

1. SOUTH BRIGHTON SCULPTURE PARK

Officer responsible Parks Manager	Author John Allen, Area Parks Officer (Consents), DDI 371-1699
Corporate Plan Output: Consents (9.4.Funding.8)	

The purpose of this report is to review the agreement between the Council and Bon Suter, to use part of South Brighton Beach Park, as a working/exhibition area for sculpture, as approved by Council in March 1997.

COUNCIL DECISION

In March 1997, the Council approved Bon Suter's application to use part of South Brighton Beach Park, as a working/exhibition area for sculpture in principle, subject to the three following conditions:

1. The total number of sculptures to be set initially at six, with the situation being reviewed at six months time by the Parks Manager, and the outcome of the review being reported to the Parks and Recreation Committee.
2. All blocks/sculptures to be sited to the satisfaction of the Parks Manager.
3. The Reserve area to be kept safe, clean and tidy to the satisfaction of the Parks Manager.

The Board also made a further condition, that the proposal be forwarded to the South New Brighton Residents' Association for comment, prior to consideration by the Council. The author understands this was done.

LEGAL ISSUES

South Brighton Beach Park is a reserve for recreational purposes (gazetted 1982 page 1453). Such a classification under the Reserves Act 1977 precludes the siting of the sculpture park upon the reserve.

Marine Parade is approximately 30 metres wide, 10 metres of which is to the east of the formed road in the adjacent sand dunes. I have discussed the siting of the sculpture park on this section of unformed legal road with the Asset Policy Engineer from the City Streets Unit, who indicated that there would not be a problem with granting Bon Suter a licence to occupy this section of unformed legal road, adjacent to the recreation reserve, in the sand dune area. Officers propose to grant a licence to occupy part of the unformed legal road over approximately 555 square metres of Marine Parade, adjacent to the formed road, as shown in the attached location plan. Most of the sculptures are situated upon the area that the licence is to be granted over, only four being required to be moved off the reserve into the licence area.

COMPLAINTS

Officers have had one complaint in mid-1998 from a resident who resides just north of the proposed licensed area. The complaint was about dust entering her property, from work carried out on the stones across the road, and the annoyance caused by sculptors commencing work early in the morning, a point confirmed by the sculptors themselves. At the time sculptures were being worked upon across the road from the resident's house. All sculptures have since been moved south of the property to address the resident's concerns. These issues were addressed at the time, and no complaints been received since.

Rangers have had some concerns about the tidiness of the site and the stability of the sculptures placed on the site. Subsequent discussions with Bon Suter have resolved these issues, the licence holder is removing excess pallets from the site to ensure that only those being used as a table on which to work the stone are situated on the proposed licence area. All excess stone chippings are regularly removed from the site to keep it clean and tidy. All stone that is placed on the site, ready to work on, is not able to be tipped over by hand. Those pieces that are able to be tipped over are concreted in on the site to ensure their stability.

REQUEST FOR PERMISSION TO INCLUDE CARVED WOODEN POSTS FOR SCULPTURE GARDEN

Officers have received a request from the group of local enthusiasts including Bon Suter, Julie Tuihana, Karl, Maree, Grant, and Michael, who are presently working on the stone sculptures, to install four carved wooden posts of a height of up to 4 metres at the extremities of the sculpture garden. The applicants have indicated that they wish to undertake the work to celebrate the millennium. It is intended that the carvings are based on a human multicultural theme.

OTHER MATTERS

At the time permission was granted in 1997 the number of sculptures allowed was limited to six, the permission to be reviewed six months later. Approximately 20 pieces of sculpture, at various stages of completion are being worked on at the site. Officers are of the view that the number allowed on the site, as shown in the attached plan, should be limited to 24, thereby allowing a safe working distance around each piece so that the health and safety of sculptors and the general public is not compromised.

The area over which it is proposed to grant a licence is separated from the road with a post and cable fence, the posts having reflectors on them where necessary.

CONSULTATION WITH LOCAL RESIDENTS

As the agreement governing the use of the sculpture area is being reviewed and the height of the carved wooden posts would have an impact on the dune landscape, officers undertook a consultation process with local residents. At the time of the Board meeting, 12 replies had been received; two respondents were against the proposal and ten were in favour. The two respondents closest to Bon Suter's house on Marine Parade were against the proposal. They expressed concern at dust contamination, noise from the chiselling generators grinders and from the car stereos of the sculptors, possible danger to children from sculptures falling over and the pallets and Bon Suter also operating from her property. One of the respondents opposed to the proposal suggested that approval only be given on condition that the work be restricted to the area, the hours of work be from 10.00 am to 5.00 pm on weekends/public holidays, the posts be no higher than 2 metres and any further issues be addressed as they eventuate without legal processes.

Respondents in favour of the proposal commented on the park as an attraction for visitors and an enhancement to the area. It was noted that the number of visitors ensured greater security for neighbouring properties. Enjoyment is derived from viewing the sculptures and watching the forms emerge. Two of these respondents did not want the public excluded from the area and one did not want it fenced. One respondent suggested that the licence be reviewed every two or three years.

DEPUTATIONS

The Board received two deputations on the sculpture park proposal. The deputations are recorded under Part B, clause 4.2 of this report.

Recommendation: That a licence be granted to Bon Suter over 555 square metres of unformed legal road, as shown in the attached plan, to enable her to continue with the sculpture park, subject to the following conditions:

1. That all sculptures be removed from the adjacent recreational reserve on to the licensed area.
2. That the applicant be responsible for keeping the site clean and tidy at all times (excess stone chips and pallets are to be regularly removed from the site).
3. That the applicant provide proof that she has obtained \$1,000,000 public liability insurance to cover sculptors working in the sculpture park and the general public frequenting the park.
4. That all members of the general public be kept a reasonable distance from sculptures being worked upon by the sculptors themselves to ensure the public are not endangered by flying stone chips.
5. That the erection of wooden posts up to four metres in height at the four corners of the licensed area be approved.
6. That sculptors not commence work on the site until 10.00 am on Saturdays, Sundays and public holidays and finish by 3.00 pm on those days.