

CAROLYN HILL

INTERSTICES 22

The “soft edge”: Heritage, special character, and new planning directives in Aotearoa cities

In 2000, historian Gavin McLean wrote a chapter entitled “Where Sheep May Not Safely Graze: A Brief History of New Zealand’s Heritage Movement 1890–2000,” as part of the book *Common Ground?*, an exploration of Aotearoa’s heritage and public places.¹ McLean’s title refers to the New Zealand government’s 1896 protection of Ship Cove, one of Captain Cook’s early anchorages in Queen Charlotte Sound. The heavily forested site was to be “retained in its natural state as nearly as may be,”² and hence sans sheep.

From these earliest reserves for places of historical interest and scenic beauty, McLean charts the development of heritage concerns in New Zealand into the turn of the twenty-first century. I build on McLean’s analysis, exploring the trajectories of heritage-making in this country into the present day. In doing so I foreground the place-claiming role of heritage in a settler colonial nation-state, where settlers came to stay permanently and assert sovereignty over Indigenous peoples and lands.³ The paper traces legislative and regulatory change regarding historic built form in urban environments, with a focus on “special character,” a policy descriptor for concepts of existing amenity and architectural coherence within older neighbourhoods. This planning tool constructs the “soft edge” of

Fig. 1 Carolyn Hill (2023). Special character in Freeman’s Bay, Tāmaki Makaurau Auckland. [Photograph]



heritage, as it is deeply formative of public perceptions of heritage even as it is distinguished from it in policy terms.

Exploring Aotearoa's largest metropolitan area, Tāmaki Makaurau Auckland, I study how the area's district plans have defined and formulated rules about matters of historic urban form and trace the widening policy separation between statutorily itemised "historic heritage" and area-managed "special character." I argue that these descriptors may be rigidly delineated in terms of statutory policy, but they remain fluid in terms of how architectural rules are applied and how people perceive their "protected" status. Contestation between retaining special character and enabling urban intensification brings processes of heritage-making into sharp focus and presents opportunities for other claims to the city to be heard.

Historical context

The New Zealand government's first legislative foray into historic place protection was via the Scenery Preservation Act in 1903. The act set the foundation for contemporary understandings of heritage as a public good, proclaiming that preservation was "for an inalienable patrimony of the people of New Zealand."⁴ Initially centred on Eurocentric preservation of Māori sites (pā, battle sites, stone walling, etc.) and scenic landscapes, the act was the counterpart to numerous acts in the late 1880s that had enabled European claim and settlement of Māori land.⁵ As European development transformed landscapes, formerly living environments of Māori, often forcibly abandoned, were reimagined as "historical monuments"⁶ in picturesque scenes. Heritage policy was established on the back of alienated Indigenous land.

Interest in conserving "pioneer history" such as redoubts, blockhouses, and early European buildings also grew in the early 1900s as these structures were progressively demolished to make way for new architectural forms. A keen sense of civic pride and desire for settler permanence were bound into these processes of creative destruction,⁷ as colonial centres strove to keep abreast of architectural fashion internationally.⁸ The same motivations caused New Zealand's urban intelligentsia to emulate contemporary British ideals regarding historic preservation.⁹ New development and heritage-making together affirmed settler cities' embedment on the land.

While urban historic conservation societies proliferated in this period, acts of Parliament and government funding focused on historical and scenic reserves through the early twentieth century, with lobbying for architectural preservation largely rejected or passed to local authorities. This changed as the country approached the 1940 centennial of colonisation, stimulating new interest in New Zealand's history and heritage and paving the way for the country's first Historic Places Act in 1954.¹⁰ However, McLean and others note that this milestone did not prove decisive in terms of central government leadership in the heritage field. While the heritage sector continued to grow from the 1950s to the 1980s with the founding of local history and heritage groups, open-air museums, and increasing public interest, the Historic Places Act had ambiguous overlaps with other acts (Fig. 2), limited statutory powers, and piecemeal financial support.¹¹ The free market reforms and property boom of the 1980s fully exploited this permissive regulatory environment, resulting in urban transformations at an unprecedented rate and scale.¹²

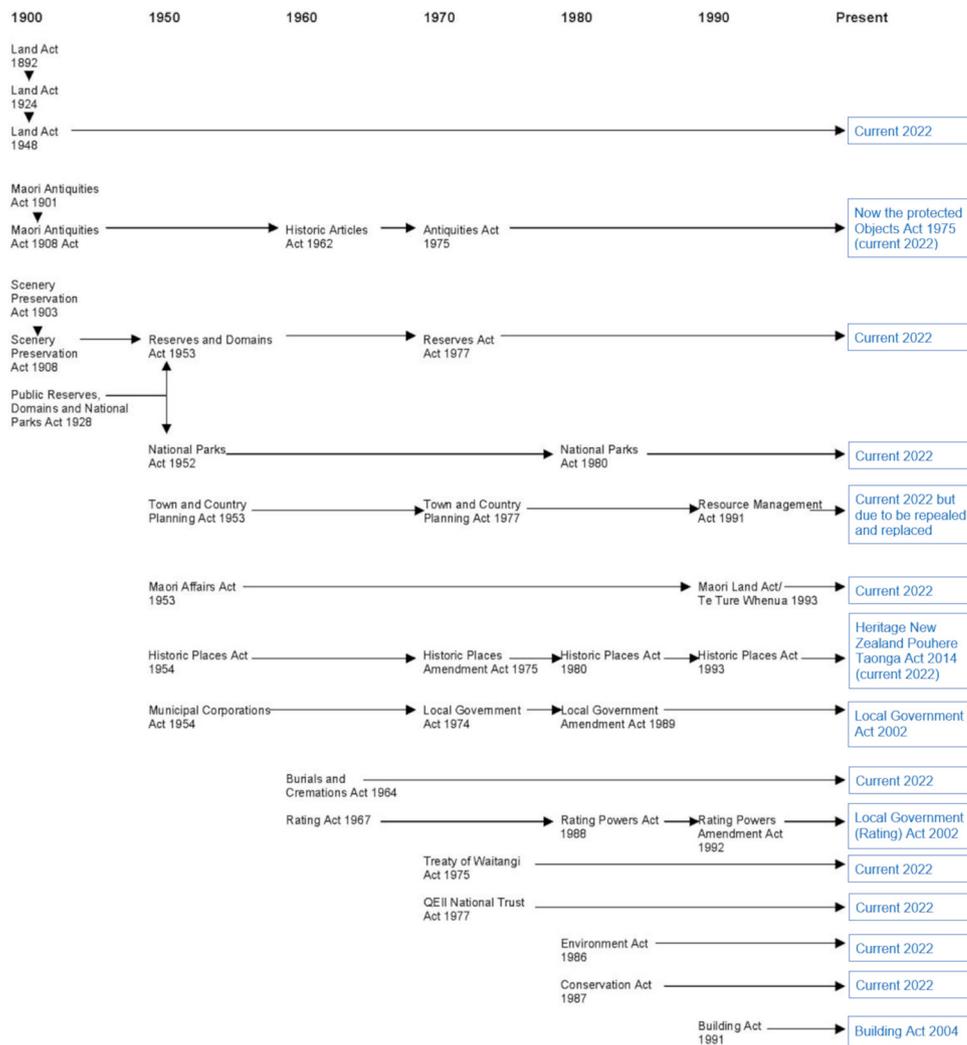


Fig. 2 Vanessa Tanner (2002). Evolving and interrelated legislation applicable to historic heritage identification and management. [From Tanner, "An Analysis of Local Authority Implementation of Legislative Provisions for the Management and Protection of Archaeological Sites." Reproduced with permission. Additions in blue by Carolyn Hill]

McLean’s analysis concludes with key reviews into New Zealand’s heritage management in the late 1990s, which called for a more integrated and consistent approach, clearer legislative framework, and stronger mandates.¹³ However, aside from the establishment of a Ministry for Culture and Heritage, there was limited uptake of the reports’ recommendations into the early 2000s, with one planner suggesting that the new ministry only compounded an already complex “maze of government, NGO and Territorial Authority responsibilities.”¹⁴

This historical context speaks to the equivocal role of heritage in New Zealand’s settler colonial context. Political prevarication on heritage issues emerges with the earliest scenery preservation acts and continues through the twentieth century. On one hand, the young country sought to be at the forefront of modern conservation theory, with city leaders increasingly cognisant of voter concerns for historic places. On the other, urban centres strove for modern development in continual processes of ordering and commodifying the land. While continually in conflict, heritage-making and new development were both tied to the ontological security of migrant populations, a claim to “home,” where settlers could feel in control of their surroundings and be collectively confident of their place within it.¹⁵ As explained by Eva Mackey, these certainties:

... are grounded in delusions of entitlement. ... They are socially embedded, unconscious expectations of how the world will work to reaffirm social locations, perceptions, and benefits of privilege that have been legitimated through repeated experiences across lifetimes and generations. Even though they are "fantasies," they have powerful effects in the world through their materialization in law.¹⁶

Together, planning constructs of heritage-making and creative destruction mutually demonstrated the success of settler enterprise as part of Western modernity. As McLean's study indicates, and as extended through this paper, this is a continued structural reality rather than resolved past.

Early planning legislation, "historic interest," and amenity

Unlike archaeology, which has been centrally managed under progressive historic places acts (and by the Heritage New Zealand Pouhere Taonga Act since 2014), protective mechanisms for historic architecture and urban environments have been vested with territorial authorities. This was legislated for through various town planning acts and then, from 1991, the Resource Management Act (RMA). These acts' role in shaping and reflecting majority public perceptions of heritage, amenity, and character is important context for Aotearoa's existing systems of historic place management, particularly as they apply to present-day special character areas.

Identifying and managing urban character has a legacy as long as that of built heritage in Aotearoa's planning history. The country's first town planning act (the Town-planning Act 1926) holds the first traces of both, stipulating that town and regional planning schemes must address "the preservation of objects of historical interest or natural beauty" (Schedule 4) and the relationship of proposed buildings to their surrounds, "their density, character, height, harmony in design of facades" (Schedule 2).

Its replacement, the Town and Country Planning Act 1953, introduced the idea of "places" (as well as objects) of historical interest or natural beauty.¹⁷ These preservation requirements were grouped under "amenities," a term which was given legal definition: "those qualities and conditions in a neighbourhood which contribute to the pleasantness, harmony, and coherence of the environment and to its better enjoyment for any permitted use."¹⁸ While the term "heritage" was unused in this act, "amenities" was used eighteen times. Notably, councils were given the right to refuse consent for "detrimental work," which included detracting from neighbourhood amenities.¹⁹ The act also defined "character" as intrinsically connected to amenity, stating that "the term 'character', in relation to the use of any land or buildings, shall be construed with regard to the effect of that use upon the amenities of the neighbourhood."²⁰

The next town planning act (1977) again did not use the term heritage. However, it did begin to develop concepts of non-monetary value, including giving councils power to conserve "areas of special amenity value."²¹ Councils' responsibilities to preserve or conserve were also broadened to include:

- (i) Buildings, objects, and areas of architectural, historic, scientific, or other interest or of visual appeal:

- (ii) Trees, bush, plants, or landscape of scientific, wildlife, or historic interest, or of visual appeal:
- (iii) The amenities of the district.²²

Items of interest were no longer grouped under the umbrella term "amenities," as was the case in the 1953 Act. Along with the insertion of the word "scientific," this shift in hierarchy reveals a growing move towards scientific framing of historic places. Expert assessments based on technical criteria conferred sites with heightened significance beyond the notions of "pleasantness, harmony and coherence"²³ that shaped amenity concerns. These changes set the scene for the emergence of heritage as a specialised discipline, and an ideological distinction between historical artefacts ("heritage") and urban form ("special character").

The Resource Management Act and the emergence of heritage

The decoupling of heritage and amenity in terms of definition and management was amplified by the RMA and its 2003 amendment. Recognised both domestically and internationally as a ground-breaking approach to sustainable resource management, the RMA was the first planning act to adopt the concept of "historic heritage," following the lead of the 1980 version of the Historic Places Act. However, it was not until 2003 (in delayed response to the heritage reviews of the late 1990s) that the term was elevated from Section 7 "other matters" into Section 6 "matters of national importance," and provided with a specific definition in Section 2.²⁴

This elevation placed historic heritage alongside other matters already recognised as nationally important, including the relationship of Māori to their ancestral lands and protecting outstanding natural features and landscapes. It also concluded its conceptual separation from amenity values: defined as "those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes,"²⁵ amenity has remained as an "other matter." It is under this matter that special character sits, as territorial authorities seek to have particular regard to the maintenance and enhancement of amenity values as required by Section 7. However, concepts of heritage, amenity, and character remain deeply entangled in Aotearoa cities. How this evolving legislative context has played out in Aotearoa's largest city, Tāmaki Makaurau Auckland, is now explored.

Application in Tāmaki Makaurau

In the 1950s, just prior to the creation of Auckland's first district scheme,²⁶ two events occurred which shaped the physical, cultural, and social direction of the city. First, the forced displacement of the hapū (kinship group) Ngāti Whātua Ōrākei from its ancestral home at Ōkahu Bay, and second, the partial clearance of Freeman's Bay under an urban reclamation scheme.

The first event was catalysed by the British royal tour in 1953–54. The impending visit actioned the eviction of Ngāti Whātua Ōrākei from its last remaining urban landholding in 1951 (see Figs 4 and 5). Described as a "dreadful eyesore" in an increasingly prestigious waterfront location, the hapū's village at Ōkahu Bay

was considered detrimental to a favourable impression of the city.²⁷ The forcible relocation of whānau and destruction of their homes completed the systematic alienation of the tribe's ancestral lands that had covered the entire isthmus.²⁸



Fig. 3 James D. Richardson (ca. 1920). Okahu Bay, the papa kāinga (ancestral home settlement) of Ngāti Whātua Ōrākei. Visible here is a 1910 municipal sewer that had already severed the tribe from the bay. [Photograph, Auckland Libraries Heritage Collection, 4-1039]



Fig. 4 Auckland Council Geomaps (1940). Okahu Bay, Tāmaki Makaurau (red arrow). The Melanesian Mission buildings (orange) can be seen in Selwyn Reserve, Mission Bay. [Aerial photograph]

Fig. 5 Auckland Council Geomaps (1959). Ngāti Whātua Ōrākei's homes have been cleared from Okahu Bay, with the church and graveyard (red arrow) the only tribal structures remaining. Civic beautification works, including a memorial fountain and planting, are evident at Mission Bay, and the Michael Joseph Savage memorial (orange) has been installed on Bastion Point. [Aerial photograph]

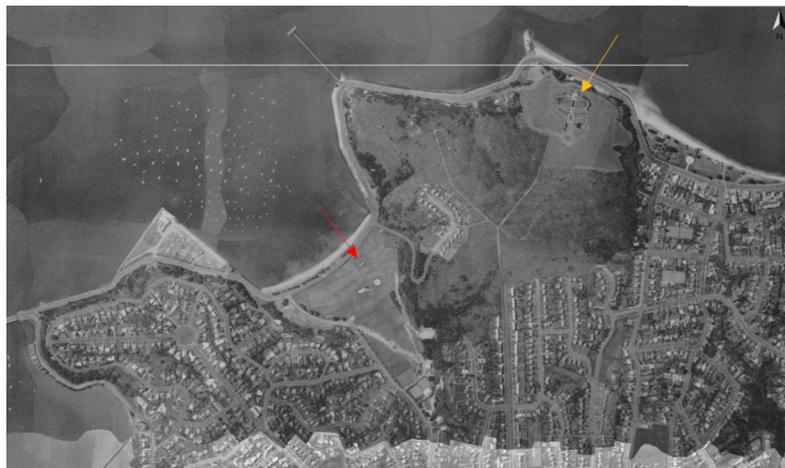


Fig. 6 Auckland Council Geomaps (1940). Inner Auckland and Freeman's Bay, with Reclamation Area (orange). St Matthew's Church, listed as a Place of Historic Interest in the 1958 district scheme, can be seen in the north (red arrow). Myers Park, established in 1915 as part of a city beautification scheme, is also indicated (green). [Aerial photograph]

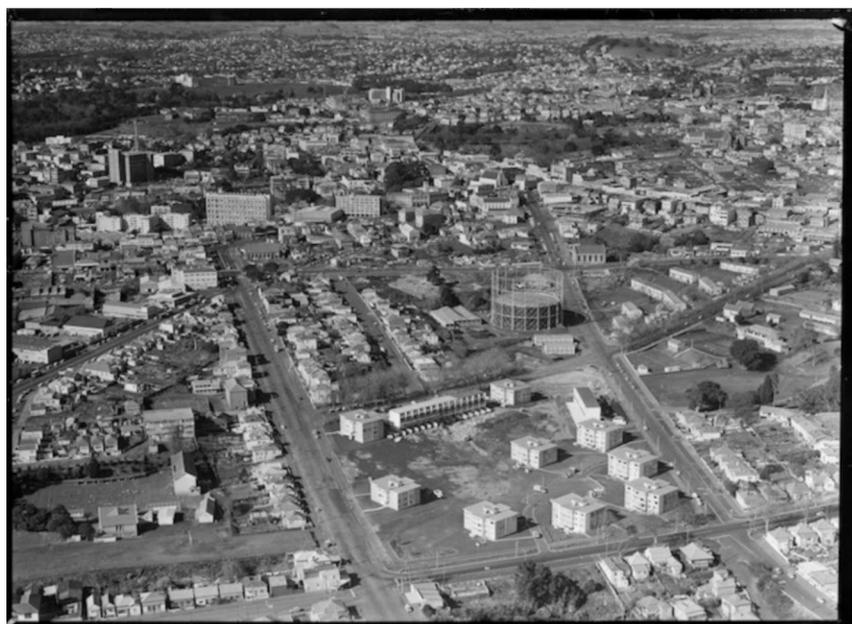
Fig. 7 Auckland Council Geomaps (1959). The area mid-transformation. Late nineteenth- and early twentieth-century houses to the west (yellow) escaped demolition. The area gentrified from the 1970s and has been protected under special character provisions since the 1990s. [Aerial photograph]

Fig. 8 Whites Aviation Ltd (1966). Partial activation of urban reclamation in Freeman's Bay. [Photograph, Alexander Turnbull Library, WA-66159-G]

In the same year, the Town Planning Board declared Freeman's Bay a "Reclamation Area" under the Housing Improvement Act of 1945.²⁹ Dilapidated housing was to be replaced by modern terraces, green space, and industry in a scheme similar in urban vision to the preceding *Te Aro Replanned*, the Architectural Centre's highly influential proposal for inner Wellington.³⁰ The resultant slum clearance disproportionately affected Māori and transformed Auckland's inner urban landscape (Figs 6 and 7) and social structure.³¹

It was in this context that Auckland's first district scheme, proposed in 1958, listed fifteen sites of "historic interest and natural beauty," including the Supreme Court, the Melanesian Mission buildings in Mission Bay, an old barrack wall on Princes Street, and various church properties.³² Eurocentric perceptions of visual appeal were a key driver both in the selective protection of historic fabric and in urban regeneration initiatives that shaped Auckland in this period.

The events of Auckland's planning directions in the 1950s are a reminder of the power of the built environment in reinforcing dominant identities and in silencing others. Planning policies given effect at Ōkahu and Freeman's Bay speak to deeper motivations than the obvious civic pride in modern tenets of historic conservation, municipal hygiene, and urban transformation. They also reflect a



consolidation of settler ontological security in New Zealand cities. Correct reverence of a selectively inscribed past, and creative destruction for a suitably modern future, were two sides of the same coin as Eurocentric embodiments of spatial continuity and order bolstered (prosperous Pākehā) public confidence.³³ The country's centennial had been celebrated, difficult pasts had been tidied into nostalgia,³⁴ and city architecture increasingly declared a modern and mature urban landscape.

Auckland's next district scheme (Operative 1970) is notable for introducing "special character," a planning tool that followed international models of sub-urb-scale protection.³⁵ Covering parts of Epsom, Remuera, and St Heliers Bay, these inner suburban areas were identified for their "pleasant spaciousness, high standard of development, extensive and mature planting, and generally established reputation," and would be "maintained at their established density to prevent deterioration resulting from incompatible redevelopment."³⁶

While the spatial coverage of formally recognised special character was limited under this district scheme, it grew under later plans as the 1970s and 1980s saw significant gentrification at the inner-urban edge. Post-war construction of new suburbs across Auckland's isthmus had meant that areas such as Ponsonby, Freeman's Bay, and Herne Bay were cheap rental housing options for urban Māori and Pacific immigrant working-class populations.³⁷ From the 1970s, however, these neighbourhoods attracted significant numbers of professional Pākehā homebuyers due to their relative affordability, urban vibrancy, and proximity to the city.³⁸ Aged architecture was part of the charm, and new residents eschewed the intensification opportunities of the district scheme, choosing to renovate rather than redevelop their dilapidated properties. This transformation of place from "junk to art and then on to commodity"³⁹ progressively fragmented and displaced working-class communities to Auckland's outer suburbs⁴⁰ and influenced perceptions of value regarding historic urban form.

By the time of the second review of Auckland's district scheme (proposed in 1977 and made operative in 1981), these areas were also recognised for their special character. Alongside Parnell, where residential use and harbour views were to be preserved, Grafton, Freeman's Bay, and Ponsonby Road were specifically zoned for rehabilitation of existing architecture to enhance residential amenity. Provision was also made to preserve the character of early suburban commercial centres.⁴¹

It was also in the 1981 district scheme that the term "heritage" was used for the first time. This change in terminology from "historic interest" was in line with the newly promulgated 1980 Historic Places Act. Categorised into a hierarchy and with a wide range of assessment criteria,⁴² the scheme reflected the increasingly scientific approach to heritage that was encapsulated in the Town and Country Planning Act 1977. While formally identified ("scheduled") historic heritage buildings, groups, and objects covered only 90 sites across the isthmus,⁴³ the scheme continued to expand its special character-related controls. Zoning provisions were used to preserve older residential areas with high architectural integrity (Residential A) and mature landscape qualities (B) across St Mary's Bay, Epsom, Remuera, and St Heliers.⁴⁴

The 1991 district scheme and the 1999 District Plan (Isthmus Section) continued these trends and steadily extended the heritage schedule. The expansion of

heritage and special character coverage sought to address growing majority public concerns with rapid urban change born out of New Zealand’s transformation from welfare state to free market economy.⁴⁵ The 1999 plan was notable for its clear explanation of what was then interpreted as the “continuum” of heritage and special character:

The special character zones sit within a continuum of provisions in the Plan. While heritage is distinct from character, both contribute to the continuum of legacy environmental attributes. The highest level of protection is by the scheduling of specific heritage buildings within the Plan, followed by the Conservation Areas, and then the controls within special character zones.⁴⁶

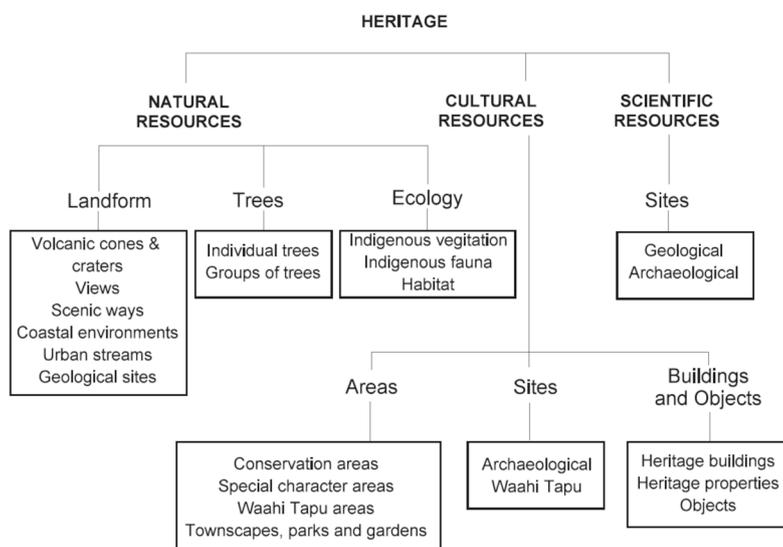


Fig. 9 Auckland City Council (1999). The extent of heritage, as diagrammed in the 1999 District Plan, Part 5C. Note the use of the word “resources,” in accordance with the RMA. [Diagram from Auckland City District Plan (Isthmus Section) Operative 1999]

This continuum was evident in the inclusion of “special character areas” under the broad umbrella of heritage (Fig. 9), and in terminological differences and similarities between Part 5C (heritage) and Part 7 (residential zones, including special character). While the key objective for heritage was “to recognise and protect resources of natural, cultural and scientific heritage value,” for special character, it was “to identify, maintain and enhance the recognised character and amenity of residential environments.”⁴⁷ However, while heritage scheduling was a planning tool applied to protect individual sites, and special character was a zoning mechanism to retain visual amenity, both drew on ideas of scarce legacy to be retained for future generations.⁴⁸

Activity status rules under the 1999 plan also allowed for similar implementation outcomes across heritage and special character. For example, while modifications to a scheduled property were assessed as a fully discretionary activity, this activity on a special character property was a restricted discretionary activity, implying a theoretically lower level of protective management.⁴⁹ However, the breadth of matters of discretion coupled with rigorous design guidelines embedded in the plan (Fig. 10) made the difference between these assessment types very narrow in practice.

The 1999 plan’s lack of firm boundary between “heritage” and “special character” both in planning policy and practical application was considered manageable in light of the urban conditions of the period. As the plan itself explained,

The standard residential zones accommodate the community's demand for additional housing on the Isthmus. These zones are dispersed throughout the Isthmus. They will provide varying opportunities for increases in the resident population, as well as facilitating the development of a range of residential housing types and environments.⁵⁰

The implication was that the capacity of the remainder of the city to absorb housing demand meant that special character zones could be justifiably retained "as a scarce legacy ... to be appreciated by future generations."⁵¹ This planning framework perpetuated common (and continuing) perceptions that "special character" and "heritage" were synonymous, with similar expectations for their conservation. This soft edge—heritage in practice but not in name—was to prove more challenging as pressures of population growth, transportation, food production, and cultural inequity became more visible from the turn of the century.



Fig. 10 Auckland City Council (1999). An example from Appendix 13: Architectural Design Guidelines for the Residential 1 and 2 Zones. Such guidance became de facto "acceptable solutions" for special character modifications in terms of how the plan's rules were implemented. [Auckland City District Plan (Isthmus Section) Operative 1999]

Figure 52: A roofed double garage will only be approved where there is sufficient elevation and separation from the house (minimum 2 metres) to enable the house to remain a dominant element in the streetscape. A good indicator of this is whether all the front windows can be entirely seen in elevation.



Figure 55: In this the gable on the garage creates an additional level of dominance. It also starts to create a new streetscape of garaging. It would *not* be consistent with the guidelines.

The Auckland Unitary Plan and current directions

In 2010 the Auckland region was amalgamated to form a single metropolitan authority. The consolidation of one regional and seven local authorities made the city New Zealand's largest by far, both in geographic area and population. The new Auckland Council notified its first proposed Unitary Plan in 2013, and it became "operative in part" in 2016.⁵² The process of Unitary Plan creation combined tight notification timeframes with a scale and complexity previously unknown in the country's planning history.

The policy approach to matters of historic urban form was largely to "roll over" places previously recognised in the eight legacy plans. While this meant that there was little change in what was scheduled as heritage across the region, the process itself was complex due to legacy plan variability in assessment criteria, categorisations, and coverage hard-won through protracted community engagement.

Importantly, the Unitary Plan was prepared in the context of the 2003 RMA amendment, which had legally defined "historic heritage" and elevated it to a matter of national importance. The plan therefore sharpens the policy boundaries between historic heritage and special character. There is increased explanation as to why individual places are scheduled, with statements of significance identifying particular heritage values (defined by assessment criteria) and explaining historical and cultural contexts. The purpose of scheduling as a protective policy instrument is clearly articulated and given effect to via objectives, policies, and rules.⁵³ There is also substantial explanation of the region's special

character areas, now managed via overlays over a compatible zoning rather than via zoning itself. The stated purpose of these area-wide (rather than site-specific) provisions is to maintain and enhance identified collective character (via demolition and design controls) rather than individual building conservation per se.⁵⁴

The Unitary Plan therefore carves a clear policy distinction between historic heritage and special character, with the former "protected" as a matter of national importance (RMA Section 6(f)) and the latter "maintained and enhanced" as an amenity matter (RMA Section 7(c)). Yet as with legacy plans, planning standards for special character properties have created an implementation environment that blurs this distinction. Relatively minor alterations can be heavily scrutinised under the restricted discretionary activity assessment criteria,⁵⁵ leading to community astonishment and opposition when substantial redevelopment (also restricted discretionary) is approved. It is therefore not surprising that the legislative distinction between special character and heritage has had limited translation into people's lived perceptions of historic urban environments. This soft edge continues to be described by politicians and laypeople as heritage, with its historic built fabric being seen as having important value for urban identity and legacy.⁵⁶

Contestation of the purpose and meaning of special character has amplified in Tāmaki Makaurau since 2020, when the central government released the National Policy Statement on Urban Development (NPS-UD). Taking precedence over local government plans, the NPS-UD seeks to streamline housing supply in existing metropolitan areas to address the country's acute housing need.⁵⁷ Tier 1 councils (Auckland, Hamilton, Tauranga, Wellington, and Christchurch) are required to enable buildings of at least six storeys in proximity to urban centres, areas that usually coincide with cities' oldest suburbs.⁵⁸ The NPS-UD objectives have been further accelerated by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. This bipartisan RMA amendment requires Tier 1 councils to apply medium-density residential standards (MDRS) across residential areas, enabling substantially higher urban density than most current zones allow.⁵⁹

Both the NPS-UD and MDRS provide a limited range of "qualifying matters" to their provisions. Matters of national importance (including historic heritage) are among them, but special character overlays and existing amenity are not. Rather, the NPS-UD pointedly emphasises *future* amenity, stating that:

Policy 6(b) (decision-makers must have regard) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect.⁶⁰

The NPS-UD clearly foreshadows the proposed replacement of the RMA itself, the Natural and Built Environments Bill, which was introduced to the House of Representatives in 2022. While continuing to conserve heritage places, the bill excludes any reference to existing amenity, instead stipulating that plans must

provide for “well functioning urban areas that are responsive to the diverse and changing needs of people and communities.”⁶¹

These changes have been met with strong opposition in urban centres. In Auckland’s consultation on proposed Unitary Plan amendments to address the NPS-UD, over 70 per cent of respondents supported ongoing protections for special character areas.⁶² The issues have become increasingly political and divisive along intergenerational, social, and cultural lines, primarily due to the amplification of spatial inequity that special character areas have contributed to. In particular, analysis by the New Zealand Infrastructure Commission in 2022 suggests that the low-density zoning of Auckland’s inner residential areas (partially determined by special character policy) has inflated the city’s house prices by 41 per cent. Furthermore, Auckland Council research in 2020 found a 4.3 per cent price premium for special character properties, indicating “the attractiveness for buyers of living in a stable streetscape of historic character.”⁶³

While less than 5 per cent of the Auckland region’s property parcels are covered by a special character overlay,⁶⁴ this increases to over 40 per cent of the inner isthmus, creating a deep entanglement between character and affluence (Fig. 11).⁶⁵ As has been observed across settler colonial cities internationally,⁶⁶ gentrification processes have also continued to amplify spatial inequality along ethnic lines, with Pākehā heavily represented in inner Auckland, and Māori and Pasifika predominately outside the isthmus (Fig. 12).⁶⁷

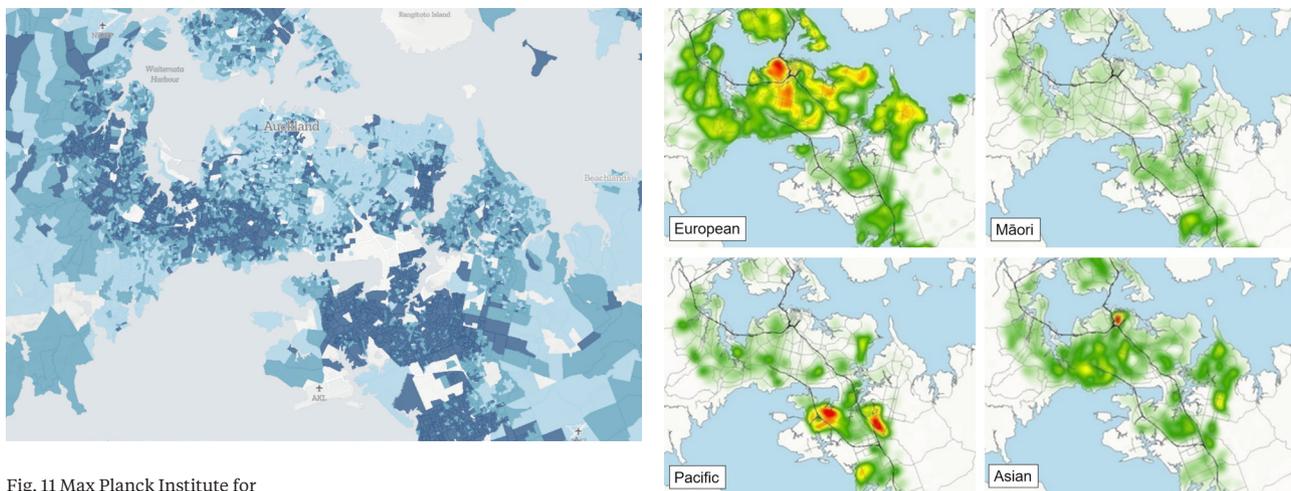


Fig. 11 Max Planck Institute for the Study of Religious and Ethnic Diversity (2022). “Superdiversity”: Auckland’s income diversity from pale (high-income) to dark (low-income). [Analytical map from <https://superdiv.mmg.mpg.de/>]

Fig. 12 Amanda Gilbertson and Carina Meares for Auckland Council (2013). Ethnicity population density heat maps. [Analytical diagrams from Auckland Council Technical Report 2013/012 (2013), 15]

It is important to note that special character designations are only part of a complex array of factors affecting gentrification in Tāmaki Makaurau, with neo-liberal governance structures, post-industrial transition, and state enablement (in the form of zoning changes, public-private investment, state housing sale or new-build, developer facilitation, etc.) all shaping ongoing and new forms of gentrification.⁶⁸ However, the valorisation of special character has had a powerful influence on the city beyond aesthetic commodification. It has bolstered settler ontological security within Indigenous land, both through the social, cultural, and racial displacement it has contributed to and through the limitations it places on alternative futurities.

This reality is deeply unsettling to narratives of heritage-making as a public good. The commensurability of heritage and special character in terms of public

perception means that historic urban fabric (whether scheduled or not) can be positioned as part of New Zealanders' collective identity, a legacy for future generations. "Heritage" can therefore be a politically palatable way to lobby against change.⁶⁹ The relationship of historic form-related planning provisions with spatial and cultural inequity—and the part that heritage architects, planners, and policymakers play—has remained largely uninterrogated through the evolutions of Tāmaki Makaurau's planning framework. However, the unprecedented engagement of central government in city-level planning policy has roused heated debate, amplifying heterogenous voices previously unheard.

Some examples of these voices are the action and lobbying by community housing providers, young people, and marginal communities in responding to the NPS-UD and calling for more housing in accessible locations. Architects and urban designers are raising future amenity concerns and creating examples of future amenity in action. Mana whenua (Māori with territorial authority) are reviving urban land as contemporary papa kāinga, reclaiming deep heritages as kōrero tuku iho (traditions passed down) rather than built artefacts.⁷⁰ The ontological security of the settler city is being shaken as the meaning, action, and purpose of heritage-making is called into question and, potentially, redefined.

Conclusion

Historic heritage identification and management has shifted significantly over time, from grand monuments to a much more diverse range of place types and storying. However, at its soft edge, special character is increasingly contentious. Its valorisation of relatively narrow narratives and timeframes and its suburb-scale protections have contributed to growing spatial inequity in Aotearoa's cities, experienced acutely in Tāmaki Makaurau. As this article has shown, the reason why special character neighbourhoods are still here, while many others are not, is not an accident of history but a progressive reinforcement of established amenity through central and local planning; heritage in practice if not in name.

By examining the evolving history of central and local government policy related to historic urban environments, I have demonstrated the equivocal role of heritage in New Zealand's settler colonial context, as processes of heritage-making and creative destruction have been bound together in claiming the permanence and modernity of the settler state. This duality is a continuing structural reality as competing voices currently debate divergent visions for the future of Aotearoa's urban form. Historic built environments continue to have power in reinforcing dominant identities, but central government directives are disrupting this ontological security. The NPS-UD, MDRS, and the proposed replacement of the RMA itself create opportunities for new city legacies as the meaning and purpose of heritage is brought into sharp focus. Special character may no longer mean clusters of early residential architecture; instead, it may be about reinvigorating papa kāinga, supporting pockets of diverse culture, enabling critical mass to fortify city life. Heritage architects and planners will need to come with open hands as heritage-making is considered anew.

NOTES

1. Gavin McLean, "Where Sheep May Not Safely Graze: A Brief History of New Zealand's Heritage Movement," in *Common Ground? Heritage and Public Places in New Zealand*, ed. Alexander Trapeznik (Dunedin: Otago University Press, 2000).
2. Reserves and Crown Lands Disposal and Enabling Act 1896, Section 13.
3. Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Basingstoke: Palgrave, 2010).
4. Scenery Preservation Act 1903, Section 4(1).
5. Lena Henry, "Whenua Māori and State Planning," in *Kia Whakanuia te Whenua | People, Place, Landscape*, ed. Carolyn Hill for the Landscape Foundation (Auckland: Mary Egan Publishing, 2021), 112.
6. Department of Lands and Survey, *Scenery Preservation: Report for the Year Ended 31st March 1918*. Appendix to the Journals of the House of Representatives, Session I-II, C-06 (1918): 2.
7. Ben Schrader, *The Big Smoke: New Zealand Cities 1840-1920* (Wellington: Bridget Williams Books, 2016), 70.
8. Julie Willis, "Architectural Movements: Journeys of an Inter-colonial Profession," *Fabrications: The Journal of the Society of Architectural Historians, Australia and New Zealand* 26, no. 2 (2016): 158.
9. McLean, "Where Sheep May Not Safely Graze," 27. In particular, the "anti-scrape" philosophy emerging from the Society for the Protection of Ancient Buildings (SPAB), which remains influential in contemporary heritage policy—for examples, see: ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (Revised 2010): Clause 6; Auckland Unitary Plan Operative in Part 2016, Section D17.6.2.
10. McLean, "Where Sheep May Not Safely Graze," 29, 30.
11. McLean, "Where Sheep May Not Safely Graze," 32–40; Vanessa Tanner, "An Analysis of Local Authority Implementation of Legislative Provisions for the Management and Protection of Archaeological Sites," MA thesis, University of Otago, 2002.
12. David Hamer, "Historic Preservation in Urban New Zealand: An Historian's Perspective," *New Zealand Journal of History* 31, no. 2 (1997): 257.
13. This included: *Historic and Cultural Heritage Management in New Zealand* (Wellington: Parliamentary Commissioner for the Environment, 1996); *Historic Heritage Management Review* (Wellington: Department of Conservation, 1998).
14. Neil Carrie, "Historic and Cultural Heritage Management: What Has Been Achieved—Where Are We Going?," *Planning Quarterly* (December 2002): 7.
15. Ann Dupuis and David C. Thorns, "Home, Home Ownership and the Search for Ontological Security," *The Sociological Review (Keele)* 46, no. 1 (1998): 25–28; Avril Bell, "Authenticity and the Project of Settler Identity in New Zealand," *Social Analysis* 43, no. 3 (1999): 122–43.
16. Eva Mackey, "Unsettling Expectations: (Un)certainly, Settler States of Feeling, Law, and Decolonization," *Canadian Journal of Law and Society* 29, no. 2 (2014): 242.
17. Town and Country Planning Act (TCPA) 1953, First Schedule 4 (b).
18. TCPA 1953, Section 2 (1).
19. TCPA 1953, Section 38 (1)(b) and (d); 38 (2).
20. TCPA 1953, Section 2 (4).
21. Town and Country Planning Act (TCPA) 1977, Section 36 (5) (a).
22. TCPA 1977, Second Schedule 5.
23. TCPA 1977, Section 2 (1). Note that this definition is almost identical to that of the 1953 Act.
24. Resource Management Act (RMA) 1991, Sections 6(f), 2(1).
25. RMA 1991, Section 2(1).
26. Auckland Council Archives provides a useful overview of the plethora of road boards, town boards, boroughs, and city councils that progressively amalgamated, finally merging as Auckland Council in 2010. Auckland Council, "Auckland City—Previous Local Government Agencies," www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/archives/Documents/previous-local-government-agencies.pdf (accessed 27 July 2022).
27. "Orakei Village 'Dreadful eyesore,'" *New Zealand Herald*, 26 July 1940; "New Orakei Village," *Northern Advocate*, 18 March 1949. Both from Papers Past, <https://paperspast.natlib.govt.nz> (accessed 11 May 2023).
28. I. H. Kawharu, *Orakei: A Ngati Whatua Community* (Wellington: New Zealand Council for Educational Research, 1975), 6–14.
29. District Scheme (1961), Section 10(1).
30. Julia Gatley and Paul Walker, *Vertical Living: The Architectural Centre and the Remaking of Wellington* (Auckland: Auckland University Press, 2014), 32–35.
31. Cybèle Locke, "'To Unite as One': Resisting Slum Clearance in Freemans Bay, 1951–1968," *Race & Class* 59, no. 1 (2017): 54–72.
32. District Scheme: City of Auckland (Operative 1961), Section 19.
33. I draw here on Jane Grenville's exploration of ontological security in cities' retention of historic buildings within modern development. Grenville, "Conservation as Psychology: Ontological Security and the Built Environment," *International Journal of Heritage Studies* 13, no. 6 (2007): 447–61.
34. See Vincent O'Malley's discussion regarding settler nostalgia in the early decades of the twentieth century. O'Malley, *The Great War for New Zealand: Waikato 1800–2000* (Wellington: Bridget Williams Books, 2016), 15.
35. Hamer, "Historic Preservation in Urban New Zealand," 263.
36. Auckland City Council District Scheme (Operative 1970), Sections 3.3(iii) and 3.1(iii).
37. Jenny Carlyon and Diana Morrow, *Urban Village: The Story of Ponsonby, Freemans Bay and St Mary's Bay* (Auckland: Random House, 2008), 221.
38. Alan Latham, "Urban Renewal, Heritage Planning and the Remaking of an Inner-city Suburb: A Case Study of Heritage Planning in Auckland, New Zealand," *Planning Practice and Research* 15, no. 4 (2000): 288, 289. See also David Ley, *The New Middle Class and the Remaking of the Central City* (Oxford: Oxford University Press, 1996), 175–211.
39. David Ley, "Artists, Aestheticisation and the Field of Gentrification," *Urban Studies* 40, no. 12 (2003): 2528.
40. See Adam Elliott-Cooper, Phil Hubbard, and Loretta Lees' discussion re. "the suburbanisation of poverty," in "Moving Beyond Marcuse: Gentrification, Displacement and the Violence of Un-homing," *Progress in Human Geography* 44, no. 3 (2020): 494.
41. City of Auckland District Scheme (Operative 1981), Sections 3.2, 8.3–8.6, 3.356.
42. District Scheme 1981, Section 4.2.
43. District Scheme 1981, Appendix A1.1.
44. District Scheme 1981, Section 3.25.
45. Heylen Research Centre, "Attitudes to the Protection of Historic Places and the Image of the New Zealand Historic Places Trust," Report for the New Zealand Historic Places Trust (1987), quoted in *Historic and Cultural Heritage Management in New Zealand* (Wellington: Parliamentary Commissioner for

- the Environment, 1996): 4.
46. Auckland City District Plan (Isthmus Section) Operative 1999, Part 7.5.1.1.
47. District Plan 1999, Parts 5C.3.1; 7.3.2. Italics have been added.
48. District Plan 1999, Parts 5C.1 / 2 / 6; 7.4.2.
49. District Plan 1999, Parts 5C.7.1.3C / E; 7.7.1.
50. District Plan 1999, Part 7.4.2.
51. District Plan 1999, Part 7.5.1.1.
52. This process was in accordance with the requirements of the Local Government (Auckland Transitional Provisions) Act 2010.
53. Auckland Unitary Plan (AUP), Sections B5.2, B5.4, D17, Schedule 14.
54. AUP, Sections B5.3, B5.4, D18, Schedule 15.
55. AUP, Section D18.8.
56. See, for example, Bernard Orsman, "Auckland Council opts for Middle Ground on Culture War Between Heritage and Intensification," *New Zealand Herald*, 30 June 2022. <https://www.nzherald.co.nz/nz/auckland-council-opts-for-middle-ground-on-culture-war-between-heritage-and-intensification/GK6AMVP2SOKHZMSHRWUCTESUB4>.
57. Thomas Gibbons and Charlotte Muggerridge, "Urban Development, the NPS on Urban Development and Urban Growth," *Resource Management Journal* (November 2020): 13–16, <https://rmla.org.nz/product/rm-journal-november-2020>; OECD, *OECD Economic Surveys: New Zealand* (Paris: OECD Publishing, 2019), 157–67.
58. New Zealand Government, *National Policy Statement on Urban Development 2020*, Policy 3.
59. Ministry for the Environment, "Housing Intensification Enabled by RMA Amendment Act," updated 31 May 2022, <https://environment.govt.nz/what-government-is-doing/areas-of-work/urban-and-infrastructure/housing-intensification-enabled-by-rma-amendment-act>.
60. *National Policy Statement on Urban Development 2020*, Section 6.
61. The Natural and Built Environments Bill, Section 5 (c).
62. Matthew Scott, "Three Quarters of Submitters Back Special Character Areas in Auckland," *Newsroom*, 29 June 2022, www.newsroom.co.nz/two-thirds-of-aucklanders-behind-special-character-areas.
63. David Bade, Jose Gabriel Castillo, Mario Andres Fernandez, and Joseph Aguilar-Bohorquez, "The Price Premium of Heritage in the Housing Market: Evidence From Auckland, New Zealand," *Land Use Policy* 99 (2020): 3, 12.
64. Auckland Council, *Auckland's Heritage Counts: Annual Summary 2021* (Auckland: Auckland Council, 2021): 13.
65. Chiara De Cesari and Rozita Dimova, "Heritage, Gentrification, Participation: Remaking Urban Landscapes in the Name of Culture and Historic Preservation," *International Journal of Heritage Studies* 25, no. 9 (2019): 863, 864.
66. Margaret Ellis-Young, "Gentrification as (Settler) Colonialism? Moving Beyond Metaphorical Linkages," *Geography Compass* 16, no. 1 (2022), <https://doi.org/10.1111/gec3.12604>.
67. Alan Latham, "Urbanity, Lifestyle and Making Sense of the New Urban Cultural Economy: Notes from Auckland, New Zealand," *Urban Studies* 40, no. 9 (2003): 1704–08.
68. Chris Hamnett, "Gentrification, Postindustrialism, and Industrial and Occupational Restructuring in Global Cities," in *A Companion to the City*, ed. Gary Bridge and Sophie Watson (Oxford: Blackwell, 2003), 331–41; Renee Gordon, "'It is the People That Have Made Glen Innes': State-Led Gentrification and the Reconfiguration of Urban Life in Auckland," *International Journal of Urban and Regional Research* 41, no. 5 (2017): 767–85; Laurence Murphy, "Third-Wave Gentrification in New Zealand: The Case of Auckland," *Urban Studies* 45, no. 12 (2008): 2522–37.
69. Amelia Thorpe, "Between Rights in the City and the Right to the City: Heritage, Character and Public Participation in Urban Planning," in *Heritage, Culture and Rights: Challenging Legal Discourses*, ed. Andrea Durbach and Lucas Lixinski (Oxford: Hart Publishing, 2019), 121–47.
70. For examples, see: Coalition for More Homes, "Auckland Needs Housing Leadership, and Here's How," <http://www.morehomes.nz>; Kāinga Ora, "Modernising Pasifika Homes in Mangere," <https://mangeredevelopment.co.nz/modernising-pasifika-homes>; Cohaus, "Cohaus: An Urban Cohousing Development," <http://cohaus.nz>; Ngāti Whātua Ōrākei, "Papakāinga," <http://www.ngatiwhatuorakeiwhairawa.com/land-property/papakāinga> (all accessed 20 July 2022). See also: "Thirty New Apartments to be Built for Whānau Māori in Mt Wellington," *Te Ao Māori News*, 30 July 2022, www.teaomaori.news/thirty-new-apartments-be-built-whanau-maori-mt-wellington; Deidre Brown, "Nga Paremata Maori: The Architecture of Maori Nationalism," *Fabrications* 12, no. 2 (2002): 1.