

“It’s a Harsh Fact of Life with the RMA”: Neo-liberalism and the Realities of Community Sports Facility Development by the Private Sector in New Zealand

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Abstract

Despite the importance of sport and leisure facilities as primary sites for delivery of sport services, there has been a scarcity of academic literature on the provision of community sports facilities and the processes through which they are developed. In particular, this paper responds to Coalter's (1998, 2000) call for more empirical analysis of leisure service and facility provision with a focus on *practice* and *experience* of policy and planning actors. By employing a case study approach and semi-structured interviews with a range of key players involved, the study identified a sharp contrast between the discourse of neo-liberalism and the realities of a highly regulated environment for the private sector in developing a sports facility under a national legislation of New Zealand, namely the Resource Management Act 1991. While both public and private actors recognised benefits of the resource consent process in mitigating the negative environmental impacts and facilitating public input, the findings also revealed its potential impediments to both private and philanthropic developments and their potential resultant benefits to communities and social citizenship due to its costly, restrictive and undifferentiated nature. Consequently, the paper suggests that future research needs to examine empirical evidence of how social citizenship and citizen engagement are enhanced by both public and private sectors through planning and development of community sports facilities and services.

Keywords:

sports facility provision, neo-liberalism, Resource Management Act, resource consent process, communitarianism, citizen engagement

The politics and policy of provision of leisure and sports is central to the long-standing concerns for scholars in leisure studies as they relate to power, equity and social inclusion/exclusion (Silk, Caudwell, & Gibson, 2017). Despite the importance of sport and leisure facilities as primary sites for delivery of leisure and sport services, there has been a scarcity of academic literature on the provision of community sports facilities and the processes through which they are developed. While much of the previous literature have attended to the neo-liberal shift and its associated impacts on how sport and leisure services are managed and governed (e.g., Andrews & Silk, 2012; Cureton & Frisby, 2011; Jackson & Scherer, 2013), this paper specifically responds to Fred Coalter's (1998, 2000) call for more empirical analysis of leisure service and facility provision. In particular, his provocative discussions on social citizenship and leisure services have been followed up by more recent studies of 'programmes' for social inclusion through sports (e.g., Hartmann & Kwauk, 2011; Kelly, 2011; Spaaij, 2009), yet his call for more empirical research into the process of 'facility development' has not received much attention. Thus, this paper aims to contribute to this gap in the body of knowledge through examination of *practice* and *experience* of policy and planning actors within a case of 'private' sports facility development in New Zealand.

When providing sports facilities in New Zealand, both the public and private sectors must adhere to a resource management legislation called the Resource Management Act 1991 (RMA). Although it has its share of criticisms, much of previous literature in the policy and planning studies support the resource consent process in monitoring the effects of development, mitigating

against potential negative environmental impacts and providing opportunities for citizen and community engagement (Hewison, 2015; Sager, 2011). Such a presence of highly regulated environment in the local context of community sports facility provision runs counter to a general discourse of New Zealand as one of the most prominent nations that shifted from a welfare state to a neo-liberal economy through what is known as the ‘New Zealand experiment’ since 1984 (Kelsey, 2015). Therefore, this study explores the ways in which the RMA regulates the private sector’s development of sports and leisure facilities in New Zealand and, in turn, the implications of how the planning process may enable or restrict the enhancement of social citizenship and community building.

By employing a case study approach, the paper focuses on a particular context of community sports facility development in which the private developer was required to consult the ‘local authorities’¹ and subsequently the public through the use of resource management experts and lawyers during the resource consent process. Through qualitative research methods including textual analysis of documents such as resource consent applications, written statements of evidence and public submissions to local government, as well as semi-structured interviews with a range of key players involved, we uncovered key ideas and knowledge that shaped the practices and processes of sports facility development under the RMA. More specifically, we contend that, as opposed to presuming permeation of neo-liberal principles in New Zealand, the existence of the RMA confirms that market-led developments have been highly regulated through the resource consent process and the associated undertakings of consultation with the public. However, the resource consent process was also found costly and somewhat restrictive to both private and philanthropic developments. Following the introduction, the paper provides a review of previous literature on the sports facilities provision under neo-liberalism. Next, we explain the methods deployed in this study and outline the profiles of the interviewees. The findings are then presented and discussed with respect to firstly the context of the facility development and secondly analysis of the functions of the RMA. Lastly, the conclusion highlights key points of discussion and contributions that this study has made.

Literature Review

Provision of Sports Facilities under Neo-liberalism

While previous literature on the provision of community sports facilities and the processes through which they are developed are limited, Coalter’s (1998, 2000) work has been particularly influential in terms of who should provide leisure services and facilities. Drawing

upon Marshall's (1963) concept of citizenship, Coalter (1998, 2000) has assessed the pros and cons of public provision of leisure services from a perspective of social citizenship, or social rights of citizens to be able to access to welfare services including leisure and recreation. Specifically, Coalter (1998) argues that previous literature in leisure studies had been underpinned by Marshall's view and this has ultimately resulted in "over-estimating the role of public leisure facilities as a component of citizenship" (p. 21). As this supposedly 'participatory' nature of welfare rights to access and engage leisure was largely presumed by the previous leisure theorists rather than empirically grounded, Coalter questions the legitimacy of this presumption in light of increased social citizenship through active consumption in 'the mixed economy of leisure'. In effect, it is inferred by Coalter that the private sector and commercial providers can play a role in contributing to the enhancement of social citizenship through provision of sport and leisure services.

While Coalter prefers to use Thatcherism or 'free-market liberalism' (Coalter, 2000, p. 174), he nonetheless recognises that the expansion of 'the mixed economy of leisure' has been reinforced by the neo-liberal process as "signalling the undermining of their welfare role and a shift from providing for 'citizens' to catering for 'consumers'" (Coalter, 1998, p. 22). More generally, neo-liberalism has been regarded as an idea of government policy shifting away from publicly planned outcomes for social welfare and towards competitive and pro-market strategies (Andrews & Silk, 2012; Sager, 2011). New Zealand offers a prominent case of the neo-liberal shift from a welfare state, which has been observed across many Western societies since the late twentieth century (Arai & Pedlar, 2003; Coalter, 1998, 2000; Polistina, 2007). Often known as the 'New Zealand experiment', the radical policy change by a Labour government was initiated in 1984 and characterised by a number of factors including the de-regulation of financial markets, the expansion of free trade agreements, the introduction of a universal good and services tax, the weakening of labour unions and the selling of the state services and assets to the private sector (Kelsey, 2015). It is broadly understood that the key tenets of neo-liberalism including individual economic freedom, de-regulation and privatisation have changed the ways in which public services, of which sport and leisure are a part, is provided and managed (Cureton & Frisby, 2011).

Coalter's assessment is intriguing in that it challenges conventional sociological views on neo-liberalism with respect to its role in widening 'inequality' and promoting 'social exclusion'. For instance, Coalter (2000) argues that "the various perspectives in leisure studies have largely concentrated on providing a negative critique of ideologies of consumerism and the supposed 'passivity' of commercial leisure, often juxtaposed to the supposedly more 'participatory' and

inclusive nature of public leisure provision” (p. 163). Despite Coalter’s (2000) call for re-assessment of the effects of consumerism, and by extension neo-liberalism, academic discussions on sport and leisure provision under neo-liberalism have been nonetheless dominated by a focus on this ‘negative critique’. For instance, Polistina (2007), using outdoor leisure as a site of analysis, suggests that neo-liberalism has impacted on the sustainability of resources and created a culture of corporate greed. Similarly, while acknowledging a positive economic outcome for increases in income and employment, Curry (2004) points out “the natural limitations of policies that treat the outdoors simply as a market place where people spend money” (p. 220). In terms of public accessibility, it is contended both by Thibault, Kikulis, and Frisby (2004) and Cureton and Frisby (2011) that market-driven principles focus largely on the demands of the middle and upper classes in order to generate greater revenue at the expense of affordable services and facilities for the lower class.

While the perils of neo-liberalism have been firmly established in the previous literature, Coalter’s re-assessment is worth re-considering. In contrast to the ‘negative critique’ of neo-liberalism, Coalter (1998, 2000) asserts that the private sector and commercial providers have a role in providing a wider range of facilities and, in turn, a greater forum through which to participate ‘actively’ and enhance social citizenship. Conversely, Coalter (2000) points out that public sector provision of community facilities assumes that every citizen *should* participate to utilise such facilities and does not accommodate the *choice to not* participate. In response to Coalter’s (1998) call for more research into “the complex nature of the processes and relationships involved in production, access, delivery and experience” (p. 33; see also Warde, 1992), an emerging strand of studies has begun to explore the practice and experience of social inclusion/exclusion through sport-based intervention programmes (e.g., Hartmann & Kwauk, 2011; Kelly, 2011; Spaaij, 2009). However, as these studies tend to focus on ‘programmes’ for social inclusion through sports, the provision of sport and leisure facilities and its process of development have remained under-examined. Therefore, there is a need to explore the specificity of community sports facility provision and regulation through which conditions of social inclusion/exclusion are shaped.

Provision of Sports Facilities under the Resource Management Act in New Zealand

The RMA is one of the two main statutes (the other is the Local Government Act) in New Zealand for the governance and management of land use development (Casey, 2015). The RMA outlines a number of planning functions including the need for a local authority to ensure that there is a district plan at all times. A district plan is required to outline objectives, policies and

rules to ensure the sustainable management of resources and generally include ‘planning maps’ that designate a variety of ‘land zones’ to assist in directing or restricting certain types of development – for instance, that of sport facilities. The RMA is also responsible for directing the need to obtain resource consent, which is required and assessed by local authorities when a proposed activity that involves the use of land contravenes any rule stated in a district plan (Casey, 2015). The resource consent process is considered to play an integral role not just in achieving the sustainable management goal of the Act but also in enabling “people and communities to provide for their social, economic, and cultural well-being and for their health and safety” (Resource Management Act 1991 s 5).

As shown in Figure 1 below, New Zealand’s resource consent process allows for development proposals to be ‘publicly notified’ by a local council (Hapuarachchi, Hughey & Rennie, 2016). Should a proposal reach the stage of public (or limited) notification, members of the community have the opportunity to submit in support or in opposition of a development, as well as being able to present their viewpoint at a public hearing.

Insert Figure 1 Here

Although Cheyne (2015) highlights how the inclusion of public participation processes in the RMA gained international recognitions upon its enactment, she acknowledges a number of perceived problems, which were also identified earlier by Parkinson (2004), including the public perception of public consultation as merely symbolic and the inefficiencies of the public participation process. While not perfect, the existence of a regulatory process under the RMA offers a unique perspective to the discourse of neo-liberal and commercial provision of sport facilities and their impacts on community and social citizenship. A number of scholars contend that the commercialisation of recreation and leisure has led to a loss of community and citizen connectedness (Arai & Pedlar, 2003; Crueton & Frisby, 2011; Forde, Lee, Mills, & Frisby, 2015; Reid, 2009). 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.” In this sense, it is important to pay attention to the role of the resource consent process, and public consultation in particular, in maintaining or enhancing the inclusive and participatory environment for planning of the facility development (Fortier & Gravelle, 2015; Scherer & Sam, 2008; Sklar, Aurty, & Anderson, 2014).

Methodology

This research deployed a case study approach and semi-structured interviews to allow for in-depth examination of the process of community sports facility development and the perspectives of the key actors involved. A case study focuses on providing a thorough description of a bounded case with a recognition that knowledge is context-specific (Stake, 2006; Yin, 2003). In addition to the interviews, it is noted that the research is also informed by the examination of legal documents such as the RMA and Local Government Act 2002 and professional documents such as statements of evidence and public submissions relating to the chosen case study. The name, location and specific nature of the facility were anonymised for ethical reasons, having agreed with the participants to maintain their anonymity. Therefore, a pseudonym has been provided for the case. The sports facility will hereby be referred to as the ‘Smiths Sports Facility’. Additionally, 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’.

For the semi-structured interviews, potential participants were purposefully selected as they had to withhold relevant knowledge and experience on a particular subject and could therefore contribute significantly to the research (Davidson & Tolich, 2003). In total, nine semi-structured interviews were undertaken during the months of July and August in 2016 at a variety of locations. As with the anonymity of the case itself, it has been agreed with the participants that their anonymity will also be maintained. 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 and gives readers an insight into the perspective from which the statement is coming. Honorifics (Mr or Ms) have been used to ensure the titles are personified. Table 1 provides the profiles and roles of the interviewees.

Insert Table 1 Here

The participants were also carefully chosen for balanced representations of different areas/roles – namely, private sector representatives, local government employees and resource management experts. As shown in Figure 3, the selected participants can be thus divided into these three separate pods.

Insert Figure 2 Here

Snowball sampling was also followed – the interviewees were asked to recommend any potential participants who could help out with the research (Amis, 2005). In this regard, we ensured that data were collected from almost all of the key players involved in the development of the Smiths Sports Facility. Each interview was between 20 and 40 minutes long. Following the recording of each interview, the digital file was transcribed and the transcripts were sent to the participants for confirmation, amendments and approval. 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. It then involved the coding of data by identifying a series of broad themes or patterns, which could then be categorised into a few main overarching themes (Creswell, 2014).

Results and Discussions

The Context of Smiths Sports Facility Development under the RMA

In New Zealand, provision of sport facilities has been dominated by the public sector. For instance, major multi-use facilities in New Zealand have been normally owned and operated by charitable trusts set up by the central or local governments (e.g., Eden Park Trust for Eden Park and Wellington Regional Stadium Trust for Westpac Stadium). Likewise, Sport New Zealand (2013) reports that indoor sport facilities were mostly provided by schools through the Ministry of Education (63%) and by local authorities (37%) with a notable exception of YMCA as a not-for-profit contributor. In Smiths ville, Mr Developer found that the majority of facilities provided by the Council for a sport of his passion 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 in constructing a purpose-built facility to encourage citizen participation in the sport in Smiths ville. The development and subsequent operation of the Smiths Sports Facility has, according to Mr Developer, resulted in the best programme for the sport especially “for kids under 12 in [Smiths ville].”

Mr Developer initiated the idea for a high quality sport facility in the 2010’s when he met with personnel at the Smiths ville Council and announced his desire to “invest up to 3 million [New Zealand dollars]” into the development of the sport facility. Mr Developer suggested that despite initial excitement amongst the Councillors at the local government, a year passed with

little communication from the Council on the offer. After giving up working with the Council, he began searching for suitable and available land to develop the facility in collaboration with the local sport governing body. However, he had little success and therefore decided to purchase his “own piece of land and try and build” the Smiths Sports Facility. Our interviews with the other key members involved in the issue revealed that what was at stake here was the ownership and control of a sport facility. For instance, Mr Consultant Planner acknowledged in relation to the Smiths Sports Facility that “the benefit of [owning his own site] was that he was in control of that land and it wasn’t subject to the constraints and processes you face with public land.” This confirms that a major motive of the private sector, especially small businesses, to remain in control of their business and property and to be void of responsibilities to the public through “constraints and processes” associated with the use of taxpayers or ratepayers’ money (Byers & Slack, 2001).

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’ on the outskirts of Smithsville which he purchased in anticipation of developing the facility. As with most other large-scale developments undertaken in New Zealand, the development of Smiths Sports Facility contravened a number of rules in the district plan, which was prepared by the local authorities and mandated by the RMA. Therefore, even though it is on his own land, Mr Developer was required to obtain resource consent for the development of a private sports facility (see Figure 1). Mr Developer was unfamiliar with the complex array of legislative requirements and formally engaged Mr Consultant Planner who, on behalf of Mr Developer, met with the local council on the matter, prepared a resource consent application for the proposal and submitted it to the local authority.

Following lodgement, the application was processed by Ms Council Planner on behalf of the Council. Ms Council Planner reviewed the application and subsequently undertook her own assessment of environmental effects to determine the potentially affected parties. Eventually, Mr Commissioner, acting on behalf of the local council, opted for ‘limited notification’ of the proposal. This required the developer to go through a public consultation process only with neighbours (thus, ‘limited’) who were likely to be affected by the development. More specifically, eight adjoining properties and two relevant public agencies were provided with the opportunity to submit in support or opposition of the development. The issue here relates to equitable access and affordability of a sport facility (Cureton & Frisby, 2011; Thibault, Kikulis, & Frisby, 2004). As the proposed Smiths Sports Facility was going to be fully owned and controlled by Mr Developer, there was no requirement for him to ensure that the facility remains

affordable for all social classes in the community. However, what the resource consent process required him was to ensure that the sustainable use of resources and community well-being were maintained under the proposed development.

During the consultation process, Mr Developer had a chance to discuss the development with the affected parties and modify the proposal accordingly to avoid it from moving further to a public hearing. While Mr Developer was able to appease the majority of his neighbours' concerns (as indicated by the five neighbours who provided written approval for the proposal), one neighbour submitted in opposition with respect to the size of the proposed development and the resultant effects on the character of the surrounding area. Hence, a resource consent hearing was required and commenced. Mr Developer engaged Mr Lawyer to act on his behalf at the hearing as well as Mr Consultant Planner (along with a traffic and environmental health expert) to provide expert evidence in support of the development. Ms Council Planner prepared an evaluation report on behalf of the Council prior to the hearing, which noted conditional support for the development, and then presented supportive evidence at the hearing. Evidence was also presented on behalf of the submitter in opposition.

During the following month, Mr Commissioner made a decision to grant resource consent. However, Mr Commissioner imposed a total of 54 conditions on the resource consent, relating to a broad array of matters that, in his view, should be controlled in order to reduce the potential for environmental effects from the development. Included in the list of conditions were controls relating to vehicle access design, landscaping on the site, noise and light management at the facility and the use of the clubrooms. Following the granting of consent, the opportunity arose for an appeal to the Environment Court over the decision either by the submitter in opposition or by Mr Developer over the resource consent conditions that had been imposed. This would have added significantly greater costs and time delays to the development and may have potentially resulted in the original decision being overturned on a point of law. However, as there were no subsequent appeals from the submitter or Mr Developer, the facility was finally permitted to be built in compliance with these conditions.

RMA and Its Functions for 'Checks and Balances' of Private Provision

While New Zealand is said to have shifted to neo-liberal policies, the context of Smiths Sports Facility development was found to be highly regulated, restrictive to the private sector and protected from competition with high barriers to new entrants. Our interviews with the practitioners revealed that the national legislation was viewed both positively and negatively. On the positive side, the majority of the participants acknowledged the need for a regulatory process

ensuring that development was controlled to avoid or mitigate any potential adverse effects of the development. For instance, Mr Expert Planner 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.” In addition, a number of the participants made comments on the ways in which the resource consent process allows examination of resultant social and economic benefits for the receiving community balanced against potential adverse environmental effects. As acknowledged by both Ms Council Planner and Mr Commissioner, in the case of the Smiths Sports Facility, the potential social benefits of the development for the community was taken into account when they made their decisions to support granting the resource consent. This unanimous voice across the developer, the Council and the resource management experts demonstrates the extent to which the regulation, in this case resource consent process, is unequivocally supported as it ensures that there are ‘checks and balances’ for development of private sports facilities.

Another important aspect in maintaining or even enhancing community-based values is citizen engagement in the development of public infrastructure (Sklar et al., 2014). This was also supported by the RMA and manifested during the resource consent process for the Smiths Sports Facility. The process was viewed favourably from all the participants. Mr Lawyer offered his view confirming 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.

In addition, evidence shows the public participation process to be a useful forum through which potential issues of a development could be prospectively identified and then resolved or mitigated. The case of the Smiths Sports Facility provided a good example whereby a number of concerns raised by neighbours were dealt with through consent conditions, or changes to the proposal, prior to consent being granted. Mr Developer and Mr Lawyer’s effort in public engagement was recognised by the Council as Ms Council Planner agreed that the majority of concerns from the other neighbours “were effectively dealt with through some agreed conditions.” Mr Developer also shared in the interview a story about the current situation with the neighbour who originally submitted in opposition. When asked whether the neighbour now accepts those restrictions as being adequate, 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 and citizen engagement in building a stronger and well-connected community through the planning and development of

community sports facilities – a point which was advocated by Sklar et al. (2014) and Fortier and Gravelle (2015). In other words, without the enforced engagement with the public by the RMA, private provision under neo-liberalism could easily lead to the erosion of community connectedness as critiqued by Arai and Pedlar (2003), Reid (2009) and Forde et al. (2015).

Despite the agreement amongst the participants that the public submission and hearing process are important, they also acknowledged associated challenges that can arise from it, particularly for the private sector and commercial developers. For instance, Mr Expert Planner pointed out that public notification could lead to risks of failing the development 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.” He furthered this point by explaining that once an application is notified for public submission, it is the developer who incurs all of the costs of a hearing. Moreover, the participants also voiced that the RMA was not conducive to enhancing social citizenship and community building as it is viewed as too restrictive to the private sector and commercial providers who can potentially contribute – a point which is advocated by Coalter (1998, 2000) and further explored below.

RMA and Its Impediments to Philanthropic Community Developments

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. While philanthropic interests are likely to be generated for multiple, often mixed reasons (Bekkers & Pamala, 2011), Mr Developer made it particularly clear in the interview 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 the community, it’s absolutely the case.” According to Mr Council Sport Manager, the private sector has a role to play in the context of sports facility development in New Zealand. Furthermore, it was shared among Mr Council Sport Manager, Mr Councillor and Ms Council Policy Planner that, when determining the needs of any facilities, the Council firstly reviews Smiths’ ‘network’ of existing sports facilities in order to identify ‘gaps’ in provision. These gaps could be filled by either the private or public sector. On this point, Mr Councillor offered an 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.”

The public actors' shared understanding of the apparent limit in public provision and the necessary role of private sector in providing sports facilities aligns well with Coalter's (2000) proposal that "we need to explore new, emerging, modes of inclusion (which paradoxically may be individual and 'privatised')" (p. 175). More specifically, in contrast to the ways in which the public sector is generally obliged to provide shared, multi-sports facilities, a number of the participants described that the private sector has the ability to *specialise* in the provision of a facility or programme for a specific sport. This was best captured by Mr Developer's comment that the "main purpose for building the [Smiths Sports Facility] was to provide [the sport] all year round." According to Mr Councillor, such purpose-built specialist facilities were often "set up by people who just love the game and are investing back into the game." Thus, the level of flexibility, independence and specialist knowledge that the private sector can provide was apparently valued amongst the participants when comparing to perceived weaknesses of the public sector's provision with respect to 'beauracracy', 'lack of accountability' and 'non-responsiveness' (Coalter, 2000; Sam, 2009).

However, Mr Council Sport Manager acknowledged that there are limitations for the private sector's provision: "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." Mr Lawyer, Mr Councillor and Ms Council Planner provided weight to this argument by confirming that private developments of sports facilities were very rare in New Zealand. A number of the participants recognised that the most prominent issue was the significant cost associated with the resource consenting process. Mr Council Sport Manager described the difficulties faced by private developers with philanthropic intents:

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.

Similarly, Mr Consultant Planner offered his view: "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.'" 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.” Nonetheless, the majority of the participants agreed that the resource consent process, and its associated costs, in part served to deter both private and philanthropic developments of facilities that could enhance community engagement and social citizenship.

Conclusion

Despite much scholarly concern for the effects of de-regulation and privatisation in neo-liberal New Zealand, the realities of local practitioners and developers in a highly regulated environment under the RMA contrasted sharply with the premises of neo-liberalism. More specifically, the case of Smiths Sports Facility demonstrated that the RMA played a key role in regulating and controlling the private sector’s development of sports facility and mitigating their potential negative impacts through the resource consent process. For example, Mr Developer was somewhat restricted in choosing a site for the facility to be built through the ‘land zone’ policy while the built form of the facility was largely controlled through the resource consent process. In turn, the resource consent application was followed by public notification (‘limited notification’), a submission in opposition and then a hearing through which Mr Developer worked with Mr Lawyer and Mr Consultant Planner to respond to neighbours’ concerns and amend the development proposal accordingly. Interestingly, there was a shared recognition of potential pitfalls of a ‘free market’ approach and therefore a chorus of support amongst the interviewees for the function of the resource consent process in regulating sports facility development and facilitating public input through consultation. Such a legislatively mandated process of public engagement was considered by the practitioners to be ‘the best means available’ through which democratic citizen engagement is achieved and enhanced (Fortier & Gravelle, 2015; Sklar et al., 2014). Thus, it is inferred that legally enforced dialogues between the developer and the members of the public within the planning process – through public submission and hearing – served as a key part in ensuring potential benefits of the facility to the community. In this sense, the functions of the RMA, and the resource consent process in particular, in creating and enforcing the dialogues have been supported in a manner that addressed scholarly concerns for the erosion of community values and connectedness under the neo-liberal development of sport facilities (Arai & Pedlar, 2003; Cruetton & Frisby, 2011; Forde, Lee, Mills, & Frisby, 2015; Reid, 2009).

Furthermore, the case supports Coalter's (1998, 2000) assertion that the private sector and commercial developers can play certain roles in enhancing social citizenship and community development through the provision of sports facilities and services. In particular, a number of the public actors who were interviewed including Mr Council Sport Manager noted that the private sector was, and had been, able to fill 'gaps' in public provision by providing *specialist* sports services and programmes in response to the needs of particular groups and communities. While the private sector's developments may vary in scale (individual business person or transnational corporation) and intent (philanthropic or for-profit), it was largely acknowledged by the interviewees that the resource consent process under the RMA could deter both private and philanthropic developments and their possible resultant benefits to communities and social citizenship due to its costly, restrictive and undifferentiated nature. However, it is important to note that while it was agreed amongst the participants that the Smiths Sports Facility was primarily a philanthropic venture for the good of the community, the issues of social inclusion, public accessibility and affordability were not centrally addressed within this context of the planning and development. As the RMA is a legislation essentially for sustainable management of resources, it has no power in requiring the private sector to ensure that the facility remains accessible and affordable to all social classes or to collaboratively work with local authorities for purposes of increasing public values of the facility.

Given the RMA is a national legislation, it is likely that this regulative environment is not unique to Smithsville but applicable to New Zealand more widely. Nevertheless, as a single case study is not meant to be conclusive on its own (Yin, 2003), there is a need for future studies to look into the *specificities* in provision of sports facilities including *effects* of nation-specific legislations as well as *practice* and *experience* of those who are involved in the planning and provision. In addition, as this study only focuses on the planning stage of facility provision under the RMA, future research benefits from examining actual, as opposed potential, benefits of community sports facilities as perceived by members of the community.

Notes

¹ 'Local authorities' are regional, district or city councils as defined in Section 2 of the RMA.

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