

11. SOUTH BRIGHTON SCULPTURE PARK

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

The purpose of this report is to review the agreement between the Council and Ms 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 Ms Suter's application to use part of South Brighton Beach Park, as a working/exhibition area for sculpture in principal, 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 undertaken.

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 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 licenced area. The complaint was about dust entering her property, from work carried out on the stones across the road, and the annoyance of 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, no complaints been received since.

Rangers have had some concerns about the tidiness of the site and the stability of the sculptures placed upon 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 upon 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 upon 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 upon the site to ensure their stability.

CARVED WOODEN POSTS FOR SCULPTURE GARDEN

Board Members will recall a report was presented to the October meeting, concerning the erection of carved wooden posts at the corners of the Sculpture Garden, the height of which was to be no more than two metres. Subsequent discussion with the applicants indicates that the height will be three to four metres. It is considered that the increase from two to four metres in height will have an impact upon the dune landscape, and consequently officers are of the view that approval should be granted subject to the satisfactory outcome of the public consultation process with local residents as required by the Council seeking community views policy. Officers have commenced the consultation process, the results of which will be available at the meeting.

OTHER MATTERS

At the time permission was granted in 1997 the number of sculptures allowed was limited to six in number, the permission to be reviewed six months later. I note that approximately 20 pieces of sculpture, at various stages of completion are being worked upon the site. Officers are of the view that the number allowed upon the site, as shown in the attached plan, should be limited to 24 in number, 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 it is proposed to grant a licence upon is separated from the road with a post and cable fence, the posts having reflectors upon them where necessary.

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

1. That all sculptures are removed from the adjacent recreational reserve on to this licenced area.
2. That the applicant be responsible for keeping the site clean and tidy at all times (excess stone chips and pellets are to be regularly removed from the site).
3. That the applicant is to show that they have \$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 are to be kept a reasonable distance from sculptures being worked upon by the sculptors themselves to ensure the public are not endangered by flying rock chips.
5. That the erection of wooden posts up to four metres in height at the four corners of the licenced area be approved, subject to the satisfactory outcome of the public consultation process.
6. That sculptors do not commence work upon the site until 9.00 am on Saturdays, Sundays and public holidays.

Chairperson's Recommendation: For discussion.