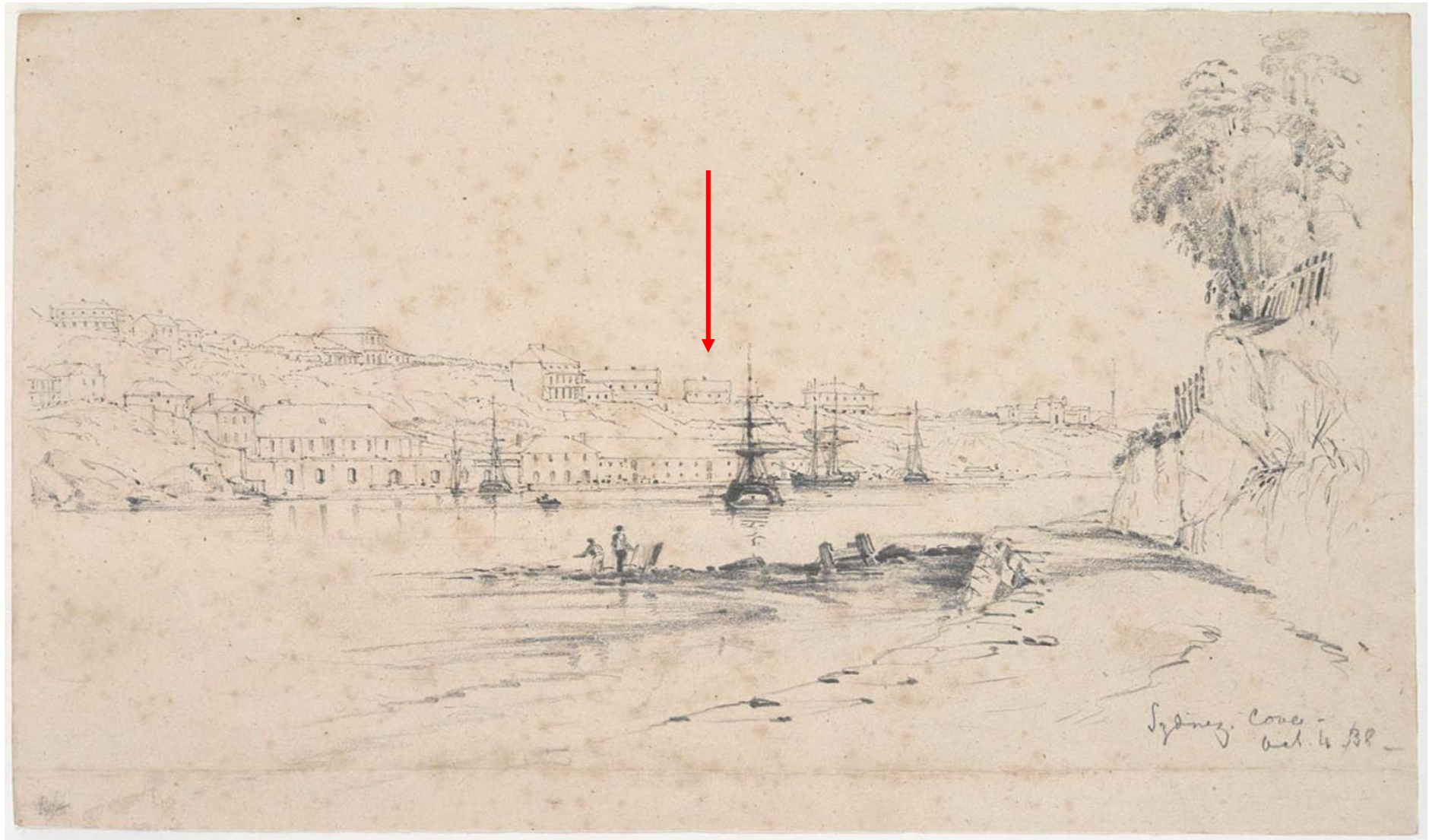


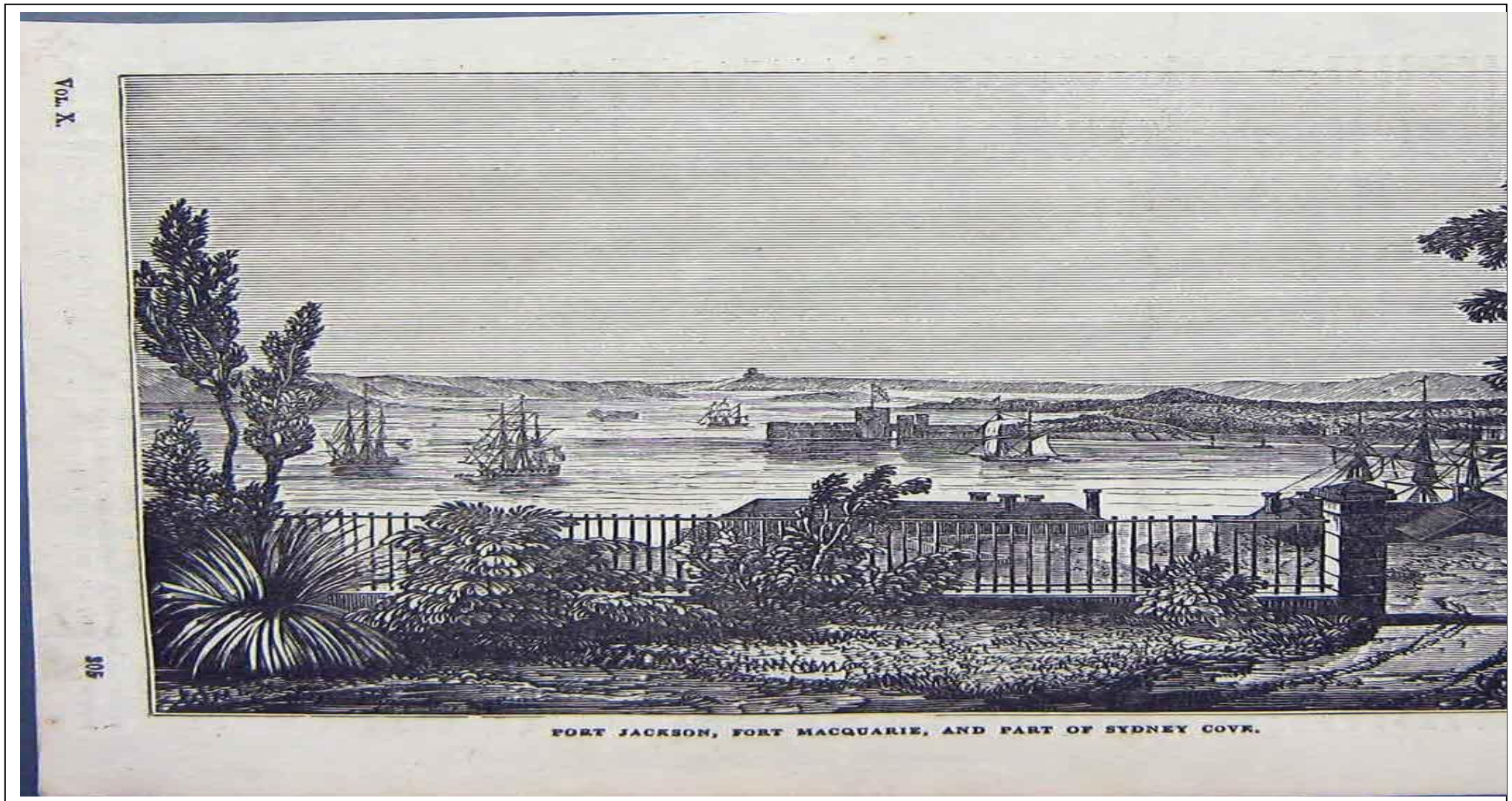
21 Lower Fort Street, Dawes Point Objection to MP09_0044





Panorama from Opera House to Lower Fort Street Terraces & Dawes Point Park and Precinct (21 LFS Indicated)

Panorama from Lower Fort Street Terraces (21 LFS), Dawes Point Park and Precinct Aspect to Harbour with Impacts
Port Jackson, Fort Macquarie and Part of Sydney Cove - 1 April 1837 "*The Saturday Magazine*" (Aspect of 21 LFS & Dawes Park)



Panorama from Lower Fort Street Terraces (21 LFS), Dawes Point Park and Precinct Aspect to Harbour with Impacts



Panorama from Lower Fort Street Terraces (21 LFS), Dawes Point Park and Precinct Aspect to Harbour with Impacts



Objection to MP09_0044 - Park Hyatt, 7 Hickson Road, The Rocks
– Internal refurbishment, external alterations, amendment to Sydney Cove
Redevelopment Authority Scheme (SCRA)

My name is Andrew Jackson. I am a frequent user of Dawes Point Park and Dawes Point Precinct and I also have a right to the leasehold of the 1830's house 21 Lower Fort Street, Dawes Point.

The Park Hyatt Hotel has a proposal number MP90_0044 to, amongst other activities, construct an additional storey on top of the existing building and to raise a series of terraces and build a swimming pool to create a new rooftop event space.

Objections:

For the reasons set out below:

- I object to the proposal, application number MP09_0044, lodged by the Park Hyatt.
- I also object to the extent the proposal requires a successful outcome for the Park Hyatt's application for variation to the SCRA.
- I also object to the proposal to the extent that it involves any change to the existing building envelope.
- I also object to the proposal to the extent that it incorporates and relies on previous approvals.
- I also object on the basis that the information provided by the Park Hyatt is insufficient for a full and proper assessment to be made of the impact of the proposed development.
- I also object to the consultation process followed by the Park Hyatt in that it failed to adequately provide sufficient information to make an informed decision – please refer to the details at page 9 below which show that 21 Lower Fort was not included in relevant view analysis and further, that when the view analysis was finally available the “balloons” (photo as taken from the main verandah of 21 Lower Fort Street) were not sufficiently clear for an impact analysis to be adequately conducted.

My reason for objecting is foremost that the proposal, if successful in its current form, will block heritage panoramas between Dawes Point Park and Lower Fort Precinct and Sydney Harbour and beyond to Pinchgut and the wider Harbour (see preceding photos).

From Dawes Point Park and Lower Fort Street, it has been possible to look out across the harbour to Pinchgut and the Heads since the time of the first colonists. If these development plans proceed, many of these heritage panoramas will be disrupted and community enjoyment of public leisure, heritage and aesthetic assets curtailed. In other words, the proposed roof top development is not sympathetic to and is, on an objective basis, detrimental to the heritage significance of Dawes Point Park and the Lower Fort Street precinct. Panoramic heritage views from Dawes Point Park and Lower Fort Street would be substantially reduced so as to unreasonably diminish their significance.

1. Dawes Point Park and Dawes Point Precinct – heritage listed assets

Dawes Point juts out into Sydney Harbour providing spectacular vistas both up and down the Harbour and has long been recognized as a position which is representative of Sydney's strong association with its Harbour.

For current public and future generations' benefit, it is important that we protect in its current form this important heritage, aesthetic and community asset that has survived to 2010.

- Aesthetically, Dawes Point contributes to the magnificent landscaped setting for the internationally recognized icons of Australia - Sydney Harbour Bridge, the Opera House and Sydney Cove.
- Dawes Point has a long history of accommodating leisure usage, by the local residents and the wider Sydney community.
- As public open space Dawes Point is strongly linked to the wider Sydney, Australian and particularly the Rocks, Dawes and Miller's Point communities as an oasis of green in an increasing urban society.
- Dawes Point's heritage importance is underscored by Dawes Point maintaining vestiges of all periods of its occupation since colonial times.
- Little of the area has been alienated from public use so far, allowing the potential for interpretation of the site's history in particular.
- The layers of history at Dawes Point have additional great potential to be used as a rich educational, cultural and tourism resource.

All of Dawes Point's features have been closely linked with the site's unique position, occupying a prominent headland with vistas up and down the harbour.

- The sheer size of the Harbour Bridge and its massive construction components are awe-inspiring when viewed from Dawes Point.
- The whole Bridge composition remains remarkably unaltered since its 1932 completion.
- The Bridge and Harbour as viewed from Dawes Point continue to be the inspiration for works of art.
- The rich mixture of landscape elements reflects the general materials used in construction of almost every structure built on the site from 1791-1932.

2. Heritage Panorama's from Lower Fort Street to the Harbour, Pinchgut and the Lighthouse

Lower Fort Street is listed in the City of Sydney Council Local Environment Plan (LEP) 2005 as a heritage streetscape, as part of the Millers Point and Dawes Point Village Precinct at Schedule 6. An objective for this special area is **"to maintain existing views and vistas into and out of the precinct to the water** and Harbour Bridge north and to the city south and Observatory Park."

These existing views and vistas are variously from Dawes Point Park, Lower Fort Street itself and from heritage homes such as 21 Lower Fort Street – please see a statement of heritage extract prepared by Clive Lucas, Stapleton & Partners in the pages that follow. As Clive Lucas notes, after the National Trust led a campaign in the 1960's to save The Rocks, the Ken Woolley designed Park Hyatt Hotel building was awarded for the way it fitted in to The Rocks townscape. Now some years later further proposals are being made which disturb this relationship and should not be acceptable.

3. Further Information

As noted below at page 8, I am waiting for further information so as to be in a position to make a full and proper assessment of the development contemplated the Park Hyatt and I reserve the right to make further submissions as part of this objection, once this information is received.

Hi David,

Thank you for the documents I picked up yesterday afternoon from your office.

I have performed an initial high level overview of the some 335 pages of documents you produced, referenced against my applications under GIPA dated 20 July 2010, requesting "all information held by the Department of Planning related to the Development Consents dated respectively 14 November 2005, 11 February 2009 and 23 February 2009, granted to Daisho Developments in respect of the Park Hyatt". Please see your letter to me dated 30 September 2010 - your reference GIPAA2010/11-010.

I am concerned that the scope of the documents produced by you, do not adequately address the terms of my applications. My applications are clear, stating "all information" and would cover for example all information concerning:

All documents associated with;

1. Development Application number 122-05-05,
2. Modification Application number 122-05-05(1),
3. Major Project 09_0044,
4. Director-General's Requirements dated 16 March 2009, and
5. Director-General's Requirements dated 4 June 2010 ,

submitted by the applicant with 1 to 5 above, including but not limited to;

- supporting documentation and correspondence submitted,
- architectural drawings prepared by Ancher Mortlock & Woolley Architects, Bates Smart and any other architects,
- planning report and Statement of Environmental Impacts prepared by Urbis JHD dated April 2005, (including basis of methodologies employed),
- volume 2 appendices prepared by Urbis JHD dated April 2005,
- statement of Environmental Effects section 96(1A) prepared by Urbis dated December 2008,
- any fixtures or changes approved by SHFA's Planning Assessment team and all Heritage reports(s) prepared during all stages of applications to date for each of 1 to 5 above,
- value of each of 1 to 5 above,
- details of construction certificate approvals, including any dates the CC's were issued,
- dates(s) development(s) commenced and value of commencement to 14 July 2010 and post 14 July 2010, and
- the basis that MP_0044 appears to be treated as a modification or variation to DA 122-05-2005, rather than a new application.

I did not agree to any narrowing of the terms of my applications on 4 August 2010 as you allege in your letter of 30 September 2010, which letter I received on 11 October 2010. Accordingly, under the GIPA , I seek a review, by way of an internal review by another officer of equal seniority, of your decision to narrow the terms of my applications.

I can be contacted during office hours on 8253-0154 or at any time on 0408 123 561.

Best regards,

Andrew Jackson



Photo taken on 14 July 2010 from Urbis presentation to residents of Lower Fort Street

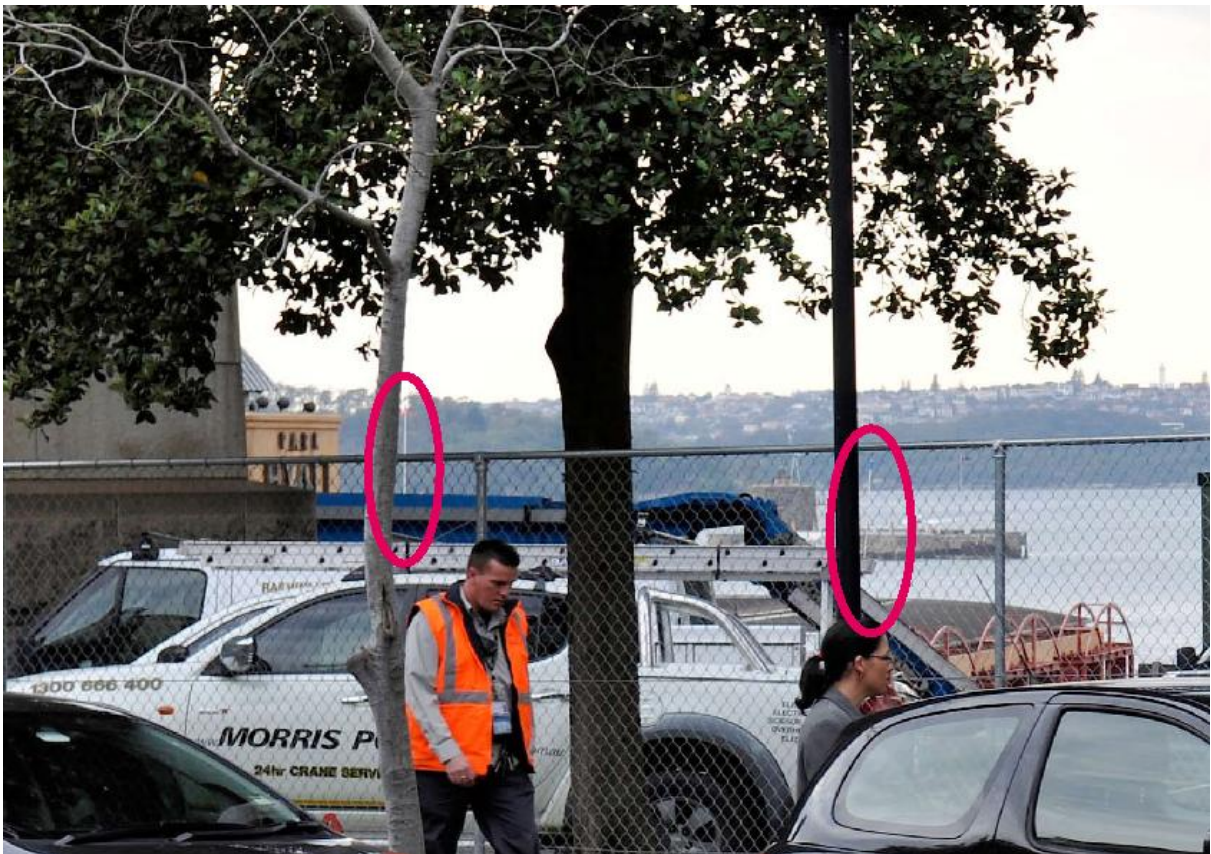


Photo taken on 31 July 2010 standing from front porch of 21 Lower Fort Street

Clive Lucas, Stapleton & Partners Pty. Ltd.

ARCHITECTS AND HERITAGE CONSULTANTS

155 Brougham Street, Kings Cross, Sydney, 2011, Australia
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Jackson House

21 Lower Fort Street

Dawes Point Sydney 2000

STATEMENT OF HERITAGE

Prepared for: Mr Andrew Jackson

Introduction

This Statement of Heritage (SOH) for the terrace house at 21 Lower Fort Street, Dawes Point was prepared by Kate Denny and Lucy Kaldor of this office with review by Clive Lucas.

The site was inspected by Clive Lucas on the 11th of September, 2009 and on numerous further occasions in 2009 and 2010. Mr Lucas wrote to the Sydney Morning Herald regarding his concerns about the Park Hyatt Hotel proposal on 14 October 2010, please refer to Appendix 1.

Orwell & Peter Phillips Architects prepared a Conservation Management Plan (CMP) for the property in September 2007 (hereafter referred to as 'the CMP').¹

This report follows generally the methodology recommended by the NSW Heritage Office in *Statement of Heritage Impact* (Revised 2002).

Description

The subject building is located on the west side of Lower Fort Street in Millers Point (also called Dawes Point).

Built in the 1830s in the Georgian style with minor later Edwardian alterations, it was constructed as one of a pair of semi-detached houses with 23 Lower Fort Street, adjacent to the south.

The building consists of four bedrooms and four storeys including attic and basement levels. The exterior finishes and colour scheme of Nos 21 and 23 are identical, as is the metalwork (palisade fence to the ground floor, iron lace pilasters and balcony panels to the first floor verandah) and most of the exterior joinery. A slate pedimented roof covers the houses. The iron pilasters and panels to the first floor verandah date from the mid-19th century, with later timber and glass infill. The subject building's sign reads 'Mascotte'. The subject building is currently vacant having previously been in use as a boarding house; however, the interior of the building is in poor repair.

¹ Orwell & Peter Phillips Architects, *Conservation Management Plan: 21-23 Lower Fort Street, Millers Point* (September 2007), prepared for the NSW Department of Commerce on behalf of the NSW Department of Housing.

The front of the property faces the southern approach to the Harbour Bridge, with a view underneath it to the Opera House, Fort Denison and Sydney Harbour, while views across Walsh Bay are afforded from the rear of the property.

The real property definition of the land is Lot 81 DP 832148 (see Figures 2 & 3). The subject building is owned by the NSW Government, and is managed and leased by Housing NSW (formerly the NSW Department of Housing). In 2010, as part of a program of lease sales for properties in Millers Point, Housing NSW entered into an agreement to lease the subject property to the present 'proprietors' for a term of 99 years.

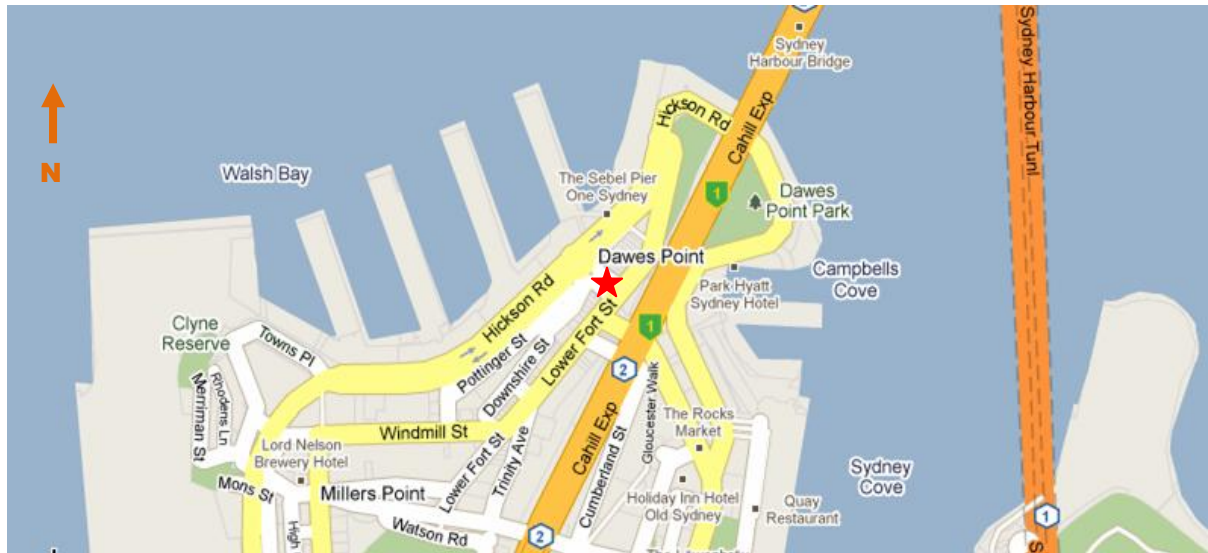


Figure 1: Location Map. The approximate location of the subject property is marked with a star. (Source: Google Maps, <www.maps.google.com>, retrieved 3rd February 2010).

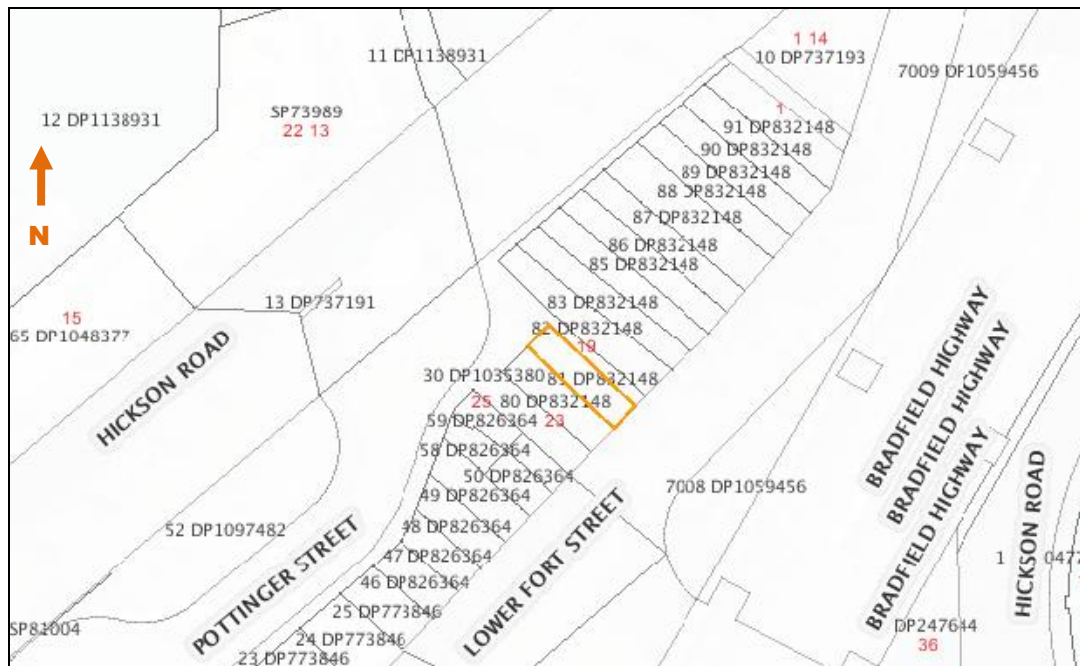


Figure 2: Plan showing the cadastral definition of the place, Lot 81 DP 832148. (Source: NSW Department of Lands SIX viewer, <www.imagery.maps.nsw.gov.au>, retrieved 3rd February 2010)



Figure 3: Aerial photograph of the place (outlined)
(Source: NSW Department of Lands SIX viewer, <www.imagery.maps.nsw.gov.au>, retrieved 3rd February 2010)

Photographs of the Place



Figure 4: The front elevation of the subject property.



Figure 5: The front elevation of the subject semi-detached houses, Nos 21 (left) and 23 Lower Fort Street. Parbury Lane is on the left.



Figure 6: The north wall of the subject property (centre), with Milton Terrace on the right.



Figure 7: Rear view of the subject property (on the left) and No. 23 Lower Fort Street.



Figure 8: View of the rear of the property showing the original privy closet, evidence of skillion roof and access gate in rear boundary wall.

Historical Development

Due to its age and importance, the history of the terrace at 21-23 Lower Fort Street is well-documented. The following historical information has been summarised into a chronology using the well-researched history written by Dr Rosemary Annable for Orwell & Peter Phillips Architects' CMP for the property.

Please refer to the CMP² for a comprehensive history of the site and locality, and for bibliographic information.

Summary Chronology of Ownership, Occupancy and Physical Development of the Place

Year	Event
1823	Grant of land (94 roods on the east side of Cockle Bay) comprising the subject property to John Nicholson. Nicholson was a Master in the Royal Navy who arrived in Sydney in 1817 (aged 30) as a chief officer on the <i>Lord Melville</i>. He married Eliza Streeter, a passenger on the <i>Lord Melville</i>, almost immediately upon disembarkation at Sydney. In 1821 Nicholson was appointed Master Attendant of the government dockyard at an annual salary of £100, a position he held until 1842. By 1825 he had built a house (known as Durham Cottage) with stables, coach house and an extensive garden on his Cockle Bay land.
October 1829	John Nicholson mortgaged his Cockle Bay land including Durham Cottage for £500 to Reverend Thomas Hobbes Scott, who had recently resigned as Archdeacon of NSW, before returning to England.
May 1831	In 1831 Nicholson sold much of his grant, including the water frontage, to the merchants John Lamb and Walter Buchanan for £1,850, together with a small portion of street frontage on Lower Fort Street. Here the firm of Lamb & Buchanan, later Lamb & Parbury become established a Miller's Point.
May 1832	Nicholson mortgaged the remainder of his property (a portion of land comprising a street frontage of 133 feet along Lower Fort Street, including Durham Cottage, its outbuildings and gardens, as well as the land comprising the subject property) to James Tod Goodsir for £500. In November 1833 Nicholson borrowed an additional £500 from Goodsir.
October 1832-February 1833	Newspaper articles at the time report that two cottages were under construction by Mr. Nicholson, the Master Attendant, at Dawes' Battery and <i>“are nearly completed, and for commanding an extensive view of the harbour of Port Jackson, both in front and rear, they are unrivalled in Sydney”.</i>³
1833	Nicholson's grant was surveyed as Section 90 of the town of Sydney and the street frontage of Nicholson's grant became Allotment 10 of the section (see Figure).

² See Orwell & Peter Phillips Architects, *Conservation Management Plan: 21-23 Lower Fort Street, Millers Point*, (September 2007).

³ Domestic Intelligence, The Sydney Morning Herald, Monday 15th October 1832 and Thursday 14 February 1833

By 1834	Nicholson had built a pair of attached townhouses (Nos 21 and 23 Lower Fort Street) to the south of Durham Cottage. These were built along the street front and the rear yards and outbuildings were enclosed on all sides by walls. To the south was a reserved road to Pitman's wharf and on the north between the side of the new houses and the garden wall of Nicholson's home, was a carriage way providing access to the stables, coach house and outbuildings of Durham Cottage. Nicholson's townhouses were likely let to tenants.
December 1836	Nicholson advertised for the attached townhouses to be sold by auction in <i>The Sydney Gazette</i> and <i>NSW Advertiser</i>, with the following description of the properties: <i>Two substantially built well finished houses, in Fort street, next [to] the residences of John Nicholson Esq, Harbour Master, and now let to highly respectable yearly Tenants, at seventy-five pounds each, per annum, but capable of improvement, and consequently augmentation of rent.</i> <i>Each House has a frontage of twenty-one and a half feet, by a depth of ninety feet; they are well finished, and contain two Parlours, with Kitchen and Store underneath, and other conveniences, - on the first Floor a Drawing and a Bed-room; also, two good Attic-rooms, a Well of pure Water is on the Premises fit for all purposes and even in the direst seasons affords a plentiful supply.</i> <i>Title- A Grant from the Crown</i> <i>A more pleasant and healthy situation than the site of those two Houses could not possibly have been selected, commanding as they do a full view of the Government Domain, Harbour, Lighthouse, Woolloomoolloo, &c.; and in the rear, the whole of that expansive school of water, Darling Harbour, and with its several inlets.</i>⁴
September 1839	John Nicholson's remaining land at (Lower) Fort Street was divided into five lots in preparation for sale, with the two townhouses (Nos 21 and 23 Lower Fort Street) numbered Lot 4 and Lot 5. The townhouses were both leased at the time the sale advertisement was run. <i>The Sydney Gazette:</i> <i>Lot Four- An Excellent Family Residence adjoining "Lot One", with a frontage of 21 feet 3 inches to Fort-street, by a depth of 81 feet, with the advantage of a back entrance- now rented to W.C Botts, Esq. at 100 per annum.</i> <i>Lot Five- an Excellent Family Residence adjoining the above, and now let to Captain Boards at a rental of 90 per annum.</i>⁵ Mr W C Botts was a wharf owner nearby and Captain Boards (actually Captain Roach) captained Her Majesty's cutter <i>Prince George</i>⁶
January 1840	The townhouses, Nos 21 and 23 Lower Fort Street, were conveyed to Francis Mitchell and Borthwick Wight for £1680, who immediately sold the townhouses on to John Forster Church.

⁴ Advertising, Sydney Gazette and NSW Advertiser, 6 December 1836

⁵ Advertising, Sydney Gazette, Saturday 19 October 1839

⁶ Advertising, Sydney Morning Herald, 9 January 1834

	Church, a mariner in his early career, was by 1840 a merchant in his own firm, J F Church & Co, and a marine surveyor for the Australian Marine Insurance Company. He died in 1844 and it is unclear whether Church or his immediate family lived at the townhouses in Lower Fort Street before his death. The property passed to his wife Barbara Ann, who died in 1862, and the townhouses remained in the Church family ownership until they were resumed by the government in 1900. Some members of the Church family lived in the two houses in the latter part of the 19th century. Other 19th century occupants included merchants, ship owners and master mariners, suggesting a level of respectability commensurate with Lower Fort Street generally at this time.
1845	The townhouses are described in an 1845 rate assessment (the earliest existing description of the subject property) as of brick, with shingled roof, two floors, five rooms, and ‘basement, kitchen and stables’ additional to these. The stables were located outside the present property boundaries.
1865	The Trigonometrical Survey of Sydney (please refer to figure 12) shows the configuration of the subject building at this time. The plan shows two identical buildings along the west (outside) rear boundary wall of the properties – these may have been the stables referred to in the 1845 rate assessment. Smaller brick outbuildings, likely privies, are shown within the yards.
Late 1870s	Street frontage to the north, formerly owned by Walker & Co. was totally remodelled and Milton Terrace (Nos. 1 to 19 Lower Fort Street) was constructed around the original Walker house. Durham Cottage was demolished. The reserved road along the north side of the townhouses remained unaltered, providing access to two blocks of stables and access to the rear of Milton Terrace. Given that the stables were located on land belonging to Milton Terrace, the stables may have been for its occupants, rather than for 21 and 23 Lower Fort Street.
1880	H Percy Dove’s <i>Plans of Sydney</i> show the property much like it was shown in the 1865 trigonometric survey (see figure 12), although a shed noted as being built of wood and iron is located on the western façade of 21 Lower Fort Street, in a similar position to the existing brick skillion addition. Milton Terrace was built to the north of the subject building.
1882	The roof was described as shingled in the rate assessment record.
1891	The roof was described as of slate in the rate assessment record.
c1896	The roof was described as of iron in the rate assessment record (such discrepancies are common in the rates book descriptions and physical evidence does not support an iron roof).
March 1900	The <i>Darling Harbour Wharves Resumption Act</i> was passed as an emergency scheme and The Rocks and Miller’s Point came into government ownership. The Sydney Harbour Trust was established to manage the waterfront and resumed waterside properties, including Nos 21-23 Lower Fort Street, which the Trust leased out to tenants.

1912	Names and numbers for the subject houses appeared for the first time in the <i>Sands Directory</i> of this year. No 21, occupied by William Tucker, was called ‘Mascotte’, and No. 23, occupied by Thomas Waite, was ‘Tara’ (Tarra).
1916-1918	The whole of the old foreshore below Lower Fort Street was remodelled as part of the Sydney Harbour Trust’s construction of Walsh Bay between 1906 and 1922. The backyards and outhouses of many of the houses on the west side of Lower Fort Street were rearranged to accommodate the high retaining wall along Hickson Road and Pottinger Street. The backyards of Nos 21-23 seem to have remained intact, however the two blocks of stables beyond the wall were demolished at this time (Figure), suggesting that the existing brick western boundary wall was once an interior wall between the stables and the sheds to the rear yard.
Late 1920s	By this time Nos 21-23 were both identified as ‘residential’, although they may have been used for this purpose from an earlier date. Residential operated as boarding houses but were unlicensed and were therefore not subject to inspection from the local authority, which meant that the buildings were often neglected.
1936	The Maritime Services Board succeeded the Sydney Harbour Trust, inheriting its property portfolio, which included the subject property.
1983	Restructuring of the Maritime Services Board saw all of its residential housing properties at Millers Point (including the subject property) transferred to the Housing Commission. The subject property was leased by tenants appointed by the Commission. The last tenants under this arrangement vacated the property in 2004.
1988	The Millers Point Conservation Area, comprising all the properties owned by the NSW Department of Housing (including the subject property) was endorsed as an item of State significance by the NSW Heritage Council.
1999	Nos 21-23 were placed on the State Heritage Register.

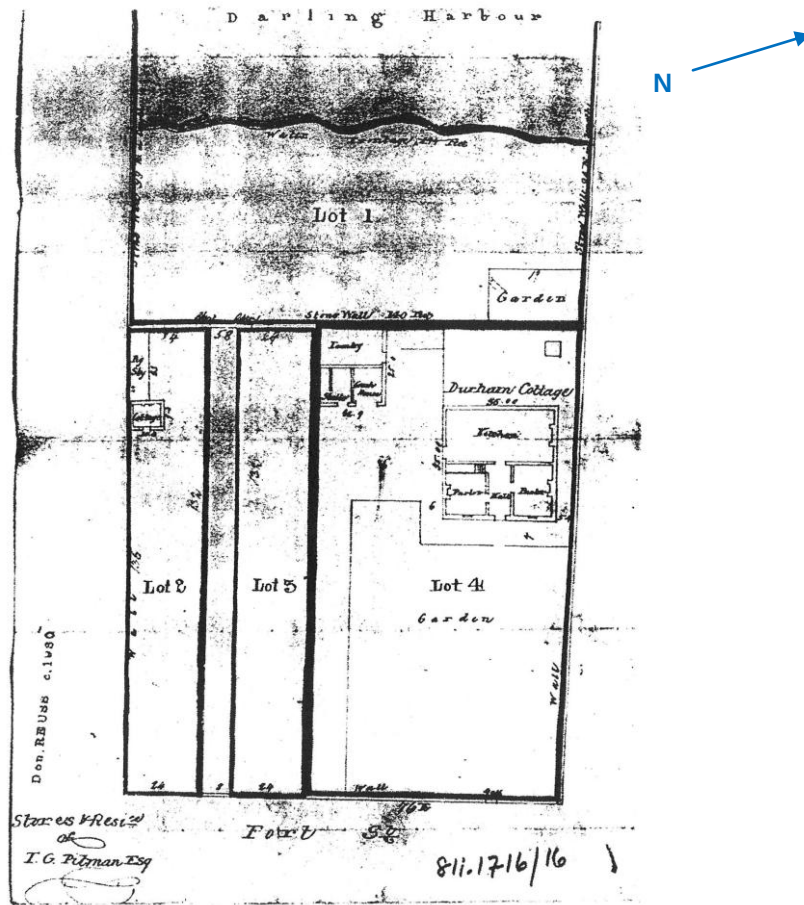


Figure 9: Pre-1831 subdivision plan showing location of Durham Cottage and neighbouring allotments, including Lot 1 which was sold to Mr John Lamb in 1831. Lot 5 is later to have 21 and 23 Lower Fort Street built on it. (Source: Mitchell Library Subdivision Plans)

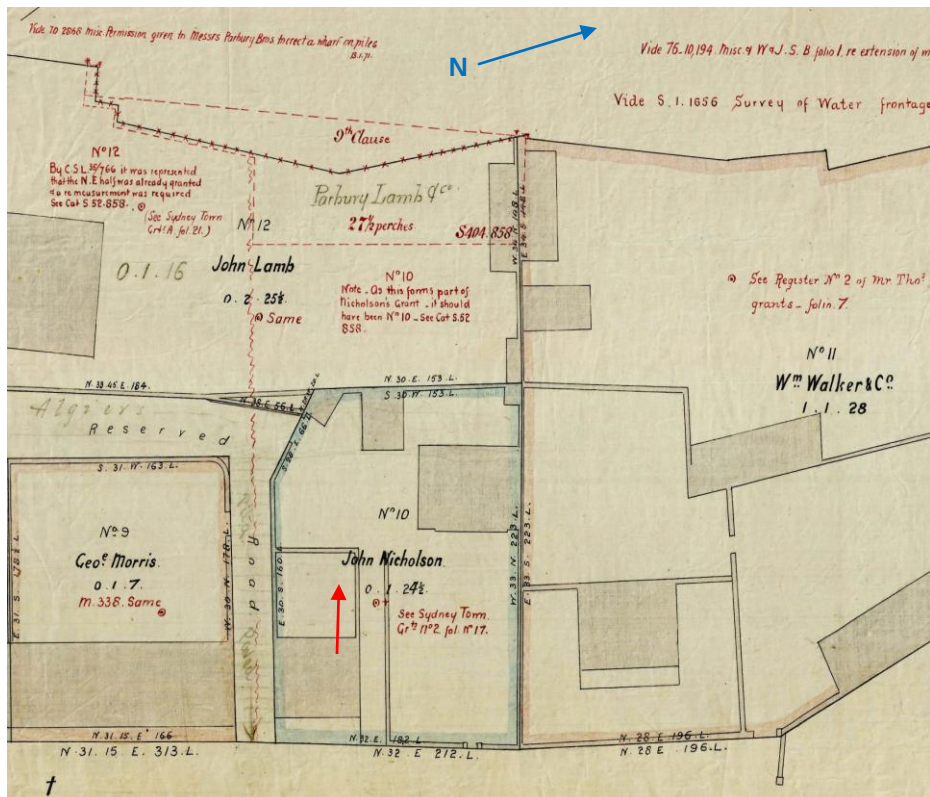


Figure 10: Detail from the 1833 City Survey Plan Section 90 showing Captain John Nicholson's land noted as No.10, following the sale of the northern allotment to John Lamb. Plan shows location of Durham Cottage and ancillary buildings together with the newly constructed semi-detached houses. (Source: City of Sydney Archives)

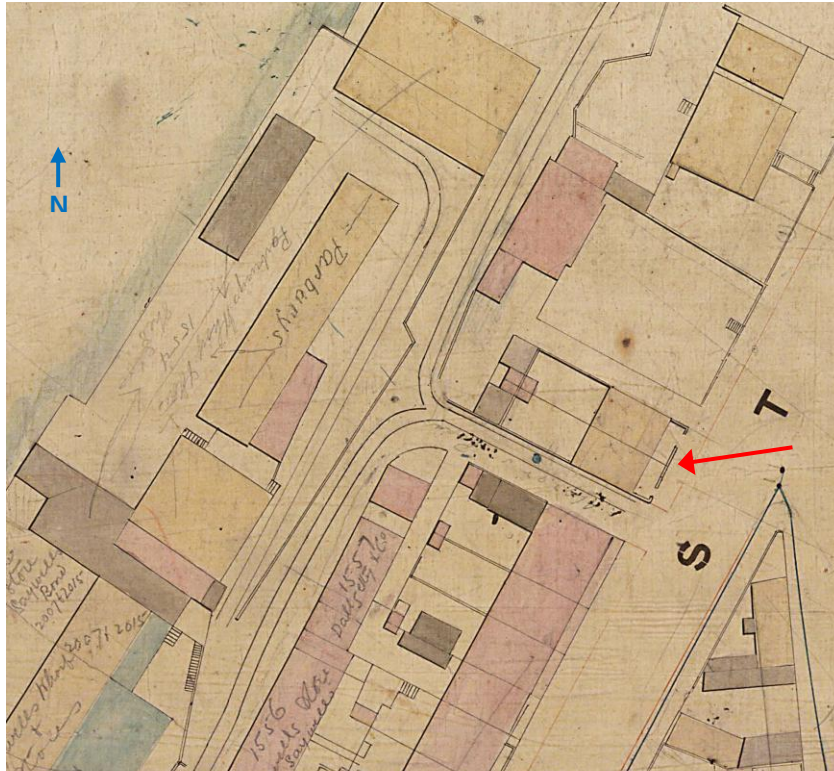


Figure 11:
Detail of 1865
Trigonometric
Survey of
Sydney, Sheet
A1. The
subject
building is
marked with
an arrow. The
survey shows
the location of
the brick
privies to rear
of the
properties
with wooden
buildings to
the west of
the property
boundaries
(presumably
the stables).
To the north
is the Durham
Cottage
property and
the Walker
house.
(Source: City
of Sydney
Archives)

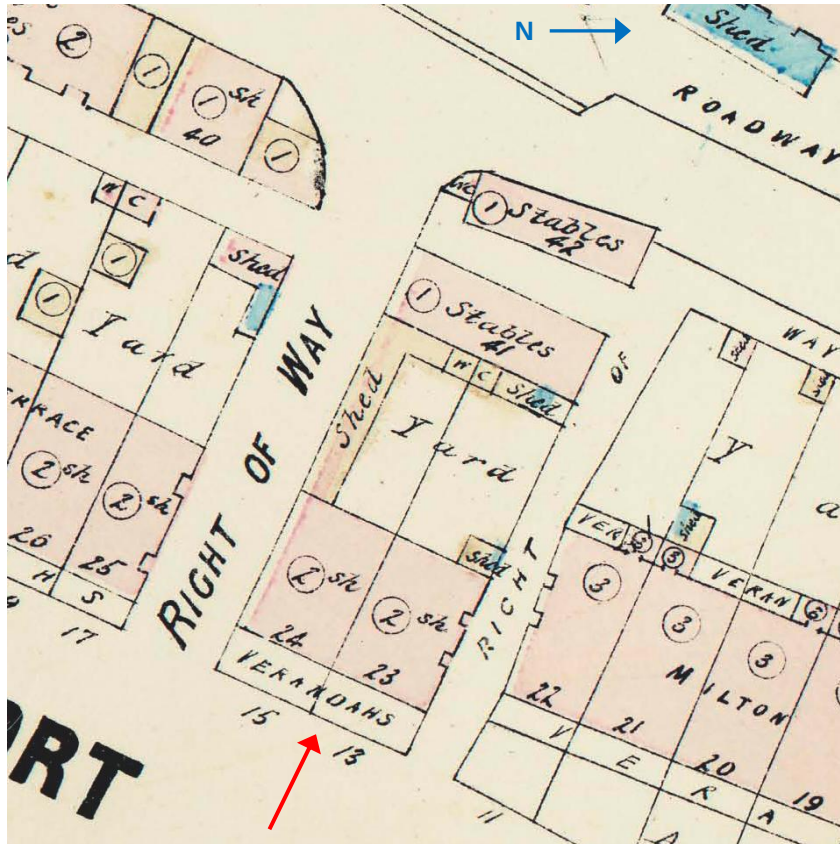


Figure 12: Detail of H Percy Dove's 1880 *Plans of Sydney* (Block 37A). The subject building and terrace is indicated with an arrow. It is probable that the rear stables (numbered 41 and 42), were in use by occupants of Milton Terrace, rather than by occupants of the subject building. (Source: City of Sydney Archives)

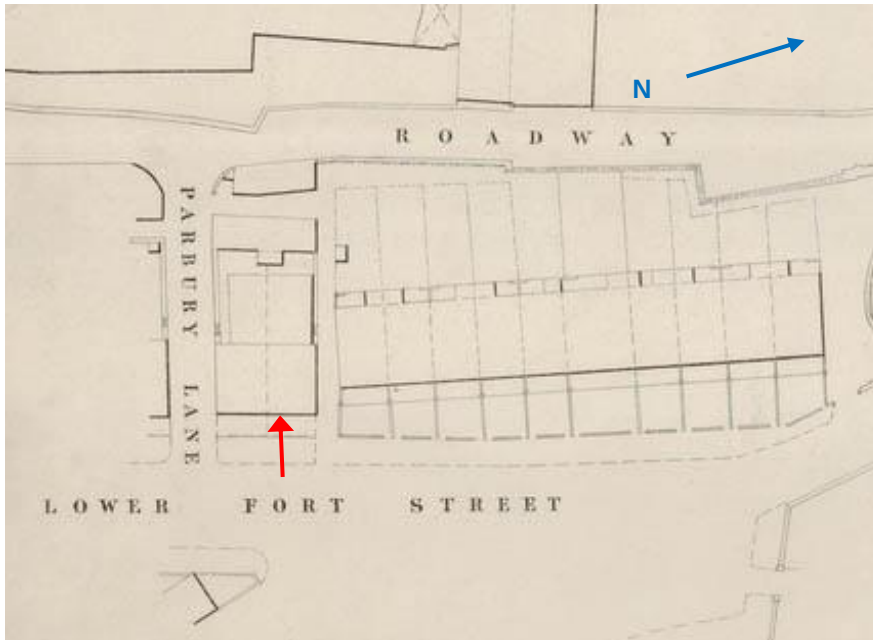


Figure 13:

Detail of Metropolitan Details Series

Plan Section 90 showing access via Parbury Lane to rear stables and leading through to the rear of the adjacent properties at Milton Terrace.

(Source: State Library of NSW)

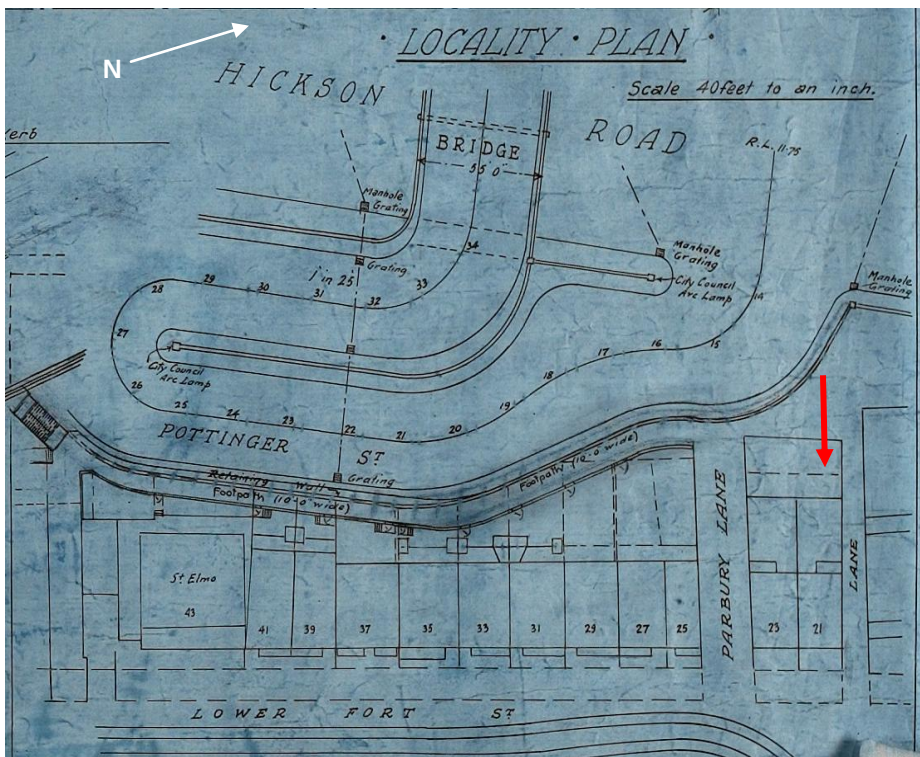


Figure 14:

1916 site plan for the realignment of the back yards of Lower Fort Street houses as part of the construction of Pottinger Street for the new wharf scheme.

The properties of Nos 21 and 23 are visible at the right of the image. Note the presence of built structure to the rear of both 21 and 23 Lower Fort Street.

(Source: NSW Dept Housing Archives, A3881 F7_68 Bundle 29)



Figure 15: An 1838 sketch of Sydney Cove by Conrad Martens showing the early development of Millers Point, including the subject townhouses as indicated without front verandahs.
(Source: State Library of NSW)



Figure 16: 1870s view of Lower Fort Street, looking south to Observatory Hill. The north wall and timber verandah screens of the subject building are visible at right.
(Source: State Library of NSW)

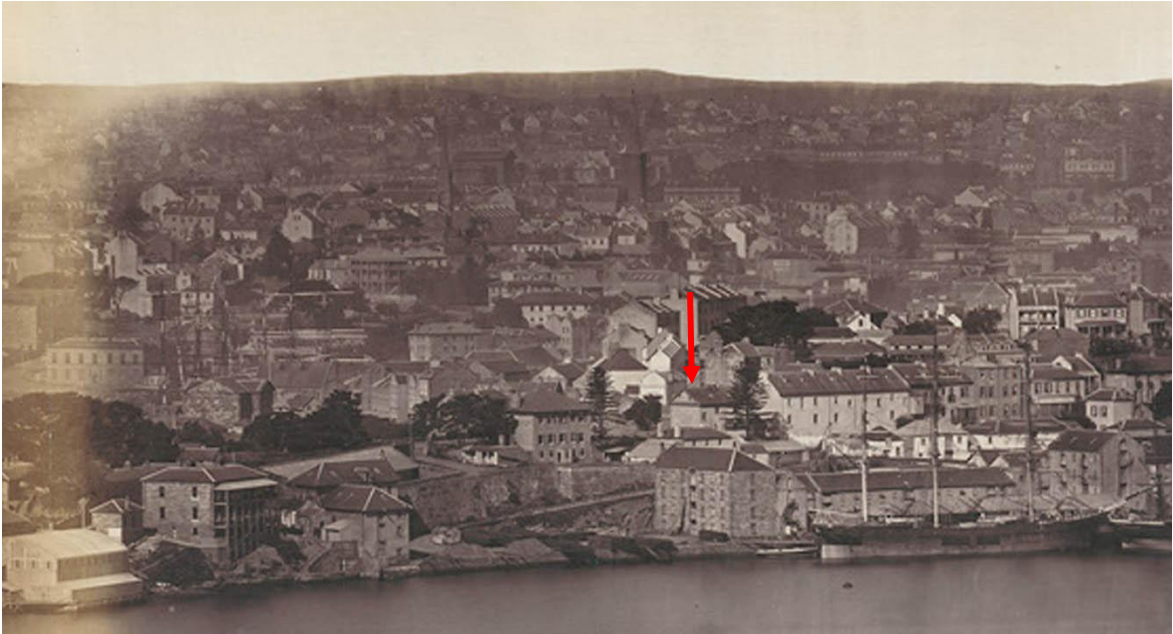


Figure 17: Detail of 1875 panorama of Sydney Harbour by B O Holtermann, showing Millers Point and development along Walsh Bay.

(Source: State Library of NSW)



Figure 18:

c1900 view of Milton Terrace with Blues Point beyond. The roof of the subject building is visible at the far left.
(Source: CoS Archives. File No. 044_044084)



Figure 19: Pre-1916 view across the harbour over the Hickson Road wharves. The roof of the subject building is visible at right. A large roofed structure is clearly visible directly to the west of the townhouses, presumably the former stables.

(Source: NSW State Records; image provided courtesy Housing NSW)



Figure 20: 1916 view from the harbour during the construction of Hickson Road and Pottinger Street and the new wharves, showing the western elevations of the houses in Lower Fort Street. The subject house is indicated, with Milton Terrace to the left and Linsley Terrace to the right. Stables or other ancillary buildings are no longer visible to the rear of the property. Note the mix of skylights and dormer windows to the rear roof planes and the later addition 'clip-on' to 35 Lower Fort Street.

(Source: Image courtesy Housing NSW; Maritime Services Board Album p48B)

Significance Assessment

Previous Opinions of Significance

The Register of the National Estate and NSW State Heritage Register cite the following statement of significance for 21-23 Lower Fort Street:

This building dates from approximately 1840, although possibly earlier.

It is part of the Millers Point Conservation Area, an intact residential and maritime precinct.

It contains residential buildings and civic spaces dating from the 1830's and is an important example of C19th adaptation of the landscape.

The CMP for the place includes the following Statement of Significance for the terrace of which the subject property forms a part:

The houses at 21-23 Lower Fort Street are of historic significance as one of the earliest extant pairs of attached dwellings in Millers Point.

They demonstrate the type of house considered suitable for the wealthy merchant class beginning to take up residence in Millers Point and are an early example of investment in residential property.

The site is associated with John Nicholson, the first qualified naval officer in charge of the government dockyard, a post he held for 21 years from 1821, as well as with the Sydney Harbour Trust and its successors that have owned and managed the property since 1900.

The houses are an integral part of a precinct of State significance, and form an important visual component of this precinct, being highly visible from the water and at the termination of George Street north.

The buildings have high research potential, as they contain considerable fabric from the 1830s as well as from later periods of construction, which is able to yield information on the use, design and construction of these buildings.

The houses have high local social significance through their long relationship with the close-knit Millers Point community.

Heritage Status

As an early Sydney semi-detached house of heritage significance and a component of the significant Millers Point Conservation Area, 21 Lower Fort Street, along with 23 Lower Fort Street, is listed on a number of statutory and non-statutory heritage registers, which have been summarised in the below table. It should be noted that 21-23 Lower Fort Street are wrongly listed as part of Linsley Terrace. Linsley Terrace is the terrace of five co-joined houses at 25-33 Lower Fort Street.

Register	Listing Authority/ Organisation	Listing Details	Statutory/Non- Statutory Control
NSW State Heritage Register (under NSW Heritage Act 1977)	NSW State Government	Linsley Terrace (21, 23 Lower Fort Street)	Yes

Register	Listing Authority/ Organisation	Listing Details	Statutory/Non- Statutory Control
NSW State Heritage Register (under NSW Heritage Act 1977)	NSW State Government	Millers Point Conservation Area	Yes
City of Sydney Council LEP 2005 (under Environmental Planning and Assessment Act 1978)	City of Sydney Council	Linsley Terrace (21, 23 Lower Fort Street)	Yes
City of Sydney Council LEP 2005 (under Environmental Planning and Assessment Act 1978)	City of Sydney Council	Millers Point Conservation Area	Yes
Australian Heritage Places database (formerly Register of the National Estate)	Compiled and maintained by Australian Government Department of the Environment, Water, Heritage and The Arts	Linsley Terrace (21, 23 Lower Fort Street)	No
Australian Heritage Places database (formerly Register of the National Estate)	Compiled and maintained by Australian Government Department of the Environment, Water, Heritage and The Arts	Lower Fort Street West Side Group, 1-85 Lower Fort Street, Dawes Point, NSW	No
National Trust of Australia (NSW) Register	National Trust of Australia (NSW)	21-23 Lower Fort Street	No
National Trust of Australia (NSW) Register	National Trust of Australia (NSW)	Lower Fort Street West Side Group, 1-85 Lower Fort Street,	No

As Millers Point holds a unique place in the history of New South Wales other listings pertaining to Millers Point are of interest to the present study.

The subject property is, with 23 Lower Fort Street, listed as an item of high heritage significance in the Millers Point Conservation Management Guidelines, prepared by the NSW Government Architect's office for Housing NSW (the NSW Department of Housing) in 2007 to 'increase understanding and appreciation of this outstanding place and to assist the heritage management of Housing NSW and key stakeholder of Millers Point'.⁷

Millers Point is also designated a Special Area in the Central Sydney Local Environment Plan 2005, which includes a character statement for the area (see Appendix 2).

Lower Fort Street is also listed in the City of Sydney Council LEP 2005 as a heritage streetscape, as part of the Millers Point & Dawes Point Village Precinct, as defined in Appendix 2 below.

In June 2005 the Millers Point Vegetation Survey was prepared by the Government Architect's office for the Department of Housing. Vegetation in front and rear yards as well as street trees were surveyed and recommendations were made accordingly. The report noted that the only vegetation of note at 21 Lower Fort Street was a Lilly Pilly (*Syzygium* sp.) and Fishbone Fern (*Nephrolepis cordifolia*) and that the garden was to be controlled and maintained

⁷ See *Millers Point Conservation Management Guidelines* (2007), Volume 2, p 47.

Heritage Items within the Vicinity

The following properties located within the immediate vicinity of 21 Lower Fort Street are listed as items of heritage significance:

- 1-19 Lower Fort Street Millers Point Milton Terrace
- 25-33 Lower Fort Street Millers Point Terrace
- 35 Lower Fort Street Millers Point Building
- 37 Lower Fort Street Millers Point Royal College of Radiologists
- 39-41 Lower Fort Street Millers Point Terrace
- 43 Lower Fort Street Millers Point Bligh House
- Dawes Point Park
- Dawes Point Precinct
- Miller's Point and Dawes Point Village Precincts

Appendix 1

Letter from Clive Lucas to Sydney Morning Herald Regarding Park Hyatt Concerns

14th October 2010

155 Brougham Street
Kings Cross
SYDNEY NSW 2011
Tel: B. (02) 9357 4811
H. (02) 9953 7735

Letter to the Editor
Sydney Morning Herald
GPO Box 3771
SYDNEY NSW 2001

Email: letters@smh.com.au

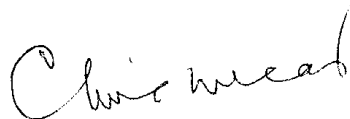
Dear Sir,

Re: Park Hyatt Hotel

What has gone wrong in the Rocks? There is a proposal to build another floor on the Park Hyatt Hotel at West Circular Quay. This Ken Woolley designed building was awarded for the way it fitted in to the Rocks townscape.

At the other end of the Rocks, someone has built a quite awful addition on top of the iconic Palisade Hotel, which is on the highest point of the West Rocks. It is a wonderful Edwardian building, so why now desecrate it in this way, when after years and years, the Rocks was thought to have been saved from exactly this sort of development. The National Trust led a campaign in the 1960s to save the Rocks. That is 50 years ago.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Clive Lucas', written in a cursive style.

Clive Lucas

Appendix 2

Character Statement and Objectives for Millers Point Special Area

From Central Sydney Local Environment Plan 2005 (Schedule 6)

I Millers Point

Character statement

The Millers Point area is highly significant, as one of Sydney's earliest suburbs developed to serve the nearby port. It was the location of windmills, quarries, observatories, fortifications and maritime activities from colonial times. Built evidence remains of some of these as well as early Victorian workers' terraces. Much of the area has high archaeological potential.

The area consists of a residential community, which is unique in city terms for its strong identity and self-containment with employment, housing and community facilities available within the area. Government ownership has played an important role in the area with successive demolitions and redevelopments since the Darling Harbour Resumptions in the 1900s, the involvement of the Sydney Harbour Trust from 1908, the Housing Board in the inter-war period and more recently the Department of Housing.

The area's steep, coastal topography and early development have generated its character and built form with evidence of quarrying, retaining walls, and a public domain which includes public staircases, laneways, pedestrian pathways, bridges and parks of a variety of scales. The area south, along Kent Street, forms a transition in scale to the city, while 2-storey development is a dominant character on Kent Street. There is a significant change in level to the west with the lower buildings addressing Hickson Road. The area affords significant views to and from the water and of the Harbour Bridge. A significant panorama of the Harbour and the City is gained from Observatory Hill.

The area is characterised by a fine grained subdivision pattern, the use of sandstone and other traditional building materials, 2-3 storey residential terraces, similar scaled commercial buildings (often pubs) defining the corners and pitched roofs. While there is a consistency of materials, scale and form, a variety of styles and street alignments are represented, with many of the terraces setback at street level.

Objectives

The objectives for this Special Area are as follows:

- (a) to ensure that any new development respects the adjoining development and maintains the predominantly two storey residential character of the area,
- (b) to conserve and reinforce the heritage significance of this Special Area,
- (c) to ensure that any new building respects the adjoining buildings and provides a reasonable stepping to the City's higher buildings,

- (d) to limit the amount and type of non-residential uses, within this Special Area, so as to ensure the social and cultural mix of Millers Point is maintained,
- (e) to maintain existing views and vistas into and out of the precinct to the water and Harbour Bridge north and to the city south, and Observatory Park,
- (f) to ensure that the social and cultural mix of Millers Point is maintained,
- (g) to conserve the continuity of Millers Point and adapt to meet the continuing needs of the significant uses.