

Aldi Stores (A Limited Partnership)
PO Box 814
BOWRAL NSW 2576

D89/21
LD (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION – Refusal**

Development Application Number: 89/21

Land to which this applies: 99 Mount Street, North Sydney
Lot No.: 112, DP: 632759

Applicant: Aldi Stores (A Limited Partnership)

Proposal: To apply artwork to part of the street façade of the Aldi store in Mount Street

Determination of Development Application: Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, the subject application has been refused for the reason stated below:

Date of Determination: 29 June 2021

Reason for refusal:

1. Design of the Artwork

The design of the artwork to the Mount Street façade of the Aldi store does not satisfy North Sydney Council's 'Guidelines and Criteria for Public Art' as detailed within the Public Art Plan and NSDCP 2013.

Particulars

- a) The artwork does not satisfy Council's 'Guidelines and Criteria for Public Art' in Council's Public Arts Plan particularly in respect of "*standards of excellence and innovation, integrity of the work and relevance and appropriateness of the work to the context of the site*". The artwork contains very few motifs or references to local historical and/or cultural elements, features and themes related to North Sydney. The artwork primarily depicts items and products that promote the goods of the Aldi store and is considered to comprise advertising.

- b) The proposal is inconsistent with the requirements for public art as contained within the North Sydney Centre Public Domain Strategy. The artwork does not celebrate the distinct characteristics of the North Sydney area. The artwork mainly promotes goods that are sold within the Aldi store. The proposed artwork is therefore inconsistent with Provision P1 in Part B, Section 2.7.3 in NSDCP 2013.
- c) The artwork is not well integrated into the design of ground level façade of the site nor the streetscape character of Mount Street and is inconsistent with Provision P2 in Part B, Section 2.7.3 in NSDCP 2013
- d) Council’s Arts and Culture Officer has not been appropriately consulted in the design of the artwork and is therefore inconsistent with Provision P3 in Part B, Section 2.7.3. in NSDCP 2013.

How community views were taken into account:

The subject application was notified to adjoining properties and the Central Business District Precinct where a number of issues were raised that were addressed in the assessment report.

Review of determination and right of appeal:

Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
LUKE DONOVAN
SENIOR ASSESSMENT OFFICER
