LOVE THY NEIGHBOUR:

MANAGING THE NOT-IN-MY-BACKYARD SYNDROME IN NEW ZEALAND

Love Thy Neighbour:
Managing the Not-In-My-Backyard Syndrome in New Zealand

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Thou shalt love thy neighbour as thyself.
~ Saint Matthew ch.19, v.19 ~

Christianity teaches us to love our neighbour as ourself;
modern society acknowledges no neighbour.
~ Benjamin Disraeli ~

ABSTRACT

The thesis is an investigation of the not-in-my-backyard (NIMBY) syndrome. It comparatively analyses New Zealand's past and present planning regimes, examining how the *Resource Management Act 1991 (RMA)* has influenced the management of the NIMBY syndrome in New Zealand.

The *RMA* provides for a planning environment that is less centralised and less prescriptive than its predecessor, the *Town and Country Planning Act 1977 (T&CPA).* Resource management planning is more streamlined, with an effects-based regime replacing the activities-based approach of the *T&CPA*. The thesis focuses on the local government context, within which most NIMBY conflicts are addressed. Addressing NIMBY disputes in this environment encompasses many issues: public interest, NIMBY sentiment, institutional directives and political decision-making to name a few. Managing NIMBYS involves more than implementing mechanisms to address conflict; spatial, political and institutional issues must be balanced.

The thesis uses several methods to gather information relevant to the research problem. An extensive literature review provides a conceptual overview of the NIMBY phenomenon and establishes a base for interpreting empirical results. Four case studies are investigated, exploring two NIMBY issues: landfill sites and community care facilities. An example of each NIMBY issue is studied under the past and present planning regimes. Semi-structured interviews with key players in each NIMBY case were the principal means for gathering information relevant to the case studies. Additionally, interviews were conducted with planning consultants and local government planners independent of the cases, to provide more general insights. The technique of pattern-matching was used to analyse empirical evidence in light of theoretical perspectives.

The thesis reached a number of conclusions. The *RMA* provides greater scope for implementing initiatives to deal with land use conflict. However, the full flexibility the *RMA* offers is not being realised in local government planning. The *RMA* increases opportunities for public participation in decision-making. Pre-hearing meetings and dispute resolution techniques have considerable potential in managing NIMBY conflict. Yet, the cases show that local government planners have been slow to implement these measures.

The use of non-statutory techniques for dealing with NIMBY disputes is low. Evidence indicates a heavy reliance on statutory mechanisms. NIMBY conflict is approached in accordance with 'safe' statutory and institutional parameters. As a result, the same pattern of community representation is evident under both regimes; those groups who lobby the loudest are most prevalent in the decision-making process.

The shift from a prescriptive planning regime based on certainty, to one of less certainty and increased flexibility has affected the management of NIMBYS. Prolific use of zoning, as a means of determining the spatial form of a region, was evident under the *T&CPA*. Although a blunt instrument, zoning provided certainty regarding land use activities. The effects-based framework in the *RMA* encourages more performance-based controls which establish appropriate environmental standards. Managing NIMBY conflict requires an approach which draws on a broad range of techniques on the part of planners and local government decision-makers. The thesis indicates that techniques *beyond* the application of statute are demanded in most NIMBY disputes

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CHAPTER ONE
INTRODUCTION

In the mid 1980s, sweeping reforms of New Zealand's public sector were undertaken by the newly elected Fourth Labour Government. This new direction was underpinned by the New Right vision of "less government in business, more business in government" (Mascarenhas, 1982, 42). The New Right ideology advocated reduced government intervention in local concerns, free market principles, the adoption of user-pays and the rights of individuals and communities to maximise their choices (Ericksen et al, 1995). The reform of planning and resource use legislation was one of many radical reforms carried out during this period; the state sector, the economy, and local and regional government also experienced restructuring. The culmination of the reform of planning and resource use legislation was heralded by the enactment of the *Resource Management Act (RMA)* in 1991.

The *RMA* devolves responsibility for resource management to the local level (viz regional councils and territorial authorities). This is a radical departure from the legislation it replaced; the *Town and Country Planning Act 1977 (T&CPA)* defined a regime that was more prescriptive, with considerable central government intervention. The philosophy of the *RMA* deliberately places an onus on local authorities to make decisions affecting their area, and plan for sustainable management of their natural and physical resources. Coupled with a shift from centralised to local decision-making, the *RMA* endeavours to *streamline* the way New Zealand's resources are managed. Providing an integrated focus to resource management, promoting an effects-based regime, and encouraging flexibility and innovation in approach are measures intended to streamline and rationalise procedures for decision-making in environmental planning.

The thesis aims to determine whether the reform of planning and resource use legislation has procured a change in the way land use conflict is managed. It is the difference in approach to land use conflict between the past and present planning regimes that is

central to this investigation. A comparison of both planning regimes will provide insights as to whether the reform has given rise to an improved context in which to address land use conflict.

The thesis focuses on a particular form of land use conflict: NIMBYS (not-in-my-backyard syndrome). NIMBYS presents itself as a complex construct. The straight forward sentiment 'not-in-my-backyard' is deceptively simple. Discord between parties, locational contention and the over-arching institutional context interrelate in the NIMBY classification. Thus, a NIMBY case may be more complex than it appears, encompassing social, spatial and institutional elements.

The thesis deals, in particular, with NIMBYS addressed in the local government context. Most NIMBY disputes are dealt with through local authorities, and as such form an everyday part of land use decision-making (Dear, 1992). This operating milieu, defined by functions, powers and duties set out in statute, form the context within which planners must make recommendations regarding land use. Day to day implementation of local government policies and plans provides a framework for consultation and conflict resolution.

Local government responsibility for environmental management was a key area addressed by the reform of planning and resource use legislation. Under the resource management regime, local authorities must provide solutions to local problems and deal with consequential environmental outcomes. The implicit assumption is that local councils will be willing to comply with a national mandate if the administration of their area is at their own discretion. As such, the *RMA* can be seen as a cooperative mandate (Ericksen et al, 1995). Under this mandate central government acts as a facilitator, enhancing local government interest toward achieving higher level policy goals, and improving their capacity and capabilities to meet this end (ibid).

The *RMA* concentrates on providing a framework for the management of effects of human activities on the environment rather than the activities themselves (as was the intent of the *T&CPA*). In practice, this means that particular activities should not be

treated any differently from others with similar effects on the environment. The fact that an effects-based planning regime is implemented at the local level means individuals and communities must internalise the costs of their decisions; the *RMA* is a law that focuses on the management of externalities.

The *T&CPA* was heavily criticised as being too prescriptive. In response, the *RMA* provides a clear structure of planning instruments and processes through a hierarchy of plans and policy statements, however, there is little prescription beyond this. The *RMA* is procedurally strong and substantively moderate, compared to the *T&CPA* which could be characterised as being "overly prescriptive, particularly in terms of substance" (Ericksen et al, 1995, 3). The hierarchy of plans and policy statements "is based on the assumption that decisions should be made as close as possible to the appropriate level of community of interest where the effects and benefits accrue" (Memon, 1993, 95). This may be described as a relative empowerment of the local level when compared to the past regime, however this power is not exclusive or peremptory. Whenever a local council is obliged to make known the reasons for a decision on an objective, policy, rule or method, they have to make their reasoning explicit. This reflects a requirement, established by the reforms, to increase accountability and transparency in decision-making.

The *RMA* is a framework, "it is essentially a planning instrument, not an operational code" (Memon and Gleeson, 1995, 117). As such, it is up to individual councils as to how they flesh it out. They are free to develop their own approaches contingent to the circumstances of the area; there is an expectation of spatial variation in problems and management styles.

The *RMA* represents a shift in legislative style in the management of New Zealand's resources. The *RMA's* capacity as a cooperative mandate and its intent to streamline the way resources are managed will affect decision-making and environmental outcomes. There was an expectation that the *RMA* would bring about significant changes to the *approach* of managing New Zealand's environment; the thesis will test this expectation in terms of the management of land use conflict, namely NIMBYS.

THESIS AIM, OBJECTIVES AND RESEARCH QUESTIONS

The overriding aim of the thesis is to address the following problem:

How has the Resource Management Act 1991 influenced the practice of addressing the NIMBY syndrome in New Zealand?

The purpose of this research is to understand whether or not NIMBYS are dealt with differently from the pre 1990s planning regime to the current planning regime. In answering this problem, three objectives have been developed, with corresponding research questions to guide the study.

OBJECTIVE 1:

To understand the concepts that underpin the NIMBYS characterisation.

RESEARCH QUESTIONS:

- What is an appropriate interpretation of the NIMBY syndrome?
- What are the characteristics of NIMBYS?
- What are the impacts of NIMBYS?
- What are the characteristics of those who suffer from NIMBYS?
- What are the reactions of those with NIMBYS?
- How are NIMBYS interpreted in local government by policy and planning criteria?

OBJECTIVE 2:

To investigate the involvement of the local government planner in responding to NIMBY disputes.

RESEARCH QUESTIONS:

- How do local government planners perceive NIMBYS?
- How do local government planners approach NIMBY conflicts?
- Are there institutional constraints that influence how local government planners approach NIMBY conflicts?

OBJECTIVE 3:

To identify past and present mechanisms used in alleviating NIMBY conflict.

RESEARCH QUESTIONS:

What statutory and non-statutory mechanisms for addressing NIMBY disputes were available prior to the enactment of the *RMA*?

What statutory and non-statutory mechanisms for addressing NIMBY disputes are available under the *RMA*?

Have the range of approaches used in addressing NIMBYS changed as a result of the reform of planning and resource use legislation?

ORGANISATION OF THE THESIS

The thesis is separated into five major chapters. Chapter two sets the broad research context. It examines the conceptual foundations that are formative for the NIMBY syndrome. A review of literature concerning NIMBYS provides an explanation of the issues inherent in the NIMBY phenomenon. The chapter begins by exploring the origins of land use conflict, specifically the NIMBY syndrome, and includes a detailed discussion on the formative elements of NIMBYS. Secondly, questions of community response and the forces that give rise to NIMBYS are addressed. This includes discussion on public risk perceptions, values and a range of potential factors that influence a NIMBY situation. Finally, an outline of the main approaches and mechanisms advocated in academic literature for implementation in avoiding, remedying and mitigating NIMBYS is provided.

Chapter three outlines the research design and methodology. Methods of gathering and analysing information necessary to answer the research questions are outlined. The practical research component of the thesis is presented in chapter three, by introducing specific case studies. Case studies are used as a means to analyse comparatively mechanisms and approaches used under the past and present planning regimes. The four case studies chosen investigate two types of NIMBY problem: community care facilities and landfill sites. An example of each of these is explored under the past planning regime

and example of each under the present regime. The Mount Wellington Landfill proposal and a day care centre for alzheimers patients in Palmerston North provide studies under the town and country planning regime. Hiwinui Landfill proposal and an emergency home in Paraparaumu provide examples under the resource management regime.

Chapter four presents findings from the interviews with key players in each case study. Each case is examined in turn, under a series of six headings. These findings outline the influence of the planning process in the dispute, the mechanisms used and constraints felt in the attempted alleviation of each dispute, and decision-making issues.

Chapter five synthesises and interprets findings in the context of the academic research presented in chapter two and information gathered from interviews with planning professionals (consultants and local government planners) independent of the case studies. Analysis begins with commentary on the perception of NIMBYS and the influence this has on the way conflict is addressed. Following this, the management of NIMBYS in New Zealand is examined under three headings: planning process, planning practice and institutional considerations.

Chapter six concludes the thesis by reflecting on key research findings. It revisits the research problem in light of the findings made and comments on the appropriateness of research approaches used in the thesis. Chapter six also suggests potential areas for future research that have arisen during the course of the study, and as a result of findings.

CHAPTER TWO
NIMBYS: A CONCEPTUAL OVERVIEW

Chapter two provides an overview of NIMBYS through an examination of the conceptual issues that underpin the NIMBY characterisation. The chapter begins by introducing NIMBYS as an issue in contemporary planning. Following this, the origins and formative elements of the NIMBY syndrome are explored. Discussion concerning community response forms a significant part of chapter two; values, perceptions, beliefs and other characteristics are detailed in terms of their influence in a NIMBY debate. The chapter concludes with an outline of approaches and mechanisms advocated in the literature as effective in alleviating a NIMBY situation.

Current literature examining and interpreting the NIMBY syndrome is dominated by the pioneering research of Michael Dear. Dear (1992) describes the NIMBY phenomenon as a *chaotic concept*; and indeed the literature to date on NIMBYS reinforces this sentiment. The work of Dear (and his collaborators) is primarily concentrated in the area of human services planning. Their research into the siting of community care facilities is extensive. Studying in the North American context (which has experienced nearly four decades of deinstitutionalisation of health care services), Dear's work is becoming more applicable in the New Zealand environment, which is still grappling with the effects of reduced central government intervention in the area of community care. Dear's research provides an important set of concepts which can inform further analysis of NIMBYS as a particular form of urban land use conflict, particularly in the area of community response, attitudes and behaviour.

NIMBYS IN CONTEMPORARY PLANNING

Land use conflict is not a contemporary phenomenon. Ever since people were granted ownership over land (and resources) and rights therewith, the use of space adjacent to their own has been the subject of contention. Studies of nineteenth century locational conflict in Worcester concluded that the number of conflicts per capita each year was essentially the same in the 1970s as in the 1870s, the only difference being the *types* of

land uses subject to conflict (Lake, 1993, 88). Conflict over the use of land is an age-old phenomenon, however, there appears to be a resurgence of interest (in both literature and practice) in the NIMBY syndrome.

One explanation for the rise in the NIMBY phenomenon can be attributed to the recent deinstitutionalisation of community care. Communities are increasingly expected to act as a host group for human service facilities, a demand which has traditionally been excluded from society in general (Dear and Taylor, 1982). Human service facilities are evident in many forms: drug rehabilitation centres, criminal-treatment centres, homes for the intellectually handicapped, to name a few. The advent of deinstitutionalisation goes part way in accounting for the current focus, but it only rationalises the increase in NIMBYS that relate to human service facility location.

A second dominant focus for research into NIMBYS is the siting of hazardous waste facilities. Plotkin (1987, 2) comments that traditionally the siting of noxious facilities followed "paths of least resistance", where people did not have the *power* to pull in the welcome mat. However, he has observed that since the 1960s, in the North American context, the less well off have begun to close their doors successfully in the interest of community protection and preservation. This 'success' has been facilitated by an apparent empowerment of the people (Clark et al, 1992; Plotkin, 1987). Similarly, a shift in emphasis from centralised to decentralised decision-making in New Zealand has given local communities a greater opportunity to participate in decisions affecting their area.

Gleeson and Memon (1994, 105) acknowledge a need for research into NIMBYS and the role of the local government planner in New Zealand; they note "the specific difficulties which municipal planners face in such land use conflicts have received little attention". And indeed in the majority of cases the local government planner has been largely ignored in NIMBYS literature (whether it be New Zealand-based or overseas research), the notable exception is Buchan (1992). 'Service operators', 'service planners', the 'host community' and 'facility users' are mentioned prolifically, with little recognition of the local government planner's involvement.

ORIGINS OF NIMBYS

The origin of NIMBYS is generally acknowledged in the literature to be an outcome of the form and nature of the urban environment, that is, the conflict that takes place as a consequence of this arrangement. This interpretation implies that the origin of NIMBYS is based on the origin of the broader classification of land use conflict. This section explores the land use conflict origin of NIMBYS and alternative origins advocated by some researchers. Plotkin (1987) alleges that NIMBYS are a product of the political paradigm of capitalism. Other authors express a more procedural interpretation of the origin of the NIMBY syndrome, that is, as a direct outcome of planning strategies. In addition to examining the origins of NIMBYS, this section explores the formative elements that contribute to the NIMBY response.

LAND USE CONFLICT

"Urban land, viewed as a system of differential locational effects, is produced as the joint output of all land users collectively" (Dear and Scott, 1981, 11). Dear and Scott assert that the main reason cities are created at the outset is that differential locational effects are, on the whole, highly beneficial. Not all land use types are in conflict, in fact many complement one another. But obviously, where there are competing uses or uses that are not complementary, discord will result, and it is this discord that gives rise to conflict, hence the NIMBY syndrome.

The urban environment is essentially an expression of social process and spatial form. "Space making...is an altogether human process, a fundamental means of organising people, power, and places" (Plotkin, 1987, 43). Debate regarding the precise relationship between social process and spatial form has been the focus of extensive research in the social sciences. The outcome of the relationship between these elements, as expressed in an urban setting, provides the context that will encourage or discourage NIMBY debate.

Further to this suggestion, Buchan (1992, 13) acknowledges that there are developments which, because of our lifestyles and settlement structures, must inevitably be located in residential areas "even though they can be clearly seen as detrimental to the life quality of nearby residents". This suggests that the infrastructure requirements of a city, such as major roading networks, may attract debate in the form of NIMBYS and not just land use proposals that are of little benefit to the population at large.

CAPITALISM

More specific than simply the urban setting, Plotkin (1987) attributes the origin of NIMBYS to the political paradigm of capitalism. "The history of land use conflict is a long-running reflection of general capitalist forces in painful opposition" (Plotkin, 1987, 9). Plotkin asserts that the whole organisation of capitalism rests on the twin forces of *expansion* and *exclusion*, and that exclusion is capitalism's primary social condition. The 'expansion exclusion' ideology suggests that profit is expanded by dividing, separating and excluding people from one another along many social lines, most profoundly those of class. However, capital also has the power to unite all the members of society in common allegiance to the value of undifferentiated private property. Private property is therefore the condition and the limit of capital accumulation. "By looking at the struggles of exclusion and expansion in land use, we can see how capitalism is really a system of private power in motion and at rest, all at once" (Plotkin, 1987, 229).

PLANNING PROCESS

Buchan (1992) and Kemp (1990) attribute the origin of NIMBYS to planning strategies that attempt to avoid community conflict over locational decisions by seeking out 'uncontested' sites for controversial facilities. This is a contemporary view, and would perhaps be more accurate if it stated that the *increase* in land use conflict and the NIMBYS phenomenon is the result of site selection criteria (as Fort et al, 1993 acknowledge). After all, land use conflict has been a contentious issue for a long time, long before local councils had planning strategies.

FORMATIVE ELEMENTS OF THE NIMBY SYNDROME

Each NIMBY claim has formative elements that characterise it as uniquely 'NIMBY' conflict. The sentiment 'not-in-my-backyard' is *reactive*. The factors that give rise to a NIMBY reaction reflect the syndrome's formative elements. Research on NIMBYS highlights differing perspectives regarding the elements which form the NIMBY syndrome. Each perspective has a set of assumptions about social, spatial and institutional systems.

SELFISH LOCAL PAROCHIALISM

The view that NIMBYS is based on a foundation of selfish local parochialism rests on twin assumptions:

- facilities (the subject of opposition) are a necessary societal benefit, and;
- selfish local parochialism prevents the realisation of this societal good.

Selfish local parochialism is acknowledged in the literature as the most prolific in terms of public understanding of what underpins a NIMBY dispute. "In the NIMBY framework, selfish parochialism generates locational conflict that prevents attainment of societal goals" (Lake, 1993, 87). Buchan (1992, 12) believes that "in the world of resource use planning, the term 'nimbys' is synonymous with bigotry, prejudice, selfishness, sensationalism, obstruction and extra costs". "We have reached a stage of participatory democracy where almost everyone in the society can say "no", but no one can say "yes" (Schlesinger in Plotkin, 1987, 30).

Dear (1992, 288) describes NIMBYS as "the motivation of residents who want to protect their turf". A self-centred protectionist attitude is evident in this description when read in accordance with the assumptions of selfish local parochialism. The ability to protect one's turf necessarily assumes a position of power.

> ... space is not a given; it is made. When people build their environments and mark boundaries, they make space as well as fill it. By constructing and defining claims to space by specifying who is in and who is out, the

> producers of space both reflect and distribute power over land and people (Plotkin, 1987, 43).

It is this power in conjunction with a protectionist attitude that gives rise to the commonly held impression of what motivates opposition to a locally unwanted land use; "private property is nothing if not the right to exclude" (Bowles and Gintis *in* Plotkin, 1987, 9).

"There is one universal factor in all NIMBY conflicts: geographical proximity" (Dear, 1992, 291). The 'backyard' assumption of the NIMBY acronym suggests the closer residents are to an unwanted facility, the more likely they are to oppose it. Geographical proximity is fundamental to the view that selfish local parochialism is a formative element of NIMBYS. However, other interpretations of what underpins the NIMBY response endorse a view that concern is broader than simply one's immediate backyard.

AN OBJECTION TO CAPITALIST PROFIT

A number of researchers believe NIMBYS is based on an objection to capitalist profit (Heiman, 1990; Lake, 1993; Lake and Disch, 1992; Plotkin, 1987). In this interpretation a large weighting is placed on the political environment, a power *external* to those who exhibit the NIMBY syndrome. This view disregards the selfish local parochialism and geographic proximity assumptions, and questions the nature of societal needs. Lake (1993) and Lake and Disch (1992) argue that facilities (which give rise to NIMBYS) are not needed by society but rather by capital, and by a state striving to reproduce the capital-labour relationship.

> [T]he basic assumptions of hazardous waste regulation define the hazardous waste problem as a locational problem confronting the state, rather than an investment problem for capital, and that local opposition to hazardous waste facility siting is a reaction against these basic assumptions (Lake and Disch, 1992, 663).

Heiman (1990) advocates a not-in-*anybody's*-backyard critique, asserting that parochialism, proximity and social desirability are not formative to the NIMBY syndrome. Consistent with Lake (1993), Heiman questions the very need for the

facilities that arouse opposition. He challenges the conception that hazardous waste management is primarily a siting problem. "Far from being a site-specific locational problem, local resistance to facility siting actually derives from the social relations defining our mode of production" (Heiman, 1990, 361).

A CONVENIENT ATTRIBUTION OF MOTIVE

The view that rejects the NIMBY acronym as a convenient attribution of motive, masking the 'real' formative elements of land use conflict, is based on two considerations. Some researchers believe the acronym disguises the 'real' forces motivating land use conflict, others see land use disputes as a direct consequence of the planning process, and external blame through NIMBYS provides a scapegoat for shortcomings in the process.

> At worst, the (NIMBY) concept disguises the real controlling forces of environmental policy making which set the boundaries and rules of 'acceptable' public debate around what has current political and technical consensus and to the exclusion of more radical alternative situations (Kemp, 1990, 1246).

Kemp (1990, 1239) argues that the NIMBY characterisation is applied too readily, and disguises a more fundamental range of technical, environmental, and socioeconomic concerns, "[t]he NIMBY concept should therefore be rejected as distorting and unhelpful". He believes, as many of the authors acknowledge, the NIMBY label assumes an implicitly selfish, ill-informed and negative opposition. But Kemp goes further to suggest that the concept be rejected. "What is needed is a much more careful analysis of why people perceive the local disposal of waste as unacceptable" (Kemp, 1990, 1242). He advocates a need to move away from the NIMBY characterisation in order to expose key influences on public attitudes. He believes this move would facilitate the examination of the relationship between public expressions of opposition and the processes of political power. The result would see a clearer understanding of public concerns, as well as their form and structure, and in doing so would benefit environmental policy making.

Kemp (1990) also observes that outright opposition to proposals in the management of radioactive waste tends to be primarily reactive, in that opposition is responsive to (and structured by) existing policy and planning characteristics. Buchan (1992) advocates a similar view, believing NIMBYS to be a direct outcome of poor planning process.

Buchan (1992) believes that the general attitude of planners (and councillors) is that people who demonstrate the NIMBY syndrome are dangerous and should not be encouraged. She argues that this attitude manifests in a behavioural response which ensures extra costs are contained, by way of the land use provisions in District Plans.

> Nimby disputes are situations which more often than not we as planners create - because of a lack of belief in the willingness of people to cooperate, lack of training in consultation skills, and even at times professional arrogance (Buchan, 1992, 12).

Buchan believes the root cause of the so-called NIMBY syndrome includes:

- lack of information,
- feelings of powerlessness arising from inadequate consultation,
- lack of confidence in the ability or integrity of decision-makers; and,
- lack of trust in the systems proposed for managing and monitoring the operations.

As formative elements of the NIMBY syndrome, the views outlined are all credible. In fact, a particular NIMBY predicament may realise a combination of elements. The discussion highlights a danger in assuming that the commonly expressed view is the right one, or the only one. All NIMBYS literature considered disagreed that selfish local parochialism underpins the NIMBY syndrome. Many authors acknowledged it as a widespread interpretation, but argued differently within the terms of their own research.

COMMUNITY RESPONSE

Regardless of the formative elements of the NIMBY syndrome, the *degree* of conflict rests on the attitudes and responses of the community. It is imperative that key players involved in the NIMBY contest gain an appreciable understanding of community

attitudes in order to elucidate and overcome NIMBYS effectively. "[R]egardless of the strategy adopted, the planner is considerably aided in any decision by a knowledge of the likely community response to proposed facility locations and of the factors affecting those responses" (Dear and Taylor, 1982, 2-3). This section introduces the complexities of community response and reactions to locally unwanted land uses. Discussion begins by focusing on perception of public risk and the relevance of perceived and actual effects in NIMBY claims. Values associated with groups in society are explained and the pattern and nature of opposition arguments outlined. Factors that influence community attitudes are described, and finally the information presented in this section is illustrated schematically to highlight the synergistic nature of community response.

There is a paradox inherent in community response. "Generally positive community feelings undergo a rapid mutation when confronted by geographically proximate noxious facilities" (Dear and Gleeson, 1991, 172). Dear and Gleeson note a general community wide support for programmes to assist the homeless (often suggested by the media, and shown through a willingness to spend taxpayer dollars). In recognising this supportive sentiment, they also detect a site-specific opposition to programmes in many locations. This paradox is evident in the *bounds of public opinion* (Dear and Taylor, 1982):

- residents sympathise *in principle* to community care facilities rather than institutionalisation; and
- residents are resistant *in practice* to a facility in their immediate neighbourhood.

Similarly, residents are supportive (in principle) to services such as highways and landfill sites, but do not want them in the backyard. Notably not all NIMBY cases exhibit this anomaly in community response; objection to hazardous waste plants may be in principle as well as practice.

PERCEPTION OF PUBLIC RISK

Contrary to popular belief, it is often not the *actual* effects of a controversial facility, but *perceived* threats that result in a NIMBY claim. Perceived threats are concerns that may or may not actualise, but are still legitimate social impacts and as such should be included in any comprehensive assessment of effects on a community.

It is critical that accurate predictions are made of the impacts of public risk perceptions. Fort et al (1993, 187) state that policy analysts can judge public perceptions in three ways:

- uniformed and biased (ignoring perceptions in a paternalistic way),
- uniformed and biased (educating perspectives toward a chosen paradigm), or;
- sincere and efficient (incorporating perceptions explicitly into benefit-cost analyses).

Fort et al (1993, 185) believe disagreements between experts and the lay public arise because each focuses upon different dimensions of risk; "[i]t is the challenge of policy making to choose the correct context". Inherent in this challenge is the danger of a uniformed and biased approach to the analysis, which has the potential to generate a misleading result.

Research into perception of public risk has shown that the magnitude of perception costs varies dramatically across land use alternatives (Fort et al, 1993). However, despite the magnitude, "opposition arguments...usually express three specific concerns: threat to property values, personal security and neighbourhood amenity" (Dear, 1992, 290). The principal concern of those exhibiting the NIMBY syndrome is potential decline in property values (Bagchi, 1994; Dear, 1992; Gleeson and Memon, 1994). However, according to Dear (1992), none of the studies on real estate transactions (in the vicinity of human service facilities) demonstrated a decline in property values. He noted that property value changes tend to be associated with broader market movements, such as changes in interest rates. Of the three concerns noted above, property values are the only ones readily quantifiable; personal security and neighbourhood amenity are less simple to gauge. Concerns regarding personal security refer to client dangerousness and unpredictability (Dear, 1992; Dear and Gleeson, 1991). The potential decline in neighbourhood quality or residential amenity is associated with the physical appearance of clients and anti-social behaviour. These concerns lend themselves toward subjective decision-making and analysis of threat.

Having acknowledged that the public often anticipate greater effects (both in number and degree) than actually occur, it would be short-sighted to assume that *all* effects are perceived and none actualise. The local economy is considered, by economists, to be an

area that is directly affected by the outcome of a NIMBY contest. "Economists theorise that the NIMBY syndrome leads to an inefficient allocation of resources" (Groothius and Miller, 1994, 336). External costs are argued to be borne locally by the neighbourhood surrounding the facility and the local economy, while the benefits are shared globally, resulting in an unfair distribution of benefits and costs. A hazardous waste disposal site is an example of a facility that services a wide area, but whose costs are borne locally.

The impacts of NIMBYS on the community (in its entirety) are a combination of perceived and actual effects. The way the public perceive the impact of a particular land use often has a significant bearing on the intensity of the NIMBY cry and the outcome of the NIMBY contest. Fort et al (1993) even go so far as to claim that perception costs associated with alterations in risk have brought policy processes to screeching halts. The claim of a positive correlation between perceived impacts and the actualisation of these effects is often unjustified, however perceived impacts cannot be proven just or unjust until the proposal has gone ahead. This 'catch 22' situation asserts that both perceived and actual effects need to be considered, and that a careful measure of perceived threats is imperative to an accurate interpretation of a NIMBY situation.

Fort et al (1993) believe the adverse consequences of NIMBYS on society to be in two neat categories, those amenable to insurance mechanisms and those that are not (these include perception costs). This implies that insurance criteria base the assessment of effects on quantifiable factors. It may be enlightening to see which effects, if any, are considered more important than others by the planning process: quantitative or qualitative, perceived or actual.

VALUES CONFLICTS

A key feature of research literature investigating NIMBYS is the divergent interests of land users. Residential, recreational and working environments all impinge in different ways on how individuals react to a particular land use or locational debate. For example, within a suburban community shop-owners may join residents in opposing a proposal for an industrial facility, reflecting a common concern over the effect of amenity loss.

However, in the case of a proposal for a group home for intellectually disabled folk, shop-owners may not join residents in opposing the facility in the belief that it may improve, or at least not affect, their custom (Gleeson and Memon, 1994). As such, the composition of values conflicts may be seen to be a function of land use type, differing social and economic interests, and the nature of externalities a facility may generate.

Gleeson and Memon (1994) believe a political economy perspective is useful in explaining the divergent socio-economic interests of land users in NIMBY conflicts. They cite the commodified nature of residential land in capitalist societies as a powerful influence on home-owners/purchasers social interests. The commodity of land has a dual character as both use value (as a home), and exchange value (potential sale price). These factors culminate in an asset that is usually the major object of wealth of most households. Therefore homeowners' sensitivity toward amenity, and land uses that may threaten this, is an outward expression of their deeper social interests, as commodity owners who are concerned to safeguard the exchange value of their principal capital possession, residential land (Gleeson and Memon, 1994).

Discussion of values conflicts in NIMBYS literature juxtapose a number of land users: the individual and society, capital and the community, community and society, profit and democracy, equity and efficiency, and a combination thereof. The pattern of values conflicts is closely linked to research on the formative elements of NIMBYS. The view that holds selfish local parochialism as the principal cause of conflict, places the *individual and society*, or *community and society* in opposition. The view that NIMBYS is a negative response to capitalist profit, places the *community and capital, profit and democracy and equity and efficiency* in conflict and indicates the issue is wider than the immediate backyard.

The community versus capital argument is put forward by Lake (1993). He argues that the basis of land use conflict is part of a structural societal problem of community needs conflicting with the demands of capital. The emphasis on the structure of society includes, by its very nature, a political context. According to Plotkin (1987) this is the charge of capitalist production. He highlights the deep-seated opposition of capitalist

production with personal rights, seeing it as a "collision between fundamental values in the culture...of American society" (Plotkin, 1987, 8). The poles of profit and democracy are expounded here, albeit implicitly.

A comment from Plotkin (1987) accords with Dear and Taylor's (1982) sentiment that equity and efficiency goals are in conflict in land use disputes. Plotkin notes that the 'political machinery of space making' has traditionally given efficiency arguments priority. Plotkin (1987, 7) believes that as power shifted "from those groups in society responsible for initiating economic change to those who bore the brunt of social costs in the past", friction became rife. Just how great that degree of power is, is debatable, as Plotkin iterates in the following excerpt.

> The collision of interests and powers in land use politics adds up to much more than just another illustration of the pluralist equilibrium: the result is decidedly not a political draw of balanced forces ... Nothing in the defeats of individual projects or the resistance to centralisation of control directly alters the facts that the capacity to define economic and technological directions remains in the hands of the few (Plotkin, 1987, 236).

Two conclusions can be drawn from discussion on values conflicts. The first is that values conflicts are made up of two entities: conflict between groups and conflict between interests. They complement each other in that a certain group in society will hold certain values that pertain to their interests. This counters the argument that the NIMBY syndrome is purely based on an individual 'backyard' sentiment. Secondly, regardless of the particular angle taken as to the 'who and what' of values conflicts, essentially all the authors highlight *inequity* to be the basis for conflict.

PATTERNS AND NATURE OF OPPOSITION

According to Dear (1992), NIMBY battles tend to rise and progress following certain patterns and consistencies, and community opposition tends to be cyclical in nature, with periods of intense and frequent disputes, followed by extended calms. As a further elaboration, Dear (1992, 290) explains "[e]ach incident of locational conflict seems to follow a three-stage cycle". These stages are outlined in Figure 2.1.

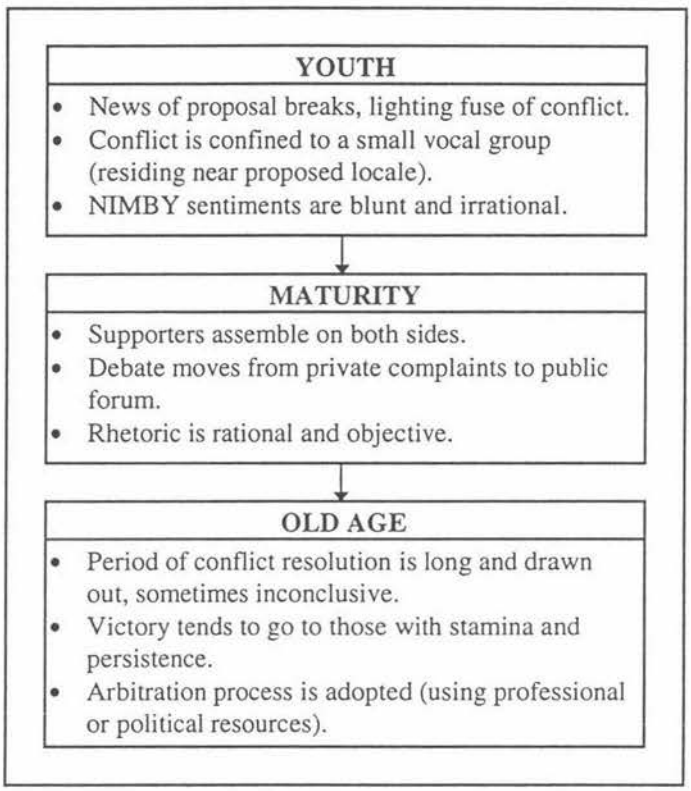

FIGURE 2.1: Three Stage Cycle of Locational Conflict
Source: Adapted from Dear, 1992, 290.

Dear's pattern appears simplistic. However, it allows for the incorporation of a broad scope of events and may well be a pattern that fits many NIMBY contests. Having acknowledged this, it is short-sighted to assume all NIMBY debates follow a strict series of events. Forcing each NIMBY debate into an established framework runs the risk of a dogmatic approach to interpreting community response. The nature of opposition, and the degree to which it is conducive to set pattern, is influenced by a number of variables, not all of which are made explicit by Dear. Additional variables deserving endorsement are mentioned below.

Dependent on whether the objection is an individual or a united (group-based) one, an opposition stance will differ in nature; some NIMBYS are confined to an individual, others to an entire community. Dear's pattern precludes attention to individual NIMBY claims, assuming a growth in both conflict and in support for each 'side'.

Directly linked to the size of the opposition group is the abundance of resources; the more resources (financial and otherwise) a group has the more structured, well informed and coherent their case becomes. Dear's cycle of locational conflict notes that victory tends toward those with stamina and persistence. However, access to information, financial security, and expertise of the appropriate kind will, in many instances, aid a party's cause.

Opposition strategies are many; hearings, petitions, letter writing, lobbying elected representatives, demonstrations, formations of formal opposition groups and vigilante action all present themselves as ways to be heard. Some strategies are more accessible and less costly than others, and some more effective. Each NIMBY circumstance will lend itself toward certain types of opposition strategies. Dear's model caters for a certain sequence of opposition sentiment. This sequence does not allow for strategies beyond the decision, nor objection outside the rational, such as vigilante action.

FACTORS THAT INFLUENCE COMMUNITY RESPONSE

Dear (1992) and Dear and Taylor (1982) outline a number of factors that contribute to the formation of community response. A collaboration of these elements has identified five main areas that define the discussion which follows.

PROXIMITY

"NIMBY can be viewed as an individual or community sentiment which expresses the undesirability of proximity to a particular land use" (Gleeson and Memon, 1994, 106). Proximity is arguably *the* most influential factor in NIMBY conflict; the 'backyard' part of the NIMBY acronym alludes directly to the closeness of the facility to those who oppose it. Dear et al (1980) note that the spatial extent of the backyard will vary according to the scale, type, number and degree of noxiousness of the facility in question. Findings in research into community service facilities show that the spatial extent of an 'externality field' is highly confined (to within six blocks of the facility).

Dear (1977) makes a link between proximity and united opposition to a proposal, asserting that as proximity increases, so does the propensity to participate in group-based opposition tactics. This assumes, as do externality fields, that those residing closest to a contentious facility are more driven in opposing it. There is a general disregard in this assumption for the issue of unwanted land uses *per se*, regardless of location. This is a reflection of the NIMBYS research concerning proximity being, primarily, in the field of human service facilities.

EXTERNAL EFFECTS

Dear (1977) and Dear et al (1980) assert that a considerable amount of controversy over public facilities is caused by individuals or groups who are not concerned with the actual *function* of the facility, nor with consuming the good or service which is its output. Such opposition is based on the facility's "external effects" (Dear, 1977, 152).

Notably, the importance of external effects to community response is directly related to the type of NIMBY issue. Smith and Hanham (1981, 326) state "*In some cases*...opposition is not related to the actual services that are provided, but to the externalities" (my own emphasis). Community care facilities, which service a minority of the community, generate different reactions to those made in objection to a widely utilised land use: for example a shopping mall or highway. External effects do not pose as a major issue in most NIMBY cases concerning the latter, yet these land use issues still raise locational controversy. It is obvious, therefore, that external effects are only one factor contributing to the complete NIMBY response.

ATTRIBUTES OF THE FACILITY

Public facilities have a significant impact on urban form and the (perceived) quality of an environment. The attitude of the community toward a facility will depend, to some extent, on the attributes of that facility and how they are perceived. Dear (1992) describes such attributes under six categories: type, size, number, appearance, reputation and operations.

The **type** of facility is determined by a number of factors. The degree to which a facility is 'residential' will depend on whether the service is a neighbour on a 24 hour basis or has more limited commitment to service provision. The type of client, whether a local or an outsider may have a bearing on the acceptance of a facility by a community. The **size** and **number** of facilities influence community response in that the larger the facility, or the more of them, the less acceptable they appear. This is primarily a reaction to the perceived spin-off effects, such as increased traffic volumes. **Appearance** is an important factor in any facility being a 'good fit' in a neighbourhood, and is reflected through design, condition and attractiveness. Acceptance will be more obvious if the structural characteristics of the facility blend well into the community. "Even the name of a facility can influence opinion" (Dear, 1992, 293). The **reputation** of the sponsoring agency or provider of the service may also sway community response. A well reputed firm, company, or association tends to have less difficulty in locating a facility. The **operation** of a facility can dramatically influence the impression created in a community. Operational considerations include the programmes run, as well as staffing matters. "Services do not exist in a vacuum, but occur within a particular program setting" (Dear, 1992, 293). Supervisory arrangements affect perceived security and personal safety of a neighbourhood. Appropriate staffing, hours and schedule of activities go a long way in ensuring the wider community are at ease with the service.

CHARACTERISTICS OF THE HOST COMMUNITY

Community response will accord (in part) with the characteristics of the community that is intended to host the facility. Such characteristics include neighbourhood homogeneity, socio-economic status, familiarity, beliefs, and internal characteristics of the group.

The physical expression of a host community will characterise it as a welcoming environment or otherwise. In the case of locating community care facilities, generally suburban areas are seen as less accommodating than the inner city. The key explanation for this is *neighbourhood homogeneity* (both social and physical). "Suburban areas tend to be composed predominantly of single-family homeowners living at relatively low densities. The inner city is a mix, often at high densities, of land uses...and social groups" (Dear, 1992, 293). Neighbourhoods with low social cohesion will promote the

highest levels of acceptance of locally unwanted land uses (and vice-versa). A high mix of land uses and density of development within the inner city mean facilities are less conspicuous than in an area of homogeneous land use.

Social neighbourhood homogeneity pertains to the conformity in demographic and socio-economic make-up of a community. Income and wealth are key factors to this conformity. According to Dear (1992, 293), "the single best predictor of opposition is income: the more affluent tend to be less welcoming". This sentiment reflects a desire to control one's immediate environment, through exercising the power of exclusion.

Familiarity, awareness and knowledge of the land use proposed is another characteristic that will contribute to the complete NIMBY response. Discrepancies in the literature indicate some researchers believe familiarity increases tolerance and others maintain that it increases opposition. Dear and Gleeson (1991, 172) claim there is some evidence to suggest that a "greater knowledge and awareness of the problems facing the homeless may temper opposition and even lead to a higher degree of community tolerance." Dear, (1992, 293) reinforces this view, albeit in a non-committal sense; "familiarity *tends* to increase tolerance" (my own emphasis). In contrast, one of Dear's findings (Dear et al, 1980), showed that an awareness of a local mental health facility did little to alter the pattern of behavioural response. Similarly, Lee (in Kemp 1990, 1246) believes "knowledge does not foster positive attitudes; on the contrary, those with negative attitudes are motivated to acquire knowledge and to construe it in support of their case". Heiman (1990) also detects no positive correlation between public education and facility acceptance. He goes so far as to declare "community intransigence is often greatest where education levels and access to information and avenues of participation are highest" (Heiman, 1990, 361). Notably, both Heiman and Kemp focus on research into hazardous waste facility siting.

Lee et al (1990) assert that beliefs are influenced by one's social status, religious and political values. "Members of the public explain social inequality in an individualistic manner...people are deemed responsible for their own socio-economic fate" (Lee et al, 1990, 253). Surveys showed that personal traits, like thrift, were considered more

important than external factors, such as the shortage of jobs. Significantly, the results of Lee et al's survey demonstrate causal beliefs shape policy attitudes.

Community response will also be conditioned by the internal characteristics of the opposition group formed. Resource availability has been discussed previously, and this, along with group dynamics, strategies and motivations will affect the response equation.

CHARACTERISTICS OF THE GROUP UNDER SCRUTINY

Dear (1978) discovered that public attitudes toward LUPs (locally unwanted persons) tend to be hierarchical: physical disabilities, the most readily accepted, followed by mental disabilities, to that described as 'social disease', which is least willingly accepted. This suggests that the public are more willing to accept those differences which are tangible and easily understood, over those which are less discernible and potentially more threatening.

Another key area which characterises the group under scrutiny in a NIMBY debate is the way in which they are represented. Dear (1977) notes that the residents of group homes tend not to enter into conflict over the impact of their facility. Instead their case is argued by a surrogate, namely the administration responsible for their placement in the community. This is because the group, as a whole, tend to lack the experience and skills to represent themselves. Conversely, NIMBY situations involving waste facilities are notable for a direct representation of interests. How a group's case and interests are represented will assist in the formation of a host community's response.

SYNTHESIS

Every community response exhibited in a NIMBY case is the product of an eclectic set of factors that impinge on the behaviour and decisions of citizens. These elements directly determine the acceptance or rejection of a facility by a community. Downs' schema (in Saarinen, 1976) for interpreting geographic space perception is useful in highlighting the links between the factors discussed in this section on community response.

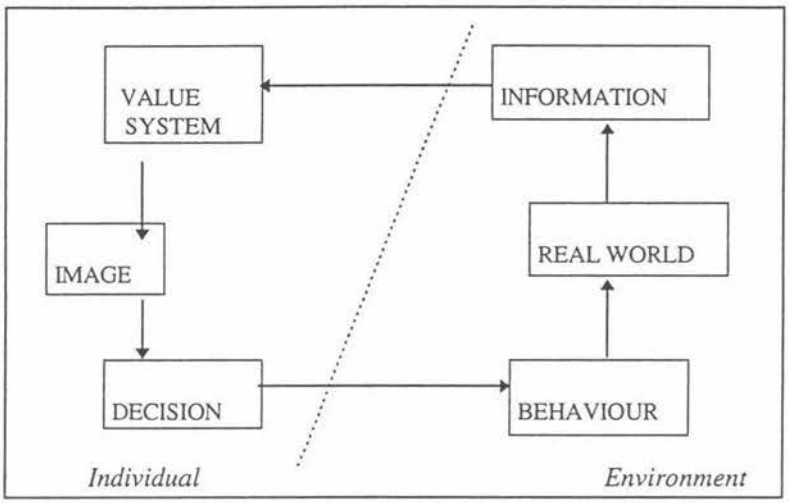

FIGURE 2.2: Conceptual Schema for Research into Geographic Space Perception
Source: Adapted from Downs in Saarinen, 1976, 10.

This model regards the individual as the decision-maker, and his or her behaviour (reflected in the environment) is considered to be some function of their image of the mass of information presented by the real world. The precise meaning of information from the real world is determined by the interaction between the individual's existing value system (what is believed and known already) and their image of the real world. The basis of this information allows the individual to make decisions and formulate responses which are expressed through a certain pattern of behaviour in the environment. The cyclical nature of the model allows the real world to be affected by behavioural actions, which in turn alter perceptions. Individuals, therefore, act as both participants and observers in perceptions. Significantly, information from the environment may be misconstrued at a number of points in this process. The initial perception of environmental stimuli may be limited in some way (such as through blindness), and some information from previous experience may be forgotten.

By placing this model in the NIMBYS context, it is clear that many components of the schema correspond with the components of community response. *Information* provided by the *real world* includes the 'actual', such as the attributes of the facility and its relative proximity; *value systems* include individual beliefs and values of social groups; the *image* is a culmination of perceived and actual effects. The *decision* reached by each individual is expressed in the community as a *behaviour*, for example, the formation of an

opposition group. This group may keep out locally unwanted land uses, which will in turn affect the real world and future perceptions. The model illustrates that community response is necessarily a culmination of individual responses.

ADDRESSING NIMBYS

The act of addressing NIMBYS places the local government planner in a decision-making 'Bermuda triangle', weighing social, spatial and political considerations. In an effort to avoid, remedy or mitigate land use conflict, trade-offs and opportunity costs are certain.

> The NIMBY syndrome usually points to trade-offs which have to be made between areas. Almost inevitably trade-offs do disadvantage one group relative to another. This ties planning closely to the political process, whether planners like it or not (McDermott, 1995, 11).

A significant amount of the literature examined stressed a need for planners to redefine methods of resolution in land use disputes. "The conflict paradigm...reflects (at least in part) a dissatisfaction with the classical market models which are traditionally used to examine the resolution of conflicting pressures for land-use change" (Dear, 1977, 157). Left purely to market mechanisms, NIMBYS are not guaranteed an acceptable denouement.

Addressing NIMBY conflict is a combination of the *approach* taken and the *mechanisms* used in attempting to resolve a dispute. The approach alludes to the perspective or standpoint of the planner (emphasis on particular issues, and hence the thoroughness in project assessments). Mechanisms are the techniques or methods utilised to physically address NIMBY disputes. This section on addressing NIMBYS is in two parts: approaches and mechanisms.

APPROACHES

The approach to addressing a NIMBY dispute is informed by the preceding discussion in this chapter; the perspective held by the planner is dependent upon their interpretation of the formative elements of NIMBYS, the type of NIMBY problem, the *attitudes and behaviours* of the opposing communities, and is influenced by the *political process* through which the conflict is resolved. Dear and Taylor (1982), believe that whenever conflict has arisen over the siting of controversial facilities, events tend to be dominated by the last two phenomena mentioned. However, all factors will have a degree of impact.

NIMBYS researchers advocate a number of important aspects in the approach to addressing NIMBYS, some that are deemed as lacking in currently witnessed approaches and others which have the potential to revolutionise the decision-making process.

In the commonly held view, that NIMBYS is based on selfish local parochialism, the solution lies in changing community attitude.

> In the conventional view of NIMBY, where parochially minded people obstruct rational planning, the solution lies in *overcoming irrationality through attitude adjustments*: education to change selfish attitudes...or constructing a legislative framework and judicial mechanism strong enough to steamroll the parochial impulse (Lake, 1993, 88). (My own emphasis).

What is needed, asserts Lake (1993, 91), are "guidelines and regulations to steer capital investment towards ex ante solutions rather than ex post corrections". Lake sees benefit in directing more of the costs of the solution onto capital now, rather than imposing them on communities later. He goes further to state that a change from crisis reaction to pro-active anticipation is needed. "Rather than seeking to define the perfect solution, what is needed is the flexibility to respond to the countervailing pressures of capital and community" (Lake, 1993, 91).

Lake's (1993) iterations highlight the importance of the need for intelligent implementation of policy. Plotkin (1987) is of similar sentiment, believing that

proficient, capable, workable policy, implemented in a sound manner, is preferable to a complete revamp of statute. Plotkin (1987, 25), argues "[s]agacious administration is seen, in the long run, as a more reliable route to impound (and use) policy than expanded judicial review".

The need for flexibility advocated by Lake (1993), and the importance of good policy expounded by Plotkin (1987) are inextricably linked to the planning process itself. Buchan (1992) recognises these as imperative, and when addressing NIMBYS she acknowledges the need for an holistic planning response. She sees a need for redress of the planning process in order that it meet this agenda. "The time has come when we should stop labelling and start to address the root causes of the problem ... the root cause of much of the nimby syndrome is poor process" (Buchan, 1992, 12). Buchan believes the focus should be moved from ridiculing those who practice NIMBYS toward addressing the adequacy of planning, consultation, implementation, monitoring and mitigation practices.

The merits of comprehensive consultation are expounded by Dear (1992). He states that in deciding how to involve the community when addressing NIMBYS, planners must choose between two alternative approaches:

- collaboration (implying cooperation between operator and host community), or,
- autonomy (acting independently of the host community).

The collaborative approach assumes direct contact between the service operator and the host community or its representatives. This grants relative priority to the community's right to be informed and participate in the solution of NIMBYS, while also implying that the community has an obligation to host services. Conversely, the autonomous approach accords priority with the client and presumes no direct contact with the host community prior to siting. Dear (1992, 294) advocates a collaborative approach, although he believes the United States is currently experiencing "aggressive autonomy". The choice of approach (collaborative or autonomous) begs the question of whether the 'health' of the community and the 'health' of patients (in the community service area) are given equal consideration.

MECHANISMS

The approach taken in addressing NIMBYS will often directly influence the mechanism(s) the planner selects in attempting to solve a NIMBY dispute. Mechanisms differ in their role in avoiding, remedying or mitigating land use conflicts, some display a combination of these roles. Similarly, mechanisms differ in their relative worth at various stages in the maturity of a NIMBY conflict.

Mechanisms listed in the literature as preventative measures are primarily aimed at those planners who are actively involved in *siting* facilities. This is a reflection of the literature being primarily North American based, a context in which local government planners play a large part in the siting of facilities. By contrast, New Zealand local government planners tend to encounter NIMBYS from a more regulatory viewpoint, as arbiters of conflicts which emerge once a siting decision has been made by the facility operator (Gleeson and Memon, 1994). This is seen in practice, where NIMBYS are usually first observed at the proposal's public notification stage.

Research into the usefulness and effectiveness of mechanisms in certain NIMBY scenarios is extensive. The mechanisms fall into a number of categories: spatial techniques, community decision-making methods, financial incentives and policy measures.

SPATIAL TECHNIQUES

Fair Share

Weisberg (1993) provides an examination of the conceptual origins of New York's fair share process. She explains that the 1989 revision of the New York City charter required the City Planning Commission to adopt criteria "designed to further the fair distribution among communities of the burdens and benefits associated with city facilities" (Weisberg, 1993, 93). In December 1990, the Commission adopted fair share

criteria, requiring planners to balance programme needs and cost-effective service delivering with the effect of facilities on neighbourhoods and the goal of broad geographic distribution.

Regardless of the good intentions of the fair share scheme, it has been the object of attack by many critics. Heiman (1990) believes the programme rests upon the shaky assumption that providing more expert and supposedly objective scientific information will lessen local opposition. Rose (1993) warns that the 'fairness' intended is more easily articulated as a political aspiration that codified as a set of regulations. "[D]ecisions necessarily rest on subjective and political evaluations of competing values that cannot be satisfactorily resolved by rules, no matter how subtly drafted" (Rose, 1993, 98). Weisberg (1993) admits that there are special rules for waste management and transportation facilities, to ensure they are located adequately. She also confesses that "depending on the type of facility, agency siting requirements may restrict suitable sites to a handful" (Weisberg, 1993, 94). This may well mean a narrow definition of 'fair share' will be placed on the siting of some services which are suitable for a restricted number of locations.

Zoning

While both fall into the ambit of spatial techniques for use in addressing NIMBYS, the fair share and zoning ideologies contrast markedly. The fundamental goal of zoning is to isolate noxious uses from the general population by concentrating noxious facilities in particular areas; the mission of the fair share formula is to distribute unwanted land uses throughout the community. Lake (1993, 90) asserts that the reason for adopting zoning is as a "means of reducing uncertainty for consumers and producers in the land development process".

Gleeson and Memon (1994) highlight that a reliance on the discretionary control of planners is inaugural to most zoning systems. Issues such as the design of planning policies and development controls, the interpretation of land use types, and public notification of development applications, are particularly subject to such control. Land uses omitted from the list of allowable uses in a zone require a conditional use permit or

zoning ordinance in order to operate within the zone's bounds. In New Zealand, human service facilities, which are a relatively new types of land uses, are often not listed as permitted uses in a zone. Dear and Wolch (1987) note that usually it has been the suburban jurisdictions, with more stringent zoning ordinances, which have succeeded in using planning laws to exclude community facilities.

Co-Location of Services

Co-location is a method that may be associated or independent of zoning. Zoning policies have traditionally been based on concentrating similar land uses in individual bands. Co-location follows a similar form, by identifying clusters of services and locating these near one another. The fundamental difference in co-location is that the needs of those who use the facilities are catered for rather than the interests of the host community.

Smith and Hanham (1981) commend co-location as an alternative strategy in locating mental health facilities, in an effort to reduce NIMBY disputes. Dear (1992) also notes that saturation can be positive; having all services in one area promotes networking and interaction. Facilities that are too distant from each other will not facilitate interaction amongst service providers or users. In advocating this, however, Dear (1992) warns that care needs to be taken in siting these facilities in order that ghettoisation is not encouraged.

COMMUNITY DECISION-MAKING METHODS

As a tool in addressing NIMBYS, community decision-making is based on an appreciation of the rights of the community in contributing to the future of their area and the way in which resources are used. As Plotkin (1987, 7) argues, "change must be conditioned by the consent of the governed". The local government planner is in a position to encourage and facilitate community involvement.

Public Participation

Almost unanimously, the literature advocates the merits of public participation in decision-making (Buchan, 1992; Cox, 1992; Dear 1992; Hughes, 1991; Kemp, 1990; Kunreuther et al, 1987). Dear (1992) advocates four community-based strategies for communication in dispute situations. The first is *Community Education*, which aims to increase tolerance and acceptance through educating the host community to a point of familiarity and understanding. He points out that education is time-consuming and expensive, and as such, suggests additional techniques. *Community Outreach* promotes meetings between the service operator and the host community to encourage acceptance; *Community Advisory Boards* use prominent local leaders to advise in conflict situations; *Concessions and Incentives* directed toward the host community may alleviate contention.

While endorsing the merits of effective public participation, Plotkin (1987, 245) observes that "most citizens enter the debate...long after the key decisions have been made". He makes particular reference to industrial alternatives, pointing out that local residents are not consulted about the big question of whether society should adopt nuclear technology in the first place, but they are dutifully expected to educate the experts about how to cope with its terrifying consequences.

O'Riordan and Sewell (1981) believe the success of public participation is inextricably linked to the political environment. They assert that the more pluralistic and accountable the political culture, the greater likelihood of witnessing articulate interest groups, reasonably well financed and encouraged to provide information relevant to a final decision on a proposal.

Dispute Resolution

The use of dispute resolution in a NIMBY scenario involves direct discourse between all parties involved in the conflict. Dispute resolution may be employed as part, or in place, of formal land use channels for disputes. Dorius (1993) believes the process should accomplish at least three objectives:

- delay early commitments to particular solutions,
- establish joint responsibility for problem solving, and,
- expand agreements by searching for mutual gains.

Free from the pressures created by formal application requirements and public hearings, parties can afford the time to explore the advantages and disadvantages of a proposal. This process has the potential to foster mutual respect, aid in communication, information exchange and openness, to develop a pattern of joint problem solving. Expansion of agreements have the potential to occur, resulting in added benefits that are not obligatory. The procedure focuses on creating wanted land uses by taking a situation of conflict and directing energies toward mutual gain (Dorius, 1993; McCreary and Gammon, 1990). Focus is on the *reasoning* behind opinions rather than just the opinions. McCreary and Gammon (1990) commend this benefit, advocating the effectiveness of concentrating on interests and not positions.

Often a mediator is employed in the dispute resolution process, to aid in its direction. A local government planner may fulfil this role. Dear (1992, 296) defines mediation as "a form of assisted negotiation that utilises a neutral third party to resolve disputes between parties". Mediation appears to be particularly helpful in resolving disputes that have become polarised.

FINANCIAL INCENTIVES

Compensation

"Uncompensated costs form the basis of the NIMBY rallying cry" (Fort et al, 1993, 187). Compensation acknowledges the dilemma between the demand for goods and services (such as a landfill), and an aversion to such facilities being located in the 'backyard'. The use of compensation (financial or otherwise) may influence tolerance and/or acceptance and aid the problem of siting an unwanted land use. "[R]ather than holding the policy process hostage to perception, compensation can be a NIMBY ameliorative device" (Fort et al, 1993, 186).

The nature of compensation suggested differs across the literature, from 'in-kind' payments to auction mechanisms. In measuring the degree and type of compensation necessary to influence the acceptance of a facility siting, economists utilise the contingent valuation (CV) method. This method uses surveys to elicit people's preferences for non-market goods and changes in non-market good quality. The 'incentive effect' of compensation is measured. Results show the offer of compensation to be positive and significant. Groothius and Miller (1994) extended the CV scenario, testing the role of beliefs, in conjunction with offers of compensation. "Compensation plays a major role but underlying beliefs cannot be ignored" (Groothius and Miller, 1994, 345). The results of the CV analysis supports the postulate that beliefs are important in understanding behavioural intentions, including those toward compensation.

Kunreuther et al (1987) have confidence in the benefits of compensation. They explore the potential of ex ante compensation for reducing local opposition on the assumption that "in locating noxious facilities...the host community frequently incurs all the costs while other communities in the regions receive the benefits" (Kunreuther et al, 1987, 371). They propose a mechanism for sharing benefits with potential losers (effectively compensation financed by other communities), in either monetary and/or 'in-kind' payments. The scheme is based on willingness-to-accept and willingness-to-pay ideologies.

O'Sullivan (1993) promotes an auction mechanism for settling siting disputes and allocating compensation. In this 'voluntary auction' the city with the lower environmental costs submits the low bid and hosts the facility. O'Sullivan believes this method to be an efficient and effective land use decision-making tool.

Fort et al (1993) also accept that a case for compensation, as a measure of addressing locational conflict, exists. They outline an array of compensation strategies: property value guarantees, liability insurance and payments to cover post-closure monitoring. Fort et al (1993) conclude that all compensation measures fall short of a complete account of all perception costs associated with a siting.

POLICY INITIATIVES

Planning policies at the local level aim to ensure that land use conflict is kept to a minimum, through criterion that attempt to avoid disputes. Common policies at the local level include attempts to:

- control the size of settlements,
- regulate density,
- increase housing and social facilities,
- achieve a mix of social classes in residential areas,
- separate land uses, and
- stabilise and rehabilitate declining areas.

Mixing social classes in residential areas is one of the most criticised types of planning policy. All regulatory policy measures will go some way in addressing NIMBYS, even if it is simply to restrict the sorts of mechanisms and types of spatial outcomes permissible.

All approaches to addressing NIMBYS and mechanisms used in their alleviation have points of merit. In fact many may be used in conjunction with one another depending on the dispute in question. For instance, channels provided in policy may facilitate dispute resolution techniques and methods of public participation. The reason these measures complement each other is due to the role each plays in alleviating conflict. Policy primarily aims to avoid or mitigate land use conflict, whereas dispute resolution and public participation are corrective measures, to remedy the problem. Additionally, each measure assumes a role at a certain stage in the maturity of a conflict. Policy is in place prior to the onset of the dispute, while mediation and negotiation measures may be implemented at a stage when conflict issues, and the parties involved, have been established.

Depending on the type of NIMBY issue, some measures will be more applicable than others. In fact, there may be occasions where some techniques are not appropriate at all. Conflicts that raise issues of fundamental rights, such as privacy, are probably not subject to negotiation. In such an instance dispute resolution would not be an appropriate

technique (McCreary and Gammon, 1990). Similarly, dispute resolution is not appropriate when a debate raises questions that go beyond a case-specific dispute. Such a method deals solely with the case in point, and does not claim to address potentially broader issues.

Procedures in statute will influence, in many cases, the depth of investigation into a NIMBYS situation and the rate at which a land use debate evolves. Legislation which enables wide project assessment and facilitates probing into policy and institutional considerations will inevitably promote investigation into more than merely the use of land at a particular situation. Additionally, the extent of the outcome of a land use dispute will depend on how specific or discretionary the legislation and its subsequent procedures are (O'Riordan and Sewell, 1981). Legislation which places unreasonable time limits on submission, hearing and appeal procedures will discriminate against public participation measures. Plotkin (1987, 236), commends the fact that "(citizens') battles give democracy time". Reasonable and necessary time limits to debate, expounded in statute, provide a challenge to planners when choosing mechanisms in alleviating conflict, to produce a fair and equitable result.

CONCLUSIONS

The nature of contemporary planning in New Zealand, the context of devolution and the apparent streamlining of planning and resource use legislation provides the framework in which NIMBYS must be observed, understood and addressed. In New Zealand much environmental planning is undertaken in the public domain. The reasoning, the information used, and the way in which it is analysed is highly likely to be the subject of scrutiny. As such, it is important to gain an appreciable understanding of the conceptual nature of NIMBYS in order to perform confidently and in the public interest when addressing these disputes.

A number of key conceptual issues pertaining to NIMBYS have been raised in this chapter. A NIMBY debate will have elements of social, spatial and institutional kind.

The origins and formative elements of NIMBYS advocated in the literature highlight this. The spatial nature of the urban environment, the paradigm of capitalism, and the planning process are all cited as influential to a conflict situation. Each NIMBY claim may reflect a combination of these elements. Assuming a dispute is motivated by one factor may not necessarily be correct, for example, proximity to the facility under contention is not paramount in every NIMBY case.

Discussion on perceptions of public risk emphasised that perceived fears expressed by communities are legitimate social concerns, regardless of whether or not they actualise. Recognition of perceived effects will considerably influence a NIMBY situation; as well as determining the intensity of the NIMBY claim, perceived effects may impress on the outcome of the contest.

A unique set of issues encompass each NIMBY dispute. This is a reflection of the fundamental matters at stake and the values that conflicting land users possess. Individuals have different value systems in accordance with residential, work and recreational environments. Different groups support different issues, determined by the value system of that group. It is for this reason that groups are able to be recognised and juxtaposed as such, for instance, 'residential versus institutional' and 'community versus capital'.

Community response plays a pivotal role in influencing a NIMBY situation, particularly in terms of the depth and degree of conflict. For all its physical land use properties, NIMBY is also a cognitive construct. Sentiments regarding the use of land in a community are often vehement and determined in direction. How the community perceives a facility and how their behaviour and decisions are expressed will influence the extent of the debate. Their behaviour and decisions, expressed as 'not-in-my-backyard' are a culmination of factors and influences: value systems, status, political values, the characteristics of the facility and the user group to name a few.

A number of factors will determine which approach and mechanism(s) are most appropriate in alleviating a specific NIMBY situation. The types of issues raised by the

dispute, the stage of maturity in the conflict, and whether it is applicable to avoid, remedy or mitigate the problem will determine how the situation is addressed. The particular combination of mechanisms suitable will be a direct result of the influence of these factors.

CHAPTER THREE
RESEARCH DESIGN AND METHODOLOGY

Chapter three introduces the methods for gathering and analysing information relevant to the thesis. The chapter begins with an overview of the research design and methodology used in the thesis, then explains each phase of research individually. First, an outline of the literature review is presented, highlighting the relevance of academic research and theoretical perspectives in informing the study. Secondly, the empirical phase of research is explained, providing rationale for case study selection and detailing the semi-structured interview procedure. Finally, methods for analysing information necessary for answering the research questions are presented.

OVERVIEW OF RESEARCH DESIGN AND METHODOLOGY

Figure 3.1 illustrates the framework for research design and methodology used in the thesis. The research design draws on methods commonly used in qualitative social science. These methods were chosen for their appropriateness in fulfilling the thesis research objectives. The initial phase of research involved a review of literature pertaining to NIMBYS. This encompassed a wide range of written documents, including academic literature, media reports, case law and planning legislation.

An investigation of four case studies formed the empirical phase of research. The primary method for gathering information from the case studies was through a comprehensive series of interviews. Semi-structured interviews allowed in-depth, open discussion with key players involved in each of the cases. These interviews, coupled with written material of each case, facilitated a comprehensive understanding of NIMBY issues through an examination of actual situations. In light of the thesis research problem and objectives, it was deemed necessary to undertake interviews beyond the scope of the case studies. To broaden investigation, planning professionals (consultants and local government planners) independent of the case studies were interviewed.

The analysis phase of the research involved synthesising and interpreting information gathered in the early stages of the process. By organising findings according to themes, material was able to be synthesised in an ordered way. The technique of pattern matching allowed information to be interpreted systematically.

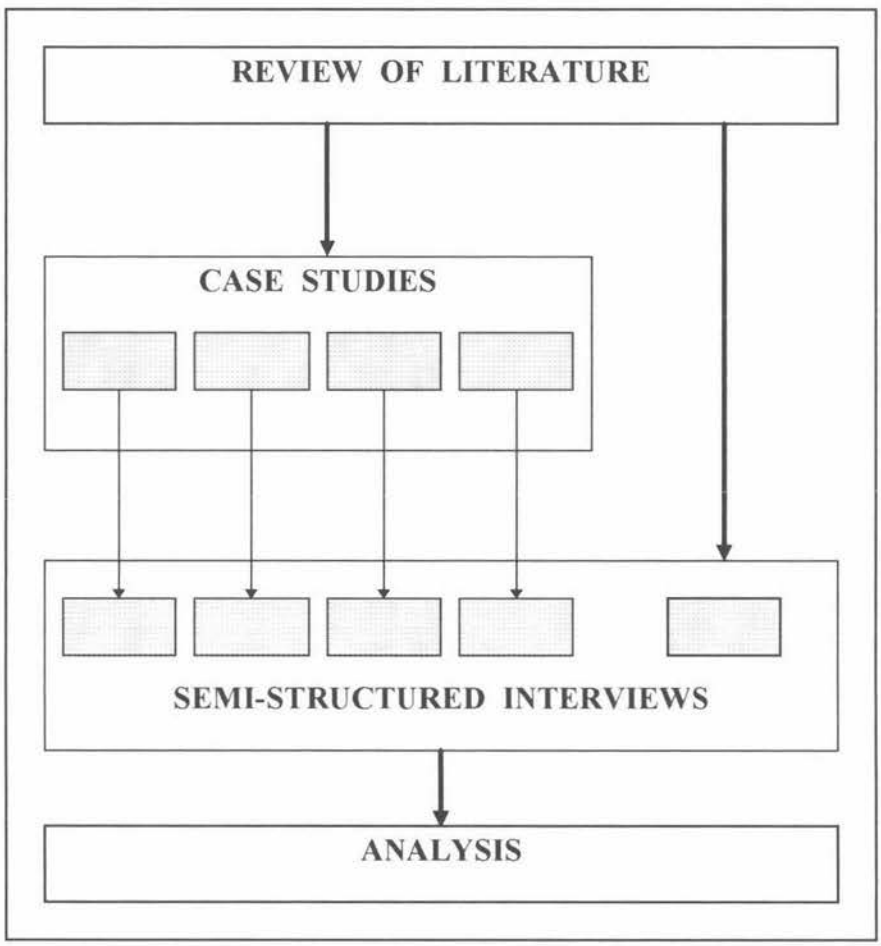

FIGURE 3.1: Research Design and Methodology

LITERATURE REVIEW

The literature review on NIMBYS drew on material from a variety of sources: academic literature, media reports, New Zealand's past and present planning legislation and Planning Tribunal cases. However, the most significant aspect of the literature review was an examination of academic literature. This involved investigation across a number of disciplines, and encompassed practical and theoretical issues associated with land use conflict. Human geography, economics and environmental planning were drawn on to

provide a comprehensive overview of the issues inherent in the NIMBY phenomenon. Prominent issues contributing to a complete picture of NIMBYS include capitalist forces, social processes, urban change and welfare ideologies.

The review of academic literature served as a link between theory and research (Figure 3.2). It provided information on the conceptual nature of NIMBYS and helped develop a framework for gathering information in the field.

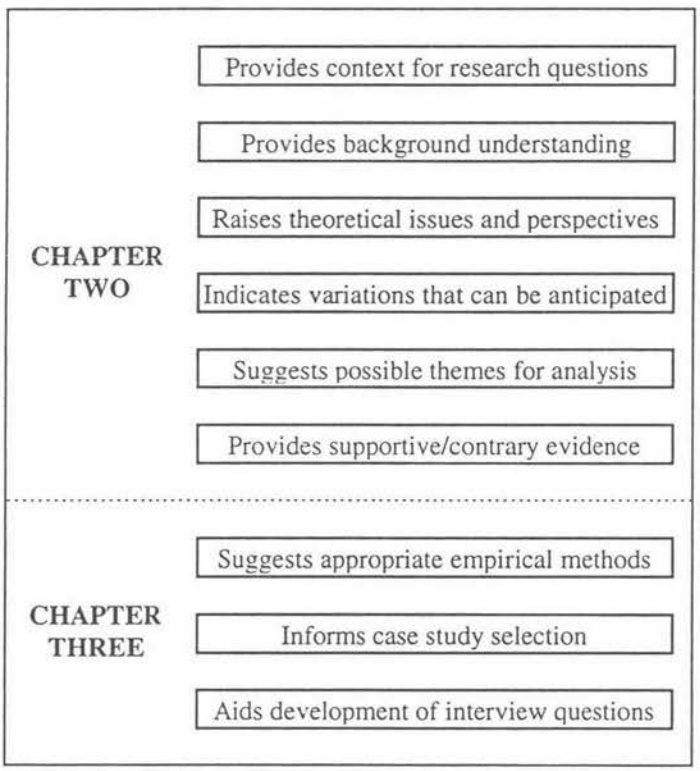

FIGURE 3.2: Links Between Literature Review and Research Design

A review of theoretical views on land use conflict led to a number of theories being considered. Figure 3.3 shows that there are two 'fields' of theoretical inquiry which encompass NIMBYS. Individual, organisational and social theories are *illustrative theories*, and examples from chapter two are provided to highlight this. Decision-making and implementation theories cut across (and indeed influence) the illustrative theories contributing to knowledge in all these theoretical environments.

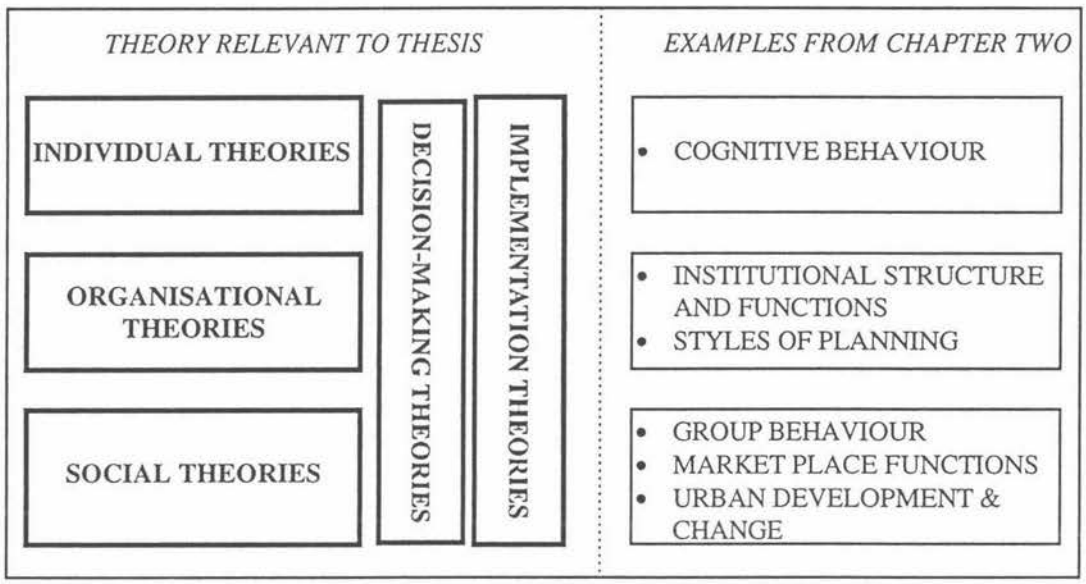

FIGURE 3.3: Theories Pertaining to the Thesis Research

EMPIRICAL RESEARCH

The practical research component of the thesis makes use of two methods of information gathering: case studies and semi-structured interviewing. Qualitative research strategies, like case studies and interviews, provide an opportunity to gain a greater understanding of the process which contributes to the decisions people make. Sarantakos (1993, 6) sees qualitative research as "aiming towards exploration of social relations, and describes reality as experienced by respondents". Given that the thesis is examining the effect of changing regimes and their implementation in planning practice, the research called for the application of qualitative methods. Four case studies and a series of semi-structured interviews form an integral part of the research design.

CASE STUDIES

The case study method is one of several ways of undertaking research in the social sciences. Strategies for collecting empirical evidence are many: case studies, experiments and surveys to name a few. The choice of the case study strategy for the thesis was based on the nature of the overriding research problem. "In general, case

studies are the preferred strategy when 'how' or 'why' questions are being posed, when the investigator has little control over the events, and when the focus is on contemporary phenomenon within some real-life context" (Yin, 1989, 13). The type of research question posed in the thesis fits these criterion; the research seeks to explain *how* the *RMA* has influenced the practice of addressing the NIMBY syndrome in New Zealand. Secondly, I was unable to control events or outcomes that were the object of research, unlike experimental situations in which a researcher may manipulate conditions. Finally, the thesis deals with operational links which need to be traced over time, rather than frequencies or incidence (Yin, 1989).

The depth and complexity of the NIMBY response required a method for gathering information in the field that would provide adequate detail. Important characteristics and tensions are able to be identified through case studies; unlike surveys, case studies allow detail to be 'teased out'. Rather than drawing conclusions based on the generalities that surveys offer, a thorough investigation through the use of case studies was deemed more appropriate.

The case study strategy has been heavily criticised in the past based on an alleged difficulty in achieving accurate analysis. However, an awareness of this criticism, and a comprehensive and careful reduction and interpretation of data has seen user-popularity and scientific-acceptability of case studies increase (Yin, 1989). Sarantakos (1993) also comments on the recent increased interest in the case study method, particularly with theoretical developments in the area of the social sciences and the improvement in the structure and methodology of case studies.

CASE STUDY SELECTION

The scope of the thesis research problem led directly to the decision to undertake four case studies. Comparing two planning regimes meant at least two case studies were necessary; and as the thesis was examining two NIMBY issues (landfill sites and community care facilities), four cases were investigated. The rationale for their selection is explained in two parts: NIMBY *issues* for study, and NIMBY *cases* for study.

NIMBY Issues For Study

Chapter two demonstrated that a wide range of issues give rise to the NIMBY phenomenon. NIMBY is evident as a reaction to waste dumps, low-income housing, shopping malls, airports, prisons, and rehabilitation centres to name a few. All these issues are potential examples for investigation into the way NIMBYS are addressed.

Given the impracticality of researching all NIMBY situations, the scope of investigation was narrowed to encompass two issues: landfill sites and community care facilities. The decision to focus on these particular issues is based on a number of factors. First, many facilities which form the focus of NIMBY conflict are simply not evident in New Zealand. For example, nuclear power plants are not a land use issue in this country as there are no such facilities.

Secondly, some issues are not as susceptible to NIMBYS as others and experience only diminutive conflict: shopping malls are an example. Such situations generally do not give rise to a comprehensive or vehement NIMBY claim and are not as well documented or explored in terms of planning procedures for managing the conflict.

Thirdly, landfill sites and community care facilities are issues which are particularly enlightening in terms of comparing the way different NIMBY situations are managed, due to the variant nature of conflict. Community care facilities represent potential NIMBY situations that primarily form as a negative reaction toward the *social* element of the facility. These NIMBY issues are closely related to the social process, most profoundly that of the welfare state ideology. Conversely, complaints regarding waste management often focus on *environmental* concerns, with debate centring around the quality of the environment.

Finally, landfill sites and community care facilities differ in terms of the level of community use they experience. Landfill sites receive a high level of community use, and as such an obvious concern for this service to continue is evident. People recognise

landfill sites as a necessary part of the infrastructure of their town or city. Community care facilities represent a low level of community use. Only a small proportion of a population are directly serviced by these facilities. As a result, there is generally less concern for such services to continue. This alludes to Dear and Taylor's (1982) dialogue on the bounds of public opinion, where individuals support community care homes in principle, but not in practice. This anomaly was discussed in chapter two.

NIMBY Cases For Study

Four case studies were investigated in order that a comparative analysis was possible. An example of each NIMBY issue was studied under the past and present planning regime to compare management of NIMBYS in terms of both issue and regime. The case studies, and the local authorities in which they fall, are outlined in Figure 3.4.

	LANDFILL SITES	COMMUNITY CARE FACILITIES
PRE 1991	Mount Wellington Landfill (Auckland Regional Council)	ADARDS Day Care Facility (Palmerston North City Council)
POST 1990	Hiwinui Landfill (Palmerston North City Council)	Birthright Emergency Home (Kapiti Coast District Council)

FIGURE 3.4: NIMBY Cases for Investigation

Two factors figured prominently in the selection of these particular case studies: what they were about, and who was involved.

Choosing which NIMBY issues to investigate (landfill sites and community care facilities) narrowed the selection of specific case studies. Four relevant case studies were easily identified; however one had to be abandoned when it became clear that the key players involved were unable to be located, due to the time lapsed since the case (seven years). A 'replacement' case was soon found. The fact that each of the cases chosen for study received considerable attention, both by the community and decision-makers, meant documentation was plentiful and gave scope for interviewing a range of parties involved in all four NIMBY situations.

INTERVIEWS

In conjunction with the four case studies, interviews were undertaken with key players to obtain information relevant to each NIMBY situation. The interviews were prepared and executed systematically and were related specifically to the research problem of the thesis. They aimed, primarily, to clarify how NIMBYS are managed in practice, but the interview schedules also incorporated questions regarding broader conceptual issues relating to NIMBYS. In light of the broad nature of the research problem, planning professionals (consultants and local government planners) were also interviewed; they provided empirical information beyond the scope of the case studies.

SELECTION OF PARTICIPANTS

The aim of the interview procedure was to undertake in-depth discussion with a small number of people. The focus was on detailed and quality responses as opposed to superficial interviews involving a large number of people. In all, seventeen interviews were conducted across three groups: disputing parties in NIMBY cases, planners involved in the cases, and planners not involved in the cases.

The selection of participants for interviewing involved a process of elimination. First, two broad categories were identified: those within the realm of the case studies and planning professionals not linked to the four NIMBY cases. Secondly, key players involved in each of the four case studies were identified. The individuals selected for interview, from the list of key players, were chosen with regard to experience, expertise and knowledge of the process by which each case was addressed. Planners and principal figures in disputing parties figured prominently after such a deduction. Thirdly, consultant planners and local government planners were approached for interview in order to gain an independent view of the way in which NIMBYS are addressed, to balance analysis.

All potential respondents were contacted by mail through a letter which introduced myself, explained the purpose of the interview, the aim of the study and how they were selected. They were asked to cooperate in the research, offered details regarding the method of recording (dictaphone and notes) and assured confidentiality and anonymity.

I was fortunate in my choice of planning professionals for interviewing; most had practiced planning under both the town and country and resource management planning regimes. Accordingly, substantial comment was able to be gathered on the practice of addressing NIMBYS in both planning environments. On the whole, approaching and interviewing principal figures in disputing parties was invaluable in gaining an holistic view of each case study. In three of the four case studies this group of interviewees contributed effectively to the research findings. However, a representative of the neighbours who objected to the Birthright Emergency Home was unable to be contacted. Regardless of this gap in researching the Birthright case, residents' opinions were able to be ascertained from substantial documentation: letters to the local council and evidence presented to the Planning Tribunal.

INTERVIEW FORMAT

Interviews can take many forms, ranging from very informal discussions to highly structured exchanges, with ordered sets of questions. My main concern was to gather as much information as possible relevant to the research problem. "The data you collect from a research interview is best understood in the context of your purpose" (Gottlieb, 1986, 57). This involved preparing for interviews following a number of guidelines:

- match strategy to goals,
- be aware of how the information will be used once it is obtained,
- identify data needed to enlighten the research problem,
- tailor questions to provide answers to the research questions.

After considering a number of interview styles, semi-structured interviewing was chosen. Semi-structured interviewing makes use of free-flow exchanges as well as using certain pre-determined questions. They enabled considerable flexibility in the exchange of ideas

between the interviewer and the interviewee, combining the advantages of informal interviewing and highly-structured interviewing styles.

Semi-structured interviews allow more depth across a range of responses than do highly-structured interviews. Opportunities arise for new questions to be asked and answers offered; the possibility of open discussion is not precluded and freedom is given to probe and make use of prompts. Low-structure interviews, based solely on open discussion, run the risk of limiting the scope of information gathered. With no pre-determined set of questions, the subject for discussion is not guaranteed to remain in focus, and information gathered may prove tangential. Semi-structured interviews are less constraining than the high-structured style, but are more focused than the low-structured form of interviewing.

The interview schedules made considerable use of prompts and probes with the intention of helping respondents to offer accurate information and/or refine and complete their answers. Prompts are possible responses which can be suggested if participants do not offer an answer. These possible responses were based on information provided in chapter two, and the respondent was expected to select one or more of these possible answers. A probe is a tool which encourages elaboration; these were used to draw out key questions further if a full answer was not given. "Probing is the key that opens the informative doors" (Gottlieb, 1986, 22).

Tailored lists of key questions (interview schedules) were prepared for each group of participants (see Appendix). Understanding how NIMBYS are managed in practice necessarily involved asking questions regarding the legislative environment within which mechanisms are prepared and implemented, the involvement of the planner in managing disputes, the decision-making process and consultative procedures. Each interview schedule was drawn up differently to acknowledge the role and responsibility of the respondents, the legislative environment and the nature of the conflict.

Aside from the tailoring of questions on the schedules, all interviews commenced in a similar manner. Clarification was made on a number of points: approximate length of the

interview, the opportunity to modify information through a transcription of the interview, and anonymity and confidentiality. Similarly, all interviews concluded the same way, with a summary of the interview, a projection of outcomes and an appreciation of the time and knowledge they shared.

To be effective in the interview situation and to gain the desired ends, Gottlieb (1986) promotes the need to develop both technique and strategy. Technique refers to the understanding and ability to frame different types of questions effectively. Strategy refers to the ability to organise the various types of questions into the most effective patterns. Technique and strategy have been employed in the construction of the interview questions. For example, understanding the question's intent will determine which *type* of question is appropriate. Open questions only specify the topic and give respondents freedom in answering. Closed questions are more efficient, but give a limited range of choices. The interview schedules make use of a combination of these question types. Additionally, the pattern of questions has been given close attention. Parts of the interview questionnaires make use of the funnel strategy (Gottlieb, 1986), which employs a questioning sequence that moves from the general to the specific with regard to seeking certain detail.

Each interview question was drafted with guidance from the research questions introduced in chapter one. Information gained in chapter two provided much of the detail used to formulate prompts and probes. In one sense this was a form of preliminary analysis. A number of the questions exposed themes from which the results of the empirical research were analysed.

The order in which the interviews were undertaken was a deliberate decision. I chose to interview planning professionals not involved in the case studies *after* the key players involved in the cases. The information provided by these key players informed interview schedules for consultant planners. The intention of this order of interviewing was to pick up on specific issues raised by the case studies and include them in discussions with professionals outside the disputes, for unbiased comment.

REFLECTING ON THE INTERVIEW EXPERIENCE

When gathering information by interviewing, "[t]he most basic principle is accuracy" (Gottlieb, 1986, 7). Many factors interfere with accuracy and consequently results may be distorted. An awareness of such factors will go part way in ensuring this does not occur. Perceptions, values, attitudes and beliefs all impact on the interview situation. These factors influence the response an interview participant offers, as well as the way questions are worded and delivered. Thus, the interviewee *and* the interviewer have the ability (whether deliberate or not) to distort results.

Dynamics between interviewer and interviewee also influence the interview experience and, consequently, its outcome(s). Rapport, effective transmission of information, understanding and interpretation are all conversation dynamics that determine the accuracy of the information and should be worked on in an interview situation. Skills in facilitating the ready exchange of information and familiarity with the issues for discussion are useful to ensure information of the highest possible quality is obtained.

The semi-structured interviewing style provided a flexibility that proved useful in all the interviews. The ability to adjust the question sequence to follow the natural progression of each interview was valuable. Often an answer or discussion overlapped with, or led into, questions further on in the schedule. This meant it was important, as the interviewer, to be familiar with the questions and be prepared to adapt the schedule to aid in the flow of discussion.

While no substantive changes were made to the schedules during the course of the interviews, the first interviews highlighted questions that needed to be clarified. A small amount of tangential information was collected during the interviews. However, the comprehensive nature of the interview schedules meant discussion chiefly remained focused on the topic.

ANALYSIS OF EMPIRICAL RESEARCH

The analysis phase of empirical research is critical to the thesis; it is where the accumulated information becomes meaningful. Analysis involves rigorous examination of the collected information, demanding a logical approach. "Empirical research advances only when it is accompanied by logical thinking, and not when it is treated as a mechanistic endeavour" (Yin, 1989, 12).

A logical approach to analysing empirical research involves a number of steps; "a qualitative analysis will involve firstly the assigning of meanings to data and devising concepts that will be analysed, refined and put in categories, followed then by a comparative analysis" (Sarantakos, 1993, 263). The approach to analysis in the thesis, incorporates these factors and is suited to the information gathered. It progresses through three phases, as Figure 3.5 illustrates.

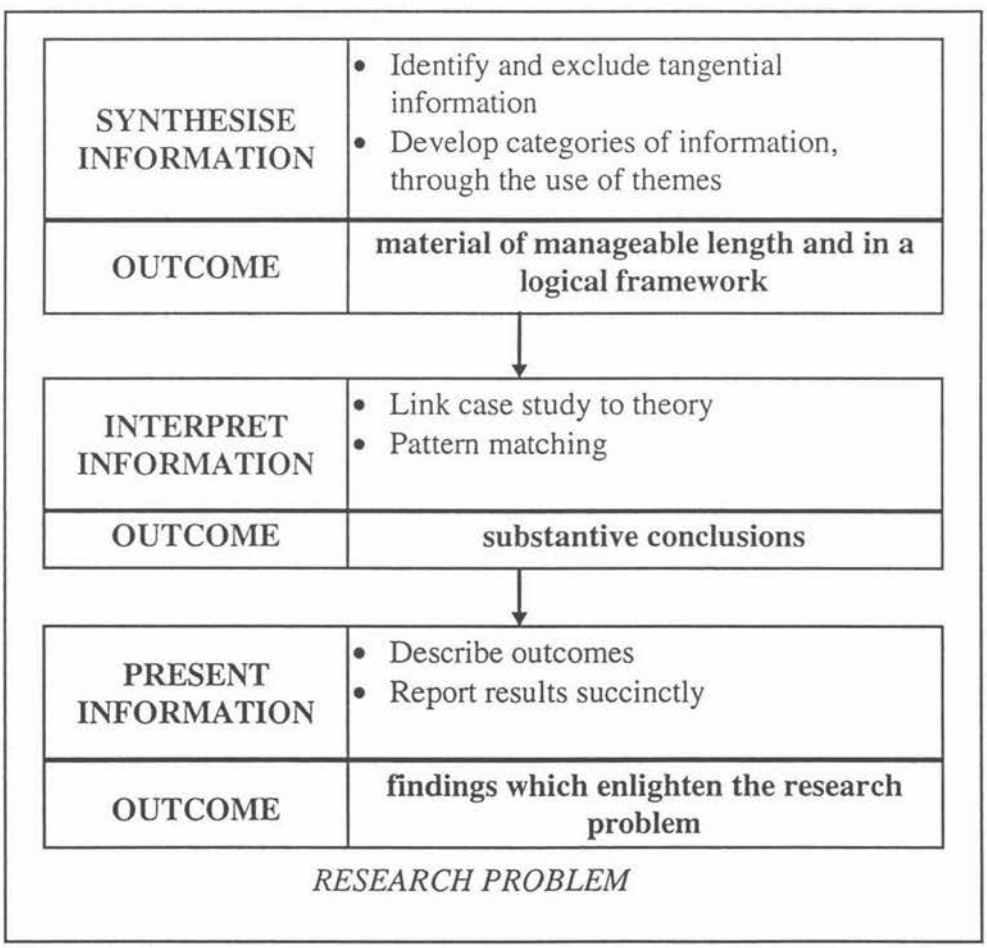

FIGURE 3.5: Analysis of Empirical Research

SYNTHESISING INFORMATION

The first stage of turning information, obtained from interviews, into meaning was to eliminate unnecessary material. Through a scanning process, based on the research objectives of the thesis, tangential information was recognised and excluded from further analysis.

Having removed irrelevant information, material gathered from the interviews needed to be put in some order. Many forms of "preliminary data manipulation" (Yin, 1989, 106) are advocated in literature on qualitative research techniques. Miles and Huberman (1984) suggest a number of ways of arranging evidence prior to actual analysis. Putting information into different arrays, creating charts for examining data and tabulating frequency of different events are three manipulations they suggest. I chose to organise information through the use of specific themes. These themes were drawn from two sources: key findings from chapter two and the interview questions themselves. They focus on various aspects of NIMBY disputes and the way they are managed. The themes encompass practical and theoretical issues to do with NIMBYS. From the actual mechanisms used, to the planning approach applied in each situation, detail from the interviews was able to be organised comprehensively. Figure 3.6 lists the organisational themes.

THEMES FOR ANALYSIS			
Perception of the NIMBY Syndrome	DISPUTING PARTIES	DECISION MAKERS	CONSULTANT PLANNERS
Accessibility of the planning process			
Priorities of the planning process			
Mechanisms used in addressing the NIMBY dispute			
Constraints to managing NIMBY conflict			
Issues which form the focus of decision-making			
Approach to decision-making			

Figure 3.6: Themes For Analysis of Empirical Evidence

INTERPRETING INFORMATION

The interpretation phase of analysis presents an image of theory and its relationship to research. Having organised the information into various themes, the interpretation of patterns, trends and relationships had to be undertaken. Literature on qualitative research methods offer a number of models which interpret gathered material, ranging from low-level interpretation to abstraction that is required for theory building (Maykut and Morehouse, 1994). Yin (1989) describes pattern-matching, explanation building and time-series analysis as dominant methods of analysis. After some deliberation, I opted for a form of pattern matching (Sarantakos, 1993; Yin, 1989), believing this method to be most suited to the nature of the research.

Recognising the difficulty in generalising from just four case studies, my goal was to pull out useful insights from the empirical research and compare them with the findings of the academic literature review. The tool of pattern matching provided a formal framework

for doing this. Pattern matching compares (or 'matches') an empirically based pattern with a predicted one, or with several alternative predictions. Because the research problem is a 'how' question, such causal relationships needed to be examined. Pattern matching relies on theoretical propositions about causal relationships to guide analysis. Theoretical propositions are possible 'answers' to the research problem; these were reflected in the thesis objectives and research questions, and are substantiated in chapter two by academic literature and previously developed theory. The literature review provided practical and theoretical templates with which to compare the empirical results of the case studies.

Through the use of pattern matching the significance of certain factors, patterns and relationships became clear. The theoretical grounding established in chapter two allowed interpretation to reach substantive conclusions, and use of theoretical propositions for guiding interpretation ensured analysis was in the context of the research problem.

CONCLUSIONS

Chapter three has outlined the wide range of methods used to shape research design and inform findings in the thesis. Each of these techniques of qualitative social science demanded different skills. Collating descriptive information, interpreting the conceptual foundations of NIMBYS and relating theory and law to research were demanded in the initial phase of research: the literature review.

The empirical phase of research made use of decision rule for selection. As well as selecting issues for study and particular cases for study, selection of events, groups and individuals within those cases was necessary. These decisions involved issues of theoretical, ethical and technical nature. This chapter has considered these issues by detailing the justifications for each decision made.

A three-phase procedure for analysis has been outlined in this chapter. This procedure, which pivots around the interpretation phase, informs findings in the thesis. Pattern

matching has been established as an appropriate technique for the interpretation of results. This technique integrates theory and case study, demanding an holistic approach to analysis, one which incorporates the literature review and empirical research. The following chapter presents the findings of the empirical research.

CHAPTER FOUR
CASES OF NIMBY CONFLICT IN NEW ZEALAND

Chapter four presents findings from the empirical phase of research. The four case studies provide substantive examples of land use conflicts that have given rise to NIMBY claims in New Zealand. The study of actual situations is an important step in answering the research problem of the thesis; the case studies provide insight into planning practice and decision-making in the local government context. Each case is described individually in this chapter, organised according to the themes developed in chapter three. All four NIMBY situations are introduced through a case history, explaining the characteristics and development of the dispute. Following this, specifics of the cases are outlined: accessibility of the planning process, priorities of the planning process, mechanisms used to address the NIMBY dispute, constraints to managing NIMBY conflict, decision-making issues, and approach to decision-making.

REFUSE LANDFILL PROPOSAL: MOUNT WELLINGTON QUARRY, AUCKLAND, 1989

CASE HISTORY

By 1989 existing landfills in the Auckland region were nearing capacity and, regardless of whether or not alternative techniques were adopted, there was a need for landfill space (ARC, 1990a). Since the issuing of an Order-In-Council in 1976 the Auckland Regional Authority (ARA) had statutory responsibility for refuse disposal for the Auckland region. To this end, the ARA (later to become the Auckland Regional Council) developed siting criteria and began a process of site selection. After a series of appraisals and eliminations two sites were selected for comprehensive investigation: Peach Hill and Mount Wellington Quarry (ARA, 1989a). Environmental Impact Assessments (EIA) were prepared for both these sites. However, the Mount Wellington site appeared to be the preferred choice; the ARA produced a report to complement the EIA outlining the site's potential for rehabilitation as a large regional park (Murray-North Ltd, 1989). The

Mount Wellington EIA was released to the public and submissions were sought. The proposal generated much community unease; the proximity of the proposed landfill to the residential area was deemed unacceptable by many respondents to the EIA.

The area surrounding the Mount Wellington quarry site was generally urban in nature with residential homes, a number of community facilities and industrial premises in close proximity to the site boundary. The Auckland University playing fields, the Mount Wellington domain and the Remuera golf course were also adjacent to the site (Riley Consultants Ltd, 1990). The quarry site itself fell within the territorial jurisdictions of two local councils: Tamaki City Council and Auckland City Council. Refuse disposal at the site was a conditional use in zoning provisions of both City District Schemes. Requirements were served on both the City Councils, by the ARA, to designate the Mount Wellington quarry for refuse disposal. These requirements were served, and water permits sought, *prior* to public comment on the EIA becoming available. This, coupled with neglecting to involve the community during the site selection stage, led to antagonism amongst the public opposed to the landfill. Aware of this discord, the ARA endeavoured to promote better relations, which led to an introduction of a number of approaches for dealing with the evident NIMBY conflict. Despite these positive measures, dispute over the Mount Wellington site went to the Planning Tribunal. The ARC was granted approval to use the site, subject to very stringent conditions (which involved extremely high set-up costs). The site has now been abandoned by the ARC for landfill purposes. Subsequently, a refuse landfill has been established by Waste Management Limited at Redvale, north of Auckland.

ACCESSIBILITY OF THE PLANNING PROCESS

Two planners involved in the Mount Wellington landfill proposal were of the opinion that the community adjacent to the proposed site were well equipped in terms of an awareness and understanding of the planning process. This opinion is evidenced by the nature of submissions to the EIA. In excess of 1300 submissions were received, the majority of which were from addresses in the adjacent suburbs to the proposed site (ARC, 1990c). The majority of personal submissions came from within two kilometres

of the quarry site (ARA, 1989b), only a 0.3 percent response rate was received from addresses beyond the suburbs adjacent to the site (ARC, 1990c). Of particular note is the large interest of those in the Meadowbank area. Forming the Meadowbank Community Committee, and uniting in opposition to the proposal, this community became a major participant in the process. One planner interviewed believed that the Community Committee used the planning process well, with an apparent competent understanding of how it worked. They utilised intervener funding to engage consultants and appeared at hearings to present their case. Notably, the Meadowbank Community Committee comprised of the quarry site's neighbours of high socio-economic status. Conversely, residents in neighbouring areas of low socio-economic composition were not as vocal, nor as involved, in objecting to the proposal as the formal Community Committee group.

A representative of the Meadowbank Community Committee explained that the Committee was formed on the basis that united concern was likely to be effective in the decision-making process. He stressed the importance of "strength in numbers", both to morale and to "being heard" in a land use dispute (pers. comm., 1996). The Meadowbank Community Committee focused on preparedness in entering the debate, and the need for substantial fact-based material to support their case. This involved "moving beyond the complaining stage to develop a valid case" (pers. comm., 1996). The Committee representative interviewed described the planning process as "reasonably straight forward once time had been invested in becoming familiar with it" (pers. comm., 1996). He commented that the benefit of hindsight would be a valuable tool if a similar situation arose in the future.

PRIORITIES OF THE PLANNING PROCESS

The Mount Wellington case provides insight into the workings of the planning process under the *T&CPA* with regard to siting a public service facility. By following this process it is possible to identify the provisions the ARA paid particular attention too. Sections 3, 4 and 118 of the *T&CPA* were central to the proposal and designating the Mount Wellington site for landfill purposes.

The EIA was tailored to address section 3 and 4 requirements. This report focused on three section 3 matters most relevant to the proposal (Stewart, 1990):

- the conservation, protection, and enhancement of the physical, cultural and social environment,
- the wise use and management of New Zealand's resources, and,
- the relationship of the Maori people and their culture and traditions with their ancestral land.

Section 4 issues were also addressed by the EIA; this section required that planning should have for its general purposes,

> the wise use and management of the resources, and the direction and control of the development of the region or district in such a way as will most effectively promote and safeguard the health, safety, convenience, and the economic, cultural, social and general welfare of the people and the amenities of every part of the region, district or area (Section 4, *T&CPA*, 1977).

The planning application was made, by the ARA, under section 118 of the *T&CPA*. This section conferred a right on the ARA to notify the Tamaki and Auckland City Councils of its requirement for a public work. Accordingly, the Councils notified the requirement and held a hearing of objections. An appeal to this requirement was heard by the Planning Tribunal, at which the ARA evidence followed the list of matters in s118(8):

- whether the proposed work is reasonably necessary for achieving the objectives of the Minister or local council,
- whether the site is suitable for the proposed work,
- the economic, social, and environmental effects of the proposal, and,
- the extent to which adequate consideration has been given to alternative sites, routes, or methods of achieving the objectives of the Minister or local council.

In particular, three issues were focused on: strategies to deal with technical inadequacies of the site, the evaluation of alternatives, and potential social and environmental impacts. The ARA did not disguise the fact that the site had engineering difficulties and invested considerable funds in consultancy work regarding the technical suitability of the site; a considerable part of their evidence to the Tribunal involved justifying strategies to overcome the difficulties. Secondly, a substantial amount of evidence stressed the

elaborate evaluation of alternatives undertaken by the ARA; alternative sites for a landfill were investigated and alternative uses of the Mount Wellington Quarry looked at. Thirdly, the "real planning issues" (Stewart, 1990, 18-19) were listed on behalf of the ARA as visual impact, smell, noise, end use, alternative uses, danger of landfill gas migration, litter, birds, decrease in property values and groundwater contamination. Stewart (1990) systematically discounted the social effects included in this list as adverse impacts which were more apparent than real, emphasising the proposed end use of the landfill as a positive social effect.

One planner interviewed was convinced that if a similar case arose now vast differences would be apparent, a result of the changing priorities of local government and the planning process. She remarked that the applicant would probably not be the ARC but a private enterprise due to the deregulated environment existing under the Local Government Act. Additionally, she doubted the need for such a comprehensive evaluation of alternatives for an application under the *RMA*. The consideration of alternatives is only mandatory for plans and policy statements developed by local councils (s32 *RMA*). However, under section 92 of the *RMA*, local councils may request further information regarding a proposal if they consider it may have significant adverse effects on the environment. Finally, it is no longer a priority to justify the need for a landfill, as was obligatory under s118 of the *T&CPA*.

MECHANISMS USED IN ADDRESSING THE NIMBY DISPUTE

The ARA employed a combination of statutory and non-statutory measures to address NIMBY conflict in the Mount Wellington case. The extensive nature of these measures was, in part, a response to public outcry over their lack of involvement in the initial stages of the process.

The first opportunity for public input was in response to the Environmental Impact Assessment. Submissions totalling 1353 were received by the ARA regarding this document, only three of which supported the proposal. With opposition rife, and submissions indicating the primary concern was the site's proximity to residential

suburbs, the ARA focused on involving the neighbours in further decision-making. Intervener funding was made available to community groups for the purposes of a peer review of material presented by the ARA. The Meadowbank Community Committee had consultants undertake a review of geotechnical, geological and hydrogeological aspects of the proposal. The statutory obligation to consult with tangata whenua was met, and exceeded, with the ARA employing Ngati Paoa as consultants to produce a 'Cultural Perspective Report'. An independent auditor was brought in to assess the EIA; he liaised with the Parliamentary Commissioner for the Environment, the Ministry for the Environment and convened a public meeting where the ARA were required to respond to his concerns. Insight into public opinion, gained through these measures, highlighted that the immediate and short term effects posed as major concerns for the local community (ARA, 1989b). Consequently, the ARA was able to concentrate on clarifying these concerns and focus on measures to mitigate them. One such measure was the establishment of a Peer Review Panel, comprising of independent specialists, to ensure all works were adequately designed, constructed and operated as intended. Another measure explored was financial compensation. "The ARC considered the possibility of providing some form of compensation to the community for the potential adverse impacts arising from the proximity of the landfill" (Bauld, 1990). This legal avenue, possible under the Public Works Act 1981 (section 60(1)(c)(ii)), could have been used to recompense those *directly affected* by the landfill. However, the ARA chose not to arrange financial compensation, Bauld (1990) maintained that the end use plan for the landfill would be a major compensation in itself.

The planners involved in the Mount Wellington case were emphatic that the ARA had a genuine desire to involve the community in the decision-making process. Both informants regretted the exclusion of the public in the early stages, and believed this to be a critical factor in the hostility of the local community toward the proposal.

The Meadowbank Community Committee representative commended the number of mechanisms employed by the ARA in attempting to alleviate conflict. He expressed scepticism, however, at the exact intent of these measures. "We felt some of the things they did were more concerned with PR than our interests" (pers. comm., 1996). Having

said that he conceded that the mechanisms were effective in reconciling some of the community's fears.

CONSTRAINTS TO MANAGING NIMBY CONFLICT

Two constraints in managing NIMBY conflict were raised in the interviews: inadequate resourcing of community groups and time limits. Both obstacles were overcome by "throwing money at them" (pers. comm., 1996). The ARA recognised that the general public did not have the necessary technical expertise to represent themselves adequately, and were constrained financially. To meet these needs intervener funding was provided by the ARA, and the local community were able to chose their own consultant to undertake a Peer Review of six technical reports (Riley Consultants, 1990). The representative of the Meadowbank Community Committee acknowledged the support of the ARA as useful in funding part of their campaign, "although it wasn't all a free ride" (pers. comm., 1996). The statutory obligation to involve tangata whenua was met by employing Ngati Paoa as consultants. One planner commented that the ARA, being a large and well funded council, was able to provide these opportunities to the community; however a smaller council may struggle to include the public to the same extent.

Generally, the time limits for submissions, hearings and appeals were thought reasonable by the planners involved in this case. The biggest problem was getting the City Councils to agree to hearing dates (regarding water permit applications) in order that the ARA could meet subsequent deadlines (pers. comm., 1996). As a result, the public had to be vigilant about which hearings were proceeding when, and how long they had to prepare their case. One planner thought that a better "coordination of complications" (pers. comm., 1996), such as a joint hearing of permit applications, would have taken the pressure off time constraints. This issue, she believes, was not addressed in the reform of planning and resource use legislation.

ISSUES WHICH FORMED THE FOCUS FOR DECISION-MAKING

Both planners interviewed acknowledged that the project was driven by mixed motives and "not from a purely landfill perspective" (pers. comm., 1996). It was the proposed end use, a large regional open space park, which led to the decision to pursue the Mount Wellington site. There were no explicit provisions to incorporate end use considerations into decision-making under the *T&CPA*. However, the ARA tailored their evidence to include the end use as a positive social effect, and a preferred alternative use of the quarry site in their evaluation of alternatives. "Rather than trying to find the best rubbish site, they were trying to find the best end use for the Mount Wellington site" (pers. comm., 1996). One informant maintained that this was largely where the process fell over, because the ARA ignored the inferior geological properties of the site. "As a result, a competitor came along with a better site, which the ARA had overlooked because of end use project creation" (pers. comm., 1996). The ARA were responsible for refuse disposal and the provision of parks; these mixed motives arguably led to the demise of the project.

Public concerns focused on the *location* of the proposed landfill, and not the *need* for a landfill facility. Accordingly, the Meadowbank Community Committee emphasised the seemingly inferior physical properties of the site, and social concerns (particularly amenity value). Their social concerns were largely ruled out in the Planning Tribunal decision. Concerns for property and amenity values were deemed to be more perceived than actual. However, stringent conditions imposed on the development of a landfill acknowledged technical difficulties of the site, particularly groundwater concerns. Among these conditions was the requirement to install a double synthetic liner, with intervening collection layers and plain layers, two metres thick over the whole site. In excess of one million bores were required, and a registered engineer needed at the site to sample and monitor gas on a daily basis.

APPROACH TO DECISION-MAKING

After a project which began as a largely autonomous process, disregarding the need to include the public, a transformation toward collaborative decision-making was evident in

the Mount Wellington case. "The process was open, and involving; the community may not have liked the outcome, but they could see rationale behind what was used" (pers. comm., 1996). The combination of statutory and non-statutory mechanisms to involve the public, and respond to their concerns, resulted in an innovative process, according to one informant. One review of the Mount Wellington proposal suggested that the auditor-convened public meeting "improved interpersonal communication between the [ARA] team and the community" (Dixon and Crawford, 1992, 8). An extensive number of parties were involved in both statutory and non-statutory decision-making in this case. Figure 4.1 presents these decision-makers as they were categorised by one planner.

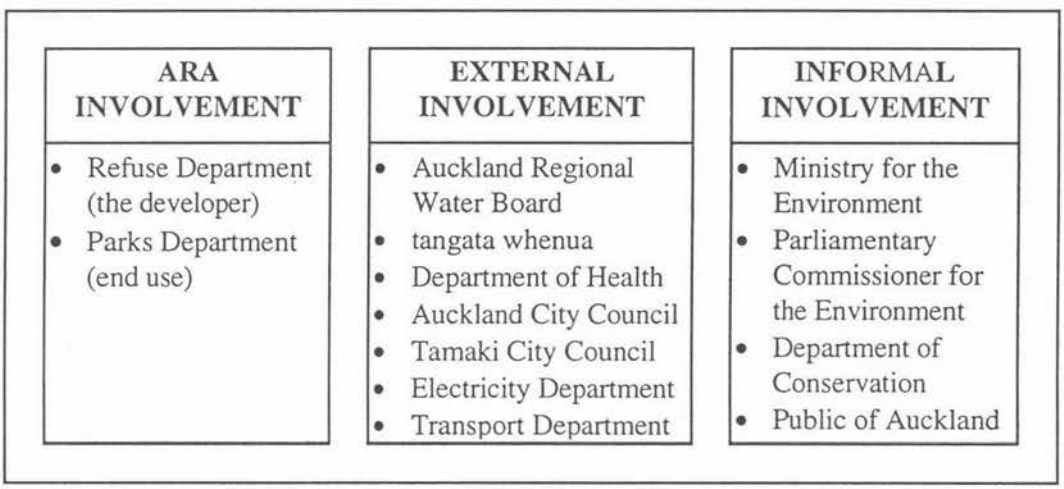

FIGURE 4.1: Decision-Makers involved in the Mount Wellington Landfill Proposal

REFUSE LANDFILL PROPOSAL: HIWINUI, MANAWATU, 1994

CASE HISTORY

The Awapuni landfill, which currently services the greater Palmerston North area, is nearing capacity. In response to a pending need, the Palmerston North City Council (PNCC) initiated a scanning process to identify a suitable site for refuse disposal in the Manawatu. The initial phase of the site selection process involved a comprehensive examination of the region to identify possible locations for landfilling. This was carried out entirely independent of ownership, allowing all potential sites to be pin-pointed.

Following this, all sites which were deemed technically inadequate were eliminated from further analysis. The process highlighted four preferred sites, and a detailed investigation was initiated for each of these.

The site selection process was driven and focused purely from a technical perspective, with concerns for groundwater protection a priority. Consultants for the PNCC, assessing technical aspects of the sites, produced a final report which highlighted an area in Hiwinui as the most technically preferable site for a refuse landfill. Hiwinui is 12 kilometres north east of Palmerston North, and outside the territorial boundaries of the PNCC, lying in the Manawatu District Council catchment. The site itself covered fifty hectares of flat land. In a technical sense flat land is ideal, but unlike landfills situated in incised gullies, refuse would be visible. The land was being used for agricultural purposes and the PNCC proposed to return it to this state following the estimated thirty year life-span of the landfill. Hiwinui is a small rural community, made up of farms and lifestyle properties. There are 43 residents around the block, of which the Hiwinui-Ashurst Environmental Protection Society alleged five would be directly affected by a landfill at the proposed site.

Having identified a favourable site for the landfill, the PNCC elected to undertake a round of public consultation regarding the site selection process. This was prior to a detailed assessment of the site and the lodging of consent applications in the formal planning process. In response, in excess of 2500 submissions were received by the PNCC, only three of which supported the proposal.

As a consequence of the consultation process, a political decision was made to cease with further planning for landfilling at the Hiwinui site. Fortunately, the need for landfill space to service the greater Palmerston North area is not yet dire. However, the location and development of a new landfill is needed in the medium term, as acknowledged in the PNCC Draft Strategic Plan (PNCC, 1995).

ACCESSIBILITY OF THE PLANNING PROCESS

Two PNCC planners interviewed were adamant that the level of community awareness regarding the proposal, and channels for public input, was extremely high. This is substantiated by the high number of submissions (in excess of 2500) on the site selection process. One planner suggested that interest of this level highlights an understanding of procedures *beyond* the formal planning process. Consultation began, with the aid of Local Government Act provisions, prior to the Council lodging consent applications required by the *RMA*. One rationale offered, to explain the high number of public submissions, was that "Palmerston North is demographically a well-educated and articulate community and this would contribute to the high level of awareness" (pers. comm., 1996). However, the argument of demographic composition fails to explain the difference in public participation between the Hiwinui proposal and the Awapuni landfill case (Awapuni landfill services the same population). The Awapuni proposal, just a decade ago, drew only three submissions throughout its entire planning process.

Like the Mount Wellington case, residents in the vicinity of the preferred site unified their concerns by forming a group to oppose the landfill: HAEPS, the Hiwinui-Ashurst Environmental Protection Society. A representative of HAEPS confided that it was part of their strategy to be high profile in the community (pers. comm., 1996). They set up information stops in Palmerston North's central business district and circulated submission forms on the site selection project amongst the community. "We felt it was important to generate as much local attention and support as possible" (pers. comm., 1996). HAEPS held an open day at the proposed site, inviting Palmerston North citizens to inspect the area proposed for landfilling, in an effort to gain support from the wider catchment. In conjunction with these active measures to generate opposition to landfilling at Hiwinui, HAEPS made use of the media to voice their concerns.

PRIORITIES OF THE PLANNING PROCESS

The Hiwinui proposal did not advance to the formal stages of the planning process before the project was terminated. The informal phase of site selection had been

undertaken, and consultants were employed to undertake technical appraisals of preferred sites.

Integral to the site selection project was an assessment of alternative sites for landfill purposes. The comprehensive nature of this assessment may well impinge on future endeavours to situate a landfill in the Manawatu. The final consultant's reports clearly points to the site at Hiwinui as the most technically preferable. Subsequent proposals for landfilling elsewhere in the region may be constrained by neighbours referring to this document and claiming differential treatment; that their concerns are perceived to be less valid than the concerns expressed by the Hiwinui residents.

Consultation initiated prior to a statutory need to involve the public indicates an obvious desire on the part of the PNCC to include public comment in the early stages of decision-making. However, public involvement was not requested *during* the site selection process, but in response to that process. This distinction is important; the community were asked to comment on a process, but were not integral to the process itself.

MECHANISMS USED IN ADDRESSING THE NIMBY DISPUTE

Because the site selection process was carried out independent of ownership, and was driven from a technical point of view, there were no criteria for avoiding NIMBY-type conflict. For example, the Council made no attempts to restrict their search for suitable landfill sites to sparsely populated areas.

NIMBY conflict arose prior to the identification of the preferred site, when residents of Hiwinui and Ashurst became aware the PNCC were looking in their area. And once the site had been identified, backed by consultants reports, NIMBY claims proliferated. "No one was voicing approval in a positive way. Everyone generates rubbish, but no one's prepared to stand up and say 'hey, we need somewhere to put it'." (pers. comm., 1996). Council reaction to this hostility came in the form of a round of consultation regarding the site selection project. Prior to any statutory need to involve the public in the planning process, special consultative procedures were employed. Section 716a of the

Local Government Act 1974 provided a framework for consultation. This provision set out a procedure for notifying the proposal, allowing submissions to be made, and permitting the public to speak in support of their submissions. Section 716a also outlined a time-frame within which to carry out the consultative process. The PNCC received in excess of 2500 submissions and organised a series of nine public meetings to allow people to speak to their submissions. In the course of the hearings, the PNCC attempted to alleviate NIMBY conflict and reduce perceived fears by corroborating the technical suitability of the site with consultant's evidence. The Council also outlined proposed mitigatory measures, such as tree growing to reduce the severity of the visual impact a landfill has on flat land.

The representative of HAEPS viewed the effort to involve the community as "too little, too late" (pers. comm., 1996). He reprimanded PNCC officials for their exclusion of the public in site selection. This action had the effect of polarising the Hiwinui community from the Council and resulted in a lack of trust in the officials in managing the proposal.

CONSTRAINTS TO MANAGING NIMBY CONFLICT

It appeared from the interviews that skills in public relations, media-generated misunderstanding, and territorial boundaries were the three major constraints to managing NIMBY conflict. One of the recurring sentiments was that PNCC staff were extremely ill prepared in terms of communications management. This was detrimental to managing NIMBY outcry in two ways; it allowed a media takeover in terms of commentary between the public and the Council, and resulted in added antagonism toward the PNCC decision-makers, who were seen as exclusionary.

One planner interviewed expressed frustration over the level of misunderstanding generated by the media, regarding the proposal. "The media are in the business of selling papers. They generated sensationalism by manipulating our wording and the information we provided, which further encouraged conflict" (pers. comm., 1996). One planner disclosed that the PNCC lacked a process for managing the press, and were not prepared for dealing with the situation in a public relations environment. He suggested that this

was combined with a degree of naivety, as these skills can be purchased to some extent in the form of specialist consultants.

The administrative boundaries that divide the Manawatu region into a number of territorial areas brought an element of confusion to the landfill project and raised issues of inequity. The preferred site was within the Manawatu District Council jurisdiction. The argument was put forward in a number of submissions that "it's your rubbish, you deal with it" (pers. comm., 1996). However, a survey showed the majority of residents in the Hiwinui area travel to Palmerston North every day. And by doing so, they contribute to the commercial, industrial and service industry refuse that makes up nearly 90 percent of Palmerston North's waste stream (pers. comm., 1996). Because the PNCC had chosen a site outside their territorial boundaries, scepticism was rife regarding the unfair weighting of costs and benefits between the two districts.

The only additional constraint mentioned in this case was the lack of a preliminary framework in the *RMA* for community consultation at an early stage in the planning process. The *RMA* has no provision for mandatory consultation with the public during site selection stages of a proposed development, whether it be a public or private initiative. The PNCC had to look to other legislation for a framework to action public input prior to the lodging of the application.

Problems with resourcing were not evident in the Hiwinui case. The process did not advance to a stage where large financial demands were necessary, nor great technical evidence needed by the local community (pers. comm., 1996). However, an apparent lack of involvement from tangata whenua raises questions. It may suggest insufficient consultation, a need for resources to encourage involvement, or that they had no objections to the proposal.

ISSUES WHICH FORMED THE FOCUS FOR DECISION-MAKING

The Council-controlled site selection project was driven purely from a technical perspective. The feasibility of each site was measured according to criteria based on geological factors, particularly the potential for leachate contamination of groundwater and water ways.

HAEPS focused on both environmental and social effects in their argument against the proposal. These concerns included noise, waterway contamination, visual impact, vermin and the proximity of the site to Hiwinui School.

Political decision-making played a major part in the outcome of this project. Pressure on councillors from their constituencies led directly to a decision to discontinue with the Hiwinui proposal. One planner voiced disappointment at the way the councillors behaved at the public meeting where the proposal was overthrown. "They had 300 people from the NIMBY background staring down their throats and there were no members of the public on the other side saying 'hey, we need this', and they buckled" (pers. comm., 1996). As a result, the technically best solution was dismissed in favour of the more politically acceptable one.

APPROACH TO DECISION-MAKING

In hindsight, the PNCC had a clear lack of measures to deal with NIMBY conflict. As such, the Council's response to ensuing NIMBY sentiments was that of crisis reaction, with no pre-conceived way of dealing with such conflict. Crisis reaction involved addressing the most contentious phase of conflict. Rather than avoid or remedy the dispute, the Council took mitigatory measures in an attempt to moderate objection. The Council response was to move from an autonomous style of planning (which underpinned the site selection process) toward a collaborative approach which involved input from the community. However, the Council was unable to elucidate their intentions to a point of compromise and proceed with the project. "As a result the PNCC is having to think a lot more carefully how they involve the community in terms of the planning process" (pers. comm., 1996).

DAY CARE FACILITY PROPOSAL: MARION KENNEDY CENTRE, PALMERSTON NORTH, 1990.

CASE HISTORY

The Alzheimers Disease and Related Disorders Society (ADARDS) of Manawatu presented an application to the Palmerston North City Council (PNCC) in October 1990 to establish a day care facility at 50 Ihaka Street, Palmerston North. The application proposed that the Marion Kennedy Centre would cater for approximately eight people suffering from mild to moderate memory loss or confusion. The Centre was to operate on a day care basis: Monday to Friday, 9.30am to 3.30pm. Clients were to be attended by three staff, one of whom would live on the property. The proposal included limited change to the Ihaka Street property, minimal alterations of the house itself, and the creation of five car parks and surround fencing.

Under the Palmerston North City District Scheme, the site was zoned 'Residential A'. Within that zone, health facilities were provided for as conditional uses. As such, public notification of the application for planning consent was lodged. A public notice was placed in the local newspaper (*Evening Standard*, 27 October 1990), and 20 neighbours in the vicinity of the property at 50 Ihaka Street were served a copy of the application and plans. The closing date for submissions to the application was 19 November 1990.

Seven submissions were received, all objecting to the proposal, and all from the immediate neighbourhood of the property at 50 Ihaka Street. The nature of the objections questioned the suitability of the site as a day care facility. The main focus was on traffic concerns, particularly as the property shared a right-of-way with two other residences. Other concerns involved issues of personal security, property value decline and concern that the Centre would grow over time. "Most objections sought limitation on the Centre size or the declining of the application by way of relief" (Planning Officer's Report, in PNCC 1991).

The PNCC Resource Management and Regulatory Committee arranged for a hearing regarding the application to take place on 6 December 1990. Prior to the hearing, objectors were given the opportunity to expand their concerns in writing. These were circulated amongst the members of the Committee, along with the Planning Officer's Report. At the hearing, the Committee heard evidence from six individuals, a representative of the property owner, a representative of ADARDS, the PNCC Planning Officer, and three neighbours of the property at 50 Ihaka Street. After deliberation, the Resource Management and Regulatory Services Committee resolved that the application made by ADARDS be granted. The decision was not appealed.

ACCESSIBILITY OF THE PLANNING PROCESS

Initial observations of this case, with evidence of just seven submissions to the ADARDS proposal, raises questions regarding the accessibility of the planning process. However, the level of communication between the PNCC and the residents of Ihaka Street indicates the opportunity for neighbours to be part of the decision-making process was considerable. Twenty residences surrounding 50 Ihaka Street were sent a notification of the proposal and an outline of ADARDS plans for the site (PNCC, 1991). If they wished to make a submission on the proposal, the period of time and the appropriate form to use was clearly outlined. Once submissions were received, and those who wished to be heard in support of their submission identified, they were sent notice of the hearing. Additionally, they were given the opportunity to present additional information in writing prior to the hearing, the purpose of which was to circulate amongst the Committee members. The Planning Officer's Report was also made available for inspection prior to the hearing. Once a decision had been reached, the PNCC gave the objectors notice of the decision and an explanation of the channels to follow should they wish to lodge an appeal with the Planning Tribunal. "They were fully informed all along the way" (pers. comm., 1996).

In addition to direct contact with twenty neighbours of the Ihaka Street property, notification of the ADARDS application was advertised in the local newspaper.

Obviously, the more oblique nature of notifying an application for resource consent via the newspaper suggests that the process was more accessible to the Centre's neighbours, who received direct and specific information. The geographical origin of the submissions, all of which were from Ihaka Street, provide evidence to support this conclusion. Alternatively, the origin and number of submissions may be a reflection of the confined area to which perceived negative effects were a concern.

The Planning Officer involved in this case responded to questions regarding the accessibility of the planning process by echoing the responses of planners involved in the other case studies; she alluded to socio-economic status having a bearing on the level of response to the process. "We were in deepest, darkest, heartland Hokowhitu" (pers. comm., 1996). She believed the residents of the Hokowhitu area had a good understanding of the process, and had time with which to produce a comprehensive submission. She noted that the objectors were in no way intimidated by the process and on arrival at the Committee hearing they were confident and "not frightened or put off" (pers. comm., 1996).

A representative of the twenty neighbours who objected to the day care centre acknowledged that residents in the street were informed of proceedings along the way. Interestingly, she commented that this emphasised the position of control the PNCC had over the process. "We were responding to the beck and call of the Council" (pers. comm., 1996).

The Planning Officer attributed, in part, the accessible nature of the planning process to the level of communication between the objectors and the Council. "The PNCC operate a procedure where people who are party to hearings are sent quite detailed information about how the Committee runs" (pers. comm., 1996). Additionally, the Chairperson of the Resource Management and Regulatory Committee began every Committee hearing by introducing all the councillors and staff, outlining the role of each party and explaining how the process would run. "So no one should have felt they didn't know what was going on" (pers. comm., 1996).

PRIORITIES OF THE PLANNING PROCESS

The ADARDS case provides valuable insight into the workings of the *T&CPA* with regard to proposals for community care facilities in residential areas. Of particular influence in this case were the zoning provisions of the Palmerston North City District Scheme and sections 3, 4 and 72 of the *T&CPA*.

The site at 50 Ihaka Street fell into the zone of Residential A. Within that zone, health facilities were provided for as conditional uses. Consequently, the proposal for a day care facility run by ADARDS had to be considered in terms of section 72 of the *T&CPA*. Section 72 requires councils to assess:

- the suitability of the site by reference to the provisions of the operative City District Scheme; and,
- the likely effect of the proposed use on the existing and foreseeable future amenities of the neighbourhood and on the health, safety, convenience and the economic, cultural, social and general welfare of people of the district.

The Planning Officer's Report dealt with these provisions, focusing specifically on their relationship to the perceived impacts of the Centre expressed by the objectors. In doing so, she exposed their concerns as more apparent than real. For example, she stated that traffic concerns were based on a misunderstanding of the nature of the Centre. "The intention of the day care is to provide positive therapeutic care while giving caregivers a break" (Planning Officer's Report, in PNCC 1991). Hence, very few friends and relatives were expected to visit, and traffic movement would be condensed by the use of a mini van to transport clients. The Planning Officer quoted a previous case [Hawkes Bay Hospital Board v. Napier City (1986) 11NZPT A404], in which the Planning Tribunal ruled "negative attitudes, or fear unsubstantiated by factors not properly cognisable under the Act, are not permissible bases for refusing consent". In the ADARDS case, the Planning Officer's Report addressed the neighbours "unsubstantiated" fears by enlightening objectors on the modest nature of the Centre, and thereby attempting to mitigate NIMBY sentiment. She saw the main problem in this case

as fear of the unknown, and the unwillingness on the part of the objectors to become informed. "That's what makes NIMBYS NIMBYS, the unwillingness often to be informed" (pers. comm., 1996).

From the perspective of the alzheimers patients, section 72 of the *T&CPA* was useful in highlighting their interests; "it was a daycare facility, and one presumes that for the comfort, convenience etc of the people who were going to be there, it was probably more appropriate that it be in a residential street" (pers. comm., 1996).

The representative of the Ihaka Street neighbours thought the needs of the user group (the alzheimer patients) outweighed the concerns of the neighbourhood residents in the Planning Officer's Report (pers. comm., 1996). She went so far as to suggest that this "imbalance" directly affected the outcome of the case in favour of the user group (pers. comm., 1996). In their written submissions, objectors questioned whether the day care facility was a 'normal residential purpose' and deemed it an inappropriate land use for the Residential A zone as defined by the Palmerston North City District Scheme. Additionally, they thought inadequate consideration had been given regarding "the adverse and unfair effects on [the neighbours] rights of safety and convenience, particularly with respect to the driveway" (PNCC, 1991).

The Planning Officer involved in the ADARDS case, explained that "a lot of the things we were dealing with were not appropriate planning considerations and certainly not appropriate planning considerations under the *T&CPA*" (pers. comm., 1996). She gave an example; the neighbours fear and loathing of the situation was not something that was dealt with by the *Act*, or anyone considering applications under its provisions. The *T&CPA* gave broad consideration in sections 3 and 4 to social and economic planning "but these were not specific planning considerations" (pers. comm., 1996). This sentiment questions the appropriate level of emphasis placed on sections 3 and 4 in the assessment of an application for resource consent, particularly when social concerns were central to a case. "The planning considerations tended to come down to things like access and parking and other very land use things. The *T&CPA* was a land use piece of legislation and it didn't purport to be very much else" (pers. comm., 1996).

If a similar case arose now, the Planning Officer thought very little change would be obvious in the assessment of the application in terms of the effects of the activity. She thought this was a misconception people have about the *RMA*; "the *RMA* isn't the first time we've thought about [environmental] effects" (pers. comm., 1996). She explained that criteria in plans for conditional uses were all based on the effects of the activity on the surrounding area and the site itself. "To some extent that case rose and fell on the basis that the effects were of the scale and type that could be managed and mitigated" (pers. comm., 1996).

MECHANISMS USED IN ADDRESSING THE NIMBY DISPUTE

The ADARDS case is an example of the use of the 'text book' statutory process. The PNCC employed no additional techniques to address the NIMBY dispute, beyond what was provided for in statute. The statutory channels for consent application involved notifying the proposal, requesting submissions, hearing people to speak to their submissions, and the opportunity to appeal the decision at the Planning Tribunal. In the ADARDS case, it was a straight-forward progression through these steps. However, an appeal was not sought. Public participation was wholly defined by this process, with no implementation of non-statutory measures at any stage. Arguably, this process may be seen as narrow in terms of the potential to involve the community. The neighbourhood representative noted that the rigid conformity with the provisions in the *T&CPA* left very little scope for actions she believed would have been useful. She said suggestions were forwarded to the PNCC to arrange a meeting with all interested parties attending, however no meeting, nor offer of a mediator was initiated. Written evidence highlights that the objectors to the proposal viewed the absence of consultation from ADARDS as a negative reflection on the Society. "We do not feel assured that there will be sufficient spirit of cooperation and goodwill from the people associated with ADARDS" (PNCC, 1991). This ill feeling may well have exacerbated NIMBY concerns. However, when questioned on this matter, the Planning Officer believed "the neighbours had already made decisions in their own minds about the appropriateness" (pers. comm., 1996).

The Planning Officer recognised the lack of provision for dispute resolution measures in the *T&CPA* and believed "at the time there was very little assumption that you could use any form of mediation" (pers. comm., 1996). She also expected there would have been legal problems implementing dispute resolution measures at the time. "Having contact with parties outside the statutory process could have been interpreted as the Council already having partially made a decision" (pers. comm., 1996). She expressed concern regarding the ethical dilemma of a planner being involved in a mediation process, and having to produce a planning report making recommendations on the proposal.

There was no provision in the *T&CPA* to undertake pre-hearing meetings, and as such they were not used in the ADARDS case. However, if a similar case arose now, the Planning Officer believes a pre-hearing meeting would be very useful in easing the NIMBY situation, or at least "ensuring everyone is proceeding from the same state of information" (pers. comm., 1996). Without a formal process to follow under the *T&CPA*, the planner did not encourage direct discourse between the neighbours and ADARDS. "Some lawyers would say that if ADARDS had approached neighbours it may be regarded as pressuring them not to make an objection, or vary their opinion" (pers. comm., 1996).

CONSTRAINTS TO MANAGING NIMBY CONFLICT

The Planning Officer acknowledged the lack of provision for pre-hearing meetings, discussed above, as a constraint to managing NIMBY conflict imposed by the statutory planning process. "It was a clear case where a pre-hearing meeting would have been useful" (pers. comm., 1996). She also alluded to another legislative constraint: time. "There were problems with time, but there are always problems with time no matter how much time you've got" (pers. comm., 1996). However, had the case gone to the Planning Tribunal, the Planning Officer believes ADARDS would have been in a very poor situation to help themselves; they would not have had the funds to engage a good lawyer and supporting expert witness within the time frame (the objectors had three months in which to appeal).

Financial constraints were expressed by the representative of the neighbours, who considered that a property valuer's assessment would have been useful in providing evidence of potential decrease in their property values as a result of the day care facility (pers. comm., 1996). Claims that this was to expensive to undertake resulted in potential property value decline being disregarded in the decision-making process. "In the absence of information to this affect from a registered valuer this is not a matter which can be given regard in assessing this application" (Planning Officer's Report, in PNCC 1991).

The Planning Officer expressed concern over the "severely understaffed" planning department of the PNCC at the time of the ADARDS case (pers. comm., 1996). She believed this case did not suffer as a result of the understaffing, but that there would have been difficulties had they wanted to implement mediation measures.

ISSUES WHICH FORMED THE FOCUS FOR DECISION-MAKING

The initial decision by ADARDS to apply for consent to provide a day care facility at 50 Ihaka Street was a result of the property being gifted to them. Had the application been turned down, "they were not in a situation where they could purchase a home somewhere else" (pers. comm., 1996).

Concerns expressed by neighbours, in submissions to the proposal, were based on one of two premises; negative impacts on the neighbourhood and the unsuitable nature of the property for alzheimers patients. Fears regarding negative impacts on the neighbourhood were dominated by traffic concerns; noise generated by additional traffic, increases in the volume of traffic and a greater potential for accidents on the shared driveway. One objection referred to the potential situation as involving "semi-institutional type traffic" (PNCC, 1991). Other concerns included the fear of a potential decline in property values, security concerns and suspicion that the "original intentions of ADARDS will take second place to day-by-day needs of the Centre as a developing community" (PNCC, 1991). The neighbours also used a 'fair share' argument to support their case. They pointed out that the Pastoral Centre and Ryder Cheshire Home were already adjacent to their neighbourhood and that community care facilities should be distributed

throughout the city. The Ihaka Street representative interviewed conceded that not all the fears expressed by neighbours were realised (pers. comm., 1996). She emphasised that, as she has since moved away from the neighbourhood, she is unable to comment on the present situation.

The objections revealed that the neighbours were keen to project themselves as supportive of the principle of the day care centre; "[m]y wife and I support the concept of the day care centre and in fact are very conscious of a possible 'so long as it doesn't affect us' aspect to our objections" (PNCC, 1991). As a result, some of their arguments were tailored to highlight the unsuitable nature of the property for alzheimer patients, regardless of the impact on the neighbourhood. They pointed out that the property was chosen because it was available, not because it was particularly suitable. One submission listed three points outlining the unsuitable nature of the property for ADARDS:

- A day care centre requires a property that has exclusive and direct access to the street.
- There are more suitable properties are available.
- The full implications will only be known once the Centre has been operating for a while. It will prove unfair if fears are well founded.

When questioned on the apparent conciliatory nature of the objectors as prepared to accept the day care in principle, the Planning Officer's comment was: "that's the generalised argument commonly used by NIMBY sufferers" (pers. comm., 1996).

> People don't want to be seen making socially inappropriate comments, and they tend to bring their argument down to more generalised issues such as traffic and parking and the use of a shared driveway. But in essence what they're saying is 'we don't want this next door'. (pers. comm., 1996).

The ultimate decision regarding the fate of the proposal rested with the PNCC Resource Management and Regulatory Committee. They considered evidence from four sources; ADARDS, a representative of the property owner, the objectors and the Planning Officer's Report. The Committee resolved that the application be granted, stating the day care centre "would not impact on neighbourhood amenities more than other residential uses and be a positive addition to the range of social and health facilities in the city" (*Evening Standard*, 18 December 1990). This sentiment indicates the decision was

based on a broader public interest concern than the concerns of individual neighbours to the property. The granting of the application was subject to ten conditions which included security measures, signposting, restrictions on operating hours and numbers of clients and staff. It was made clear that any change to these conditions would require additional applications for consent.

APPROACH TO DECISION-MAKING

The style of planning applied to the consent process for the ADARDS application was entirely dictated by the legislative provisions of the *T&CPA*. The statutory provisions of the *Act* were followed literally, without additional non-statutory measures to deal with this NIMBY situation.

Decision-making at the Committee hearing followed a largely open and fair process, in as much as all who wanted be heard were given the opportunity; and the presentation of evidence was largely unlimited and unrestricted. According to the Planning Officer, one of the objectors got herself so wound up she began screaming abuse at the Planning Officer and the Committee; "that would never had happened at the Tribunal, the Judge would have stopped her before she got hysterical" (pers. comm., 1996). Regardless of how appropriate these actions were in a hearing situation, they are indicative that everyone gets a fair hearing. "I would say most people would leave his [Bernard Forde's] hearings with the feeling that their arguments had been listened too, even if the Committee didn't agree with what they said" (pers. comm., 1996).

EMERGENCY HOME PROPOSAL: WAIRERE GROVE, PARAPARAUMU, 1992

CASE HISTORY

In mid 1992 Birthright Incorporated requested advice from Kapiti Coast District Council (KCDC) regarding the establishment of an emergency home at 11 Wairere Grove

Paraparaumu. The query sought advice on whether an emergency home was an allowable use in the zone in which the property fell. Birthright intended to use the residence for interim accommodation for single parent families and their children in emergency situations. The home was to provide accommodation for up to three families at one time, with a maximum stay of three months per family. The house itself contained six bedrooms; in addition to this, Birthright proposed to site a small unit on the property to house a supervisor to assist the transitory families if necessary.

The proposed land use, 'emergency housing' was not specifically identified as a permitted use in the Residential B zone, in the KCDC Transitional District Plan,. However, emergency housing was interpreted by the KCDC District Planner as "an activity permitted as of right as a predominant use in the Residential B zone" (KCDC, 1992d). Therefore, Birthright did not need to seek resource consent to operate an emergency home from 11 Wairere Grove, nor publicly notify a proposal. Additionally, the area of the site (1014m^2), allowed the erection of another dwelling as of right; the Transitional District Plan permitted two dwellings on sites greater than 700m^2.

Having advised Birthright and the Housing Corporation (who were to purchase the house for Birthright) of the decision, there was backlash from residents in Wairere Grove. The KCDC Regulatory Services Committee were presented with a letter and petition signed by nine of the immediate neighbours to the property at 11 Wairere Grove. Residents' objections focused primarily on the classification of the proposed home. In their opinion, the emergency home came within the definition of 'residential institution', defined in the Transitional District Plan as a conditional use.

The residents of Wairere Grove took an appeal to the Planning Tribunal against the endorsement of the KCDC Regulatory Services Committee to permit the establishment of the emergency home run by Birthright. They stated that the endorsement was a 'decision' in terms of the *RMA*, and therefore grounds for appeal (KCDC, 1992c). The Planning Tribunal found that no application for resource consent had been made and therefore the residents did not come within the definition of section 120(1)(a) and (b) of

the *RMA* as having a right of appeal. "The notice of appeal was struck out for want of jurisdiction" [*G. A. Bitossi and Others v Kapiti Coast District Council* W088/92].

ACCESSIBILITY OF THE PLANNING PROCESS

Wairere Grove residents expressed frustration at a planning process which did not allow them to partake in decision-making. They claimed they were ostracised by the process which failed to provide a reasonable level of communication, serve information or provide support to neighbours of the proposed home (KCDC, 1992e). The neighbours expressed anger about the lack of communication and information they received while the home was being established. They believed information offered by a Birthright representative was contradictory; they were unsure of the home's exact intended use, who would be living there and why a supervisor would be living on the property. Similarly, they thought the KCDC should have informed them of Birthright's intended use of the Wairere Grove property and been given the chance to comment in a formal capacity (KCDC, 1992e). As in the ADARDS case, neighbours of the Wairere Grove property complained of a lack of direct discourse with the Association providing the community care service.

Provisions in the *RMA* which allow permitted activities to proceed without public notification also antagonised residents of Wairere Grove. Section 9(1) of the *RMA* states that if an activity is permitted by a District Plan then resource consent is not required; hence wider community input is excluded from decision-making in these situations. Permitted activities also existed under the town and country planning regime. It is the judgement call on the part of the KCDC, regarding the emergency home as a permitted activity, that was called into question in this case.

As in the ADARDS case, NIMBY sentiment surrounding the community care facility was expressed by the immediate neighbours to the proposed home. This group of nine residents from Wairere Grove effectively forced their way into the decision-making process regardless of the lack of formal channels to express objection. A letter and petition were presented to the chairman of the KCDC Regulatory Services Committee,

objecting to the emergency home and stating reasons why. They requested that the Committee consider the matter as a specific departure from the Transitional District Plan. When informed of the Committee's endorsement of the District Planner's actions, residents of Wairere Grove attempted to appeal the 'decision' at the Planning Tribunal. However, this effort to be recognised legally as integral to the planning process was in vain.

Although no members of the objector group were able to be contacted for comment, it can be deduced from these actions that the residents of Wairere Grove possessed confidence and were not intimidated by the planning process, even though it was clear they had no legal right of objection under section 120 of the *RMA*. The fact that they took the matter to the Planning Tribunal indicates that they were resolute in their convictions. However, the objectors were apparently unaware of the legal avenue open to them to seek a *declaration* from the Planning Tribunal as to whether the emergency home was a permitted activity. Sections 310 and 311 of the *RMA* outline the procedure for the application of a declaration. Section 310(d) provides for a declaration on "whether or not an act or omission, or a proposed act or omission, is a permitted activity, controlled activity, discretionary activity, non-complying activity, or prohibited activity". Residents missed their opportunity to seek a declaration, opting to seek an appeal to the Planning Tribunal under section 120 of the *RMA*.

PRIORITIES OF THE PLANNING PROCESS

The Birthright case essentially turned on the particular circumstances of the *use* of the property, and as such zoning ordinances were at the forefront of debate. Additionally, section 120(1)(a) and (b) of the *RMA* was relevant in terms of the involvement of parties in the decision-making process.

The KCDC District Planner's affirmation of the emergency home as a permitted activity in the Residential B zone led directly to debate regarding the precise definitions of activities categorised in the Transitional District Plan as permitted or conditional in that zone. In particular, the definition of *residential institution* was debated. The neighbours

to the property at 11 Wairere Grove considered the emergency home to fall within this definition, a use which was listed as conditional in the Residential B Zone. The Transitional District Plan defines residential institution as, "a hotel, hospital (other than a mental hospital), convalescent home, boarding school, or charitable institution providing board and lodging and having accommodation for four or more persons other than management and staff". Wairere Grove residents placed particular emphasis on the nature of Birthright as a charitable institution providing board and lodging. Unlike the objectors to the home, the District Planner and subsequently the KCDC Regulatory Services Committee did not view the emergency home as falling within the definition of residential institution. They stated that Birthright was not providing board and lodging, and cited dictionary definitions of these terms to back their case (KCDC, 1992c). Rather, the Committee promulgated that the emergency home was a dwelling; dwellings are provided as predominant uses in the Residential B zone. According to the Transitional District Plan, a dwelling "means a self-contained house or residence of a single household and includes detached or attached units" (KCDC, 1992c). The Committee focused particularly on the 'household' part of the definition, outlined in the Transitional District Plan as including "every housekeeping unit whether of one or more persons".

The preoccupation with zoning ordinances and definitions in the local Plan highlights the lack of direct focus on the *RMA per se* in the debate. Rather, the Transitional District Plan, a document provided for in the framework of the *RMA* but generated at the local level, formed the focus of consideration. It appears that the uncertainty resulting from the seemingly vague definitions in the Transitional District Plan allowed subjectivity to creep into decision-making. The Planning Tribunal commented that "the definitions of the district plan were not as clear cut as we may have hoped" [*G. A. Bitossi and Others v Kapiti Coast District Council: Decision on costs* W004/93].

The residents of Wairere Grove turned to the *RMA* itself in the hope of having their views considered and being granted the right to appeal the 'decision' made by the KCDC to endorse the emergency home as a permitted activity. Section 120(1)(a) and (b) of the *RMA* stipulates:

> Any one or more of the following persons may appeal to the Planning Tribunal in accordance with section 121 against the whole or any part of a decision of a consent authority on an *application* for resource consent, or an *application* for a change of consent conditions, or on a *review* of consent conditions:
> (a) The applicant or consent holder:
> (b) Any person who made a submission on the application or review of consent conditions.

Regardless of seeking this appeal, the Planning Tribunal concluded that because no application was made, residents did not come within the definition of section 120(1)(a) and (b) as having the right of appeal.

Essentially, the Birthright case was defined by the zoning provisions in the KCDC Transitional District Plan, and in doing so raised issues of the clarity of definitions. The interpretation of the emergency home and the resolution to permit the activity at 11 Wairere Grove excluded public input in decision-making. The Planning Tribunal's reading of section 120 of the *RMA* further enforced the lack of provision for community input when a land use is deemed permitted in a zone.

MECHANISMS USED TO ADDRESS THE NIMBY DISPUTE

The Birthright case is an example of a NIMBY situation where an absolute lack of measures to alleviate conflict were implemented. Neither statutory nor non-statutory mechanisms for dealing with NIMBY sentiments were evident. This was largely a result of the nature of the case and non-notification of the proposal.

Without the need to notify, the public was presented with no opportunities to become a part of the decision-making process. This inability to partake in decision-making frustrated NIMBY claimants and conflict arguably became more vehement as a result of a process which did nothing to mitigate perceived fears.

One measure, advocated by the residents of Wairere Grove as having potential use, was direct discourse between the host community and the service providers (KCDC, 1992e). Neighbours were anxious about a lack of communication regarding the nature and

operation of the home, and were not offered information by Birthright nor KCDC to allay concerns. The Planning Tribunal, while not ruling in the neighbours favour, picked up on this point.

> Care should always be taken by councils in the way accommodation for transient families is set up - as much for the families themselves as for the residents, for there are on-going relationships to be formed. This may mean more than internal decisions by the council officer - such as dialogue with the residents. In our experience if issues are shared there is likely to be a greater consensus - and support for incoming families as a result [*G. A. Bitossi and Others v Kapiti Coast District Council* W088/92].

CONSTRAINTS TO MANAGING NIMBY CONFLICT

Lack of formal avenue for consultation was the principal constraint to managing NIMBY conflict in the Birthright case, as it appeared to exacerbate NIMBY sentiment. A number of Wairere Grove residents entered the debate as a reaction to the lack of consultation. "Our objections arose firstly, from the initial way the street was blocked for half a day *without any prior notice*, while a small dwelling was hoisted over the fence" (KCDC, 1992e) (my own emphasis). "[N]eighbours should be advised of the proposed use of the building in a Residential B zone. This has never been done" (ibid).

The confrontational nature of the debate, dissent regarding the definitions in the Transitional District Plan, and the classification of the emergency home put the KCDC in an unusual position. They had to defend the content of the Transitional District Plan as part of dealing with the NIMBY dispute. The case was not discernible as a straight-forward conflict between the two affected parties; Birthright and the residents of Wairere Grove. The Transitional District Plan, and the KCDC by implication, were also challenged by Wairere Grove residents.

ISSUES WHICH FORMED THE FOCUS FOR DECISION-MAKING

In their objection to the emergency home, the residents of Wairere Grove focused on the zoning provisions in the KCDC Transitional District Plan. The emergency home, they believed, had been given an incorrect classification in terms of the Plan. They considered the home a residential institution and not, as the District Planner ruled, a residential

dwelling. Neighbours of the Birthright property cited evidence of Inland Revenue Department listing of Birthright as a charitable institution, which they related to the definition of residential institution in the Transitional District Plan. They believed the emergency home should be permitted in the Residential B zone, but only as a conditional use, and as such, an application for resource consent was due, followed by public notification and the seeking of submissions.

In their argument, the neighbours did not focus on the perceived concerns surrounding the emergency home. Rather, they concentrated on exposing weaknesses in the Transitional District Plan zoning provisions. The perceived negative social effects of the emergency home included decreasing property values in the neighbourhood, possible disturbances in the street, personal safety, privacy, an increased activity in the cul-de-sac, and an increase in traffic volumes (KCDC, 1992e). However, focusing solely on these concerns would not have assisted the neighbours efforts to become an active part of the decision-making process.

The initial interpretation that the Birthright emergency home was a permitted activity in Residential B zone was made by the KCDC District Planner. He was of the opinion "that the use of the dwelling as an emergency house is a normal residential activity and thus would not require any specific land use consent" (KCDC, 1992a). He stated a number of reasons for such an interpretation. The property was essentially for use as a residential home, albeit of a temporary nature. The home was not a boarding house and no meals or lodgings for pay was provided. The residents were considered to be living in a 'family' situation and activity was anticipated to be no more intense than normal residential uses. Conversely, conditional uses listed in the Transitional District Plan (such as motels and convalescent homes) tended to attract more intensive activity than residential homes. In fact, the District Planner believed the home would have *less* activity than the average family home (KCDC, 1992a).

The Regulatory Services Committee chose to endorse the interpretation of the District Planner that the emergency home was considered to be a permitted activity in Residential B zone (KCDC, 1992b). However, the decision regarding the ability for the neighbours

to formally object to the establishment of the Birthright emergency home was made by the Planning Tribunal. They resolved that, as no application for consent had been made, neighbours had no formal means to appeal the situation regarding 11 Wairere Grove.

APPROACH TO DECISION-MAKING

The approach to decision-making in the Birthright case was dictated by legal provisions and interpretation of the Transitional District Plan by the Council. No room was made for non-statutory involvement of the public in decision-making.

The difficulty of challenging permitted activities was patently obvious in this case. Added to this was controversy surrounding the interpretation of Plan provisions as to what was permitted and what was conditional. Emergency homes were not specifically identified in Transitional District Plan as permitted, leaving definitions open to interpretation and fostering uncertainty amongst the community as to the clarity of the document.

Arguably, the approach to decision-making in this case highlights the powerful position of the Council compared with the general public, whom, if an activity is deemed permitted, have little legal grounds for objection. Objectors to the emergency home were apparently unaware of the legal avenue open to them to pursue a declaration from the Planning Tribunal on whether or not the emergency home was a permitted activity. Nor does it seem did the Council suggest, or provide information to the objectors regarding this opportunity.

CONCLUSIONS

This chapter has considered four NIMBY situations that have been addressed in the local government context. This investigation has provided insight into the workings of the planning process in managing NIMBY conflict. Significant characteristics of New Zealand's past and present planning regimes have been exposed by the analysis. Of

particular note are the dynamics between service providers, the host community and local councils. These relationships have to some extent been determined by planning and decision-making processes, but vary in accordance with the implementation of non-statutory measures to manage NIMBY disputes.

The analysis of planning practice in situations involving NIMBY conflict has provided evidence to address the thesis research questions. The following chapter will compare these findings to issues raised in the literature review, and provide some insights on planning and decision-making processes in NIMBY situations.

CHAPTER FIVE
MANAGING THE NIMBY SYNDROME IN NEW ZEALAND

Chapter five presents an analysis of the empirical findings. The chapter explores the way in which NIMBY conflict was addressed in the four case studies. Information for this chapter draws on the findings from chapter four, the conceptual nature of NIMBYS presented in chapter two, and the legislative context outlined in chapter one. Analysis is further informed by the views of planning consultants and local government planners sought independently of the cases.

Unlike the organisation of results in the previous chapter, the analysis does not treat the case studies separately. Rather, the chapter is divided into four main parts that allow views from each case to be juxtaposed. This framework allows similarities and differences regarding the nature of the cases and the management of the conflict to be explored. Each of the four parts examines issues inherent to addressing NIMBYS in New Zealand.

First, the chapter considers the perception of NIMBYS held by parties involved in conflict over locally unwanted land uses. Responses from interview participants, regarding their views of NIMBYS, are considered in light of academic literature on the formative elements of NIMBYS and the perception of NIMBY sentiment. The remaining three sections, which make up the bulk of the chapter, focus directly on the management of NIMBYS in New Zealand. Conclusions are made in relation to the planning process, planning practice, and institutional considerations.

PERCEPTION OF THE NIMBY SYNDROME

It was important, for completeness in answering the thesis research problem, to ascertain how planners in New Zealand interpret NIMBYS. Chapter two highlighted that the approach decision-makers adopt in managing situations of land use conflict is influenced by their perception of the NIMBY syndrome as an expression of concern over locally unwanted land uses.

All interviews with local government planners and planning consultants commenced with the generic question 'How do you define NIMBYS?' Without exception, proximity to the locally unwanted land use was deemed to be a determining factor of the NIMBY syndrome. Planners involved in the case studies substantiated this claim with evidence of the formation of neighbourhood groups (HAEPS and Meadowbank Community Committee), and the localised response to proposals through the submission process. "NIMBY allows a person to relate an activity directly to their situation, ie., how it's going to directly impinge on their living space" (pers. comm., 1996). The planner in the ADARDS case alluded to NIMBYS as an expression of concern over the value of residential homes; "housing is the biggest investment for a lot people, so it [the backyard] is very important" (pers. comm., 1996). It was acknowledged in two interviews that the land use itself can be the problem, "but more often than not it's the siting of it" (pers. comm., 1996). However, one respondent alluded to the specific activity as determining how relevant the backyard is:

> A land use like a landfill at a community level is utterly necessary. It is only the location that's distasteful. In other instances, however, it maybe the project, as well as the facility, that people object too, such as a nuclear irradiation plant for food processing (pers. comm., 1996).

The interpretation of the spatial extent of the backyard was contentious in itself. "What is the backyard? How do you define it? Is it the property boundary? Within the block? Range of visibility? Catchment in terms of watershed?" (pers. comm., 1996). Another respondent provided an answer; "NIMBYS depends on individual communities as to what they perceive to be their backyard" (pers. comm., 1996). The case studies suggested that the extent of the backyard differs according to the type of locally

unwanted land use. Landfills appear to encompass a wider catchment of concern than community care facilities. The Mount Wellington proposal prompted objections from a two kilometre 'backyard', while the ADARDS and Birthright cases prompted objections from immediate neighbours on the same residential street as the community care centres. The landfill cases raised the issue of visibility as criteria for the spatial extent of the backyard: the Hiwinui landfill was to be developed on flat land, not an incised gully. Arguably, concerns of visibility led to an expression of NIMBYS from a wider neighbourhood.

Dear (1980) acknowledges that, as proximity increases, so does the propensity to participate in group-based opposition tactics. The unification of concerns by the formalisation of community groups in both landfill cases provide evidence for this claim. The planners involved in these cases admitted focusing on these groups as obstacles to be overcome in pursuing the proposal. In the Mount Wellington case, care was taken to "knock the disputants off one by one, and isolate the Meadowbank Community Committee" (pers. comm., 1996).

Geographical proximity, and hence the 'backyard' assumption of the NIMBY acronym is central to the view that NIMBY claims are underpinned by an attitude of selfish local parochialism. Like the academic literature, the empirical research supports the claim that selfish local parochialism is commonly thought of as formative to the NIMBY syndrome. Assumptions that opposition to proposed facilities was "implicitly selfish, ill-informed and negative" (Kemp, 1990) were expounded. Examples were raised by planners where objectors comments pointed directly to selfish motives: "it's your rubbish, you take it", "develop the dump on Scotts Road", "we already have two facilities of that sort" (pers. comms., 1996). Planners also directly alluded to the NIMBY group as ill-informed; "[t]hat's what makes NIMBYS NIMBYS, is the unwillingness often to be informed" (pers. comm., 1996). However, as Buchan (1992) argues, this narrow interpretation of NIMBYS conveniently allows the planner to attribute the blame for conflict on neighbours, without considering the effects of policy and processes for managing NIMBYS.

A number of respondents viewed NIMBYS as irrational: "you're dealing with people's irrational fears" (pers. comm., 1996). However, it appears from the case studies that characterising NIMBYS as irrational thrusts debate into confrontational mode. Objectors in three cases expressed frustration regarding the way their perceived fears were treated as "irrational and apparent rather than real" (pers. comm., 1996). Perceived effects were not treated as legitimate social concerns in any of the cases, due to a lack of tangible evidence. This situation was one which antagonised the objectors; "we felt we were knocking our heads against a brick wall trying to get them to accept our fears as very real" (pers. comm., 1996). This sentiment alludes to what Fort et al (1993, 187) describe as a "uniformed and biased" response by planners, who choose to ignore perceived effects in a paternalistic way. Additionally, objectors did not appreciate their sentiments being interpreted as 'NIMBYS'. In the ADARDS case, one submission said as much, expressing positive comments about the principle of community care facilities. This sentiment of acceptance 'in principle' was viewed with cynicism by the planner involved in the case. She saw it as a generalised argument that is often used in NIMBY situations. "They do not want to be seen making socially inappropriate comments, the real issue is that they don't want the facility in their immediate neighbourhood" (pers. comm., 1996).

Objectors to the proposed facilities in the case studies were the only parties who suggested NIMBYS was an inappropriate way to describe their objections. "The label NIMBYS is so anti. We thought we had valid concerns, but 'NIMBYS' pigeon-holed us as whingeing and egotistic" (pers. comm., 1996). The suggestion that the NIMBYS characterisation is inappropriate was considered in chapter two; Kemp (1990) and Buchan (1992) advocated rejection of the acronym. Similarly, Laws and Susskind (1991, 29) consider that "NIMBY is an unfairly pejorative characterisation". These authors believe individuals or groups often stand to lose more than they will gain if such facilities are built. "Their opposition maybe an appropriate response to the distribution of benefits and costs, a 'closed' decision process, or poorly thought through technical decisions" (Laws and Susskind, 1991, 29).

The interpretation of NIMBYS by planners in New Zealand, from evidence gathered empirically, suggests a demand for increased flexibility in attitude and approach to the NIMBY syndrome and those 'suffering' from it. Addressing NIMBYS demands a comprehensive project assessment, which considers the views of objectors, acknowledges perceived fears and recognises the formative elements of a NIMBY dispute.

MANAGING NIMBYS: PLANNING PROCESS, PLANNING PRACTICE, AND INSTITUTIONAL CONSIDERATIONS

Managing NIMBY conflict in New Zealand involves a complex interplay of components that define 'planning'. The statutory planning process, planning practice and institutional considerations all contribute to inform decision-making as to how a NIMBY dispute is managed.

Planning process encompasses the statutory procedures for planning, as determined by legislation. The *RMA* and *T&CPA* highlight differences in focus of the planning process. In terms of the thesis research, community decision-making and third party rights are areas where notable differences exist between the two statutes; these issues are at the forefront of decision-making in NIMBY conflicts.

Planning practice encompasses the operational aspect of planning, and includes the development of plans and their implementation. Planning practice is influenced by the planning process, but also reflects the outcome of individual and collective actions by various participants. The practice of planning is analysed, in this chapter, with particular regard to the implementation of mechanisms to alleviate NIMBY conflict, and the constraints that impinge on the successful resolution of a NIMBY dispute.

Planning and decision-making encompasses more than the statutory requirements of day-to-day operations. Institutional considerations acknowledge broader variables which impinge on the planning process and influence the management of NIMBYS.

Decentralised decision-making, the effect of market forces, and the reconciliation of public and private interests comprise three institutional considerations central to planning for locally unwanted land uses and managing NIMBY conflict. Planning approaches employed in the management of NIMBY conflict take account of institutional considerations, which in turn influence the outcome of the land use contest.

The remainder of the chapter will focus on these three elements of planning and demonstrate their relevance to the NIMBY phenomenon. Throughout the analysis, sub-headings are used to focus discussion and highlight themes.

THE PLANNING PROCESS: A STATUTORY FRAMEWORK FOR ADDRESSING NIMBYS

Discussion of the planning process and how it relates to managing the NIMBY syndrome will not involve a section-by-section analysis of the past and present planning legislation. Rather, it will examine particular aspects of the planning process that the case studies highlight as influential in addressing NIMBYS in New Zealand. These features include: the site selection process, accessibility of the planning process, provisions for public participation, Environmental Impact Assessment, and the involvement of the Planning Tribunal in NIMBY disputes.

SITE SELECTION

Just as the *T&CPA* did not offer provisions to involve the community in the site selection process for a proposed development, neither does the *RMA*. Both case studies on landfill proposals provide evidence of this. The planning processes commenced with autonomous decisions regarding site selection by local councils on behalf of their constituencies. Community reaction witnessed in these two cases suggests this strategy of "decide-announce-defend" (Laws and Susskind, 1991, 34) employed by the councils prompted vehement NIMBY claims. The 'decide-announce-defend' strategy does not appear to be an auspicious way to commence a development proposal, for a number of reasons. Decision-making is seen by the community as exclusionary, and decision-

makers viewed as paternalistic, preferring to plan *for* the community, than plan *with* the community or empowering the community to plan for itself. Thus, the site selection process failed to foster trust in the community, who wished to become a part of decision-making. In both cases, the respective council bodies experienced a backlash of scepticism from the local communities when decisions on the locations of the landfills were announced.

In contrast to New Zealand's past and present planning processes, extensive academic literature advocates input from the community at the earliest possible stage (Bagchi, 1994; Dear, 1992; Laws and Susskind, 1991; Plotkin, 1987; Susskind, 1990). Bagchi (1994, 7) argues that "since acceptability to the public is crucial to the landfill siting process, the citizens to be affected should be informed regarding the site selection process as early as possible". Laws and Susskind (1991) suggest that active participation of stakeholder groups will serve as an antidote to uncertainty, ambiguity and legitimate differences of opinion. However, this can only be achieved if the developer, or authority, is willing to undertake an open site selection process. The Hiwinui case provides an example where the council *did* undertake early consultation (in terms of the planning process under the *RMA*). The PNCC asked for comment from the community about the process of site selection. The subsequent rejection of the proposal by council politicians serves as a warning that care is needed regarding the methods used to involve the community outside the statutory process. The case highlighted that a planning proposal can be rejected for reasons not related to environmental effects, *prior* to reaching the formal planning process.

Comments from planning professionals, independent of the cases, exposed concern that an increase in NIMBYS will arise from a combination of the lack of provision to involve the public in site selection, and the deregulation of public service provision. With councils no longer being sole service providers (for facilities such as landfills), private enterprise is free to take opportunities (as the market dictates) to provide these services. Concern was expressed that private enterprise are more concerned with profiteering than issues of public interest, whereas the agenda for local councils is just the opposite.

Private companies have little incentive to consult with the public until they perceive that it is necessary in order to obtain consents.

Neither cases involving community care facilities exposed issues of site selection. Sites were already determined in both instances; the property for the ADARDS day care centre had been gifted and the emergency home for Birthright had been purchased, on their behalf, by the Housing Corporation.

The site selection processes of both landfill cases concluded with the naming of a single preferred site. Both proposals suffered problems as a result of announcing just one site as 'best'. Susskind (1990) warns that claims of a single 'technically best' site is a dangerous assertion. The Hiwinui proposal is testimony to this. The report highlighting Hiwinui as the most preferable spot for landfilling may cause problems in the future, in terms of attempting to locate a landfill elsewhere in the Manawatu region. If the PNCC subsequently designates another site for landfilling, NIMBY groups may strengthen their case with the report as evidence that an evaluation of alternatives has already identified a 'best site'. As one planner pointed out, "the PNCC are shooting themselves in the foot in terms of future landfilling initiatives" (pers. comm., 1996).

"Site selection criteria, chosen from a purely technical, scientific, environmental management point of view, are highly likely to produce a negative reaction from the neighbours of the chosen site(s)" (pers. comm., 1996). Siting criteria can potentially encompass a wide range of considerations (social, environmental, economic and ecological), not all of which are readily quantifiable. As such, siting criteria are sufficiently subjective so that it is impossible to rank sites precisely. The Hiwinui site was chosen purely from a technical perspective. This bias toward technical feasibility of the site influenced the direction of HAEPS argument. Not only did their case focus on social concerns (which had been neglected in site selection), it incorporated technical concerns which were perceived as being predominant in the decision-making process under the *RMA* (pers. comm., 1996). A planner independent of the case commented that successful NIMBY battles have tended to focus on multiple issues, such as economic and environmental matters, and not solely on social concerns. Unlike Hiwinui, the Mount

Wellington site was not chosen on technical merit. The site was tipped by its end use potential for rehabilitation as a large regional park (pers. comm., 1996). The project, though approved, was considered too expensive to undertake for technical reasons.

Both cases highlight the need for comprehensive criteria in site selection for a landfill facility. Focusing on a single consideration, like technical merit or end use, promotes vehement NIMBY conflict. The cases also indicate that the site selection phase is often crucial to the outcome of a proposal. The absence of a framework for site selection in the formal planning process may lead to ad hoc approaches, many of which will exacerbate NIMBY claims.

ENVIRONMENTAL IMPACT ASSESSMENT

Many planners interviewed supported the use of Environmental Impact Assessment (EIA) as a method to involve the public in site selection. It was suggested that site selection and EIA be carried out concurrently, thereby providing a framework to involve the community at an early stage in the planning process. Under the town and country planning regime, a fragmented relationship existed between EIA and the formal planning process. "In New Zealand, separation of Environmental Impact Reporting from the planning process had been a limiting influence on its effectiveness" (Williams, 1985, 8). However, EIA has become an integral part of the statutory planning process under the *RMA*. Prior to 1991, Environmental Protection and Enhancement Procedures (EPEP) were only required to be used for major government or government-funded projects, or private developments where licence applications were made under the relevant statutes (Dixon and Crawford, 1992). Conversely, the *RMA* requires that an assessment of environmental effects accompany most applications for resource consents (section 88(4)(b); schedule 4). Additionally, section 32 of the *RMA* requires an examination of the environmental effects of particular mechanisms used within plans and policy statements produced by local councils. These provisions may be perceived as encouraging ex ante solutions to NIMBY conflict. The fact that they make explicit the precise nature and extent of environmental effects of an activity may allay community fears and concerns.

EIA practice in New Zealand prior to the *RMA* focused on the assessment of major government-funded projects under the EPEP. Preparation of EIAs for a number of sites, including Mount Wellington, in the search for a suitable landfill site went well beyond the original intentions of the EPEP. The case is indicative of an increasing focus on integrating EIA and planning that arose during late 1980s. Innovative measures used in the Mount Wellington case, such as peer review and auditing environmental impact reports, suggest that shifts were already taking place while reforms were only being considered. With EIA mandatory under the *RMA*, the effects of proposals should be clearly identifiable to incorporate in consideration of applications for resource consent. As outlined in the fourth schedule, an assessment of effects involves an evaluation of actual and potential effects, risk assessment, description of mitigation measures, identification of key interest groups and consultation undertaken, as well as how the project will be monitored. Applicants also have to consider the wider effects on the neighbourhood, including socio-economic effects, natural hazards, hazardous resources and effects on ecosystems. These explicit requirements have the potential to positively influence the management of NIMBYS under the *RMA*. Planning professionals interviewed were particularly optimistic about this potential. "It will make developers more accountable in terms of how their proposed ventures impact on the environment" (pers. comm., 1996). "The nature of schedule four requirements will lessen NIMBY concerns with the need to be open about environmental effects" (pers. comm., 1996).

ACCESSIBILITY

When questioned about the accessibility of the planning process, interesting insights were gained regarding the perception of each group of interviewees. All the planners involved in the cases, without exception, viewed the planning process as easily accessible to those who wanted to partake. This claim was substantiated by the number of submissions to the proposals, use of opportunities for intervener funding and communication between the council and those who made submissions. Planners in the two landfill cases noted pressure from formalised NIMBY groups. Representatives of these groups thought they had to unite to have any influence on the process, and talked of a "strength in numbers"

(pers. comm., 1996) philosophy. They believed they would have more chance of being taken seriously if they were well-prepared and unified in their concerns. The PNCC planners acknowledged that the HAEPS group pressure moved the Council to consult early.

Reaction from planning professionals, independent of the cases, was mixed regarding the accessibility of the planning process to the general public. It was commonly thought, however, that a community will become familiar with a system only if they are 'forced' too. "In a lot of cases with NIMBYS local communities get educated whether they want to or not, and learn to work the system" (pers. comm., 1996). It was thought unlikely that the community as a whole is aware of the planning process and channels for input, "unless they are in the thick of it" (pers. comm., 1996).

Significantly, planning consultants considered the planning process no less difficult to follow now, than it was under the town and country planning regime. One informant said that many consultants were experiencing difficulties in advising clients on what consents they needed, due to new provisions in district and regional plans and the plethora of regional plans. "Therefore the process is more difficult not less" (pers. comm., 1996). One planner mentioned that the *RMA* demanded an increased thoroughness in the preparation of plans and policy documents. This, accompanied by little guidance as to the content of these documents, has led to significant regional variations. "The interpretation of plans etcetera is creeping into NIMBY arguments" (pers. comm., 1996). This issue was central to the Birthright case. The interpretation of definitions and classifications of land uses in the KCDC Transitional District Plan was a major part of the NIMBY debate. Uncertainty was generated by a lack of clarity in the Plan's definitions, a point subject to comment by the Planning Tribunal.

Like the *T&CPA*, the *RMA* provides for the non-notification of proposals which relate to permitted activities outlined in local plans. As a result, public input is excluded from the process which deals with these proposals. The controversial interpretation of the Birthright emergency home as a permitted activity resulted in the non-notification of the proposal, and hence the exclusion of the public in decision-making. The Birthright case

highlights the difficulty experienced by individuals who wish to partake in the planning process once a land use activity is permitted. Objectors in this case may have been more successful had they sought a declaration at the Planning Tribunal on whether the emergency home was a permitted activity.

However, it is idealistic to assume that all potentially affected parties will contribute to the planning process if a proposal *is* notifiable. Williams (1985, 64) believes participation in the planning process under the *T&CPA* was confined to a few well-organised interest groups; "[g]roups without skills, knowledge or interest are effectively excluded". This pattern is still apparent in cases investigated under the *RMA*. Public participation is truncated in some instances by the inaccessible nature of the planning process to some groups. Similarly, it seemed those who lobbied loudest received the most attention from council decision-makers: the Meadowbank Community Committee and HAEPS. Dear (1992) provides a rationale for this pattern; neighbourhood homogeneity is greater in high socio-economic areas. A few planners mentioned that the demographics of a community will impinge on the level of public awareness and input into planning procedures. A number of examples were cited, under both planning regimes, where neighbours of high socio-economic composition were more vocal and often more coordinated their NIMBY arguments. This concurs with Plotkin's (1987) assertion (discussed in chapter two) that wealthy neighbours often 'win' land use conflict battles, thereby enforcing the expansion - exclusion ideology.

Differences between the case studies show the *RMA* facilitates additional measures for public participation in the planning process than were obvious in the *T&CPA*. Three planning consultants were convinced that under the *T&CPA* there was unevenness in terms of practice. Many parties did not have the backing of legislation under the *T&CPA* that they have now; this particularly applies to Maori, "who have moved from some standing to partnership standing in resource management via section 8" (pers. comm., 1996). Other measures for consultation introduced in the *RMA* include opportunities for pre-hearing meetings (section 99), and dispute resolution measures prior to a Planning Tribunal hearing (section 268).

PLANNING TRIBUNAL INVOLVEMENT

The role of the Planning Tribunal in the planning process is to safeguard against the potential abuse of powers vested in councils. The move toward decentralised decision-making introduced by the reforms of the mid 1980s has heightened the potential for councils to misuse their powers as titular local authorities. For this reason, the *RMA* extends the powers and responsibilities of the Planning Tribunal to encompass, what Memon (1993, 105) describes as, "a de facto policy-making agency".

The Planning Tribunal influenced the outcome of two of the case studies: the Mount Wellington landfill proposal and the Birthright emergency home. The dismissal by the Planning Tribunal of social concerns expressed by the objectors in the Mount Wellington case was raised by key players in the dispute. Additionally, two consultant planners alluded to another case where social concerns were dismissed succinctly as 'perceived' and not 'real' in a Planning Tribunal hearing. One of these planners held that NIMBY battles which have succeeded have tended to focus on multiple issues, such as economic and environmental matters, and not solely on social concerns. Knowledge of this trend in Planning Tribunal decision-making may well influence the arguments presented to the Tribunal by NIMBY claimants.

PLANNING PRACTICE: IMPLEMENTING MECHANISMS TO ADDRESS NIMBY CONFLICT

Planning practice in the local government context is, in part, influenced by the statutory planning process. The opportunities to implement methods to alleviate NIMBY conflict, and the constraints that deter from addressing NIMBYS adequately, are often determined by planning legislation. However, the influence of individual and collective actions also contribute in determining planning outcomes. This section looks at mechanisms and constraints in the practice of addressing NIMBYS under the two planning regimes.

The case study findings provide examples of the varied use of statutory and non-statutory mechanisms under the two planning regimes. All seventeen interviewees, across the three groups, commented favourably about employing a broad range of initiatives to address NIMBY disputes. Most planning professionals interviewed thought the *RMA* introduced a flexibility which encouraged this. It was suggested that the use of multiple measures to address NIMBY conflict aids in the mitigation of the problem. In reality, it is unlikely that all parties will be satisfied at the resolution of a dispute. However, "if it can be demonstrated that a broad range of initiatives have been implemented to assist in the resolution, hostility toward the unwanted land use will be reduced" (pers. comm., 1996). This was evident in the Mount Wellington case where objectors conceded that measures used by the ARA went some way toward mitigating their fears.

CONSULTATION AND DISPUTE RESOLUTION TECHNIQUES

Consultation, as a means of involving the public in decision-making, was employed in all cases in varying degrees. From strict adherence to statutory provisions in the ADARDS and Birthright cases, to the comprehensive nature of consultation and public involvement in the Mount Wellington case. Reflections on the Mount Wellington case suggests that under the *T&CPA* there was sufficient flexibility to engage a range of consultative measures. A key aspect of non-statutory consultation was the employment of an independent auditor to liaise with all the parties, and effectively act as a mediator in dispute resolution tactics. His strategy followed the rationale advocated by McCreary and Gammon (1990) which involved focusing on reasoning, and not just opinions (ARA, 1989c). A planner involved in the Mount Wellington case thought this initiative was successful in mitigating NIMBY conflict, and improving interpersonal communication between the ARA (as developer) and the community (pers. comm., 1996). The representative of the Meadowbank Community Committee, while not quite as positive, accepted that the auditor-convened meeting had gone part way in reconciling some of their fears. Interestingly, this community representative said the Committee members thought that the strategy was more concerned with public relations than effective two-way communication (pers. comm., 1996).

The *T&CPA* did not emphasise the need for consultation between affected parties; rather councils relied heavily on the use of formal hearings as a means of decision-making. Therefore, the ARA had no formal channels to follow in their attempt at dispute resolution. It was acknowledged by planning professionals that local councils are now having to address issues of consultation much more thoroughly than in the past. "The broader consultation measures of the *RMA* legislate for good practice" (pers. comm., 1996). The *RMA* has introduced provisions for the use of mediation in environmental dispute resolution in the form of pre-hearing meetings (section 99) and dispute resolution prior to Planning Tribunal hearings (section 268). Neither case investigated under the *RMA* made use of these provisions. However, many planners commented on the usefulness of these provisions to NIMBY situations. One planner questioned the potential for effective mediation in the time period outlined in the *RMA*, particularly in mediation involving a large number of parties. Additionally, she doubted the appropriateness of planners as mediators in dispute resolution without appropriate training and experience.

The use of environmental dispute resolution exposes complex issues regarding the identification of parties, timing of implementation, negotiation of goals and objectives, balance of power, and joint decision-making. Although this list is daunting to someone not trained in mediation, it may be argued that planners and mediators have a number of skills in common. However, the practical use of mediation may not be feasible in many local government planning situations, where time and cost constraints are pressing: a situation of commitment versus capacity. Similarly, the involvement of independent mediators costs, and many local councils may not have the budgets to stretch to employing such measures, at least not on a frequent basis. As such, regardless of additional provisions in the *RMA*, it appears regional variation on non-statutory involvement of the community in NIMBY disputes will remain a fact. Having acknowledged that, the potential for use of environmental mediation in NIMBY disputes is considerable; replacing confrontation with flexible negotiation is a creditable initiative. Dispute resolution may also save costly hearings at the Planning Tribunal and prove an efficient way of dealing with disputes that respond to joint decision-making tactics.

The involvement of outside experts in the practice of addressing NIMBYS, whether in a mediatory role or otherwise, has been a factor in two of the case studies. In the Mount Wellington case, all the parties agreed that the auditor's role was suitable for an independent party. However, in the compilation of technical evidence for the report on site suitability, the use of consultants was viewed in a hostile manner. This was particularly obvious in the Hiwinui case where consultants reports were based on technical criteria, ignoring social concerns. Susskind (1990, 311) argues "developers rely too heavily on 'outside experts' whose technical reports generally fail to include the views of neighbourhood residents in a meaningful manner". In terms of the mandatory assessment of effects under the *RMA*, these concerns may be magnified. The comprehensive nature of the assessment has meant many corporations and councils are employing consultants to become involved in managing environmental considerations of their processes. A major part of this would be assessing environmental effects and outlining monitoring procedures to accompany applications for resource consents or plans. The planning consultants interviewed acknowledged this increase in employment opportunity.

Arguably, the reform of planning and resource use legislation has heightened the opportunities for public participation in the planning process. In terms of this research, the question needs to be asked whether extensive consultation is actually alleviating NIMBY problems. The case studies suggest not; in fact some may be interpreted the other way. The Hiwinui situation provides a case in point. Early consultation resulted in the rejection of the proposal, but the problem of landfilling has not been resolved. And, as discussed in the previous section, information from the case may fuel NIMBY claims at a subsequent landfill site. NIMBY sentiments abounded in all cases, regardless of the level of community consultation. Consultation aided in mitigating fears through effective communication in some cases, but, on its own, consultation is not the solution to addressing NIMBYS. It is worth looking elsewhere in practice to see what other measures may be implemented (in conjunction with consultation) to manage NIMBYS effectively.

ZONING

The *T&CPA* has been repeatedly branded as a 'prescriptive' piece of legislation. The *Act* supported a zoning system which attempted to direct the spatial pattern for land uses (Memon and Gleeson, 1995). Prescriptive zoning schemes provided a degree of certainty, by giving explicit direction of the spatial pattern of urban and rural land uses. A number of potential NIMBYS were conveniently avoided in town and country planning, as 'noxious facilities' were separated from residential zones. The community care facility cases were particularly illustrative with regard to the dynamics of zoning systems. In the ADARDS case, the property intended for use as a day care facility for alzheimers patients fell into a zone where health facilities were provided for as conditional uses, hence the need for notification of the application. However, other community care facilities, like refuge homes and child care centres were permitted activities in this same zone, and did not require planning notification. This pattern assumes health facilities are more 'noxious' to residential areas than refuges and child care facilities. The planner involved in the ADARDS case was unable to provide a justification for this distinction.

In theory, the *RMA* seeks only the regulation of the environmental effects of resource development, rather than control of the form of land uses. However, zoning methods are still used in many cities and districts (as evidenced by the Birthright case), suggesting very little change to the practice of land use planning in some regions. And while this may avoid some NIMBYS, by excluding particular land uses from zones, rigid zoning controls do not necessarily *alleviate* NIMBY disputes. The Birthright case exposed tension amongst the NIMBY group toward the local Plan and its zoning controls. It highlights the powerful role of the Plan in determining the fate of land use proposals. This case suggests that, in some respects, very little has changed as a result of the reform of planning and resource use legislation; plans are still key documents under the *RMA*.

FAIR SHARE ALLOCATION

Another spatial technique, raised in submissions to the proposals, was the principle of fair share allocation. No fair share criteria for siting the landfills was evident in either of

the cases. However, it was mentioned by a planner in the Mount Wellington case that Auckland City Council experienced pressure to accept the development of a landfill within their jurisdiction. They did not have one within their boundaries, yet generated the majority of the Auckland region's waste stream. Regardless of this justification, NIMBY conflict still arose. Submissions to the ADARDS proposal included a fair share argument that two other health facilities were in the area. According to the Planning Officer, this argument was not valid as the decision was not based on siting. She stated: "*(a),* they [the Council] are not the controller, the owner or the resource allocator in terms of community facilities; and *(b),* it is not the role of the Council to tell anyone they cannot make an application" (pers. comm., 1996).

COMPENSATION

A technique which appears to have potential in managing NIMBYS in the United States is the award of compensation. Advocates of financial incentives believe that compensation acknowledges explicitly the unfair balance of benefits and costs placed on a community. The potential benefits of compensatory measures in addressing NIMBYS were mentioned by two planners independent of the case studies. However, in New Zealand it is ultra vires for local councils, as public bodies, to offer compensation unless it is applied for under the Public Works Act. However, since the reform of local government and deregulation of service provision, private enterprise has been seizing opportunities to fulfil service delivery roles (such as waste management). Private companies are not subject to restrictions over offering compensation, therefore future NIMBY conflicts may well be 'solved' through these means. Both planners who discussed compensation were adamant that for compensation to be successful "a consultative approach is absolutely necessary" (pers. comm., 1996).

Concern has been raised over the use of compensation to 'purchase' resource consents via section 94 of the *RMA* (Dormer, 1994; Le Heron and Pawson, 1996; Treadwell 1994). Section 94 provides an opportunity to avoid notification of an application for resource consent if written consent is obtained from potentially affected neighbours prior to lodging an application. Le Heron and Pawson (1996) assert that there is increasing

evidence of developers using financial recompense and other non-formal forms of compensation to obtain the written approval of neighbours.

> This amounts to the purchase of approval, and the process may be described as a 'compensation market' where the sellers are potentially 'adversely affected' parties, the buyers are resource applicants, and the commodity traded is 'written approval'. The emergence of this practice seems to signal the commodification of planning's regulatory keystone, the resource consent. (Gleeson, in Le Heron and Pawson, 1996, 254-255).

Although compensation, with appropriate consultation, has the potential to be effective in dealing with some NIMBYS in the *RMA* environment, section 94 highlights an instance where the streamlining intent of the *Act* may be exploited. Compensation also contradicts the *RMA's* concern for future generations; intergenerational inequity may result from compensation which comprises of a one-off payment. Additionally, if neighbours are pressured by developers, whose priorities are successful business, not public interest NIMBY conflict may intensify.

RESOURCING CONSTRAINTS

The availability of resources was acknowledged as an issue by some planners, and by some community representatives involved in the case studies. Any lack of resources, be it funding, knowledge or technical expertise, will hinder the involvement of interested parties in debate regarding controversial land uses. Of particular concern was the financially under resourced nature of many tangata whenua. Tangata whenua are required by law to be consulted in decisions regarding the management of New Zealand's natural and physical resources. "Each council as a whole will have to think very carefully about how to deal with resourcing iwi" (pers. comm., 1996). While most saw "resourcing community concerns as an issue" (pers. comm., 1996), one informant proposed that power had many more dimensions than resources. She provided examples where well motivated parties (including the Meadowbank Community Committee) went outside the statutory process to draw on power and were tactical about it. Strategies to enlist support of the media and local politicians were two of such tactics employed by the Meadowbank Community Committee. "It ain't what you've got, it's what you do with what you've got" (pers. comm., 1996).

DECISION-MAKING CONSTRAINTS

Political decision-making was recognised by two local government planners as a constraint to managing NIMBY conflict. They expressed frustration over the basis upon which decisions are made and the pressure applied by some groups in the community. "Councillors do not seem to see the bigger picture and the issue of need for a facility, they feel pressure from one particular group and ignore the wider interests of the public" (pers. comm., 1996). This respondent saw this pattern as likely to create more dissent amongst the community and not less.

Developers have complained about problems arising from bureaucratic hurdles when seeking multiple consents from several different consent agencies under the town and country planning regime. Since the reform of local government, regional councils and regional water boards have amalgamated, effectively overcoming one bureaucratic hurdle. Additionally, the opportunity for joint hearings between two or more consent authorities regarding the same proposal is provided for through section 102 of the *RMA*.

Mitigatory measures were thought to be the most effective way to focus resources in the attempted resolution of NIMBY conflict. "It is unrealistic to think you can remedy NIMBYS, some parties will always be unsatisfied where locally unwanted facilities are concerned" (pers. comm., 1996). Similarly, provisions in plans to avoid NIMBYS were not endorsed; the very nature of NIMBYS makes them impossible to anticipate. "Anticipating all the things you might prohibit is tricky. One way could be to anticipate effects and address it that way, but that is the wrong focus of effort" (pers. comm., 1996). Another respondent pointed out that prohibiting activities will only work in the short term; "it doesn't stop applications for consent and doesn't cope with problems in foreseeing what's coming" (pers. comm., 1996).

The degree of real change to planning practices under the *RMA* is questionable. This section has illustrated that the *RMA* provides much more flexibility and opportunity for innovation beyond consultation. However, it appears the idealistic underpinnings of the

RMA may be difficult to realise. The procedural nature of the *RMA* and its absence of prescription (and, by implication, certainty) may be influencing the slow uptake of opportunities in many areas of planning practice. Addressing NIMBYS is an area which would benefit greatly from innovative approaches; NIMBY conflict traverses social, spatial and institutional concerns and presents a complex challenge which requires a complex response.

INSTITUTIONAL CONSIDERATIONS

The stakes are very high in NIMBY confrontations and the conflict surrounding planning decisions is accordingly strong. Resolving conflicting interests in land, and distributing costs and benefits amongst stakeholders demands the consideration of institutional concerns which contribute to planning and decision-making. Decentralised decision-making, the effect of market forces, and the reconciliation of public and private interests are key institutional considerations in the management of NIMBY conflict under the current resource management planning regime.

DECENTRALISED DECISION-MAKING

The case studies exposed a combination of autonomous and collaborative approaches to decision-making, in a way that did not incriminate one planning regime and applaud another. However, planning professionals, who were not involved in the cases, were positive that a shift was apparent from an autonomous style of town and country planning to a collaborative style under the *RMA*. This was attributed to increased provisions for consultation, which are a reflection of a wider institutional shift away from the role of the state in decision-making.

The decision of the Fourth Labour Government to abandon the historically important role of the state as developer has seen the evolution of principles of public choice in decision-making in many sectors in New Zealand (Memon, 1993). A primary adjustment in planning approaches has been the involvement of the community in decisions which

affect them. The *RMA* assumes that decisions should be made as close as possible to the appropriate level of community interest where the effects and benefits accrue (Memon and Gleeson, 1995). One outcome of devolved decision-making has been a greater participation by local communities in presenting NIMBY concerns.

Early town and country planning legislation was based on a planning approach which was predicated on the centralised power of planners. Friedmann (1973b) refers to this as 'command planning'. The 1953 and, to a greater degree, 1977 amendments of the *T&CPA* shifted emphasis from strict administrative controls toward 'policies planning'. Under a policies planning regime, decision environments are structured through policy making, thereby conferring weakly centralised power on planners (Friedmann, in McDonald, 1989). Policies planning is the backbone of the *RMA*. However, the nature of the *RMA*, which is essentially a planning instrument and not an operational code, facilitates a broader approach to decision-making. The *RMA* allows for greater involvement of the community in decision-making, to a point where the planner may act as a mediator or negotiator between interest groups. Friedmann (1973b) describes this as 'corporate planning'. Figure 5.1 represents the planning approaches facilitated by past and present planning legislation.

town and country planning environment

	COMMAND PLANNING	POLICIES PLANNING	CORPORATE PLANNING
Distribution of power	strongly centralised	weakly centralised	fragmented
Mode of planning	plans	policies	processes
Role of technical experts	bureaucrat	adviser	negotiator

resource management planning environment

FIGURE 5.1: Planning Approaches under New Zealand's Past and Present Planning Legislation
Source: Adapted from Friedmann, in McDonald, 1989, 329.

Figure 5.1 highlights a primary distinction between approaches facilitated by the past and present planning regimes, as the degree of power accorded to decision-makers. The

prescriptive nature of the *T&CPA* provided a higher degree of control, where more deterministic planning approaches could be adopted. The *T&CPA*, in combination with the zoning controls of planning schemes, supported a planning approach in which a simple decision-making process was commonly used. The ADARDS case was a straight-forward decision-making process where conditional use criteria were the basis for the application's assessment. Conversely, the *RMA* shows more potential to incorporate a planning approach using bargaining and negotiation in conflict resolution, encouraged through sections 99 and 268 of the *Act*. Power is able to be devolved to groups which are party to the NIMBY debate. Figure 5.1 highlights the *scope* of planning within which NIMBYS may be addressed.

Different NIMBY situations may demand different modes of planning: plans, policies and processes. Therefore it is important for planners to have a flexible attitude to addressing NIMBYS, that can draw from a number of planning approaches. For instance, corporate planning assumes positive outcomes ensue increased empowerment of the community. In some instances this may not be appropriate, and planners need flexibility to draw on other modes.

THE EFFECT OF MARKET FORCES

The structure of the *RMA* reflects a move away from state participation toward decentralised administrative and regulatory systems and a determination for a more open and competitive economy (Memon and Gleeson, 1995). In order to encourage an open and competitive economy, the *RMA* recognises market forces in the allocation of resources. The *RMA* is not market led or market driven, but has more recognition of market forces than the *T&CPA*. The prescriptive nature of the *T&CPA* had been criticised as attempting to usurp the market, even when market deficiencies did not exist (Hearn, 1987). The *T&CPA* was embedded in the wider political economy of the welfare state. "While the traditional welfare economics model helps identify the potential need for public intervention, it is not valid to assume that such interventions will lead to improvements" (McDonald, 1989, 327).

Facilitating and mitigating the effects of resource development, where appropriate, is one of several roles of the local government planner. Where NIMBYS are involved determining the extent to there should be intervention is particularly difficult. The market is concerned with the efficient allocation of resources, a factor which NIMBYS ignores. In fact, economists theorise that NIMBYS actually lead to an *inefficient* allocation of resources by unfairly distributing benefits and costs (Groothius and Miller, 1994). This is magnified by the *RMA*, under which the private sector take on a strengthened role. However, the mandatory need to internalise the external effects of proposals will go part way in adjusting the cost-benefit ratio in favour of those who are potentially disadvantaged by a project. The intent of the *RMA* is to ensure developers carry costs which reflect the full costs their proposals place on the environment.

A market-based economy encourages profiteering from service-delivery projects by private sector agents. Commercial objectives are now more involved in directing the management of environmental resources. As a result, there are likely to be more NIMBY claims which oppose this 'capitalist profit' behaviour. As Memon (1993, 70) suggests:

> From a wider social perspective, changes such as economic deregulation and privitisation will lead to increased conflict between different interest groups over who should benefit from the use of the environment and the wealth of welfare derived from its use.

None of the case studies indicated NIMBY claims were underpinned by objections to capitalist profit, but planners alluded to the threat of large numbers of proposals for one type of facility, which are not needed by society, but rather by capital. This refers not only to the *type* of facility, but the *quantity* of certain facilities. Proactive anticipation is necessary to respond to pressures of capital and community.

Planning professionals expressed caution regarding the market philosophy, established by the local government reform, which underpins the *RMA* and allows private enterprise to deliver community services. Some believed this had the effect of encouraging autonomous control by the market. "The *RMA* opens a philosophical can of worms; should the market be allowed to determine the need for facilities?" (pers. comm., 1996).

Under the *T&CPA*, councils had a statutory monopoly on service delivery coupled with a long history of overall responsibility. "Under the new regime it is not clear whether councils have to deliver services themselves or assess whether there is a need for one" (pers. comm., 1996). One planner was particularly concerned that this ambiguity may mean it is allowable for the market to determine whether a landfill, or a hospital, is needed. "And on that basis councils are regulatory and not service delivery agents" (pers. comm., 1996). This distinction is an important one in planning for controversial facilities: the market will have to deal with NIMBY consequences.

RECONCILIATION OF PUBLIC INTEREST AND PRIVATE INTERESTS

The planning approach applied in NIMBY situations is judged by a number of interest groups, not all of whom will be satisfied by the outcome of a decision-making process. As a planner in the local government context, 'public interest' is a concern at the forefront of decision- making. However, in NIMBY situations, it is individual interests that are presented as being unfairly disadvantaged.

Williams (1985) believes planning represents an imposition on private rights for the public (or private) benefit. He sees two main areas of conflict resulting from this pattern:

- public interest versus the rights of individuals or groups,
- competing individual or group rights.

The case studies all exposed unique conflicting interests; the ADARDS and Birthright cases involved competing individual and group rights, while the Mount Wellington and Hiwinui cases exposed conflict between individual interests and the 'public' interest of landfill service provision.

Private interests in NIMBY situations are inextricably linked to private property rights. In accordance with the political economy perspective, NIMBYS is a measure to safeguard the exchange value of people's principal capital possession, residential land (Gleeson and Memon, 1994). In the ADARDS and Birthright cases this reaction was startlingly obvious. A slightly different issue was raised in the Hiwinui case, where a site selection process was undertaken independent of ownership. This disregard for private

property interests clashes with underpinnings of *RMA* which support private property rights. The philosophy of private property rights is inherently exclusionary, which begs the question of whether private interests are part of the wider public interest. They may be juxtaposed as a general and socially progressive notion of public good, versus the exclusionary notion, where public good protects private interests (Memon and Gleeson, 1995). Dealing with the dichotomy of these two interpretations of public interest is difficult in many NIMBY cases, especially within the political process. Trade-offs between interests tend to disadvantage one group relative to another, which ties planning closely to the political process (McDermott, 1995).

McDonald (1989) advocates the use of bargaining to assist in making difficult decisions involving conflicting interests. "Bargaining is a process of negotiation and trading off outcomes of decisions by the interested parties" (McDonald, 1989, 325). The use of bargaining is feasible in the New Zealand context; Memon and Gleeson (1995) believe the wider opportunities for public participation in local government decision-making has resulted in a more policy oriented, bargaining approach to planning. As the case studies highlight, in an effort to address NIMBYS, trade offs and opportunity costs are inevitable. In the Hiwinui case, social benefits accrued to neighbours of the rejected site meant costs (financial and environmental) to the region, as Waste Management (a private sector company) are likely to be contracted to take refuse out of the area (pers. comm., 1996). Economic and technical costs were traded off for the social benefit of a regional park in the site selection process in the Mount Wellington case. The case studies highlight that public participation in decision-making does not necessarily result in the most feasible site (economically and technically) being found. While most planners were optimistic that decentralised decision-making will mean better decisions are made, one respondent pointed out that it depends on individual milieus; "what's politically expedient is not necessarily the best solution in a technical sense" (pers. comm., 1996).

"Society as a whole has a different view of its commitments compared with the individualistic view and there is constant tension between the rights and preferences of the individual compared with the needs of society as a whole" (McDonald, 1989, 327). Ideally in a situation of NIMBY conflict, a planning approach that can identify and admit

a plurality of interests and promote interactive solutions should be implemented. However, public and private interests are both complex and dynamic and are not easily defined, let alone met.

Institutional considerations associated with planning and decision-making under the resource management planning regime have provided for a more flexible approach to addressing NIMBYS. Williams (1985) suggests that under town and country planning regime, planning practice in New Zealand was unduly influenced by administrative law, and that theoretical and methodological developments of the discipline were constrained. The pragmatic considerations underpinning town and country planning have been placated by considerations largely shaped by the reforms of the mid 1980s, which introduced public choice theory and provided greater recognition of the market in resource allocation. As a result, substantial shifts are evident in planning practice, and hence, in the management of NIMBYS in New Zealand.

CONCLUSIONS

Discussion on NIMBYS perception raised a number of potential answers as to why the ideals of the *RMA* are not being met in addressing land use conflict. The case studies highlight a need to redress the attitude and approach of planners toward NIMBYS. It is often perception and not reality which mobilises NIMBYS, yet this issue appears to be lacking complete assessment in the management of NIMBYS. A wider appraisal of what NIMBYS encompass is necessary for an holistic response to NIMBY disputes. How the NIMBY syndrome is interpreted by decision-makers is fundamental to how conflict is approached *and* managed.

Evidence from the case studies indicates that negative attitudes toward the planning process has the potential to exacerbate NIMBY conflict. This implies that the prevailing planning process contributes to the NIMBY syndrome arising and persisting, both through antagonism toward the process and provisions that encourage NIMBY conflict. However, evidence shows that if the community has trust in the decision-making

process, and the systems for managing and monitoring conflict, NIMBY sentiment will abate. The development and use of methods and enhancement of skills by planners is critical to winning the trust of the community regarding the successful implementation of mechanisms to alleviate NIMBYS. As the case studies highlight, targeting skills in environmental impact assessment and dispute resolution provide two areas for focus.

The case studies expose variations in the planning approach to dealing with land use conflict between the two planning regimes. The institutional considerations which affect the shift in approach include decentralised decision-making, increased recognition of the market in resource allocation, and the reconciliation of public and private interests.

The framework used in this chapter, for analysis of the management of NIMBYS, has followed three interrelated sections: planning process, planning practice and institutional considerations. This format has been valuable in highlighting that improvements in planning practice and approach cannot be achieved simply by altering statutory procedures. Neither does good legislation necessarily ensure good planning.

CHAPTER SIX
CONCLUSIONS

Chapter six provides an opportunity to reflect on the thesis in terms of research design and methodology, key findings, and the success of the thesis in meeting the research problem. The chapter concludes with a discussion of potential areas for future research revealed during the course of the study.

RESEARCH APPROACHES USED IN THE THESIS

In retrospect, the qualitative research methods used in the thesis were effective in gathering information and allowing substantive conclusions to be reached. Reviewing academic and theoretical literature, developing and conducting semi-structured interviews, focusing on four case studies, and reconciling this information through pattern matching proved to be an effective research strategy.

The case study method enabled a variety of evidence to be synthesised. Media reports, planning documents and personal communications with key players contributed to a comprehensive understanding of the NIMBY disputes. The case studies also provided a crucial link between academic research, theoretical issues, and planning practice in New Zealand. The examination and interpretation of actual NIMBY situations involved employing theoretical insights to explain characteristics and trends in planning practice. This exercise not only revealed differences in the management of NIMBYS under the past and present planning regimes, but also provided rationalisation for differences.

The analysis phase of research followed a systematic procedure: synthesis, interpretation and presentation of results. In drafting the modus operandi for analysis, attention was placed on the need for a logical procedure. As a result, analysis focused on acute reasoning of results and ensuring all findings were defensible on the grounds of consistency. The soundness of the analysis phase was rigorously tested during the interpretation phase. Links needed to be traced, and rationale provided, for results which

did not fall out as expected (via the pattern-matching technique). For instance, the assumption that increased consultation leads to the positive resolution of NIMBY conflict was rejected by empirical evidence. However, during the interpretation of findings, rationale for this rejection was illustrated with reference to other empirical information and theoretical issues.

KEY FINDINGS

Central to the discussion of key findings is the simple fact that locally unwanted land uses exist, and continue to prevail, regardless of changes to planning and resource use legislation. As such, conflicting land uses are likely, and opposition in the form of NIMBYS is a reality. As this fact suggests, and the thesis reveals, addressing NIMBY sentiment involves significantly more than the physical act of implementing mechanisms to deal with conflict. Addressing NIMBY conflict involves the interplay of many forces: perception of NIMBYS, priority of local government planning issues, the planning process, and political decision-making to name a few. The complexity of the NIMBY phenomenon is matched by the complexity of responses by local government planners and councils in managing conflict.

Thesis findings indicate the NIMBY characterisation evokes negative connotations toward neighbourhood groups, who are seen to be 'obstructing' public interest or development interests. The interpretation of NIMBY groups as selfish and irrational is a common response. The research highlighted that this sentiment is evident in planning reports and recommendations which focus heavily on the negative sentiment of NIMBY claimants to the exclusion of a wider project assessment. However, often objector-group activism fuels this narrow perception of NIMBY groups. Objectors in many NIMBY cases are vociferous minorities who lobby loudly and are not afraid to admit they are protecting their individual interests. As reinforced by the research, an understanding of community response is required when planning for locally unwanted facilities. Yet there appears to be a gap between analytical social science (which considers cognitive, behavioural, social and spatial processes), and practical planning which precludes adequate assessment of the origins and formative elements of NIMBYS.

On the basis of the thesis research, there does not appear to be considerable difference in NIMBY reaction under the two planning regimes. Evidence suggests that individuals desire a high level of certainty in their lives, and that extends to what is happening next door. Reliance on what the local council has in its Plan, and the apparent arbitrary interpretation of Plan criteria by council officials, has created tension and unease amongst communities. This NIMBY sentiment reinforces the claim that "locational conflict thrives in ambiguous and inconsistent frameworks" (Gleeson and Memon, 1994, 113).

The thesis reveals that since the inception of the *RMA*, New Zealand has moved to a new level of uncertainty in environmental planning. The shift from activities-based to effects-based planning is of particular significance in increasing uncertainty. The *RMA* mandates that local authorities regulate the impact of human activities on the environment, rather than controlling the activities themselves. In practice, this suggests that under the *RMA* councils will break away from elaborate forms of prescriptive zoning of land use activities, toward more general controls which establish appropriate environmental standards for various locations. While encouraging flexibility, this move highlights a shift from an environment of greater certainty to one of less certainty regarding the fate of land use proposals. Zoning reduces uncertainty for consumers *and* producers in the decision-making process. Effects of activities are difficult to anticipate, whereas the activities themselves are more accessible and conducive to clear regulation. While the RMA's flexible framework may encourage innovation and rationalise procedures for decision-making, the trade-off has meant increased uncertainty. The challenge of reconciling the poles of flexibility and certainty in the quest for positive NIMBY outcomes is just as problematic, if not more so, than under the *T&CPA*.

An area, which on face value appears to be a positive shift in terms of managing NIMBY conflict, is the broadening of consultation procedures. Decentralised decision-making has encouraged a more open planning process. While third party rights were recognised under the *T&CPA*, opportunities for the public to partake in decision-making has increased under the resource management regime. Of greatest significance is the extent

to which representative interests are allowed to negotiate toward a compromise. Provisions encouraging dispute resolution techniques and pre-hearing meetings facilitate this opportunity. However, the thesis highlighted hesitancy in the adoption of dispute resolution techniques for addressing NIMBY conflict. Yet it was acknowledged that potential is high for their use in positively resolving NIMBY disputes. A simple way to avoid the ethical problems raised would be to engage two local government planners in a NIMBY contest, one to mediate, the other to produce a planning report. Alternatively, employing consultants to mediate in dispute resolution would solve the ethical dilemma.

Arguably, the broader provisions for consultation in the *RMA* are actually encouraging NIMBYS, by providing additional opportunities to voice objection. This is not to say that the NIMBY syndrome is symptomatic of democracy, but that increased consultation is allowing communities to contribute more fully to decision-making. Whether or not the outcomes, as a result of increased consultation, are more satisfactory is dependent upon each individual's perspective. Evidence from the thesis suggests that greater consultation *does* lead to different outcomes; outcomes that are more politically acceptable are reached, with trade-offs made regarding the efficient allocation of resources and technically preferable outcomes. The thesis has raised important questions as to whether technically-based or politically-based outcomes are more appropriate in decisions regarding locally unwanted land uses. A final political decision which leads to the dismissal of the most technically suitable site for a public service raises equity issues in relation to capital gain, public interest and the needs of future generations.

The findings, based on the limited number of cases examined, suggest that the combination of statutory and non-statutory mechanisms for addressing NIMBY conflict remains unchanged despite the reform of planning and resource use legislation. With the use of statutory mechanisms much more prolific than non-statutory, the thesis has exposed a tendency for planners to operate within the known limitations and scope of statutory planning. This practice is at the expense of more radical alternative solutions, but does not threaten existing planning priorities. Each NIMBY dispute is unique; some are best dealt with via statutory measures, others demand an approach that goes beyond the definition of planning as simply its statutory functions. The planning process, which

sets the boundaries and rules of 'acceptable' debate, is itself a variable in NIMBY conflict. There is no evidence to suggest that the accepted norms of planning are being challenged in managing NIMBYS in New Zealand. An obvious area where non-statutory measures would be useful is the site selection phase for locally unwanted land uses. Directives for site selection are omitted from planning legislation, yet this is an area crucial to the fate of a proposal. Thesis findings highlight that exclusion of public participation during site selection leads to vehement NIMBY claims, and often the demise of a project. Incorporation of political criteria from the outset, acknowledging neighbourhood concerns, may reduce NIMBY sentiment, lead to compromises and result in an efficient and equitable outcome.

Addressing land use planning issues in the local government context pivots on the dynamics between decision-makers. The quality of councillor/planner relationship will dictate the extent to which planning recommendations are incorporated in decision-making. Similarly, the councillor/constituent relationship will determine community empathy that councillors attend to through the decision-making process. These relationships vary from issue to issue, affecting decisions, the process by which they are made and the impact they have. The thesis has highlighted the influence on NIMBY behaviour if decision-making is seen as exclusionary and dismissive of community concerns. Fostering positive relationships within the institutional environment and with constituencies is imperative to gaining and retaining community trust in planning and decision-making procedures.

Determining the exact influence of local government planning in the decision-making equation is a difficult task. The deregulated environment under local government legislation, and greater recognition of market forces in resource use decision-making, further questions the degree to which planning influences environmental outcomes. The balance of market processes and planning procedures will impact markedly on decisions regarding locally unwanted land uses. Market driven initiatives under the *RMA* have brought about changes in the very nature of public service provision, and broadened the scope for NIMBY sentiment which opposes capital gains. Evidence of neighbours being compensated under section 94 of the *RMA* has highlighted an area where the market has

potentially too much influence in resource use decision-making. Bromley (1988, 41) advocates a balance: "[c]oncerns are expressed when planners get 'too involved' in operational issues and when the market has 'too much' influence over broader policy directions". Ubiquitous markets will not solve all land use problems, nor will excessive planning regulation. Rather than seeking to define the perfect solutions to NIMBYS, what is needed is an ability to respond to changes and facilitate alternative options. This planning response involves careful consideration of market forces and the ability to facilitate and mitigate the effects of the market where appropriate. This is a role heightened by the *RMA* and New Zealand's deregulated environment.

The research problem central to the thesis set up an investigation which involved the comparison of the past and present planning regimes. As such, there was an inherent danger of exposing one regime as 'better' than the other in the resolution of NIMBY conflict. These key findings have not shown one planning regime as more appropriate in the management of NIMBYS than the other, but outlined differences and the ramifications of these differences in planning practice. As Memon (1993, 121) notes: "[i]t would be foolhardy to hope that the recent environmental reforms provide the answers to the environmental dilemmas facing New Zealand". Indeed, it has become obvious through the research that changing a planning regime does not readily change planning practices and approaches, and improvements in planning practice are not necessarily a reflection of statutory directives.

REVISITING THE RESEARCH PROBLEM

One factor frustrating the efforts to provide substantive comment on the research problem was the infancy of the *RMA*. This was reflected in the cautious embrace of the 'new' legislation by local government planning departments. Local government planning documents are yet to realise the full flexibility the *RMA* offers. As such, local government planners have been slow to fully utilise provisions in the *RMA* that have the potential to positively impact on the management of NIMBYS. Hence, the *extent* of difference between the two Acts was not able to be fully determined by the thesis.

However, conclusions regarding changes to the planning process and the approach to planning allowed insight into the ramifications for planning practice under the *RMA*.

Another factor that constrained attempts to provide comment on the research problem was the gradual shift in planning practice during the 1980s. The Fourth Labour Government made a commitment to develop a new system of environmental administration and to review planning and resource use legislation. They implemented policies to this effect within a relatively short time. As a result, the two case studies investigated under the 1989 town and country planning environment are likely to have exposed different management techniques than those used in cases prior to 1984. This is not to say that substantive conclusions were not reached. Rather, the continual evolution of planning highlights the difficulty in capturing its dimensions at any one time.

FUTURE RESEARCH

The thesis has highlighted a number of potential areas for future research. The *RMA* is in its infancy. The extent of differences existing between it and the prior legislation will become more apparent with greater experience in implementing the *RMA*. Similar research to that undertaken in the thesis at a later date would be useful. This would provide further insight as to whether NIMBY disputes are being solved more satisfactorily. The most appropriate time for future research of this nature would be following the next round of plan review under the *RMA*. The plan review exercise may action bolder moves away from prescriptive measures such as zoning, toward more effects-based local planning documents. Additionally, increased experience with dispute resolution procedures and pre-hearing meetings will require assessment in terms of the resolution of NIMBY disputes.

The thesis exposed implications for the management of NIMBY conflict as a result of deinstitutionalisation of health care services. The relationship between the government's deinstitutionalisation policy and the impact on residential neighbourhoods deserves investigation. The number of community care facilities in New Zealand is likely to increase due to demographic trends. An aging population will place further demands on

the provision of residential care. The NIMBY conflict that is likely to ensue this demographic shift is prolific. Research of an anticipatory nature would be useful in foreseeing the effects of deinstitutionalisation and increased residential care, and directing contingency planning to deal with NIMBY conflict.

Changes in government policy is but one variable affecting on the management of NIMBY disputes. The utopian belief that a 'love thy neighbour' conscience will prevail is optimistic given the social, political and institutional systems of modern society. Addressing conflicts that arise between neighbours is a reality and all research that enlightens the effective resolution of such predicaments is a welcome contribution to contemporary planning practice.

APPENDIX

INTERVIEW SCHEDULE: PRINCIPAL FIGURES IN DISPUTING PARTIES

A. ACCESSIBILITY AND ADEQUACY OF THE PLANNING PROCESS

1. **What did decision-makers (council planners and officials) focus on during the dispute?**

PROMPTS	PROBES
• intense neighbourhood opposition • needs of user group(s) • demands of planning process • instruments of housing policy and zoning provisions	• Which dimension of the risk was focussed on? • Were all views focussed on in a balanced way? • Do you think this directly affected the outcome?

2. **Were decision-makers sensitive to the issue?**

PROMPTS	PROBES
	• Was there apparent bias toward any party's interest/cause? • Did decision-makers aid in reconciliation or polarisation? • Did you have confidence in the decision-makers in managing and monitoring the issue?

3. **What was your previous knowledge and experience of the planning process?**

PROMPTS	PROBES
• awareness of plans and schemes • application for conditional use permits (resource consents) in other situations	• Was any guidance offered (re course of action)? • Were uncertainties made clear?

4. **Is any party bearing unwanted costs as a result of the outcome of this case? If Yes, who?**

PROMPTS	PROBES
• one of the affected parties • Council • the public	• What are these costs? • Could they have been avoided? How? • Who bore the transaction costs to 'resolve' the situation?

5. **What was it about the planning process that allowed the situation to proceed the way it did?**

PROMPTS	PROBES
• time limits • adequate guidance • adequate information • planning criteria that focussed on some issue and not others (ie made important issues irrelevant)	• How did the situation develop and progress?

6. [For cases addressed under T&CPA] **If the same situation arose now, how do you think it would be handled by the Council?**

PROMPTS	PROBES
• with more/less flexibility • more/less guidance • more/less consultation • more/less costly • more/less lengthy	• Do you think you would be better off, worse off or in a similar situation?

7. **Do you think situations similar to this are more (or less) prolific now? Why?**

PROMPTS	PROBES
• direct outcome of planning strategies • deinstitutionalisation of community care	

8. **How would you describe the effect of the outcome on the affected parties?**

PROMPTS	PROBES
	• reactions/complaints since? • Were your perceived fears and concerns realised? • attitude toward decision-making process? • confidence in decision-making process?

B. MECHANISMS USED TO ALLEVIATE THE DISPUTE AND THEIR EFFECTIVENESS

9. **What mechanisms were implemented by decision-makers to alleviate the conflict?**

PROMPTS	PROBES
• consultation (statutory) • compensation (non-statutory) • dispute resolution (non-statutory)	• were these effective? why? • were they adequate? why? • what positive outcomes were reached? • what negative outcomes were reached? • what factors do you think worked against/for the success of these mechanisms?

10. **What sort of consultation measures were put in place (or encouraged)?**

PROMPTS	PROBES
• meeting with neighbours/opposers directly • offer of a mediator • collaborative v autonomous approach	• did you initiate any attempts at resolution, eg by contacting opposers directly?

11. **Is there any ongoing monitoring of the situation?**

PROMPTS	PROBES
	• interest shown? • 'policing' numbers in refuge?

12. **Your objections are referred to as the not-in-my-backyard (NIMBY) syndrome in planning literature. Is this an accurate description of your complaints?**

PROMPTS	PROBES
	• was it the proximity to the land use activity that motivated your objections?

INTERVIEW SCHEDULE: LOCAL GOVERNMENT PLANNERS

A: GENERAL QUESTIONS: INTERPRETATION OF NIMBYS IN LOCAL GOVERNMENT POLICY AND PLANNING CRITERIA

1. **How do you define NIMBYS?**

PROMPTS	PROBES
• self-explanatory • selfish local parochialism • objection to capital • a reflection of unwanted costs borne by some party	• How relevant is the 'backyard' part of the acronym? • To what degree do you think they are responsive too, and structured by, existing policy and planning criteria?

2. **What involvement does the Council have in managing NIMBYS?**

PROMPTS	PROBES
• policy measures to avoid conflict (strategic policy) • collaborative approach (encouraging resolution via direct discourse between feuding parties) • autonomous approach (acting independently of the host community) • channels for consultation in statute • flexibility beyond what is required • crisis reaction v proactive anticipation • ex ante solutions or ex post corrections	• how far do plans and policies go in avoiding NIMBY disputes? • explain the process of decision-making in a NIMBY situation

3. **How does this differ from the Council's involvement in managing NIMBYS prior to the introduction of the RMA?**

PROMPTS	PROBES
• change in flexibility • increase in complaints, therefore more diverse issues prompting diversity in management • difficulties re less emphasis on regulation	• has the change in focus to an effects-based regime rather than land use focussed made any difference? • has the local government reform had any effect on these roles?

4. **How much of a priority are NIMBYS for Councils, compared to other planning issues?**

PROMPTS	PROBES
• crisis reaction (on agenda when occurring, fades in importance when not) • commitment versus capacity	

5. **What guidance, regarding the planning system, is provided to parties in dispute?**

PROMPTS	PROBES
• Who to approach • assistance available • their own responsibilities	• Do you think the public understand the system and channels for dispute? To what extent? • What efforts are made to enlighten the public?

6. **If a NIMBY situation arose what would happen? Does this work? If so, why? If not, why not? What improvements could be made?**

PROMPTS	PROBES
Problems re: • political barriers • commitment v capacity • complexity of the NIMBY phenomenon Procedure involves: • information made available • consultation • foster confidence and trust in managing and monitoring	• is there a set procedure? If so, is this outlined or explained anywhere, eg internal council documents • which phase of conflict receives the most attention (remedy avoid mitigate) • gaps? (That make it less than ideal) • who would be involved in the decision-making process?

7. **What influence, if any, has the RMA had on managing NIMBYS?**

PROMPTS	PROBES
• change in way dealt with • change in *types* of nimby situation brought to notice • change in *number* of nimby situations • strong on process, moderate on substance	• has there been an evident increase or decrease in NIMBY situations brought to your council? • effects of streamlining and effects-based regime • effect of internalising costs of environmental effects

8. **In terms of approach, what to you see as the main differences between currently practised procedures and mechanisms used to solve NIMBY disputes, and those used prior to the RMA?**

PROMPTS	PROBES
	• on the assumption of increased flexibility, is there a broader range of initiatives?

9. **Why have these changes come about?**

PROMPTS	PROBES
• adoption of market-led philosophy • crisis response • natural progression • individual/community responsibility • increase in accountability and transparency in decision-making	

10. **Are there identifiable factors which work against the success of mechanisms to alleviate NIMBYS? If so, what are these?**

PROMPTS	PROBES
• markets • land use changes • prevailing institutional set-up allow situations to persist • media involvement • inadequate resourcing	• are these factors exclusive to the RMA environment?

11. **Is there an evident trend of who (i.e., which parties) are bearing unwanted costs, at the resolution of the NIMBY conflict?**

PROMPTS	PROBES
• neighbours? • group subject to opposition? • Lower socio-economic group? • community (public interest basis for decision)?	• who gains, who loses re 'resolution' of the problem? • has this changed?

12. **What is the nature of the NIMBY claims presented to you?**

PROMPTS	PROBES
• social conflict • environmental conflict • variety of claims, with no detectable pattern	• has this changed? • perception of more 'clout' re environmental bias of RMA, therefore less claims on social grounds? • increase in deinstitutionalisation of community care, therefore more claims on social grounds?

13. **Does the magnitude of conflict vary across land use alternatives? If so, why?**

PROMPTS	PROBES

B: SPECIFIC QUESTIONS: PRACTICAL APPLICATION OF NIMBY MANAGEMENT RE CASE STUDIES

14. **What mechanisms (range of mechanisms) did you use in this NIMBY situation for solving the dispute**

PROMPTS	PROBES
• sharing allocation of unwanted facilities around a community • siting unwanted facilities in one zone • locating facilities together which complement one another	• Any spatial techniques?
public participation • community education • community outreach dispute resolution • joint problem solving • planners as mediators	• Any community decision-making methods?
• compensation	• Any financial incentives?
• local level planning policy	• Any policy initiatives?
	• did the type of NIMBY issue raised have a bearing on mechanisms chosen, or is there a standard procedure? • were the techniques you used mainly statutory or non-statutory?

15. **Why were these mechanisms (or combination of mechanisms) used?**

PROMPTS	PROBES
	• what part of the conflict was targeted? • what stage of the conflict was targeted (before during or after)? • what were the aims of each mechanism? • were mechanisms chosen in direct accordance with the action or concerns of the opposing parties, e.g., personal security, property values, neighbourhood amenity?

16. **Did they work?**

PROMPTS	PROBES
	• What were the expected outcomes? • What were the actual outcomes? • How effective were they in attaining desired outcomes?

17. **Are there factors which worked against the success of management mechanisms in this NIMBY situation?**

PROMPTS	PROBES
• institutional framework • legislation, eg time limits • media involvement • inadequate resourcing	• how encompassing was project assessment (on-site, neighbourhood, policy considerations)? • was it restricted?

18. **Did you attempt dispute resolution outside of formal channels for land use dispute?**

PROMPTS	PROBES
• mediating between parties • encouraging compromise and direct discourse • guidance/assistance of planning process	

19. **Who was involved in the decision-making process?**

PROMPTS	PROBES
• collaborative approach (where all affected parties were involved) • autonomous approach (where planning professionals and/or politicians had most influence)	• explain the process of decision-making in this case

INTERVIEW SCHEDULE: CONSULTANT PLANNERS

A. APPROACHING NIMBY SITUATIONS (DECISION-MAKING)

1. **How do you define NIMBYS?**

PROMPTS	PROBES
• self-explanatory • selfish local parochialism • objection to investment • a reflection of unwanted costs borne by some party	• How relevant is the 'backyard' part of the acronym? • To what degree do you think they are responsive too, and structured by, existing policy and planning criteria?

2. **Have you noticed a change (ie increase or decrease) in the advent of NIMBYS since the introduction of the RMA? If yes, what do you attribute this change too?**

PROMPTS	PROBES
	• are NIMBYS more or less prolific now than under the previous planning regime? • do you think local government reform has made a difference in the advent of NIMBYS?

3. **Do you believe NIMBYS are dealt with differently as a result of the change in planning legislation? If yes, why?**

PROMPTS	PROBES
• flexibility • innovation • more community input (decentralised decision-making)	• have the time or cost considerations been influential?

4. **Do you think the broader consultation procedures of the RMA have had a positive or negative influence on managing and solving NIMBY issues?**

PROMPTS	PROBES
	• is the RMA solving any problems? • is it solving problems in a more satisfactory way?

6. **What exposure have you had to NIMBY disputes as a consultant?**

PROMPTS	PROBES
	• what aspects of NIMBY disputes have you been involved with? • from what 'parties' has your assistance been requested?

7. **Do you think the community is more aware of procedures and rights and channels for objection now than under the previous planning regime?**

PROMPTS	PROBES

8. **Are there aspects of the planning process that allow NIMBY situations to *(a)* arise, and, *(b)* persist?**

PROMPTS	PROBES

9. **What influence, if any, has the RMA had on managing NIMBYS?**

PROMPTS	PROBES
• change in way dealt with • change in *types* of nimby situation brought to notice • change in *number* of nimby situations • strong on process, moderate on substance	• effects of streamlining and effects-based regime • effect of internalising costs of environmental effects

10. **Has there been an evident change in the attitude of planners toward NIMBY situations**

PROMPTS	PROBES
• Effect of consultation provisions • collaborative approach • autonomous approach • flexibility • crisis-reaction v proactive anticipation • ex ante decision-making v ex post corrections	• how do they differ? • why do you think they do?

B. ADDRESSING NIMBY SITUATIONS (IMPLEMENTING DECISIONS)

11. **In terms of approach, what to you see as the main differences between currently practised procedures and mechanisms used to solve NIMBY disputes, and those used prior to the RMA?**

PROMPTS	PROBES
• increased flexibility allows for a broader range of initiatives	

12. **Why have these changes come about?**

PROMPTS	PROBES
• market-led philosophy • crisis response • natural progression • individual community responsibility • increase in accountability and transparency in decision-making	

13. **Have you noticed a change in the type and number of mechanisms used in attempted solution of a NIMBY dispute?**

PROMPTS	PROBES
	• the proliferation of statutory v non-statutory techniques

14. **Are there identifiable factors which work against the success of mechanisms to alleviate NIMBYS? If so, what are these?**

PROMPTS	PROBES
• markets • land use changes • prevailing institutional set-up allow situations to persist	• are these factors exclusive to the RMA environment?

15. **Do you think the pattern has changed as to which parties are bearing unwanted costs at the 'resolution' of the dispute?**

PROMPTS	PROBES

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