use of the facility is also restricted by its availability depending on the time of year (Mr Developer). He used an example of sports fields provided by the Smithsville Council whereby they are generally used for rugby or football in winter and cricket or touch rugby in summer. Mr Developer went on to explain that his “main purpose for building the [Smiths Sports Facility] was to provide [the Sport] all year round. We don’t need to rely on [Smithsville] Council.” As an independent developer, he has the ability to ensure his facility is only used for one sport. In contrast, Mr Councillor pointed out that the public sector has a responsibility to satisfy a wide range of needs as “there’s always more demands than [Council has] got money given that we’re charging rate payers for [building facilities].”

Mr Council Sport Manager also highlighted the importance of the private sector in the fields of sport service and programme provision, given that in many instances, they have greater knowledge and
resources in comparison to local authorities. In this regard, the private sector can fill a gap left by the public sector by providing specialist services. For instance, Mr Council Sport Manager offered an example in which a facility has been built by Smithsville Council and utilised by the private sector for the provision of specialist programmes. In this instance of collaboration between the public and private sectors, Mr Council Sport Manager noted that the Council provides the space “for [the price of] a peppercorn” and “the private sector will provide all of the fit out, the equipment, the operation... so they’re doing their bit. They are a much better provider than Council will ever be.” Mr Councillor furthered this point by explaining that the private sector will sometimes provide specialist sport academies at purpose-built facilities, which are often “set up by people who just love the game and are investing back into the game.” The level of flexibility, independence and specialist knowledge that generally comes as a result of being a private provider of a sports facility or service was a characteristic that appeared to be valued amongst participants when discussing the role of the private sector in the field of sports facility provision.

5.1.3 Community benefits

All of the participants with knowledge of the Smiths Sports Facility agreed that it was a predominantly philanthropic venture for the good of the community. Mr Developer asserted that his facility was not developed to make a profit, but rather “it is for the community, for kids.” Mr Council Sport Manager agreed: “when [Mr Developer] says that the development is purely for the benefit of community, it’s absolutely the case.” This notion was used as a proponent for more general discussion with participants on the extent to which privately developed sports facilities benefit the community. Mr Council Sport Manager maintained that “without generous philanthropists and visionaries we would not have a number of facilities.” Mr Councillor discussed the community benefits from a financial perspective: “at some point the Council runs out of the amount of capital that it’s got to invest in facilities and some people might see that there are different ways of doing things” which is when the private sector can assist, particularly in terms of providing specialist facilities, as described above. During the resource consent application process, the social benefits of the Smiths Sports Facility, and sports facilities more generally, were also taken into account by Mr Commissioner, Mr Consultant Planner and Ms Council Planner in determining the environmental effects of developing the Smiths Sports Facility (see Section 5.2.1 below, for more on this discussion). Ms Council Planner, Mr Commissioner and Mr Expert Planner all agreed that the positive outcomes of such a facility for the community has a role in balancing out some of the adverse environmental effects. This unanimous voice across the developer, the Council and the resource management experts demonstrates the extent to which private sports facilities, including the Smiths Sports Facility, can have beneficial outcomes for communities.
Mr Council Sport Manager acknowledged that although the community benefits of such facilities are apparent, there are limitations for the private sector in providing them. He argued that “one of the limiting things for private sector is that the payback for community sports facilities is pretty minimum. They don’t generate a lot of income. They don’t generate sufficient revenue, usually, to offset capital costs.” Other participants, including Mr Lawyer, Mr Councillor and Ms Council Planner, provided weight to this argument by noting that philanthropic developments such as the Smiths Sports Facility are very rare, despite the apparent benefits to communities.

5.2 The perks and pitfalls of the resource consent process

The majority of the participants acknowledged the need for a regulatory process ensuring that development is controlled to avoid or mitigate any potential adverse effects of the development. Nevertheless, a number of participants recognised the limitations of such a process, particularly in terms of the associated cost and the added risk that it creates for developers. Therefore, the findings have resulted in the formulation of this theme, which reviews both the perks and the pitfalls of the resource consent process.

5.2.1 Balancing effects of development

A number of the participants supported the way in which the resource consent process allows development to be controlled by a regulating authority. Mr Expert Planner, who has extensive experience in applying for and deciding on resource consents, argued that communities “need a legalistic process to give checks and balances [for development] and [the resource consent process] is the best way of dealing with it.” Mr Councillor offered a similar viewpoint: “the reason we have consenting is to make sure that these [developers] are doing their jobs properly.” Even Mr Developer, who had publicly vented his frustrations with the resource consent process during the hearing for the Smiths Sports Facility, agreed that the process served a purpose by noting “I appreciate that we have strict rules here and we have a nice environment, it is very good for one thing.”

Additional comments were made by a number of participants on the way in which the resource consent process allows for adverse environmental effects of a sports facility development to be balanced against resultant social and economic effects for the receiving community. Mr Commissioner suggested that in making a decision, one “should not discount the ability to consider the wider social, economic, and other effects in balancing the decision required on an application.” Both Ms Council Planner and Mr Commissioner acknowledged that in the case of the Smiths Sports Facility, it was important for them to take into account potential social benefits of the development for the community that may outweigh potential adverse environmental effects when they made their decisions to support granting the resource consent. Ms Council Planner summarised the role of a
regulatory decision maker, stating that “at the end of the day you’re achieving a balanced view having considered all the options.” The evidence suggests that a balanced decision that takes into account a range of positive and negative effects is regarded essential in the resource consent process for the development of private facilities.

5.2.2 Public participation

All of the participants that were questioned in relation to the importance of allowing for public involvement during the resource consent process agreed that public submissions and resource consent hearings were critical aspects of the process. Mr Developer remarked that “it is a necessary process... I don’t think there is anything wrong here... Everybody should have good relationships with their neighbourhood.” Mr Councillor offered a reason as to why it is important that affected parties are given the opportunity to be heard on resource consent applications: “the fact is if you’re a neighbour in whatever respect, any kind of negative effect [seems] huge even if it’s minor because it wasn’t there before.” Mr Lawyer offered the following statement that appeared to summarise the opinions of the majority of those participants who discussed the effectiveness of resource consent hearings:

my experience is that through the hearing process we’ve got everybody’s views and they are pretty well considered and I can’t see any swifter process unless you’re going to start to deny people’s rights. (Emphasis added)\textsuperscript{23}

Likewise, Ms Council Planner suggested that the hearing process provides a forum through which the public can put forward their viewpoint on developments that may affect them. She reasoned that “the process is there for the public to participate. It’s a pretty critical part of the process, people have got to have confidence that they can have their say and be heard.”

In addition, the evidence showed the public participation process to be a useful forum through which the potential issues of a development could be identified and then resolved or mitigated. The case of the Smiths Sports Facility provided a good example whereby a number of concerns that were raised by neighbours were dealt with through consent conditions or changes to the proposal, prior to consent being granted. As Mr Lawyer explained, “the door was open. We took every advantage we could to try and resolve [the issues with the submitter] outside of a hearing.” Ms Council Planner suggested that whilst there was one neighbour who submitted in opposition to the Smiths Sports Facility development at the hearing, the majority of concerns from the other neighbours surrounding the area “were effectively dealt with through some agreed conditions” prior to the hearing. Mr Developer explained that a number of restrictions were placed on his proposed development as a result of the hearing. Mr Developer also shared with the author the current situation with the neighbour who originally

\textsuperscript{23} This position was agreed by Mr Consultant Planner and Ms Council Planner.
submitted in opposition to the facility being built. When asked whether the neighbour now accepts those restrictions as being adequate to ensure that the effects of the development are minimised, Mr Developer answered that “yes he accepts them and his sons [use the Smiths Sports Facility] and he comes to us and says it is fine.” This example reinforces the importance of the public participation process in addressing potential issues in the neighbourhood and responding to a particular neighbour’s concerns.

Despite agreement amongst the participants that the submission and hearing process is important, they also acknowledged the associated challenges that can arise from it, particularly for developers. Although it was clear that Mr Consultant Planner was in support of allowing for public submissions and hearings, he nonetheless identified some of the limitations as follows:

as soon as you involve third parties in a process you open yourself up to all sorts of things in terms of submissions, hearings, Environment Court appeals and the costs that go with that... So you can never really resolve those issues where the process allows for that type of input and risk.

Mr Expert Planner furthered this point by explaining that once an application is notified and becomes open for public submission, it is the developer who incurs all of the costs of a hearing. In addition to this, he explained that notification could lead to further risks as there is “potential for a submitter to take it to the next level and appeal it to the Environment Court and then you’re into even more costs and even more time delay. You never know what’s going to come out of the woodwork.” Similarly, Ms Council Planner acknowledged that public participation could be exploited by submitters who may sometimes use the submission process as “an avenue for them to delay an application” should they not want a development to proceed. Mr Expert Planner noted that in some countries members of the public do not have the right to appeal a decision beyond a council hearing, and therefore there is less risk associated with public notification. In New Zealand, this would mean that the public would not have the right to appeal to the Environment Court and any decision presented following a hearing would remain final.

5.2.3 The cost of obtaining a resource consent

Although the majority of the participants were in favour of a regulatory measure such as the resource consent process, a number of them recognised the inefficiencies and challenges for developers in obtaining resource consent. Undoubtedly, the most prominent issue that was identified was the cost associated with the consenting process and the way in which it can deter philanthropic developments. Mr Council Sport Manager described the difficulties faced by private developers aiming to build a facility for the community and clearly showed empathy for them:
If your goal is a community sports centre that isn’t going to have a big commercial return, invariably you don’t have the resources to [go through the resource consent process] and that is a shame. It’s a harsh fact of life with the RMA but it takes one person nearby to say I’m not happy for whatever reason and it’s six months of architects, lawyers, accountants, capital, bloody difficult. If you’ve got a convention centre or a hotel or ice-cream factory – yeah you can probably do that but if you’re essentially a philanthropic good natured business building a community asset, you don’t have that luxury, and that’s hard, that’s bloody hard and I feel for these guys. (Emphasis added)

Mr Consultant Planner offered a similar view stating, “I think a lot of community groups or philanthropic individuals out there would probably just face the planning uncertainty of something like [the Smiths Sports Facility] and say ‘no, not going there.’” He also made a suggestion that perhaps Regional Policy Statements\(^\text{24}\) need to provide more guidance and direction for enabling privately funded public good projects, which may allow such process to be given an alternative pathway in terms of the regulatory process.

Mr Developer offered evidence of the costs of consenting, indicating that he spent “over half a million dollars” in obtaining resource and building consents for the Smiths Sports Facility. At the time, he was astonished by the fact that he had to pay the Smithsville Council such a significant sum of money in order to be able to provide the community with a facility that, in his view, benefits the community and is not for profit. Ms Council Planner was in agreement that the cost of obtaining resource consent was a significant issue, yet partly justified it by stating that local authorities do need to cover “enormous overhead costs and fixed costs [that are] reflected in the actual cost of the consent.” In this regard, Mr Expert Planner shared his concerns that the costs of the resource consent process can dramatically differ between local authorities given the variation in the amount they charge for processing and overhead costs. As he pointed out:

\[\text{you might find that an applicant is far more prepared in a smaller local authority where the costs are going to be lower to have a crack at something than they are in a large local authority where the costs are much higher for effectively the same result.}\]

In contrast, Mr Lawyer’s perspective on the cost of resource consents arose from the findings as an outlier. He acknowledged resource consent costs were high yet suggested that it was just what developers need to build into their budgets when aiming to develop private facilities. For Mr Lawyer,

\(\text{24 A Regional Policy Statement (RPS) is a document that is required to be prepared by the regional council for each region under Section 60 of the RMA. An RPS is intended to provide an overview of the resource management issues of a region and outline objectives, policies and methods for achieving the purpose of the RMA (as outlined in Section 59 of the RMA). District Plans are required to give effect to the relevant RPS for a region under Section 75 of the RMA.}\)
the cost acts rather as a filter for finer developments as “it certainly, because of the cost, means that you don’t have wacky projects coming in, so in a way it’s a bit of a sieving mechanism.”

Despite Mr Lawyer’s outlying view, the majority of the participants agreed that the cost of the resource consent process to be an issue that requires addressing, particularly when developers have philanthropic intentions. Therefore, a number of the participants were forthcoming with potential solutions. Mr Consultant Planner put forward the idea that local authorities could provide discounts on consenting fees:

[local authorities] could take a political decision to say philanthropic projects should be given a free ride or a discounted ride through the consenting process and the rate payer will subsidise that. That would be an easy way to cut costs [for developers].

Ms Council Planner informed that Smithsville Council already has a policy in place whereby they can offer a minor reduction in resource consent fees for charitable or non-profit organisations. However, Mr Councillor offered his alternative view – the Council prefers not to offer discounts on consenting fees and will instead offer grants to assist with covering the costs. According to Mr Councillor, “[Council will] say ‘ok well we prefer to give you a grant to what you’re doing rather than offset the fees so to keep it clean’ otherwise everybody starts asking [for discounts on consenting fees].” This shows a slight lack of clarity at the moment around how Smithsville Council is able to assist philanthropic developers with the resource consent costs. In addition to discounts on consent fees and grants for non-profit developments, a reduction in development contributions was suggested by a number of the participants as a potential solution. Ms Council Planner again explained that there was a generic policy in place at Smithsville Council for such reductions – “but it’s a one size fits all approach.”

5.3 Collaborative development

The extent to which developers, consultants and regulatory authorities collaborate during the development process was a theme that was discussed in some form by all of the participants. The findings showed how apparent political support was not followed by actual, tangible support through the consenting process. A number of the participants provided insight into the relationship between the private and public sector, whilst others pointed out the role of effective communication in ensuring a more efficient regulatory process.

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25 Under Section 198(1)(a) of the LGA, territorial authorities may require development contributions when a resource consent is granted for a development. Development contributions can be in the form of money or land, and are for the purpose of enabling territorial authorities to recover from a developer “a fair, equitable and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term” (Section 197AA of the LGA). Under Section 197AB (a) of the LGA, it is stated that development contributions should only be required if the development will create the need for new or additional public assets or assets of increased capacity (such as utilities infrastructure).
5.3.1 Partnerships between the public and private sectors

Several participants discussed the concept of partnerships between the public sector and sporting or private organisations in providing sports facilities. Mr Council Sport Manager described how a partnership between the two sectors allows the risk of development to be mitigated as the council and the developer can have conversations about who takes the risk on different parts of the project. He explained that in leasing pre-consented council-owned land for the development of a facility by the private sector, the risk of any subsequent resource consent process is reduced and this can be highly cost-efficient for the private developer. He provided an example of major council-owned sports parks where the land is already zoned for sports facilities or open space and the infrastructure is in place. Thus, all the developer needs to do is “plonk a facility on it” (Mr Council Sport Manager).

Mr Council Sport Manager presented a positive view when discussing the Smithsville Council’s relationship with sporting organisations, contending that the Council had some fulfilling partnerships in terms of the development and operation of sports facilities and was able to offer a number of examples. In contrast, he was not so forthcoming with examples when asked about the council’s partnerships with the private sector in providing facilities. Nevertheless, he was open to the concept of such partnerships: “Council... will work with the private sector so the private sector can invest in that facility and own and operate bits of it where it’s more appropriate that they do so.” Ms Council Policy Planner mentioned how the Smithsville Council could often offer up Council parks or existing Council-owned facilities to private sports clubs for development or use on the basis of lease agreements. Interestingly, Mr Developer’s initial idea for the Smiths Sports Facility was to purchase the land and then find support from the Smithsville Council to build the facility in partnership. Although both Mr Developer and the local council appeared open to the concept of working together in developing the Smiths Sports Facility, it never happened.

The evidence showed that a potential reason for the lack of collaboration or effective communication between the developer and the Council was an issue of ownership and control between the two parties. Mr Council Sport Planner recalled that he discussed the idea of leasing council-owned land for the Smiths Sports Facility with Mr Developer and offered to put the notion forward to the elected councillors for approval. However, according to Mr Council Sport Planner, “the answer [from Mr Developer] in this case was ‘no because I want to do it somewhere else and I want to do it on my bit of dirt.’” There were further comments from the participants that indicated neither the local authority nor the private developer were ready to compromise any level of ownership or control over a potential site. Mr Consultant Planner argued that:

there were probably some challenges that presented because, in some respects, because this was a privately initiated recreation and community
facility rather than one that was driven by Council there was potentially some... ‘patch protection’... it wasn’t Council’s baby... certain Council projects they’ll take real ownership and have real passion and enthusiasm about and sort of drive forward... whether they saw this as a threat or a bit of an unknown... [its] probably be fair to say we didn’t get a lot of support. (Emphasis added)

In contrast, Mr Lawyer suggested that “if [Mr Developer] wants to have the baby he has to face the planning consequences of it. [Mr Developer] said ‘I want to do it on my land and no-one else’s land and I want to retain control’.” Mr Councillor acknowledged the disparity between the developer and the Council by noting that the Council would have liked to have “been more helpful and to have been more engaged in the project” rather than being in a situation where the developer had to try and battle Council.

The disconnection between the Council and private developer in the case of the Smiths Sports Facility appeared to represent a more general disparity between the public and private sectors in relation to facility development. Mr Council Sport Manager explained how a number of private organisations have “views on how they interact with the council”, which was often mitigated by the use of sporting trusts as a vehicle to develop sports facilities, allowing the private and public sectors to work together. This view reflects that there is an element of mistrust between the Council and the private sector given that a third party is required to bring the two bodies together. In this sense, Ms Council Policy Planner suggested that “the Council is quite happy to provide land if we have spare land... but if the private owner chooses to be completely independent of the Council that’s their prerogative.” This comment provides evidence that whilst the Council is open to working with the private sector, many developers choose to be independent of the Council due to the potential loss of ownership and control as well as their perception on how to interact with the Council over such issues.

5.3.2 Effective communication and advice through a regulatory process

The findings revealed an important role of effective communication between regulatory authorities and the private sector in ensuring an efficient resource consent process. Various participants mentioned the importance of early communication between a private sports facility developer and the relevant local council to identify any potential issues in the view of the council and to resolve or mitigate them. Ms Council Planner suggested pre-application meetings, whereby developers can meet with the council prior to submitting a resource consent application, are a useful tool for developers that should be utilised. She further explained that “it makes the process a lot easier for us in that there’s better assessments, there’s less requests for information particularly where you’ve had pre-application meetings and you can smooth out some of those issues prior to lodgement.” While Mr Consultant Planner had mixed results in terms of the effectiveness of pre-application meetings in the past, he also agreed that for developments such as the Smiths Sports Facility it is useful for identifying
issues early and ensuring the developer understands them and is realistic about the likely timeframes and costs for obtaining a resource consent.

Both Mr Expert Planner and Mr Consultant Planner suggested that transparent lines of communication with the consenting authority can also help to eliminate the risk of a proposal becoming overly costly and time inefficient. For instance, Mr Consultant Planner explained that “for any project when you have the support of Council early on and they can agree on the key issues, [it] gives a lot of confidence to the applicant before they embark on that journey.” Similarly, Mr Expert Planner’s advice for avoiding risk in the consent process was to “take on board some of the concerns at the early stage that local authorities might have and that might be through getting neighbour’s consents or changing any application to reduce the effects.” Mr Councillor mentioned a new initiative at the Smithsville Council which aimed at allowing better communication and collaboration between the public and private sectors during the resource consent process. The initiative encourages private developers to “come to the Council right at the get go and say ‘this is what I want to do, how am I going to get through this consenting process’ and somebody will basically hold your hand through the whole process” (Mr Councillor).26

Participants also commented on effective communication in relation to collaborative development of sports facilities between the private and public sectors. Ms Council Planner suggested that it can be difficult for private developers to work in partnership with the Council when developing sports facilities unless they can “get in on those conversations early.” This is because the Council undertakes its own planning for future facilities “that don’t necessarily involve partnerships with private entities or developers” (Ms Council Planner). In relation to this, when asked how the Council communicates to the private sector that they have land available for the private sector to lease for the development of a sports facility, Mr Council Sport Manager responded that “most of the developments, if they involve private sector, it’s private sector who have got an interest in sport and recreation and they make enquiries to the sporting codes and that’s how we join up.” Mr Councillor offered a similar view, suggesting that it would require the private developer to come to the Council and inquire about a partnership if they were to work together. From these statements, the evidence suggests that the Council has not actively communicated to, or initiated communication with, the private sector that they have land available for development through lease agreements or they seek collaboration as part of developing future plans.

26 It was unclear whether this initiative was actually utilised at the time of data collection.
5.3.3 Political support through a regulatory process

The findings demonstrated that when private developers gain political support for community-centred developments, it generally does not assist in reducing the time it takes to navigate the resource consent process, nor does it appear to have any effect on the outcome. Notably, Mr Developer, and the Smiths Sports Facility, was able to obtain verbal support from a number of Smithsville Councillors, including the Mayor, who thought the development to be beneficial for the community. Nonetheless, Mr Developer expressed his frustrations at little actual assistance in terms of reducing the time and cost of the resource consent process despite receiving verbal political support from the Mayor and Councillors.

A number of the participants suggested that the reason for a lack of tangible support for the Smiths Sports Facility was due to the resource consent process being clearly prescribed in the RMA under which politicians have little opportunity to alter or waive any part of the process. Mr Lawyer was particularly clear on this point – regardless of the mayor of a local authority supporting a proposal, the support would not go as far as removing resource management obstacles, because then [they are] delving into an administrative process. It’s often the case that proponents wanting to do work in an RMA context can get the politicians on board but it doesn’t actually help them altogether in terms of getting through an RMA process. (Emphasis added).

Ms Council Planner, Mr Consultant Planner and Ms Council Policy Planner all agreed that the process is relatively inflexible. Ms Council Planner specifically pointed out the risk of facing judicial review if a local authority did not implement the process correctly. Mr Council Sport Manager shared his perspective on the matter, including the way in which any ‘political medalling’ can also result in frayed relationships within councils:

we are frequently asked in the recreation and sport business, ‘can you have a word with the resource consent planners... to help us?’ and the answer is absolutely no, we cannot have a word, in fact it’s probably the worst thing we can do because we’ll get the hand – ‘go away’, we’ll piss them off and we’ll compromise ourselves because we have to follow exactly the same rules. (Emphasis added).

5.4 Planning comprehension and efficiency

This final theme has arisen from more general findings on the planning system in New Zealand. Included in this theme is data on the extent to which the public is engaged with the system and understands how to use it. In addition, a number of the participants have provided information on the efficiencies and inefficiencies of planning practice in New Zealand, by both the private sector and those implementing the regulatory process. Lastly, the participants with a resource management
background were asked to provide comment on potential legislative changes to resource management law in New Zealand and those findings are presented within this theme.

5.4.1 Planning comprehension

Most of the participants discussed how important it is for developers to understand the planning system and its implications for a potential development site. In particular, several participants alluded to the need for developers to ensure they investigate any potential planning restrictions relating to a site before purchasing land for development. Mr Consultant Planner suggested that ‘due diligence’ is critical for developers during site selection. As he described, “undertaking early due diligence is key and getting the Council’s input to that is often a key strand of that due diligence.” Both Ms Council Planner and Ms Council Policy Planner explained that it is important for developers to understand the implications of the zoning of the land for a potential development site and that this should be researched before purchasing land. Ms Council Policy Planner insisted that developers should contact the relevant local authority who can advise them on the potential planning challenges for a site as she considered that due diligence in relation to planning matters did not happen often enough.

In the context of the Smiths Sports Facility, it was unclear as to whether effective due diligence was undertaken in selecting the site since there was a confusion around how this was communicated among the different parties. When asked whether he thought of the planning issues that might be associated with the land he chose, Mr Developer answered, “no… it was a surprise for me.” However, Mr Consultant Planner noted that his consultancy was initially engaged to provide some advice on site selection for Mr Developer and explained some of the planning challenges and risks of each site. It was also unclear as to whether the Council was involved during the due diligence stage.

Planning comprehension amongst the public was also discussed, with the participants providing contrasting views. Mr Councillor argued that most people would not have any idea about planning regulations or the public submission process until they suddenly become an affected party. By referring to issues with District Plans, he acknowledged that “[district plans are] just totally inaccessible, there’s no way anyone can ever work out what is in the district plan.” Mr Councillor further explained that the Smithsville Council was working on ensuring that planning documents are accessible and informative for the public to be able to comprehend planning and development matters. In contrast, Mr Expert Planner suggested that, “the public in general have become more aware of environmental issues and are more involved in [the resource consent] process.” He argued that in recent years there has been an increase in the number of public submissions and a greater threat of litigation during the resource consent process as the public have gained a greater understanding of the planning system in New Zealand.
5.4.2 Efficiency in planning practice and decision making

The majority of the participants were of the view that although it can take a long time to obtain resource consent for a development, the required length of time is not necessarily a significant issue. Ms Council Planner mentioned that there are statutory timeframes (displayed in Figure 2, contained in Chapter 3) in the RMA for processing resource consents and the consenting authority must adhere to these, ensuring time delays are minimised. In addition, she suggested a reasonable period of time is generally needed to reach a quality decision given the complexity of the process. Mr Developer recognised the challenges in terms of efficiency as he noted, “[there are] so many parties involved with resource consents it is difficult to combine all things together. It takes a long time.” Despite acceptance that the process is complex and time consuming, most of the participants still considered efficiency to be critical when practicing under New Zealand’s planning system. Mr Councillor was not concerned with the legalities associated with a regulatory process. Instead, he simply wanted the system to be adaptable and enabling. As he elaborated:

all I want to know is that the system is flexible and... there’s an easy process. People should be able to come and say, ‘hey we’d like to do this’, ‘yup that looks like a good idea and this is how you do it’.

Mr Councillor then acknowledged the need for local councils to operate efficiently so that processing fees can be reduced. He clarified this point, stating, “we [the Council] need to make [the resource consent process] efficient so that it actually doesn’t cost that much money to build stuff.” However, Mr Expert Planner and Mr Consultant Planner both argued that the fear of litigation often leads to a more conservative assessment approach from local authorities, which generally results in a less efficient planning process. For instance, Mr Consultant Planner asserted that “in a situation where [the Council is] aware of concern and aware of threats of litigation their decision making tends to be a lot more conservative.” Mr Expert Planner furthered this point by suggesting:

I think there can be a bit of a fear... certainly amongst local government planners... a fear of litigation in terms of making decisions, particularly a fear around judicial review.27 So while I don’t believe that litigation should cloud your judgement, I think there’s just a perception that if we [decision-makers] do something or don’t do something then there may be litigation.

27 Under Section 27 of the New Zealand Bill of Rights Act 1990, every person has the right to apply for a judicial review of a determination by a public authority or tribunal if that person’s “rights, obligations, or interests protected or recognised by law have been affected” by such a determination (Section 27(2) of the New Zealand Bill of Rights Act 1990). Therefore, judicial reviews are applicable to decisions made by local government in relation to a resource consent application.
Ms Council Planner put forward an alternative view suggesting that in terms of ensuring an efficient process, it can be “a two way street as well. The inefficiencies are also around the quality of the application.”

### 5.4.3 Issues and opportunities for change to resource management legislation

The potential for change to resource management legislation in New Zealand and how that may impact the resource consent process for the development of sports facilities was discussed with a number of the participants. Particular attention was given to the changes proposed in the Resource Legislation Amendment Bill 2015. There were mixed views amongst the participants on changes to resource management legislation. Mr Consultant Planner was the only participant who was firmly in favour as he argued there is always room for improvement in terms of the consenting process and any attempt to address issues has “got to be a good thing.” In contrast, Mr Expert Planner was not convinced by the proposed changes outlined in the Resource Legislation Amendment Bill, arguing that every time the RMA is changed, it creates a new issue that the instigators of the change had not expected. Mr Commissioner did not explicitly state he is opposed to change but explained that the current proposed changes to the RMA are only “tinkering at the edges, and are unlikely to make much difference to applications such as the [Smiths Sports Facility].” Ms Council Policy Planner was more concerned about the risk of any RMA reform cutting out public consultation aspects of the resource consent process in order to make it more efficient. Whilst she was not against reform and is open to any change that will make the process shorter and more effective, she contended that it is a balancing act to ensuring the public do not lose any of their current rights as a result of change.

### 5.5 Findings summary

The findings described above uncovered four themes: ‘filling the gap’; ‘the perks and pitfalls of the resource consent process’; ‘collaborative development’; and ‘planning comprehension and efficiency’. Figure 4, below, provides a summary of the findings and shows the links between the two broad topics for this research and the four main themes identified in the findings.

In terms of the strategic provision of sports facilities, the findings revealed that the private sector plays an important role in providing sports facilities and filling ‘gaps’ left by the public sector. In addition, there was evidence that privately developed sports facilities can benefit communities. The findings also showed the importance of regulations such as the resource consent process that ensure that the effects of a development are balanced and that affected parties are consulted. Nonetheless, the participants discussed the challenges of such a process, particularly in relation to the significant cost of obtaining resource consent.
Figure 4: A diagram showing the relationship between the main research aim, the two broad research areas and the four main themes that have been identified in the findings.

Figure 4 shows that the two themes described as ‘filling the gap’ and ‘the perks and pitfalls of the resource consent process’ can be linked to the information gathered under the themes labelled ‘collaborative development’ and ‘planning comprehension and efficiency’. Despite the participants identifying the benefits of private sector involvement in sports facility provision, the evidence suggested a lack of collaboration between the public and private sectors in developing sports facilities. Additionally, the participants agreed on the importance of collaborative relationships and effective communication between the public and private sectors to ensure an efficient resource consent process. This finding may assist in addressing some of the pitfalls of the resource consent process identified by the participants. Lastly, the findings revealed the need for private developers to ensure they understand the planning system and the implications it may have for any developments of sports
facilities in New Zealand. Again, this finding may assist in addressing some of the issues identified with the consenting process, and may also result in the more effective provision of sports facilities. The figure also shows that the latter two themes of ‘collaborative development’ and ‘planning comprehension and efficiency’ will likely have cross-sectoral relevance for planning practitioners, strategic sports facility providers and local decision makers.
Chapter 6
Discussion

The aim of this research has been to uncover the challenges and opportunities associated with the development of community sports facilities by the private sector under the RMA in New Zealand. The following chapter discusses the findings of the study with respect to their contributions to the existing body of literature. The discussion is separated into two themes; neo-liberalism and the regulation of sports facility provision; and possibilities for improving methods and structures for the provision of sports facilities. Under the first theme, a discussion is provided on the strengths and weaknesses of a neo-liberalist approach to the provision of sports facilities. In relation to this, the benefits and implications of regulating development through the RMA and LGA are examined. The second theme involves a discussion on the opportunities for improving the methods and structures through which sports facilities can be more effectively provided in New Zealand. Based on the findings of this research and the assertions contained within the literature, it is argued that a neo-liberal approach has its benefits in providing sports facilities to an extent, yet appropriate regulatory mechanisms play an important role in preventing and counteracting negative impacts from market-led development. Therefore, the discussion analyses various methods and processes through which the provision of sports facilities is improved, while ensuring a balance is achieved between private and public interests under the existing regulation in the New Zealand context.

6.1 Neo-liberalism and the regulation of sports facility provision

While neo-liberalism can be difficult to define, there is concurrence throughout the literature that it is a governmental position privileging individualism and economic freedom, thereby allowing (and encouraging) market-led strategies with little regulatory intervention and fostering an environment dominated by a largely unrestricted private sector (Brown, 2003; Kiely, 2006; Sager, 2011). The findings of this research suggest that the New Zealand context for the development of sports facilities aligns, to a large extent, with the description of neo-liberalism outlined in the literature. This was exemplified by the notion from Mr Council Sport Manager that sports facilities in Smithsville are provided by the private sector first and foremost, and the Council will “fill a gap” in relation to facilities that are not economically viable for a private entity to provide. This approach to community facility delivery is consistent with Sager’s (2011) description of neo-liberal development policies, which in his view, are fore-fronted by market-led, private strategies, as opposed to publicly planned outcomes. Neo-liberalism was also evident in the development of the Smiths Sports Facility given that it was able to be proposed and built entirely by a private developer, while obtaining verbal political support from local councillors.
Not only were market-led strategies apparent in the provision of sports facilities within the findings of this research, they were also largely supported by both members of the public and private sectors. Mr Councillor’s view that the private sector is important and “can play a role in a lot of things,” showed support for market-mechanism ideals from a key member of local government. A similar assertion from Mr Council Sport Manager – who suggested there is “an on-going role for the private sector” in the development of sports facilities – provided further evidence of neo-liberal principles coming from a high-level strategic position in local government. Mr Councillor explained one such role of the private sector. He argued that as a result of budget setting in the annual and long term plans under the LGA, the Council will eventually run “out of the amount of capital that it’s got to invest in facilities”, which is when the private sector can assist by providing additional facilities to meet market demand. This view on facility development is consistent with Curry’s (2001) assertion that a market-led approach results in fostering citizen empowerment and equity because it ensures that consumers (and non-consumers) have greater access to the facilities they use despite the reduction in collective funding of recreational facilities. By setting a budget for the provision of facilities and allowing the private sector to play a leading role in facility development, local government can avoid the need for a rise in rates or the excessive spending of public money, whilst still ensuring the most necessary sports facilities are provided to the community. In this view, any additional sports facilities, for which there is a demand, can then be left to the private sector to provide.

In addition, the participants discussed the ways in which facilities developed by the private sector can benefit the community. This is pertinent to the earlier discussions from the literature that neoliberalism, and the market-led provision of sports facilities, can lead to the erosion of the community or ‘communitarianism’. Mr Council Sport Manager argued that without generous, philanthropic private developers “we would not have a number of facilities.” This point of view is consistent with Coalter’s (2000) argument that market-led development has resulted in the provision of a greater number and choice of leisure and recreation facilities. Coalter (2000) goes on to argue that increased choice in recreation has intensified community connectedness as marginalised citizens are provided with a variety of modes through which to participate. In relation to the Smiths Sports Facility, Mr Developer asserted that it is not for profit, but rather it is “for the community, for kids” – all of the participants agreed this to be the case. Moreover, Mr Commissioner, Ms Council Planner and Mr Expert Planner each outlined that private developments such as the Smiths Sports Facility can have a number of benefits for the community, which should be considered when deciding in relation to the resource consent process. Notably, this finding is contrary to various points of view contained in the literature, including the arguments made by Polistina (2007) and Reid (2009) that a market-led approach to providing recreation generates a culture of corporate greed fuelled by economic demand with little

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28 See Chapter 3 for further detail on the requirement to prepare annual and long term plans under the LGA.
focus on benefitting the community. Similarly, Williams (2001) argued that the private provision of sports facilities does not foster an ethic of care for the community, given its consumerist nature. Instead, the findings of this research show that philanthropy and a community-centred culture can be exhibited through market-led development, as it has been in the case of the Smiths Sports Facility.

Despite the presence of market mechanisms in the development of sports facilities in New Zealand, the market cannot be considered entirely de-regulated. The existence of the RMA and the LGA, which are considered in the literature to be important statutes for the governance of resources in New Zealand (Connell et al., 2009; Edmonds, 2015; Makgill & Rennie, 2012; Salmon, 2015; Severinsen, 2014), ensure development is somewhat restricted. The changes to the LGA as a result of the 2012 amendments have led a local government to focus on regulatory functions, local infrastructure provision and general cost-efficiency. This is in contrast to its roles before the amendments when, according to Edmonds (2015), the main purpose of local government was to ensure the environmental, social, economic and cultural well-being of communities in a manner they saw fit. It can be argued that the more prescribed role of local government under the amended LGA, with the focus specifically on carrying out of regulatory functions, has limited the extent to which local authorities can use market mechanisms to enhance a community’s well-being.

Under the RMA, the resource consent process is the most obvious form of regulation, which according to Casey (2015) serves to manage the use of resources. This research has shown that each step of the process is very much prescribed to local authorities under the Act, with little opportunity for political intervention. Mr Lawyer suggested that resource consenting is an “administrative process” and that even if a proponent receives political support “it doesn’t actually help them altogether in terms of getting through an RMA process.” Similarly, Mr Council Sport Manager noted that from a strategic-political point of view within the Council, it can be detrimental to attempt to alter the resource consent process as “we’ll compromise ourselves [the recreation and sport department] because we have to follow exactly the same rules.” The prescriptive nature of the resource consent process and the limited opportunity for political influence aligns with Tewdwr-Jones and Allmendinger’s (1998) argument that communicative planning methods (such as the consent process) fail to address the complex political environment within which planning occurs. As a result of its prescriptive nature, the resource consent process – and the RMA more generally – does not allow for political intervention regardless of whether the proposed development receives high-level political support.

An additional limit to de-regulation in New Zealand was found to be the costly nature of the regulatory process in a market-led environment. Mr Developer stated he spent “half a million dollars” on obtaining resource and building consents, while Mr Expert Planner, Ms Council Planner, Mr Consultant Planner and Mr Councillor all acknowledged the cost of getting a resource consent to be a significant
issue. Discontentment amongst the participants with the cost of resource consents is echoed by Pickford (2014) who argues that the overall broad judgement approach to decision making under the RMA leads to economic inefficiencies, given that the cost incurred by a developer as a result of the consent process is not accounted for in balancing a judgement.

While Ms Council Planner did acknowledge the necessities of resource consent fees to cover “enormous overhead costs and fixed costs” at local councils, there was genuine empathy amongst the participants for philanthropic private developers aiming to provide a beneficial facility to the community while still having to fund the regulatory process. Mr Council Sport Manager was of the view that for essentially good-natured businesses building community assets, it is “bloody hard” to afford the resource consent process and the associated need for consultants and experts and he “feels for those guys.” Similarly, Tewdwr-Jones and Allmendinger (1998) argue that communicative planning, to which the resource consent process appears to most closely align, does not account for the inequality of resources which can limit one’s ability to participate in a regulatory process effectively. Therefore, the finding is consistent with Tewdwr-Jones and Allmendinger’s (1998) view given that in the New Zealand context it can be difficult for philanthropic private developers to participate in the communicative planning process outlined in the RMA.

Although there are evidently downfalls of the regulatory nature of the LGA and the RMA in a largely market-led environment, there was acknowledgement from the participants of the importance of some regulation, particularly to ensure there are “checks and balances” in place for developments (Mr Expert Planner) and to maintain “a nice environment” in which to live (Mr Developer). Much of the literature criticises an entirely neo-liberal approach to providing sports facilities. Polistina (2007) argues that solely market-led development has impacted on the sustainability of resources, while Thibault et al. (2004) suggest that it has resulted in the inequitable provision of sports facilities as the private sector focus predominantly on the demands of the middle and upper class in an attempt to generate greater revenue. However, it is argued that many of the pitfalls of market-led sports facility development identified in the literature are mitigated in the New Zealand context as a result of the RMA.

Specifically, the integrated nature of the RMA, which seeks to ensure New Zealand’s natural and physical resources are sustainably managed while accounting for the socio-cultural well-being of communities, asserts the principle of sustainable management at the forefront of any decision on the proposed use of resources. The focus of the RMA therefore appeases Polistina’s (2007) concern by ensuring that resources are utilised in a sustainable manner. Furthermore, as Hewison (2015) suggests, the recognition of the importance of social, economic and cultural well-being in the RMA allows for an anthropocentric component to decision making on the use of resources, whereby socio-cultural factors
can be balanced against physical environmental effects. Ms Council Planner provided evidence of this notion as she suggested that the role of a regulatory decision maker under the RMA is to achieve “a balanced view having considered all the options.” Mr Commissioner agreed and specifically noted the importance of considering the social outcomes of a development when deciding on a resource consent application. Given that the RMA ensures balanced and integrated regulation of sports facility development in New Zealand, with consideration given to the social outcomes of a proposal, it can be argued that Thibault et al.’s (2004) concern in relation to the inequality of market-led development is negated by the presence of the RMA.

While much of the literature is critical of market-mechanisms and de-regulation, there is wide-ranging support for the use of public participation in sports facility development. In the New Zealand context, public involvement is prescribed by regulatory processes under the RMA and LGA. In particular, the findings have shown the resource consent process to be important as it provides an opportunity for public participation when deciding on market-led developments such as the Smiths Sports Facility. Mr Lawyer argued that the hearing process allows everyone’s views to be “pretty well considered” and he “can’t see any swifter process” through which the public can be involved. Mr Developer believed the public participation process to be “necessary” while Ms Council Planner suggested it was “critical.” These views are echoed by Tewdwr-Jones and Allmendinger (1998) who argue that public participation is an important element of communicative, collaborative planning models (such as the model utilised in the New Zealand context). Additionally, the participants’ views support Arnstein’s (1969, p. 216) notion that “no one is against [public participation] in principle because it is good for you.”

Citizen involvement has also been found to be effective in reaching mutually agreeable results between the public and proponent prior to the development of a sports facility. Ms Council Planner described how in the case of the Smiths Sports Facility, involving the public had allowed for a number of issues to be dealt with through “some agreed conditions” on the resource consent. Similarly, Mr Developer described how a neighbour originally in opposition of the Smiths Sports Facility now supported the development as a result of a number of mitigating conditions imposed following the hearing process. The way in which the resource consent process was utilised to establish a mutually agreeable position between Mr Developer and members of the public is a good example of the collaborative approach to planning, suggested by Healey (1992, p. 147), which allows for individuals to “assert their own principles and ‘mutually’ adjust” in order to eventually reach consensus. Similarly, Sager (2011) argues that communicative planning can lead to a mutually agreeable result through empathy and communication, which is again comparable to the case of the Smiths Sports Facility.

There was an identified gap in the literature in relation to some of the downfalls of public involvement in developing sports facilities. However, Cheyne (2015) does argue that in recent years the public
participation process under the RMA in New Zealand has been viewed as a ‘sham’ and local authorities do not appear willing to listen to members of the public during consultation. Furthermore, Cheyne (2015) briefly notes the issues in terms of the inefficiencies of the consultation process under the RMA. The findings of this research support Cheyne’s (2015) contention on the inefficiencies of the public participation process, as a number of participants described its challenges. Mr Consultant Planner cited the cost of involving the public as an issue given the potential for a proposal to result in a hearing or Environment Court appeal, which can be costly for developers. He explained that the issue can never be resolved “where the process allows for that type of risk.” Mr Expert Planner furthered this point, suggesting “you never know what’s going to come out of the woodwork” when the public are involved in the resource consent process.

Nevertheless, the findings and literature are concurrent on the view that public involvement is a critical element in developing sports facilities, particularly for ensuring a mutually agreeable position is reached between a developer and the surrounding community. In the New Zealand context, public involvement is prescribed by the RMA and LGA and is particularly prevalent through the resource consent process. Therefore, it is considered that the wide-ranging support for public participation, generally provided for through regulatory processes, adds further weight to the argument that some form of regulation is important in the market-led development of sports facilities.

This section of the discussion has established that sports facilities in New Zealand are generally provided through market mechanisms yet regulated under the country-specific legislation. It is argued that, contrary to most of the literature on the topic, a market-led approach can have benefits for a community through philanthropic private sector developments with a community-orientated focus. However, in the New Zealand context, the regulatory nature of the LGA and RMA ensures the market is not entirely de-regulated. While such regulation can have negative implications – particularly for philanthropic private developers – the findings and literature have shown it to be necessary to mitigate against the pitfalls of neo-liberal sports facility development. In addition, the existence of the resource consent process in New Zealand ensures the mandatory undertaking of public participation, which is considered by both the participants and the literature to be a critical aspect of sport facility development for the community. Based on the findings, it is concluded that sports facility development in New Zealand occurs in a balanced political environment that is partly neo-liberal, yet with an element of regulation to ensure sustainable development, socio-cultural consideration and public participation. Hereafter, the discussion will examine opportunities under the existing political environment outlined above, for improving the methods and structures through which sports facilities are provided in New Zealand.
6.2 Possibilities for improving methods and structures for the provision of sports facilities

The discussion has thus far established the importance and associated benefits of private sector involvement in the provision of sports facilities for communities. Therefore, it is considered necessary to understand the methods through which community-centred private sector developments can be enhanced within the New Zealand context outlined above. The existing literature and the findings of this research suggest that one such method may be the use of PPPs. For instance, Mr Council Sport Manager suggested that a sport provision model, through which the local council provides a facility “for [the price of] a peppercorn” to a private organisation for the provision of a service, can ensure efficiency and effectiveness in the delivery of sport related services. He argued that in many cases, the private sector “are a much better provider [of a sport related service] than Council will ever be,” given that private entities generally have specialist knowledge and resources over and above what the Council is able to offer. The PPP model outlined by Mr Council Sport Manager is consistent with Sager’s (2011) argument in relation to PPPs more generally. In particular, Sager (2011) suggests that PPPs allow the public sector to increase efficiency by outsourcing operations to the more competitive private sector. In return, private organisations can benefit by obtaining the use of publicly owned facilities through discounted lease agreements.

Further to his view that PPPs can be a successful model for the provision of a sports service, Mr Council Sport Manager also asserted his support for partnership agreements between the public and private sectors when developing sports facilities. He argued that PPPs allow the risk of development to be spread amongst the involved parties, particularly in relation to the risks associated with the resource consent process. Ms Council Policy Planner explained that the “[Smithsville] Council is quite happy to provide land” to the private sector for development, generally through lease agreements. In this sense, Mr Council Sport Manager suggested that by utilising Council-owned land – particularly the areas that are appropriately zoned for sports facility development – the private sector can significantly reduce the risk of a lengthy, costly resource consent process and all they have to do is “plonk a facility on it.” This view is again echoed by Sager (2011) who expresses support for the way in which PPPs allow the private sector to share the risk of development with the public sector. From the perspective of the public sector, Mr Councillor suggested that rate-payers can benefit from the cost-effective use of public land for the development of a community facility at little cost to the public purse. This notion aligns with Dixon et al. (2004) who support PPPs on the basis that they are generally cost-effective for the public sector. Therefore, the findings confirm that there is a supportive view among the public sector.

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29 Land zoning in district plans and the resultant implications for the resource consent process are described in Chapter 3. However, for the most part, activities that are expected within a land zone are not generally subject to a lengthy resource consent process as the resultant adverse effects of such an activity are usually anticipated in that area.
sector on PPPs as a beneficial model for providing sports facilities given it provides local governments with a means to cut costs under the LGA.

Although there is evidential support for the provision of sports facilities through PPPs, various critiques of the partnership model exist in the literature. Moreover, the findings of this research have uncovered a disparity between the public and private sector in relation to the issues over the ownership and control of sports facilities in Smithsville – signifying a possible barrier to the undertaking of PPPs in the New Zealand context. Mr Developer indicated that his initial plan for the Smiths Sports Facility was to develop in partnership with the local authority. However, according to Mr Council Sport Manager, the concept of leasing public land to Mr Developer for the development of the Smiths Sports Facility was discussed, yet the offer was declined by Mr Developer because he wanted “to do it somewhere else… on [his] bit of dirt.” Similarly, Mr Lawyer explained how Mr Developer wanted to “retain control” over his “baby.” In contrast, Mr Consultant Planner suggested that in many instances the Council help to drive a project and show great enthusiasm, but in the case of the Smiths Sports Facility, there appeared to be little tangible support beyond a few encouraging words from elected councillors. He argued that the relationship between the Council and Mr Developer was strained partially as a result of “patch protection” by the Council who possibly saw the development as a “threat or a bit of an unknown,” and the fact that “it wasn’t Council’s baby.” These contrasting views provided evidence of dysfunctional power relations between the private and public sectors in Smithsville. Although there were indications from both the Council and Mr Developer of a willingness to work in partnership to develop the Smiths Sports Facility, both parties desired full control over the collective ‘baby’, while neither party was willing to relinquish power in the interest of efficient and effective sports facility development through collaboration.

The existing critiques of PPPs can assist in explaining some of the potential reasons for the disconnection between the public and private sectors in Smithsville. Reynaers and Grimmelikhuijsen (2015) argue that the involvement of the private sector in undertaking developments through PPPs can result in a loss of transparency given that private developers are not required to have the same level of public accountability as the public sector. This view is reflected in Mr Consultant Planner’s assertion outlined above, that in relation to the Smiths Sports Facility, the Council possibly saw the development as a threat or unknown. Similarly, Sager (2011), who both supports and critiques the use of PPPs, suggests that private sector involvement can shift the goals of a development away from the interests of the public and towards the interests of the developer. Whilst it was acknowledged by all of the participants that the Smiths Sports Facility was for the community, the unwillingness of the local council to offer tangible support for the development in the absence of obtaining control suggests a wariness from the public sector of private developments and their overall objective. Reynaers and
Grimmelikhuijsen (2015) proclaim that this issue can be mitigated through internal transparency between the public and private sectors when working in partnership.

Formal partnerships between local authorities and private developers through the PPP structure appear to have both strengths and weaknesses. Thus, further methods are discussed in this section for improving the provision of sports facilities in the New Zealand context. The findings and literature have indicated that informal partnerships between the public and private sectors through collaborative planning methods can enhance development efficiency and effectiveness, particularly in relation to the resource consent process. A range of participants insisted the importance of early and transparent communication between private developers and local councils during the consent process. Mr Expert Planner recommended that proponents “take on board some of the concerns [of local authorities] at an early stage” and where possible, adjust the proposed development accordingly. Similarly, Ms Council Planner suggested developers communicate with local authorities prior to lodging a resource consent application because it “makes the process a lot easier for [councils] in that there’s better assessments” contained in the application and the developer and council can jointly “smooth out some of the issues prior to lodgement.” The opinions of Mr Expert Planner and Ms Consultant Planner support Healey’s (1992) view on the benefits of a collaborative approach to planning based on communication and mutual adjustment. It is argued that collaboration between the public and private sectors through effective communication can reduce the cost of obtaining a resource consent by increasing the efficiency of the process and reducing much of the associated risk that can arise from unresolved adverse effects. The evidence from the case supports that sports facility provision by the private sector is enhanced by such a form of collaboration and effective communication.

Further to the argument for collaboration during the resource consent process, is the need for the private sector to ensure they are well informed in relation to planning and resource management matters in New Zealand. In this sense, Mr Consultant Planner argued that “undertaking early due diligence is key” when developers aim to select a site for the development of a sports facility so as to ensure the planning issues are understood and can be resolved or avoided. Ms Council Policy Planner agreed, suggesting it is important that developers understand the planning implications for the site they select. Likewise, both Mr Consultant Planner and Ms Council Policy Planner insisted on the need for developers to communicate with the local council as a part of gaining that understanding prior to purchasing a site for development. However, Mr Councillor’s perspective that “[district plans] are just totally inaccessible” indicates that it is not an easy task for private developers to undertake due diligence, or understand the implications of planning rules more generally, without prior knowledge of planning documents in New Zealand. This view is concurrent with the argument made by Pidgeon et al. (2014) that it is a common challenge for local authorities to ensure that citizens engage in planning documents given they often contain a large volume of technical information. Therefore, it can be
argued that the challenge identified by Pidgeon et al. (2014) exists in the New Zealand context. Although the participants from the case agreed that undertaking due diligence in relation to planning matters can assist in avoiding potentially negative planning implications on the site of development, it has also been evident that planning documents are largely inaccessible in New Zealand, making the comprehension of planning matters a difficult task for private developers without prior experience.

Furthermore, the findings have shown the importance of increasing efficiency during the resource consent process from a local government perspective. For instance, both Mr Consultant Planner and Mr Expert Planner acknowledged that, at times, there is a fear of litigation amongst local government when making decisions. Mr Consultant Planner suggested that such a fear tends to lead to a “more conservative” approach to decision making, which in turn can slow the process. Mr Expert Planner argued that a fear of litigation should not be allowed to “cloud [a decision maker’s] judgement.” This notion is echoed by Severinsen’s (2014) view that the level of precaution taken in making decisions under the RMA depends significantly on the local authority or the decision maker. Mr Councillor appeared to oppose excessive precaution when deciding on resource consent applications, stating that he just wanted to know the process was “flexible” and “easy.” While the findings and literature did not appear to be in favour of allowing shortcuts on resource consent procedures, there were inferences that precaution should only extend as far as necessary to balance the positive and negative effects of a proposed development and that a fear of litigation should not be allowed to reduce efficiency.

Lastly, the research has examined the proposed amendments contained in the RLAB that are considered relevant to the provision of sports facilities and the resource consent process. One such amendment is the proposal to include a provision that allows for local authorities to charge discounted administration fees when a proponent is undertaking an activity that offsets the cost for local authorities in carrying out any of their various functions, powers or duties. In regard to the provision of sports facilities, this amendment may provide local councils with greater justification to discount resource consent processing charges for private developers of sports facilities, as it could be argued that such developments assist in reducing the cost of a local council’s duty to provide community facilities. Similarly, the RLAB proposes an amendment to allow for local governments to remit the whole or any part of a charge in relation to the processing of a resource consent. The abovementioned amendments may provide local authorities with greater clarity in relation to their ability to discount resource consent charges for philanthropic developments that benefit the community (such as the Smiths Sports Facility).

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30 See Section 36AAA (4)(b) of the RLAB.
31 See Section 36AAB (1) of the RLAB.
While the proposed provisions contained within the RLAB appear to be focused towards improving cost-efficiency under the RMA, which was identified as a significant issue in the findings of this research, there were contrasting views amongst the participants as to whether the amendments would make any noticeable difference. Mr Consultant Planner suggested any attempt to address the issues associated with the RMA had “to be a good thing,” while Mr Expert Planner argued that every time the RMA is changed, it only creates additional unexpected issues. Mr Commissioner contended that the proposed changes in the RLAB were only “tinkering at the edges” of the issues and are “unlikely to make much difference” to developments such as the Smiths Sports Facility. The lack of consensus amongst the participants on the effectiveness of the RLAB, and the absence of literature on the issue, does not give rise to an argument either in support or against the proposed changes and further research is required to fully understand the strengths and weaknesses of amending the legislation. Nonetheless, the findings and literature have shown support for the resource consent process (or in the case of the literature, a comparable form of regulation) and an absence of any argument in favour of replacing or repealing the RMA. Therefore, it can be concluded that while the RMA (and more specifically the resource consent process) is not a perfect model, it is supported to the extent that it need not be replaced given its role in balancing economic, social, environmental and communal developments.
Chapter 7

Conclusion

This research examined the challenges and opportunities for sports facility development by the private sector in New Zealand, with a particular focus on the resource consent process under the RMA. In doing so, the study brought together findings relative to the fields of planning, community development and sport, recreation and leisure. Qualitative methods, including a case study and nine semi-structured interviews, were used to examine and illustrate the extent to which the private sector can contribute to the effective provision of community sports facilities. Furthermore, the case study and interviews uncovered findings on the importance of regulations, such as RMA and LGA, in a market-led environment in order to monitor the effects of private developments and allow for a process through which the public can participate.

In the New Zealand context, this research showed the dominant method for the provision of sports facilities to be the use of market mechanisms. Drawing on the case study of the Smiths Sports Facility which was planned and built by a private developer with an intention to provide an opportunity for children to play sports and improve the level of the Sport in the community, it was argued that the provision of sports facilities by the private sector can benefit communities, particularly when a developer has philanthropic motives. These findings effectively provided counter evidence to the literature that asserted that market-led development of sports facilities erodes community connectedness (Arai & Pedlar, 2003; Brueggemann, 2002; Tomlinson, 1991). Despite such recognisable benefits of market-led development, there was a chorus of support amongst the participants for the use of the resource consent process to regulate sports facility development and facilitate public input. While it was acknowledged that the resource consent process (alongside the LGA and the RMA more generally) could be costly and restrictive, the limitations were not considered to outweigh the benefits of the process, including its effectiveness in mitigating against some of the pitfalls of neo-liberalism. Thus, this study suggests that there is a desire for a market-led approach to sports facility development for filling gaps and satisfying the needs of, for instance, specialist sports services across the private sector, local authorities and planning experts in New Zealand. It is also suggested that such developments are best regulated through the RMA and its processes.

Having established the context, the study moved to an evaluation of the possibilities for improving the current methods and structures through which sports facilities are provided in New Zealand. It was argued that PPPs can be a successful structure for providing a sports service, and for developing a sports facility. However, PPPs were also found to have a series of downfalls. In addition to the arguments contained in the literature that PPPs can hinder transparency during the development
process (Grimsey & Lewis, 2002; Reynaers & Grimmelikhuijsen, 2015; Willems, 2014), the findings identified the existence of an apparent barrier to PPPs as a result of complex power relations between the private and public sectors. Building on the argument in support of collaborative planning methods – such as those theorised by Healey (1992), the research also suggested that effective communication between local governments and private developers can result in a more efficient and cost-effective resource consent process. In addition, it was argued that the consent process for sports facility development could be enhanced by an effort from private developers to seek assistance from local councils and gain a greater insight into the planning implications of a potential site and subsequent development. Nonetheless, the interview data were consistent with the argument put forward by Pidgeon et al. (2014) that getting citizens to engage with governmental documents containing technical information is a common challenge. The findings showed that the existing planning documents were hardly accessible and straightforward for potential private developers and philanthropists who are typically non-experts. Thus, greater insight into planning matters can only be gained by developers through the establishment of simpler and more accessible planning documents.

Lastly, the study examined the proposed amendments to the RMA, contained in the RLAB, and discussed them in relation to the development of sports facilities. While there was no conclusive evidence to formulate an argument in support or opposition of the amendments, the study supported the importance of the role that the RMA (and the resource consent process contained within the Act) plays on the whole in enhancing environmental, social, economic and cultural well-being. Therefore, the study further suggests that more focus needs to be placed on the ways in which the structures and methods for providing sports facilities can be improved under the RMA, as opposed to the more radical options of replacing or repealing the Act to allow for a less regulated, neo-liberal environment.

The author acknowledges that there are several limitations to this study. Namely, the research has been limited by the size and scope of a dissertation. As a result, the study was based on a singular case study and included only nine participants. While the undertaking of a second case study to provide a comparison to the Smiths Sports Facility could have refined the findings, it was considered to be beyond the timeframe and resources of this research. Further, it is acknowledged that as each participant was only interviewed once, there was not an opportunity for clarification on additional issues that were identified during the research process. Nonetheless, the study has provided a comprehensive examination of sports facility provision in the New Zealand context and was able to review the extent to which the RMA (and more specifically the resource consent process) restricts or enhances the development of sports facilities.

In order to refine the findings and the arguments in this study, which have been limited by size and scope, further research could be undertaken in a number of areas. Firstly, further research can be
extended to other cases of sport facility development by the private sector or through a PPP structure. Likewise, further research could be conducted to examine how the findings of this research can be applicable to the provision of facilities, beyond those specifically for sport in New Zealand. Additionally, further research could be undertaken to examine the ways in which collaborative, communicative planning can assist in reducing the cost and time of the resource consent process. Specifically, research could aim to establish a framework for local governments and the private sector to ensure collaboration during the consent process. Lastly, additional research on the amendments to the RMA is necessary to better understand the implications for sports facility development. More generally, more research could be undertaken on the effectiveness of the RMA as the most important resource management legislation in a largely market-led environment and whether any amendments, or an overhaul of the Act, can serve to address some of the identified issues.
Reference List


Resource Legislation Amendment Bill 2015 [RLAB] s 120.


Appendix A

Purpose of the RMA, the LGA and Local Government

This appendix outlines the purpose of both the RMA and the LGA as stated in the two statutes. In addition, the purpose of local government, prescribed by the LGA, is also presented. The provisions highlight the intent of the two statues considered to be important for the governance of resources in New Zealand.

A.1 Resource Management Act 1991

Part 2, Section 5 – Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment (Resource Management Act 1991 [RMA] s 5)

A.2 Local Government Act 2002

Part 1, Section 3 – Purpose

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act—

(a) states the purpose of local government; and

(b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and

(c) promotes the accountability of local authorities to their communities; and

(d) provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local
infrastructure, local public services, and performance of regulatory functions (Local Government Act 2002 [LGA] s 3)

Part 2, Section 10 – Purpose of local government

(1) The purpose of local government is—

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

(c) efficient; and

(d) effective; and

(e) appropriate to present and anticipated future circumstances

(Local Government Act 2002 [LGA] s 10)