

COCKLE BAY PARK REDEVELOPMENT

APPENDIX X PUBLIC ART STRATEGY

STATE SIGNIFICANT DEVELOPMENT,
DEVELOPMENT APPLICATION (SSD DA)

PREPARED FOR DPT OPERATOR PTY LTD AND DPPT OPERATOR PTY LTD

28 SEPTEMBER 2021

REVISION G



Megan Cope, *RE FORMATION* part 3 (Dubbagulle), 2017

ACKNOWLEDGMENT OF COUNTRY

Cultural Capital acknowledges the Aboriginal and Torres Strait Islander peoples as Traditional Custodians of the lands and waters we now share, and pay our respects to the Gadigal and Wangal people of the Eora nation.

We pay tribute to their enduring cultures, seeking to engage with and learn from them for the cultural enrichment of our community.

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TABLES

Table 1	SEARS requirements	16
Table 2	Concept approval of conditions of development consent	16
Table 3	Risk management: Likelihood	76
Table 4	Risk management: Consequence	76
Table 5	Risk management: Likelihood / Consequence	77

FIGURES

Figure 1	Public art process and approvals	17
Figure 2	Framework: Human centred experience	23
Figure 3	Framework: Custodianship	25
Figure 4	Framework: Wellbeing	27
Figure 5	Framework: Place	29
Figure 6	Preliminary indicative spatial allocation	32
Figure 7	Project governance chart	72
Figure 8	Review and approval gateways	73
Figure 9	Review and approval gateways	74

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CONTENTS

	EXECUTIVE SUMMARY	6
	PROGRAM VISION	9
01	PROJECT BACKGROUND	10
	1.1 THE CLIENT	12
	1.2 THE SITE	14
	1.3 CONDITIONS OF DEVELOPMENT CONSENT	16
	1.4 PUBLIC ART PROCESS AND APPROVALS	17
	1.5 STAKEHOLDER ENGAGEMENT	17
02	CURATORIAL FRAMEWORK	18
	2.1 CURATORIAL INTRODUCTION	20
	2.2 FRAMEWORKS	22
	2.3 CURATORIAL PRINCIPLES	30
	2.4 PRELIMINARY INDICATIVE SPATIAL ALLOCATION	32
	2.5 ART OPPORTUNITIES	34
	2.6 ADDITIONAL RECOMMENDATIONS	54
03	METHODOLOGY	58
	3.1 METHODOLOGY OVERVIEW	60
	3.2 PROCUREMENT MODELS	62
	3.3 PHASE 2: ARTIST BRIEF	64
	3.4 PUBLIC ART PANEL	64
	3.5 PHASE 2: ARTWORK SELECTION CRITERIA	65
	3.6 ENGAGING THE ARTIST	66
	3.7 CONSIDERATIONS	68
04	GOVERNANCE	70
	4.1 PROJECT GOVERNANCE CHART	72
	4.2 REVIEW AND APPROVAL GATEWAYS	73
	4.2 REVIEW AND APPROVAL GATEWAYS	74
	4.3 RISK MANAGEMENT	76
	4.4 QA	77
	4.5 POLICY CONTEXT	78
	APPENDIX A SITE ANALYSIS	81
	APPENDIX B CONSULTATION REGISTER & MINUTES	85
	APPENDIX C DECOMMISSIONING	91

EXECUTIVE SUMMARY

DPT Operator Pty Ltd and DPPT Operator Pty Ltd are redeveloping Cockle Bay Park which sits at a critical intersection between the city's CBD and Darling Harbour's tourist and entertainment district. The project will deliver above 6,500 square metres of public space, vastly improve the pedestrian connections between the Sydney CBD and Darling Harbour and provide a world-class retail, entertainment, dining and office precinct. It will be a significant new area of green space on the Darling Harbour waterfront, enjoying sunshine throughout the year.

The preparation of this Cockle Bay Park Public Art Strategy is a condition of the development approval. This Strategy contributes to the compliance assessment Conditions B1 (b) and C14 of Stage 1 SSD 7684.

This document is known as Appendix X of the SSDA submission.

The purpose of this Public Art Strategy is to develop a preliminary approach for public art. This document includes the following:

CHAPTER 1: PROJECT BACKGROUND

An overview of the project background, including the process for public art and planning approvals.

CHAPTER 2: CURATORIAL FRAMEWORK

The curatorial framework for public art at Cockle Bay Park encompassing the curatorial vision, frameworks, principles, and preliminary concepts.

CHAPTER 3: METHODOLOGY

The methodology for implementing the Public Art Strategy including project phases, procurement models, artist selection criteria, artist engagement and artwork delivery.

CHAPTER 4: GOVERNANCE & MANAGEMENT

The project governance and management framework.

APPENDICES

APPENDIX A: Site analysis

APPENDIX B: Consultation register

APPENDIX C: Decommissioning



Claudia Comte, *The Italian Bunnies*, 2016



PROGRAM VISION

Art at Cockle Bay Park will integrate **Indigenous knowledge, heritage values** and contemporary **community spirit** to express an authentic Sydney harbour-side narrative.

First Nations commissions will frame the place experience, which extends to interpretations of its **architecture**, expressions of its **landscape** and reflections of its role as a **contemporary village**.

The curatorial approach will ensure these experiences are **human-centred**; sensory, bodily and emotive.

Framed within a context of **custodianship**, these personal **experiences** expand – connecting us with our **communities**, bringing us to a deeper understanding of **place** and leading to a sense of **civic wellbeing**.

01 PROJECT BACKGROUND

1.1 THE CLIENT

This report has been prepared to accompany a detailed State Significant Development (SSD) Development Application (DA) (Stage 2) for a commercial mixed use development, Cockle Bay Park, which is submitted to the Minister for Planning and Public Spaces pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The development is being conducted in stages comprising the following planning applications:

STAGE 1

- Stage 1 – Concept Proposal setting the overall ‘vision’ for the redevelopment of the site including the building envelope and land uses, as well as development consent for the carrying out of early works including demolition of the existing buildings and structures. This stage was determined on 13 May 2019, and is proposed to be modified to align with the Stage 2 SSD DA.

STAGE 2

- Stage 2 – detailed design, construction, and operation of Cockle Bay Park pursuant to the Concept Proposal.

This Public Art Strategy, commissioned by DPT Operator Pty Ltd and DPPT Operator Pty Ltd, has been prepared by Cultural Capital; appointed by DPT Operator Pty Ltd and DPPT Operator Pty Ltd on behalf of the project managers as Public Art Consultant for Cockle Bay Park.

Cockle Bay Park is a State Significant Development subject to approval by the Independent Planning Commission (the Commission) as the declared consent authority. The redevelopment includes three key elements:

- public realm that delivers More than 6,500 square metres of open public space, bridging the Western Distributor
- a retail precinct offering a range of premium and casual dining along with retail, entertainment and service
- a 43 storey office tower with best practice sustainability, smart building design and cutting edge workplaces.



Nike Savaas, *Papillon*, 2017, Barangaroo

1.2 THE SITE

The site is located at 241-249 Wheat Road, Sydney to the immediate south of Pyrmont Bridge, within the Sydney CBD, on the eastern side of the Darling Harbour precinct. The site encompasses the Cockle Bay Wharf development, parts of the Eastern Distributor and Wheat Road, Darling Park and Pyrmont Bridge.

The Darling Harbour Precinct is undergoing significant redevelopment as part of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) including Darling Square and the W Hotel projects. More broadly, the western edge of the Sydney CBD has been subject to significant change following the development of the Barangaroo precinct.



1.3 CONDITIONS OF DEVELOPMENT CONSENT

This report has been prepared in response to the Secretary's Environmental Assessment Requirements (SEARS) dated 12 November 2020 for SSD-9978934. Specifically, this report has been prepared to respond to those SEARS summarised in Table 1.

TABLE 1 - SEARS REQUIREMENTS

ITEM	DESCRIPTION OF REQUIREMENT	SECTION REFERENCE (THIS REPORT)
5	Public Domain The EIS must include a detailed public art plan, prepared in accordance with the City of Sydney's Guidelines for Public Art in Private Development.	The contents of this report fulfills this requirement

Table 1: SEARS requirements

This report has also been prepared in response to the following Stage 1 (SSD 7684) conditions of consent summarised in Table 2.

TABLE 2 - CONCEPT APPROVAL OF CONDITIONS OF CONSENT

ITEM	DESCRIPTION OF REQUIREMENT	SECTION REFERENCE (THIS REPORT)
C14	Public Art Future Development Application(s) shall include a Public Art Strategy (PAS) for the inclusion of public art within the development. The PAS shall be prepared in consultation with Council	The contents of this report fulfills this requirement
3.4	Contribute to the cultural experience of Darling Harbour with the opportunity for significant enhanced cultural experiences which may include:	Chapter 2 (2.1-2.6), pages 18-56
3.4	Public art installations at Druitt Street Bridge	Chapter 2 (2.5), pages 46-49
3.4	Embedded public art in the public domain / open space	Chapter 2 (2.5), pages 32-41
3.4	Activated public realm / open space	Chapter 2 (2.5), pages 42-45

Table 2: Concept of approval of conditions of consent

Cultural Capital is satisfied that this report addresses all of the above conditions.

1.4 PUBLIC ART PROCESS AND APPROVALS



Figure 1: Public art process and approvals

1.5 STAKEHOLDER ENGAGEMENT

This Public Art Strategy has been prepared in consultation with stakeholder groups including the City of Sydney Public Art Unit, Place Management NSW, the Cockle Bay Park design team, Indigenous consultant, project managers and DPT Operator Pty Ltd and DPPT Operator Pty Ltd.

A register of consultation and meeting minutes with key external stakeholders including City of Sydney and Place Management NSW are included in Appendix B.

02 CURATORIAL FRAMEWORK

2.1 CURATORIAL INTRODUCTION

The curatorial approach to Cockle Bay Park responds to its Indigenous, architectural, landscape, urban and civic contexts.

Drawing and connecting threads from each gives rise to four frameworks that will guide art curation: human centred experience, custodianship, civic wellbeing and place experience.



HUMAN CENTRED EXPERIENCE

Art enables us to extend the human-centric architectural and landscape vision. With art we can engage the human senses. Beyond its visual experience we will curate art that appeals in a tactile sense, responds to our touch, emits sound that excites our curiosity. Our experience of the world is delivered to us through our senses and by focusing on them art can enrich our experience of place.

Art can create bodily experience that we literally feel in our bodies, as movement through space when on a swing, as pressure on our limbs as we lie in a net looking skyward, as the sensations of cooling water droplets on our skin from a misting work.

Art can break down scale, creating interventions that make large-format architecture more accessible, that help people to intuitively navigate large spaces on the ground plane, and encourage vertical movement through the changing topography of the site. And art can distil human knowledge, reinterpreting and presenting it in ways that allow us to see it anew. At Cockle Bay Park, curation will enable Indigenous knowledge to be presented through commissions for First Nations artist/s, helping all Australians — and global visitors — to engage with Indigenous perspectives of place.

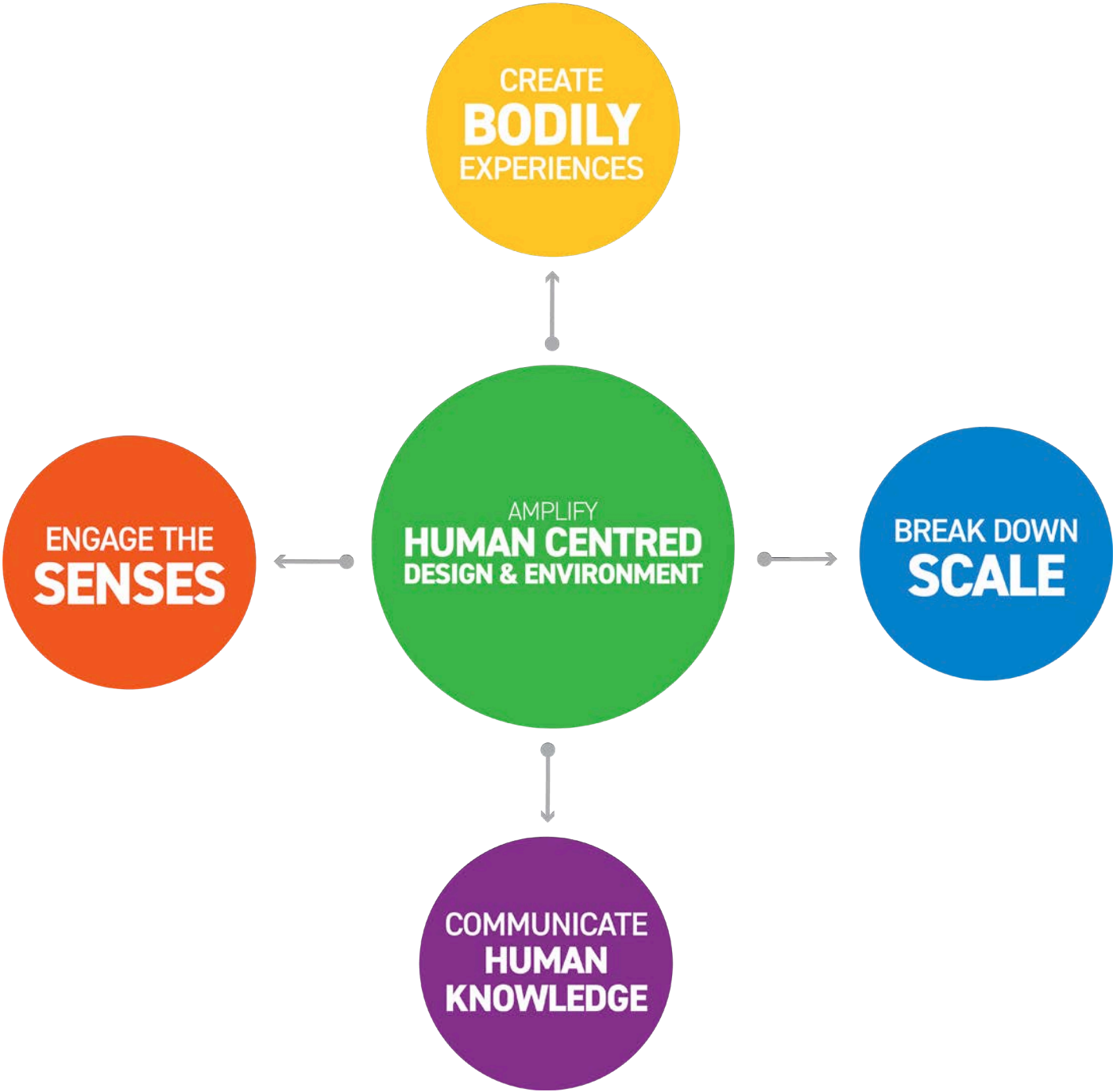


Figure 2: Framework: Human centred experience

2.2 FRAMEWORKS

CUSTODIANSHIP

The embrace of Indigenous and non-Indigenous knowledge informs the second key framework, the concept of custodianship. Seeing the past, present and future as interconnected and inseparable gives rise to the necessity of custodianship and implies the ongoing commitment to the site and its programming that is necessary for it to reach its performance objectives. Custodianship frames an evolving temporary art program, capable of activating the site in response to usage patterns, third party events and changing demographics over time. This program also enables us to build capacity in Sydney’s art community and to ensure inclusivity of diverse practitioners over time.

Within this framework of custodianship, we can encompass Aboriginal use and interpretation of the landscape with active programs of storytelling, walking on Country and workshoping.

Beyond the contributions that art can make to cultural storytelling and knowledge sharing at the site, this art strategy strongly recommends a suite of cultural considerations for the future tenants such as the naming of the project/park, Reconciliation Action Plans for future tenants, employment opportunities for Indigenous staff, the provision of space to allow Indigenous people to practice their culture, and a cultural levy to fund ongoing activation.

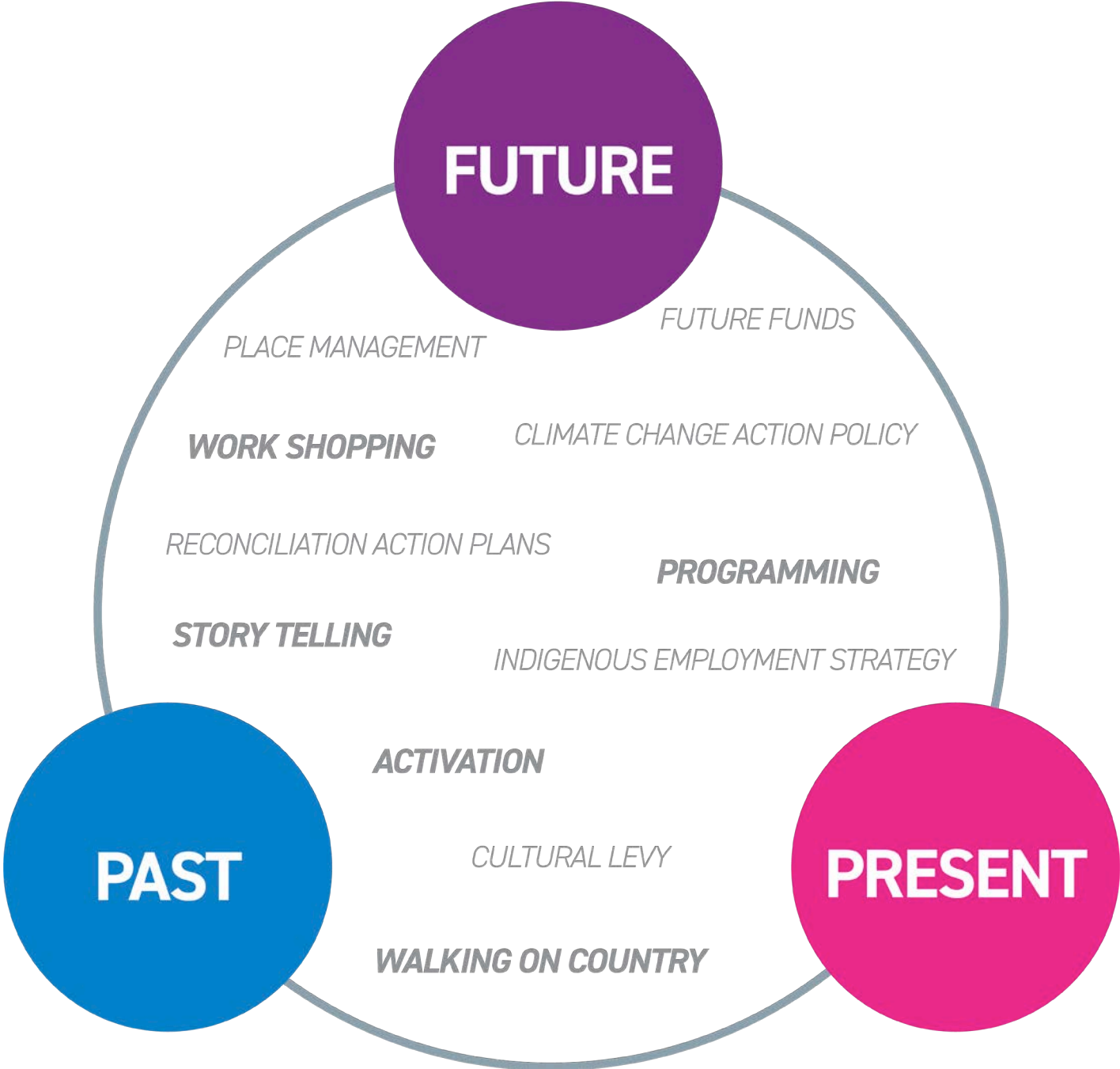


Figure 3: Framework: Custodianship

WELLBEING

Wellbeing is the third curatorial framework. By slowing us down, by activating our emotions, by offering us opportunities for reflection and growth, art can contribute to our wellbeing in a personal sense, but our interpretation of wellbeing extends beyond individual experience. Art can create interventions around which we meet and engage with others, encouraging conversation and contributing to social and cultural wellbeing at the scale of the community. By interpreting landscape character and natural values, art can help us understand the conditions for ecological wellbeing and by attracting visitors to the site and lengthening their dwell times, art enhances financial wellbeing.

When we extend the idea of wellbeing beyond the individual experience to encompass community, ecological and financial wellbeing it becomes a holistic objective that can be interpreted and expressed through art practice as civic wellbeing.

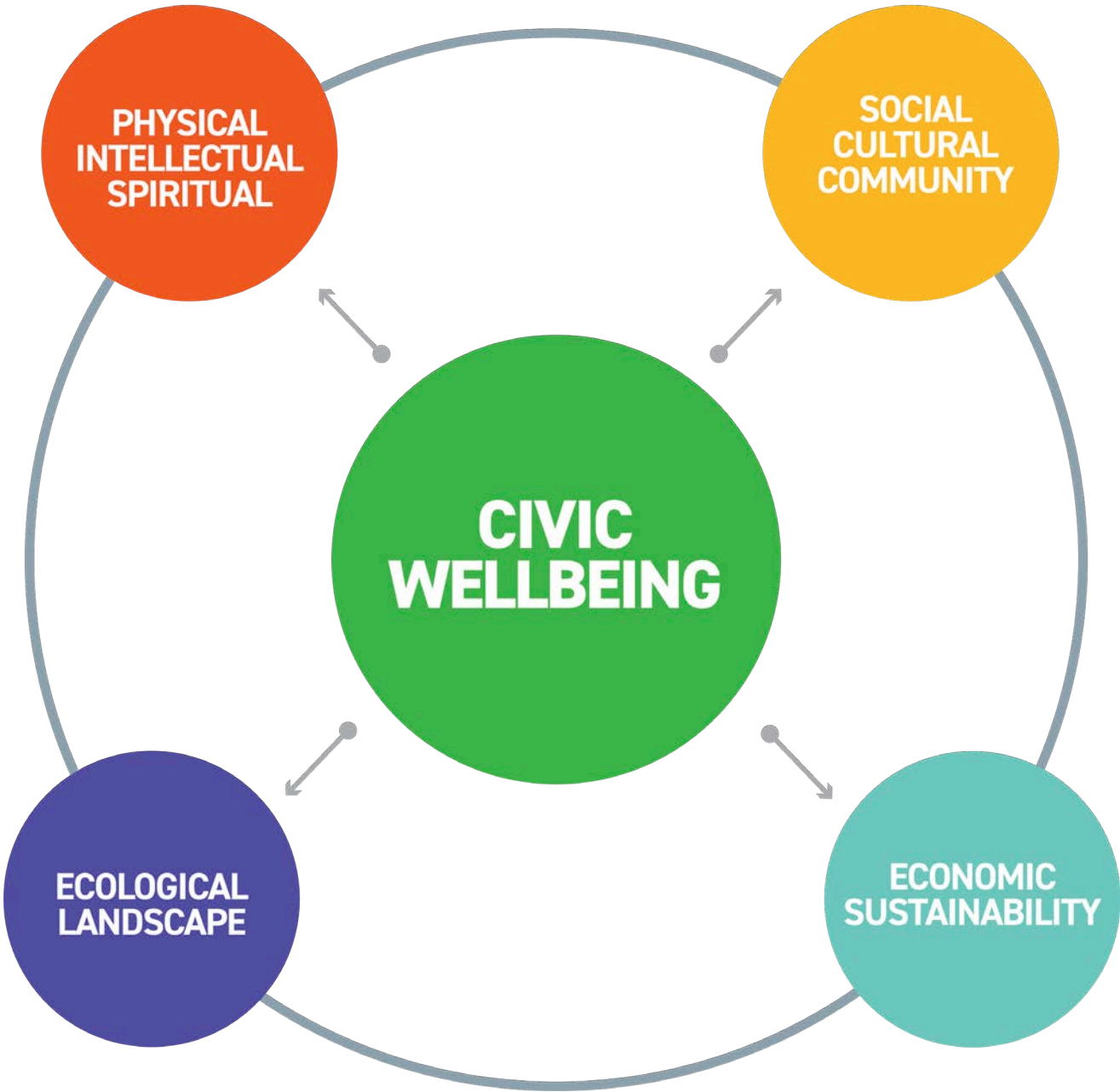


Figure 4: Framework: Wellbeing

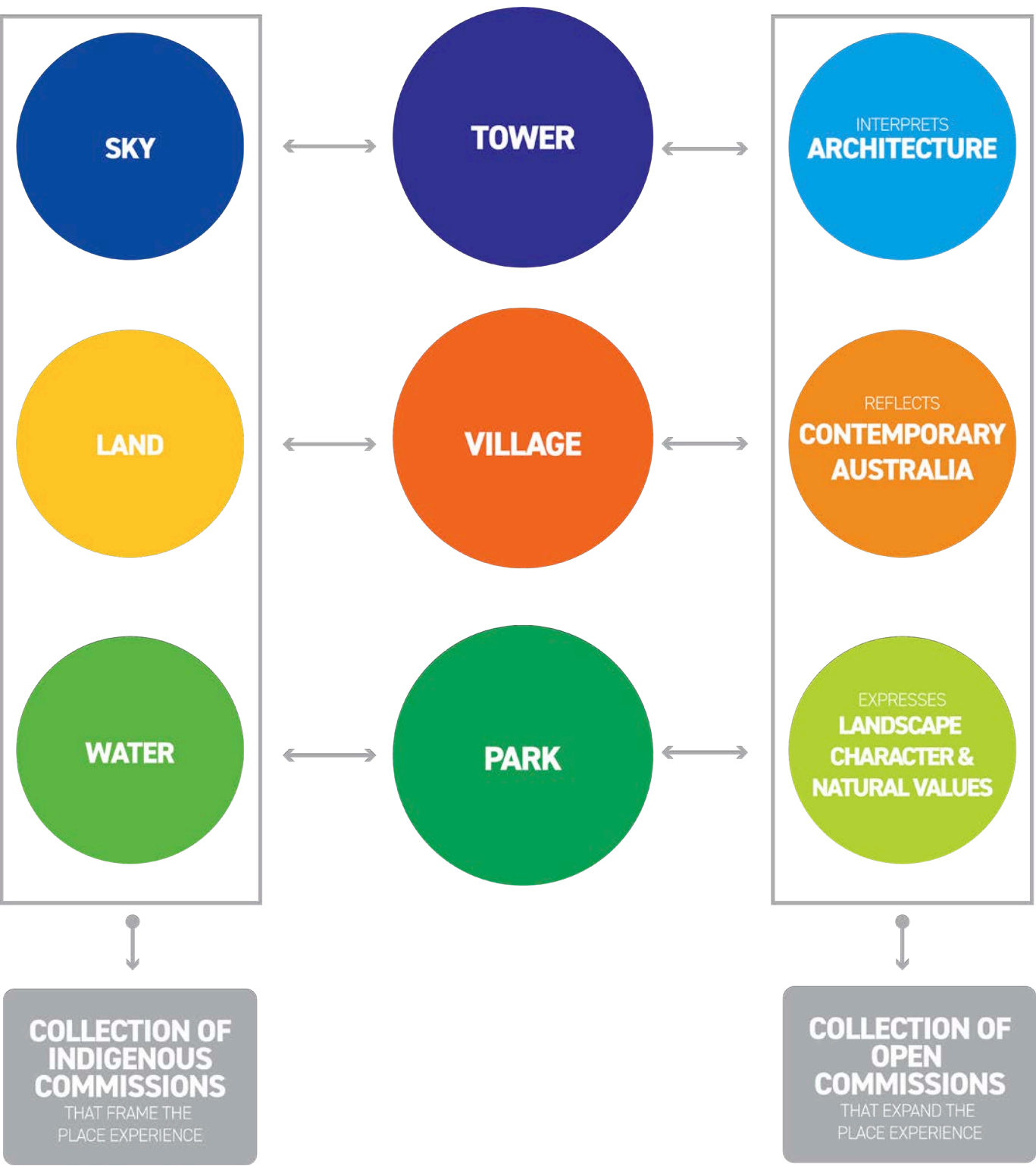
2.2 FRAMEWORKS

PLACE

The fourth curatorial framework responds to the place itself. It incorporates the model developed by the Indigenous consultant which links the Indigenous conception of Country as sky, land and water with the formal elements of tower, village and park. This formation leads to opportunities for significant Indigenous commissions that frame the place experience — responding to sky (tower), land (village) and water (park). Artists commissioned for these works will collaborate closely with landscape and architectural teams to create works which express Indigenous and non-Indigenous knowledge and values in a way that is integrated into the place DNA. Its urban landscape will be underpinned with Indigenous design principles and express First Nations culture. The landscape becomes the reconnecting, healing and repairing of Country.

The key elements of tower, village and landscape create additional art opportunities. Art can help us to interpret the architecture and landscape: their vision, intent, evolution, form, materiality, relationship to the city, functionality and uses. Art’s transformational nature enable it to entirely reinterpret elements of the landscape and architecture, allowing accessibility to them from unexpected viewpoints.

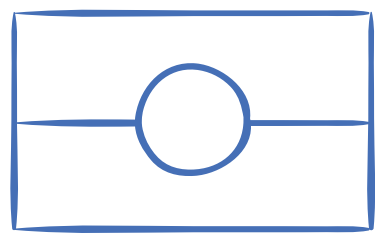
The village opens another set of opportunities for artists. A contemporary urban village will represent modern Australia in all its diversity. Our strategy envisions the remaking of Cockle Bay Park into a new community space for all people who live in and visit our city. Diverse, multicultural and inclusive, truly representative of our progressive, global city.



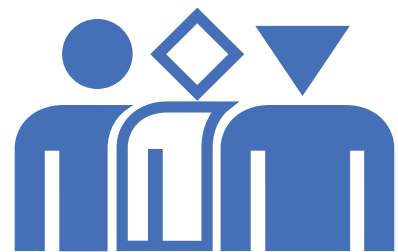
This framework builds on the Balarinji Design Integration report, 4/06/2021, prepared for Cockle Bay Park development.

Figure 5: Framework: Place

2.3 CURATORIAL PRINCIPLES



CELEBRATE
INDIGENOUS EXPRESSION



INCLUDE DIVERSE PRACTITIONERS



FOCUS ON HUMAN EXPERIENCE



ENCOURAGE CIVIC WELLBEING



FOSTER A SENSE OF CUSTODIANSHIP



BUILD CAPACITY OF ARTISTS



CELEBRATE THE WATERFRONT PARK



2.4 PRELIMINARY INDICATIVE SPATIAL ALLOCATION

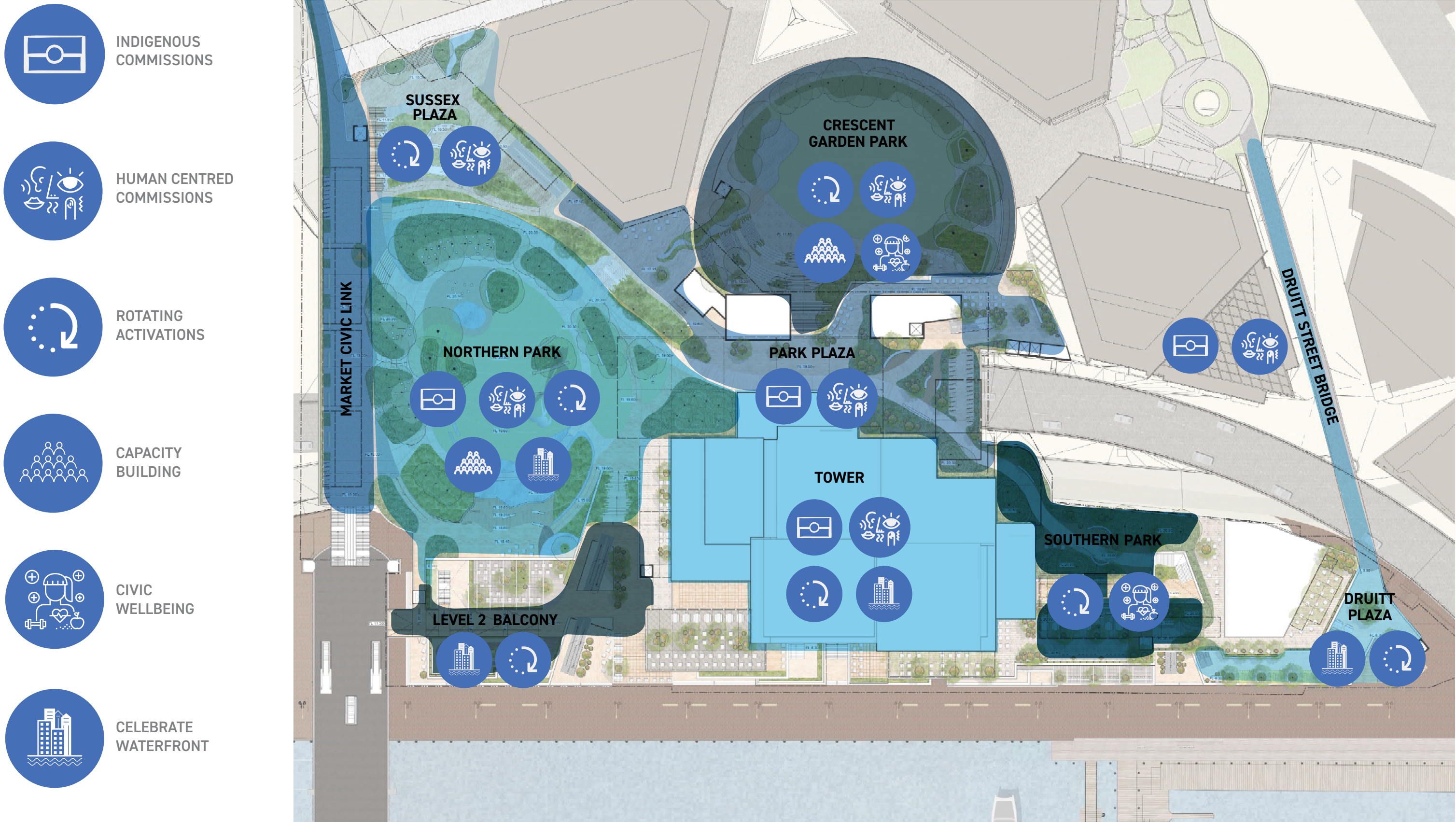


Figure 6: Preliminary indicative spatial allocation

INDIGENOUS COMMISSIONS

SKY, LAND & WATER

CONCEPT

Works exploring the site's First Nations significance with reference to Indigenous principles of Sky, Land and Water.

OBJECTIVES

One or more commissions by a First Nations artist/s, developed in consultation with First Nations communities. The work/s will bring identity to the precinct and frame the place experience. Indigenous commissions will tell stories of place through interventions like landscape integrated art, architectural interpretation, and sculptural objects. Global examples demonstrate how embedding an artist in the design process can lead to unexpected and exciting outcomes. The collection of Indigenous commissions will be a dramatic addition to Sydney's cultural landscape and will frame a memorable experience for visitors.



Mark Stoner - Ephemeral Lake, 2004. Royal Botanic Gardens, Cranbourne, Australia

2.5 ART OPPORTUNITIES

INDIGENOUS COMMISSIONS



Sharyn Egan, Waabiny Mia - Play House, 2017, Perth Stadium



Jacob Nash, The Night Sky, 2020, Pier St Underpass, Darling Harbour



Concept image for Cockle Bay Park tower soft, Sky Country Canopy - Night, produced by Balarinji for Cockle Bay Park development



Megan Cope, After the flood, 2020, Townsville

2.5 ART OPPORTUNITIES

HUMAN CENTRED COMMISSIONS

CONCEPT

Art that takes us to the heart of human experience: the ways our senses interpret the environment around us — and how that makes us feel.

OBJECTIVES

These commissions will intentionally respond to the ways that people interpret their environments. The focus will be on creating intimate and sensory environments. Works that bodily engage audiences and communicate human knowledge. These are artworks that avoid monumental scale to instead reward deeper observation and engagement. Outcomes include small-mid scale sculpture, inlaid texts in situ, soundscapes, artist designed furniture, interactive and play elements. These commissions will generate emotional responses like surprise, recognition, affection and delight.



Jon Tarry, *Waterline*, 2018, Yagan Square, Western Australia

2.5 ART OPPORTUNITIES

HUMAN CENTRED COMMISSIONS

Wellington Writers Walk

Lake Paprocany, Poland

Yong Ju Lee Architecture, Root Bench, 2018, Seoul

Maria Fernanda Cardoso, *White I Live I Will Grow*, 2018, Green Square

Olafur Eliasson, *Vær i vejret*, 2016, Ordrupgaard Kunstopark, Denmark

2.5 ART OPPORTUNITIES

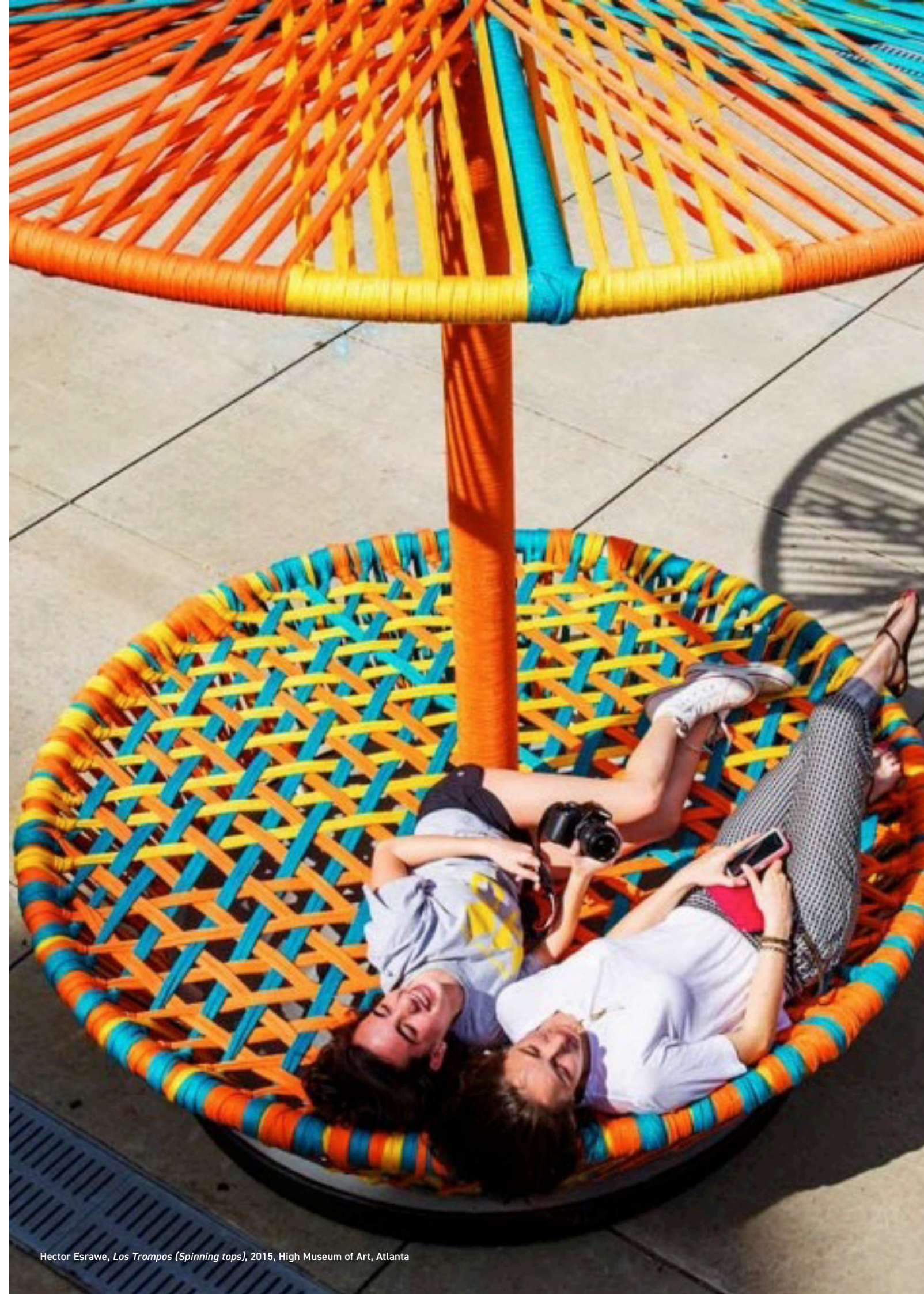
ROTATING PROGRAM

CONCEPT

A rotating program of temporary artworks to activate this harbour-side location.

OBJECTIVES

A contemporary outdoor gallery, responding to Indigenous narratives, Cockle Bay's post-settlement heritage and the city's contemporary cultural diversity. The rotating program will be strategic and flexible, activating the space year-round. It will enable responsiveness to seasonality, customer behaviors, third party events and changing demographics. The temporary program enables experimentation and opportunities to include a diverse range of practitioners.



2.5 ART OPPORTUNITIES

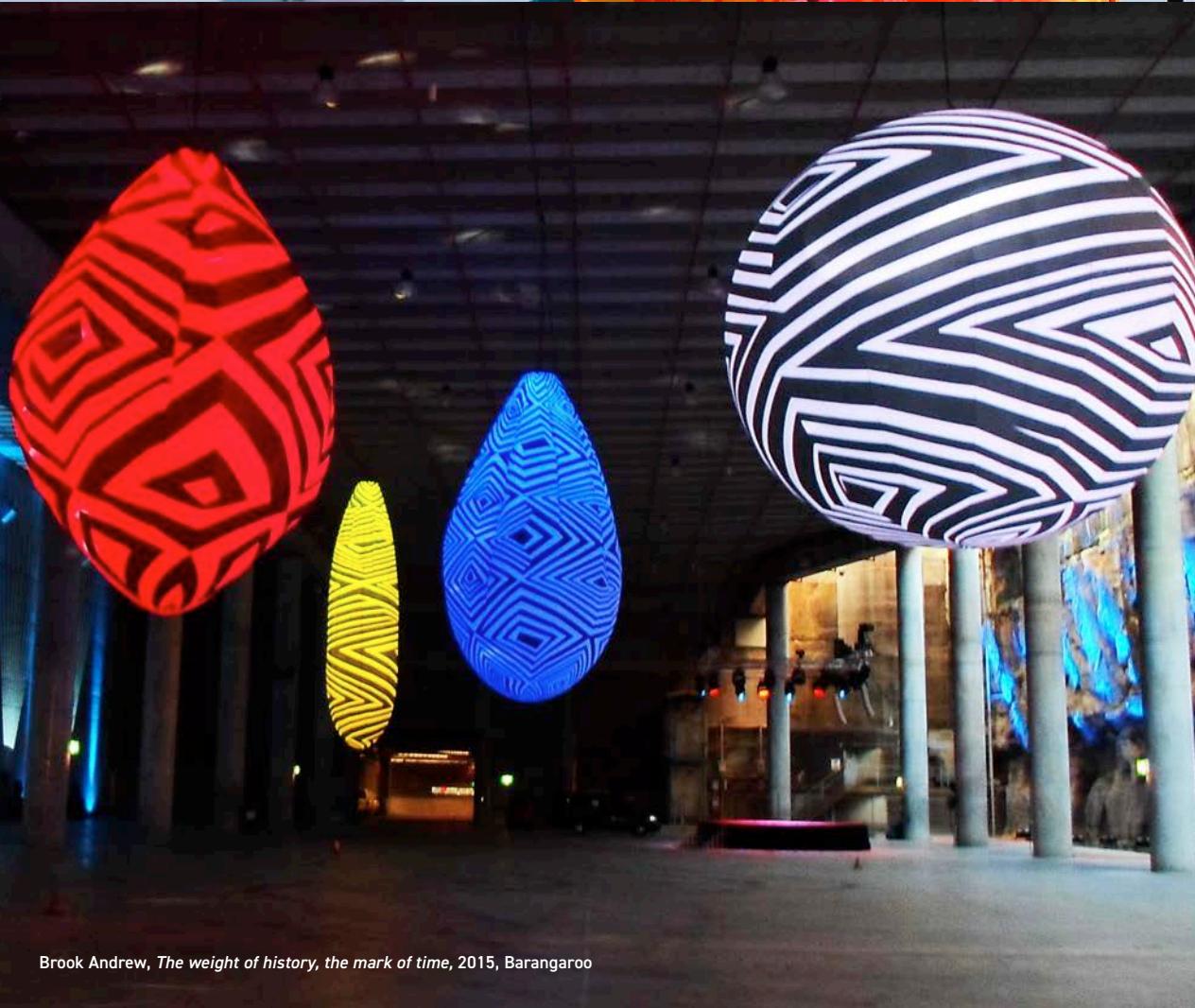
ROTATING PROGRAM



Emma Van Beek and Natasha Heydra, 2014, Rotterdam, for Rotterdam Unlimited



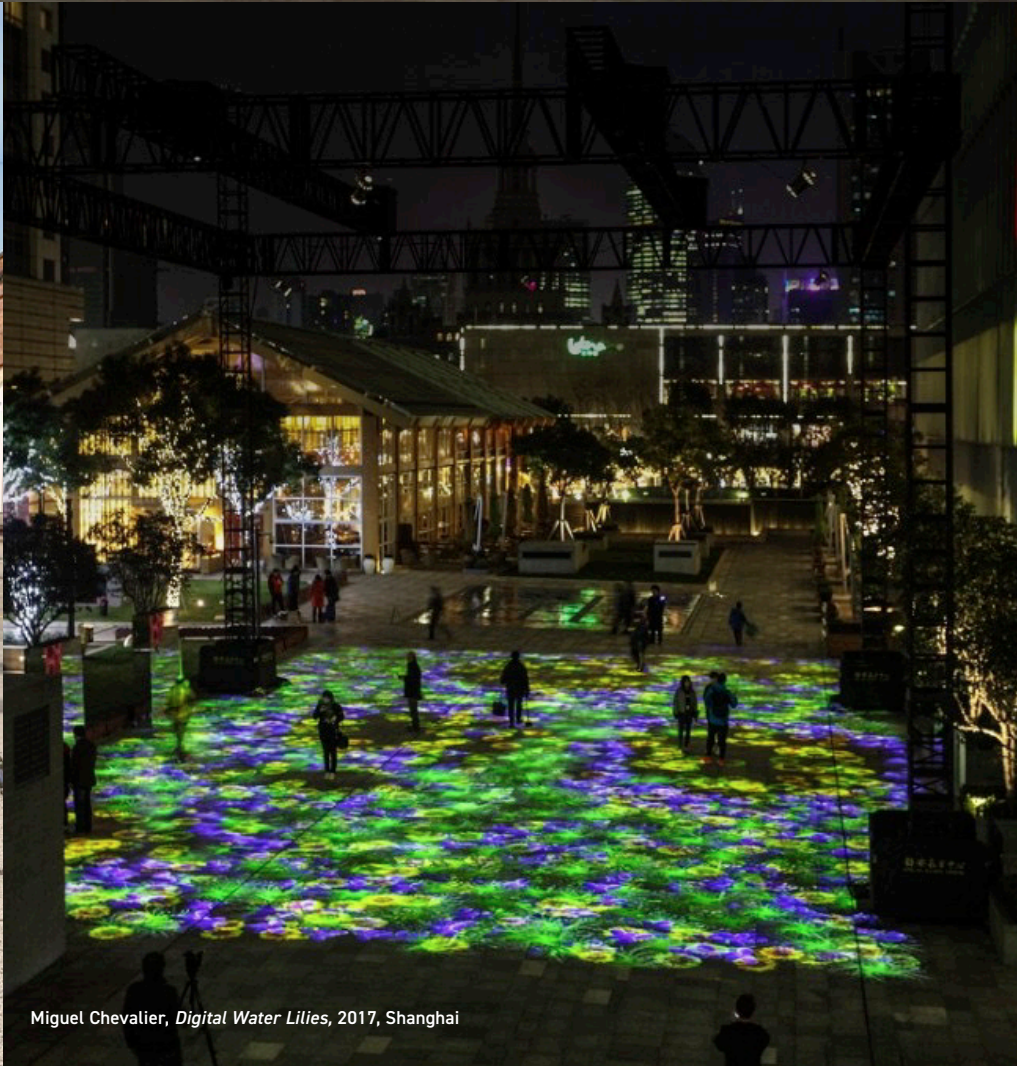
Lindy Lee, *Secret World of a Starlight Ember*, 2020



Brook Andrew, *The weight of history, the mark of time*, 2015, Barangaroo



Amrita Hepi, *A Call To Dance*, 2019



Miguel Chevalier, *Digital Water Lilies*, 2017, Shanghai

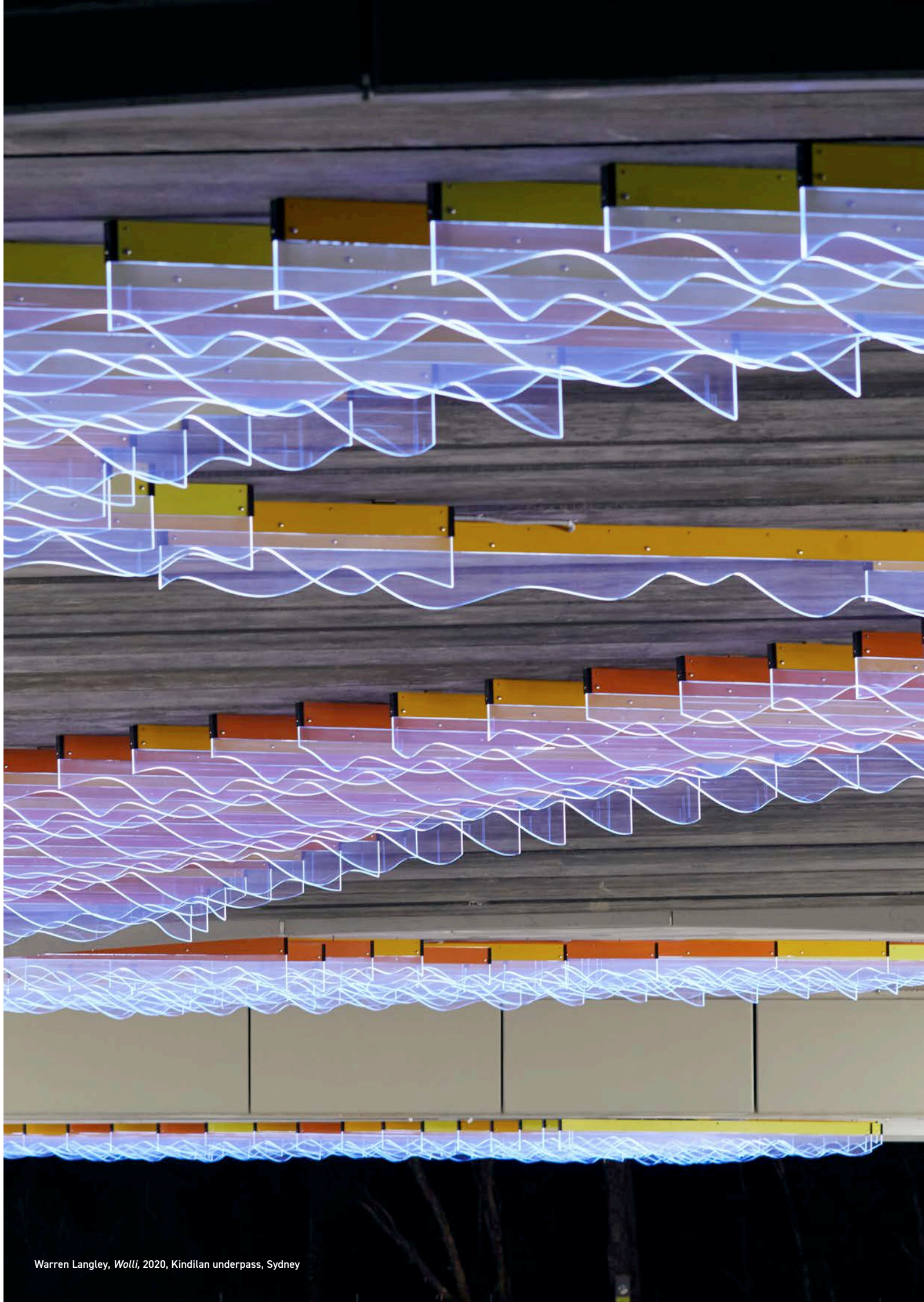
DRUITT STREET BRIDGE

CONCEPT

It is a condition of this Public Art Strategy that DrUITt Street Bridge may be considered in terms of public art.

OBJECTIVES

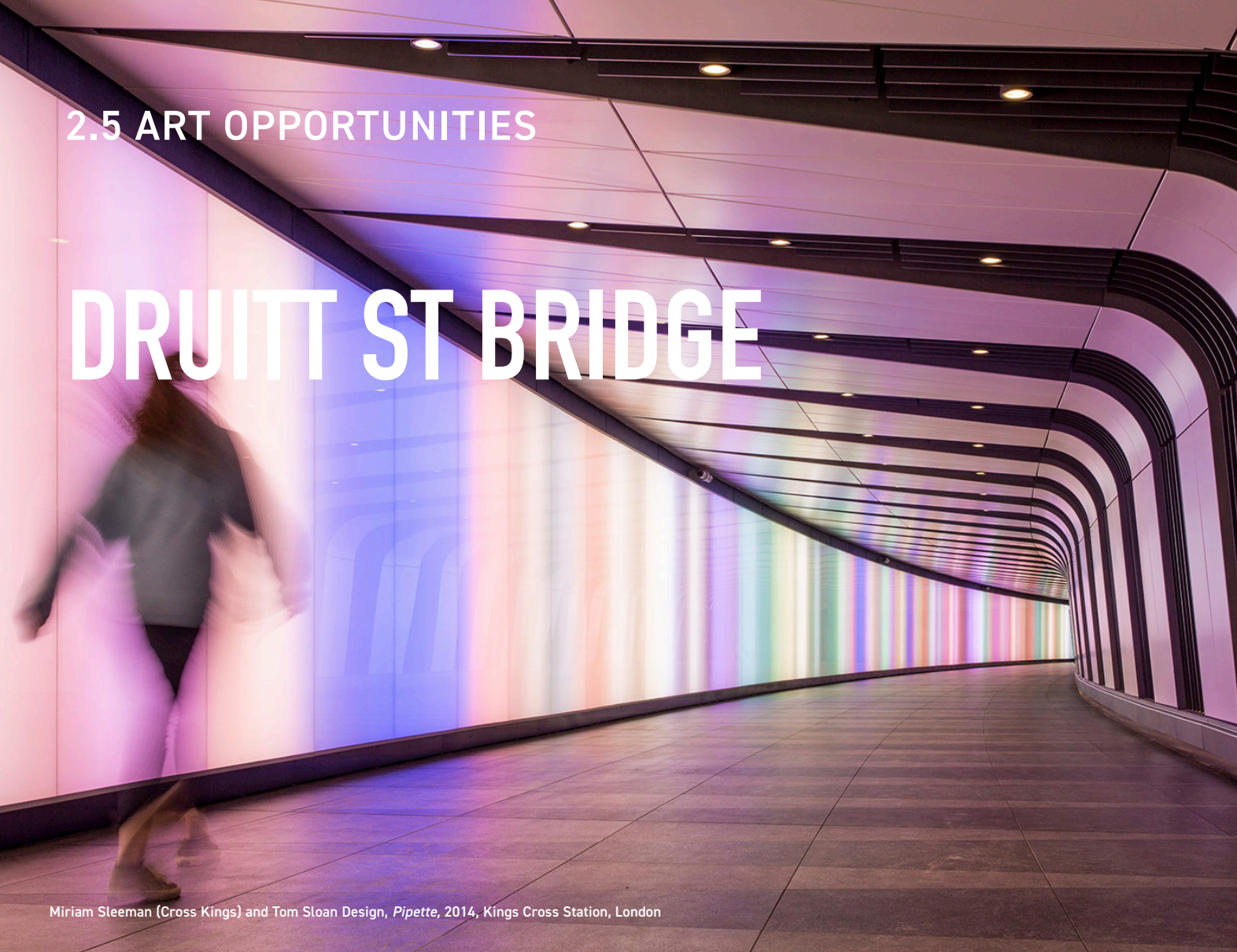
The existing DrUITt Street Bridge is acknowledged as unwelcoming and dark. There is an opportunity to enhance the pedestrian experience through interventions such as the use of technology to create an ever-changing experience, interactive elements in the tunnel, lighting, or surface treatments. It is anticipated that the bridge could act as a portal marking the transition from the city into Cockle Bay Park. For some visitors it will be the first artwork they encounter and can serve and an entry point into the precinct.



Warren Langley, *Wolli*, 2020, Kindilan underpass, Sydney

2.5 ART OPPORTUNITIES

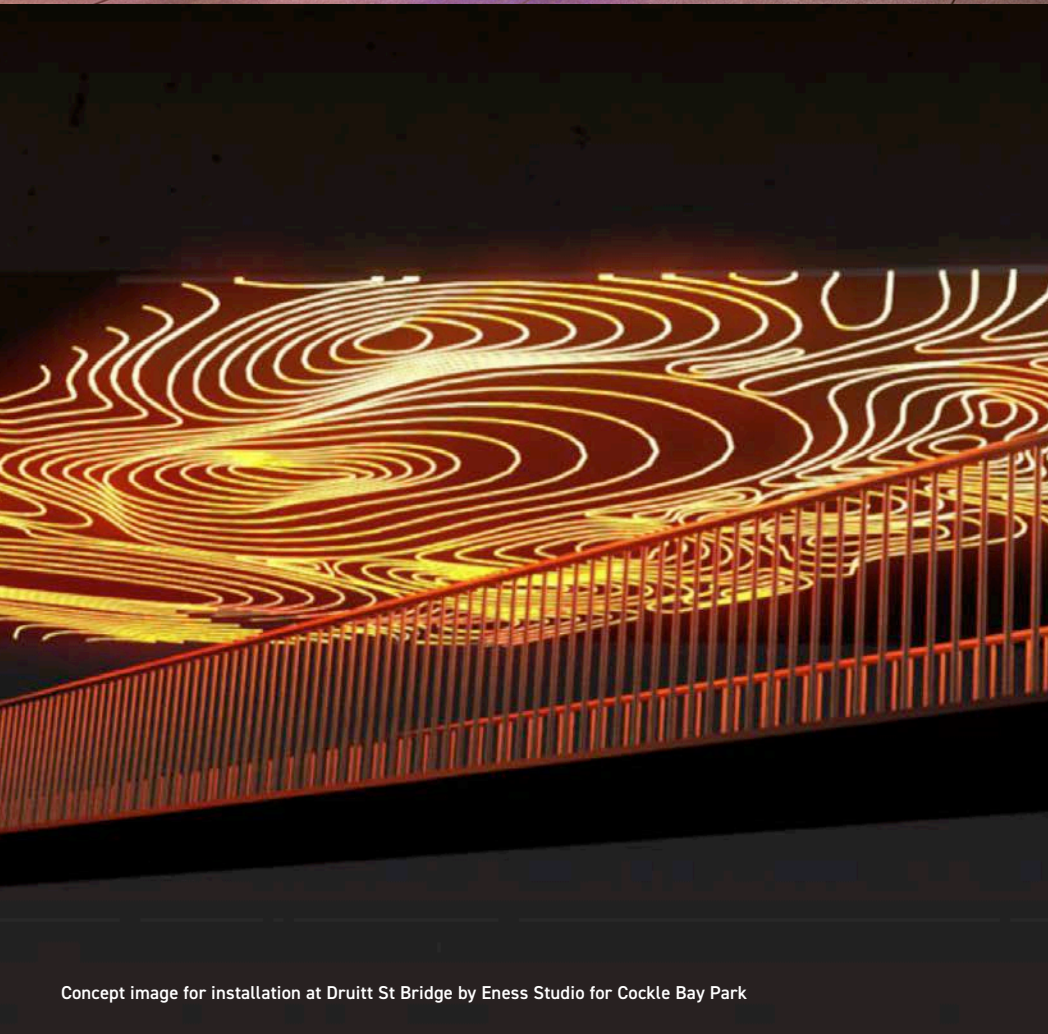
DRUITT ST BRIDGE



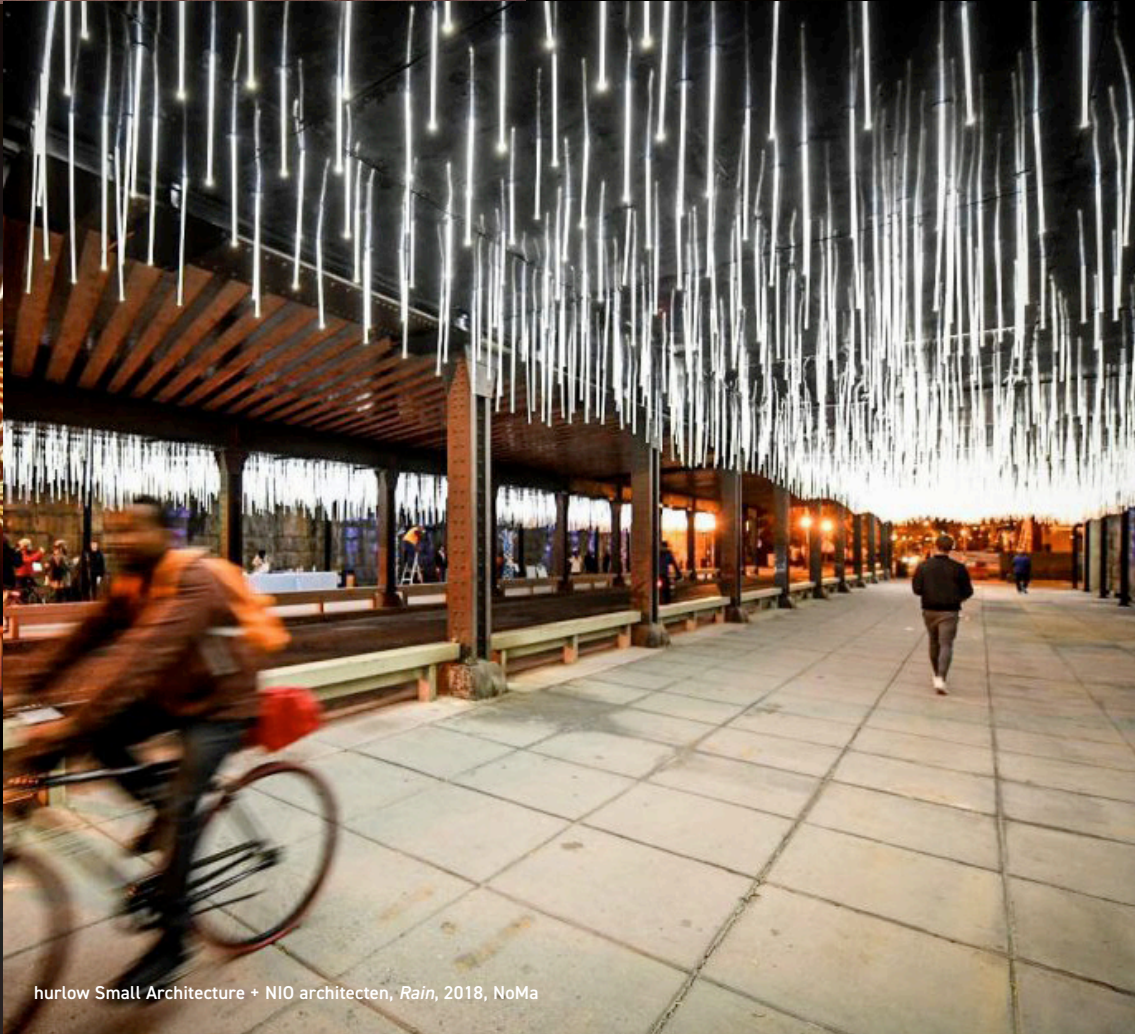
Miriam Steeman (Cross Kings) and Tom Sloan Design, *Pipette*, 2014, Kings Cross Station, London



Herman Kuijter, *Zutphen*, 2015, Zutphen, Netherlands



Concept image for installation at Druiett St Bridge by Eness Studio for Cockle Bay Park



hurlow Small Architecture + NIO architecten, *Rain*, 2018, NoMa



Alice Lang, *Floodlines*, Queens Wharf, Brisbane

OTHER OPPORTUNITIES

TEMPORARY WORKS DURING CONSTRUCTION

A) BEFORE CONSTRUCTION

Even before demolition has begun, anticipation and excitement can be generated for Cockle Bay Park. Central Park at Broadway had an extensive program of temporary art attached to the old heritage buildings on the site, some of which were later demolished. This set the scene for the development to come, and served as a culturally driven form of community engagement. At Cockle Bay Park, where all of the existing structures will be demolished, it may be possible to simply paint or attach brightly coloured printed shade-cloth to the existing built forms, prior to demolition, to create striking visual effects. Interventions like these sow the seed in the public mind of an emerging new destination, something to look forward to and to talk about, generating interest in the project.

B) DURING CONSTRUCTION

Typical hoarding artwork will be required, and this Public Art Strategy recommends that an enlivening and evolving program of mural art be used to maintain a level of interest throughout the construction process.

Construction is exciting to watch, and there will be considerable pedestrian traffic passing the site. A dedicated viewing platform to watch progress will increase the anticipation and growing excitement about the project. Storyboards and videos can expand the narrative and generate early enthusiasm for the retail, food and beverage experiences to come.

EXISTING ARTWORKS

A number of artworks already exist on the site and the Public Art Consultant in a future phase of the project will consult with DPT Operator Pty Ltd and DPPT Operator Pty Ltd and assess the viability of relocating these artworks. Other outcomes for works may include donation, adaptive reuse or decommissioning. Please see Appendix C for information regarding decommissioning public art.

OTHER RECOMMENDATIONS

NAMING

This Public Art Strategy acknowledges that Cockle Bay Park has an existing name and an existing brand strategy for the revitalised tower. With this in mind, this Public Art Strategy recommends that opportunities are explored for naming some elements of the public domain with an appropriate Indigenous place name that acknowledges Indigenous history and connection to place.

This kind of cultural leadership can prioritise social cohesion and intercultural dialogue; identity, belonging and wellbeing; and ultimately creates a valuable legacy for the next generation. It contributes to the creative and cultural dialogue that gives meaning to our world.

This approach will demonstrate civic courage on the part of DPT Operator Pty Ltd and DPPT Operator Pty Ltd by opening up a space for public dialogue and careful consideration of the politics of memory and context.

CONSIDERATIONS FOR FUTURE TENANTS

Beyond delivering new public artworks for Cockle Bay Park, this Public Art Strategy considers the values and actions of the site’s future tenants as contributing to the cultural legacy of the site. Public Art Consultant will work collaboratively with future tenants to encourage and support the development of:

- A Reconciliation Action Plan
- An Indigenous employment strategy
- A climate change action policy
- Explore the opportunity to establish a cultural levy that funds the ongoing participation of Indigenous people at the site to practice their culture and activate the site

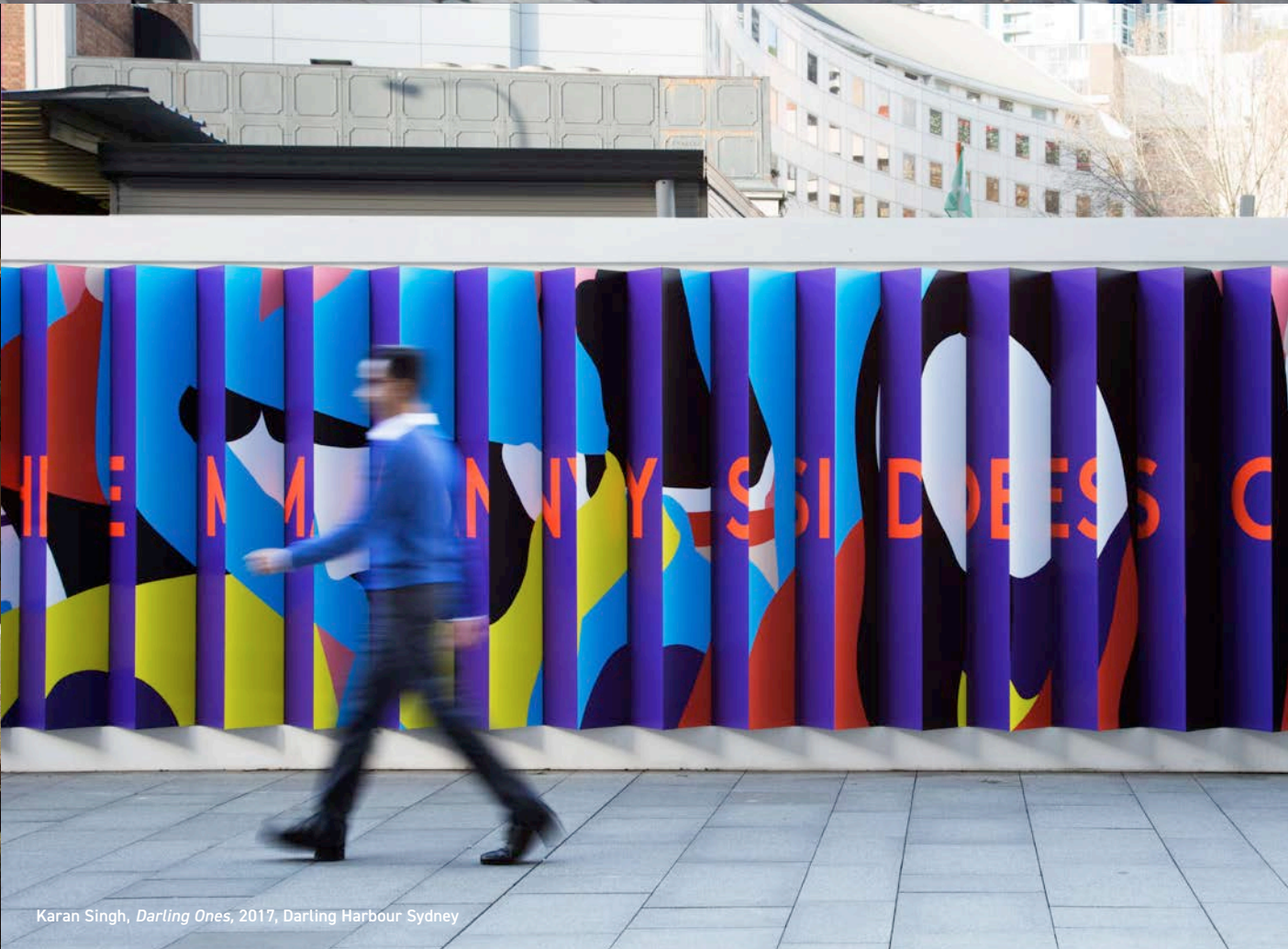
OTHER OPPORTUNITIES



Elliott Bryce Foulkes, *Obstacle Course*, 2017, Sydney CBD



Mike Hewson & Agatha Gothe-Snape, *IT HOLDS UP*, 2016, MCA Sydney.



Karan Singh, *Darling Ones*, 2017, Darling Harbour Sydney

2.6 ADDITIONAL RECOMMENDATIONS

WORKING WITH FIRST NATIONS ARTISTS

Connection to place is fundamental to First Nations peoples. Country supports the way of life of the peoples who occupy it; their practical needs, cultural practices and religious ceremonies - providing meaning, identity and belonging. And it has done so for tens of thousands of years.

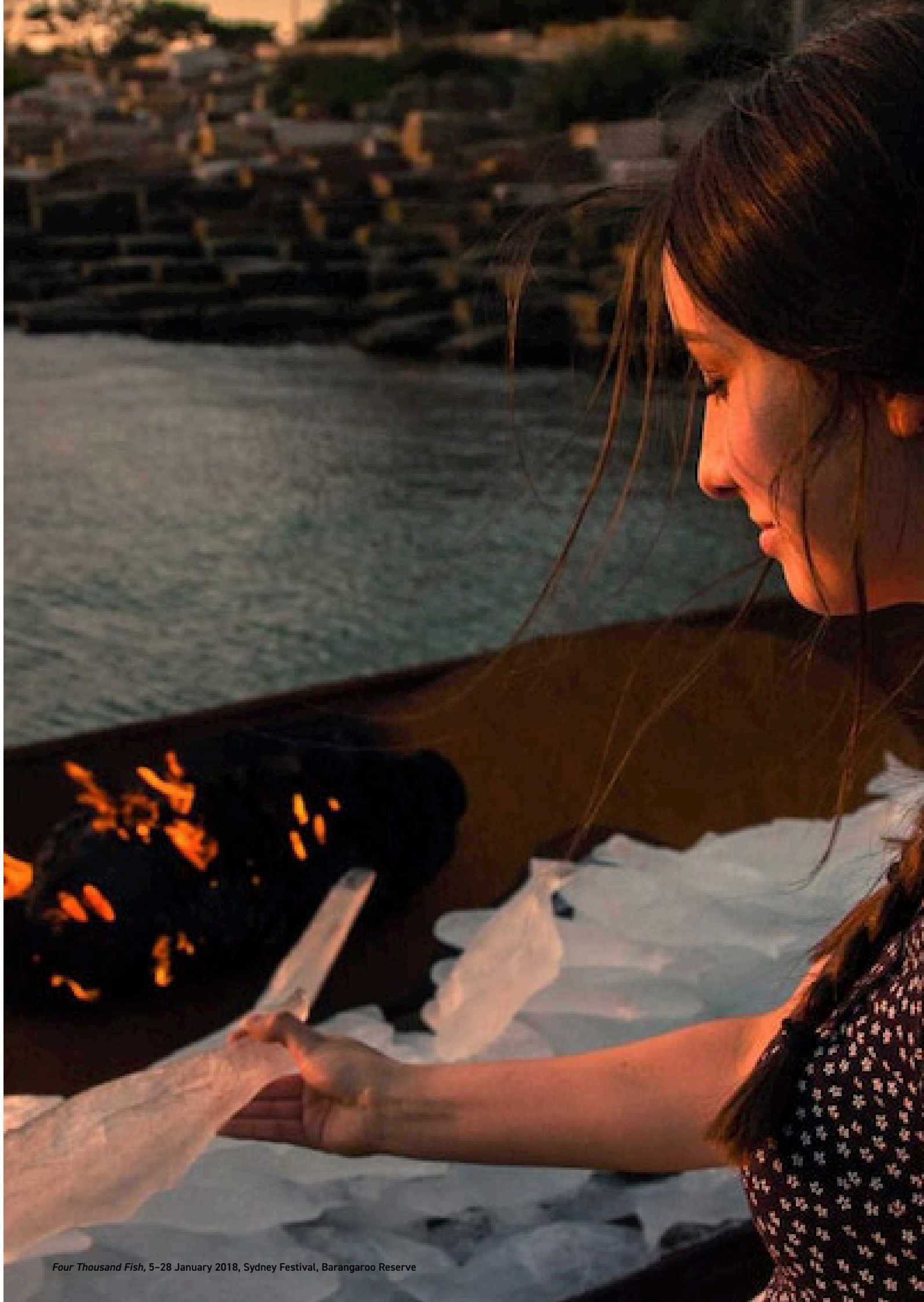
Conversely, beyond its nineteenth and early twentieth century landmarks, Sydney's built environment does not possess the visible legacy of some cities; we do not have ancient cathedrals or medieval buildings that anchor a large percentage of our population in a cultural continuum. We are here as transplanted peoples from many countries without a common heritage.

Yet for millennia there has been a rich and meaningful cultural life here. A sustainable lifestyle not only in harmony with the landscape, but also finding in it significance and a sense of the sacred. By engaging Indigenous artists and practitioners, aspects of this rich cultural heritage can be revisited and reinterpreted.

Through art and place a common approach between cultures may be found. It is here that there is shared appreciation, a mutual understanding that speaks the same language.

Then peoples from all places may learn to acknowledge and find a greater sense of connection to each other and the landscape that now underpins us all. And in so doing, not only find greater meaning and sense of belonging in our own lives but also appreciate a commonality between Indigenous and non-Indigenous people, leading to a greater respect for each other.

In all art commissions available for Cockle Bay Park, it is recommended Indigenous artists be encouraged to submit concepts.



Four Thousand Fish, 5–28 January 2018, Sydney Festival, Barangaroo Reserve

2.6 ADDITIONAL RECOMMENDATIONS

HERITAGE INTERPRETATION

Condition C11 requires the preparation of a Heritage Interpretation Strategy (HIS). This has been prepared by the heritage consultant (Appendix T, Heritage Interpretation Strategy, Revision C, 21 September 2021) to support the Stage 2 DA for Cockle Bay Park. The following summarises the key NSW Heritage Office themes and themes outlined in the "Stories of Darling Harbour". These themes will be carried forward into the Artist Brief for Cockle Bay Park as well as briefs for other consultants such as landscape architectural design.

GATHERING COCKLES – THE FIRST PEOPLE, AND EUROPEAN SETTLEMENT

Aboriginal Middens remnants and other tools discovered within the site area.
The evolution of the shoreline over time though progressive land reclamation.

STEAMING AHEAD – THE INDUSTRIAL REVOLUTION COMES TO SYDNEY

Remnants of the twenty-four (24) Wharf piers, early sandstone seawalls, other maritime historical artefacts.

GETTING THE GOODS HOW ROADS, RAIL AND SHIPPING CONNECTED DARLING HARBOUR TO THE WORLD.

History and use of the Pyrmont Bridge and associated industries around the site.

03 METHODOLOGY



3.1 METHODOLOGY OVERVIEW

1

PUBLIC ART STRATEGY

- Site analysis
- Curatorial vision
- Art opportunities
- Budget and feasibility

DELIVERABLES:

- Stakeholder engagement
- Public Art Strategy

GATEWAY DECISION:

- Independent Planning Commission's approval of pursuant to Conditions B1(b) and C14 of Stage 1 SSD 7684

2

ARTIST SELECTION

- Draft the artist brief
- Artist selection process
- Prepare the artist contract
- Engage the artist

DELIVERABLES:

- Artist brief/s
- Artist commissioning agreement/s
- Select and contract the artist/s

GATEWAY DECISION:

- Identification of preferred artists by Public Art Consultant, DPT Operator Pty Ltd and DPPT Operator Pty Ltd

3

IMPLEMENTATION

- Design development
- Fabrication
- Installation
- Manage the artist through delivery

DELIVERABLES:

- Artist's detailed design
- Monthly progress reports
- Artist's installation documentation
- Fabrication, packing, freighting and installation of the artwork
- Operations & Maintenance Manual

The review and approval gateways for the methodology can be found in Section 4.2.



Sohan Ariel Hayes, *Six Seasons, Boorna Waanginy | The Trees Speak*, 2017, Kings Park, WA

3.2 PROCUREMENT MODELS

Future artworks can be commissioned through a mix of Direct Commission, Limited Tender, Expression of Interest and Collaborative Process. Depending on the commissioning model selected, a shortlist of artists will be prepared for each site and a rigorous selection process undertaken. Once selected, artists will be engaged, contracts negotiated, and scope of work agreed. Artists will be managed through artwork delivery by the Public Art Consultant.

EXPRESSION OF INTEREST (EOI)

01 Open call for artists to register their interest. Public Art Consultant reviews and presents suitable submissions to DPT Operator Pty Ltd and DPPT Operator Pty Ltd.



02 DPT Operator Pty Ltd, DPPT Operator Pty Ltd and Public Art Consultant agree on a shortlist who are sent the artist brief and invited to submit a concept, CV and examples of relevant works for a fee.



03 The shortlisted artists present their concept to DPT Operator Pty Ltd and DPPT Operator Pty Ltd. DPT Operator Pty Ltd and DPPT Operator Pty Ltd and Public Art Consultant select one artist to proceed to commissioning the work. The successful artist is awarded the contract.



LIMITED TENDER

01 Public Art Consultant prepares a longlist of up to twelve artists to present to DPT Operator Pty Ltd and DPPT Operator Pty Ltd.



02 DPT Operator Pty Ltd, DPPT Operator Pty Ltd and Public Art Consultant agree on a shortlist of three to four artists who are sent the artist brief and invited to submit a concept, CV and examples of relevant works for a fee.



03 The shortlisted artists present their concept to DPT Operator Pty Ltd and DPPT Operator Pty Ltd. DPT Operator Pty Ltd, DPPT Operator Pty Ltd and Public Art Consultant select one artist to proceed to commissioning the work. The successful artist is awarded the contract.



DIRECT COMMISSION

01 A shortlist of up to six artists is presented to DPT Operator Pty Ltd, DPPT Operator Pty Ltd and Public Art Consultant, or one artist is nominated for direct commission.



02 DPT Operator Pty Ltd, DPPT Operator Pty Ltd and Public Art Consultant agree on one artist who is sent the artist brief and is invited to submit a concept, CV and examples of relevant works for a fee.



03 The artist presents their concept to DPT Operator Pty Ltd and DPPT Operator Pty Ltd. DPT Operator Pty Ltd, DPPT Operator Pty Ltd and Public Art Consultant select one artist to proceed to commissioning the work. The successful artist is awarded the contract.



COLLABORATIVE PROCESS

01 A shortlist of three artists is presented to DPT Operator Pty Ltd, DPPT Operator Pty Ltd, Public Art Consultant and design teams.



02 Artists are sent a brief / information pack and invited to attend an interview. DPT Operator Pty Ltd, DPPT Operator Pty Ltd, Public Art Consultant and leaders of design team interview each shortlisted artist.



03 DPT Operator Pty Ltd, DPPT Operator Pty Ltd and Public Art Consultant select one artist to proceed to commissioning the work. The successful artist is awarded the contract.



3.3 PHASE 2: ARTIST BRIEF

The research and writing that informs the Cockle Bay Park Public Art Strategy will be carried over into the Artist Brief. The artist brief is a comprehensive document designed to inspire and challenge artists. At the same time it establishes parameters for the commissions.

CHAPTERS INCLUDE:

- context
- heritage interpretation themes and stories
- First Nations engagement framework
- stakeholder consultation requirements
- site analysis
- technical specifications
- guidelines for use of durable materials
- fabrication stages and requirements
- submission requirements for concept proposal
- selection criteria
- sample templates of budget and timeline
- research references

3.4 PUBLIC ART PANEL

DPT Operator Pty Ltd and DPPT Operator Pty Ltd will lead a panel for the selection of artists at Cockle Bay Park. The panel will review the quality of the artistic proposals, guide the process for future selection and commissioning art pieces, and consult with stakeholders at key milestones.

Key stakeholders may include:

- City of Sydney’s Council’s Public Art Unit or Public Art Advisory Panel
- Place Management NSW
- A First Nations curator

3.5 PHASE 2: ARTWORK SELECTION CRITERIA

Artists will be expected to respond to the artist brief and be accompanied by a concept for one or more of the identified public art opportunities. The concept proposals will be evaluated against the criteria established below.

1. Can the public art be enjoyed by all? Is it public?
2. Do the artists and works represent diverse voices, including various genders, ages and cultural backgrounds including at least 1 Indigenous artist?
3. Is there meaning and relevance of the proposed concept to this place and time?
4. Has the artist assembled a team sufficient to deliver works in the public domain?

OTHER CRITERIA MAY BE CONSIDERED SUCH AS:

CONTEXT

- Relevance to the site and themes, including heritage interpretation themes and stories
- Appropriateness of the concept to the historical, cultural and urban site context of the project

ARTISTIC MERIT

- Appropriateness of response to the brief
- Artistic rationale and process
- Degree of originality or innovation inherent in the concept
- Quality of works previously produced

VIABILITY

- Artistic ability and technical skills of the people involved
- Demonstrated capacity to produce work within agreed timeline and budget
- Meets procurement guidelines and demonstrates value for money
- Demonstrated cultural competencies
- Maintainability of work without regular monitoring

AUDIENCES

- Strong potential to engage, stimulate and inspire a wide range of audiences
- Increases or diversifies audiences for Cockle Bay Park and strengthens their artistic experiences
- May increase Australians’ and visitors experience of Aboriginal and Torres Strait Islander arts and culture

3.6 ENGAGING THE ARTIST

Once selected, the artist will be engaged, contracts negotiated, and scope of work agreed. The successful artist will be contracted using a Commissioning Agreement. For the selected artist, approval to proceed and payment of the Fee is granted in a staged process.

Artists often have a team to facilitate design and documentation as well as a preferred fabricator who will be responsible for the fabrication and installation of the proposed artwork. The artist may act as the head contractor, with all members of their team sub-contracted to the artist. The commissioning body reserves the right to review the artist's team and preferred fabricator prior to their engagement.

Alternatively, artists who do not have an established delivery team can be supported and advised by the Public Art Consultant who can recommend fabricators and other collaborators.

It is the artist's responsibility to hold all necessary insurances, abide by WH&S legislation, and to have agreements in place with their sub-consultants.

3.7 CONSIDERATIONS

MAINTENANCE, PUBLIC SAFETY AND CERTIFICATION

DESIGN

The shape, size and details of the artwork will be assessed by Public Art Consultant from a public safety viewpoint. Structural certification will be essential for the footings, the structure itself and for installation. A rigorous review will take place of the artwork to ensure that any head-height overhangs, potential pinch points, sharp edges, drops over 900mm and other public safety risks that may become apparent are considered and either eliminated or minimised to a point of no longer being of concern.

MATERIALS

The basic materials specified and approved for any artwork will be non-corrosive and long-lasting, durable materials for long term outdoor exposure, including, but not limited to stainless steel, bronze, aluminium, stone, masonry, and some timbers. It is expected that all materials will be able to be warrantied for a 10-year minimum life before any remedial works will be necessary. Any manufacturers warranties to be passed on to the client. Fittings and cables for any hanging works will be of high-quality marine grade stainless steel. Suitable material certification of quality will be part of the artist brief and artists are encouraged to source sustainable and Green Star certified materials.

PROTECTIVE COATINGS

Any structural steel used will be protected either by 900gsm hot-dip galvanising or by two-part epoxy paint. Any paint used for fibre-glass, steel, carbon-fibre or other material will be specified by a specialist paint consultant, with the expectation of obtaining a 10-15 year warranty against flaking, peeling, and fading.

CLEANING

Cleaning will vary depending on the work and the public's interaction with it. However, typically the work would be washed down and cleaned annually – and this would be combined with an overall inspection of all components.

DPT Operator Pty Ltd and DPPT Operator Pty Ltd will use reasonable endeavours to procure that the maintenance program is in accordance with fabricator's specification.

DECOMMISSIONING

The client may at its absolute discretion and at any time relocate, remove or dispose of public art on land which it owns.

The client will respect the provisions of the Copyright (Moral Rights Amendment) Act and give the artist the opportunity to indicate preferred disposal options in commissioning contracts.

The client will use reasonable endeavours to consult with the artist when it wishes to relocate or dispose of an artwork.

More information about decommissioning protocols can be found in Appendix C.

04 GOVERNANCE



4.1 PROJECT GOVERNANCE CHART

THE MINISTER FOR PLANNING AND PUBLIC SPACES

Pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).



INDEPENDENT PLANNING COMMISSION

The Public Art Strategy must be submitted to the Independent Planning Commission (the Commission) - as the declared consent authority under clause 8A of the State Environmental Planning Policy (State and Regional Development) and section 4.5(a) of the Environmental Planning Assessment Act 1979 - for approval.



DPT OPERATOR PTY LTD AND DPPT OPERATOR PTY LTD

Cockle Bay Park Towers 1, 2 and Cockle Bay Wharf are jointly owned by DPT Operator Pty Ltd and DPPT Operator Pty Ltd.



DPT OPERATOR PTY LTD, DPPT OPERATOR PTY LTD AND PUBLIC ART CONSULTANT

Develop the Public Art Strategy
Engage with stakeholders
Manage the artist selection process
Manage the artists through the project delivery



KEY STAKEHOLDERS

City of Sydney
Place Management NSW



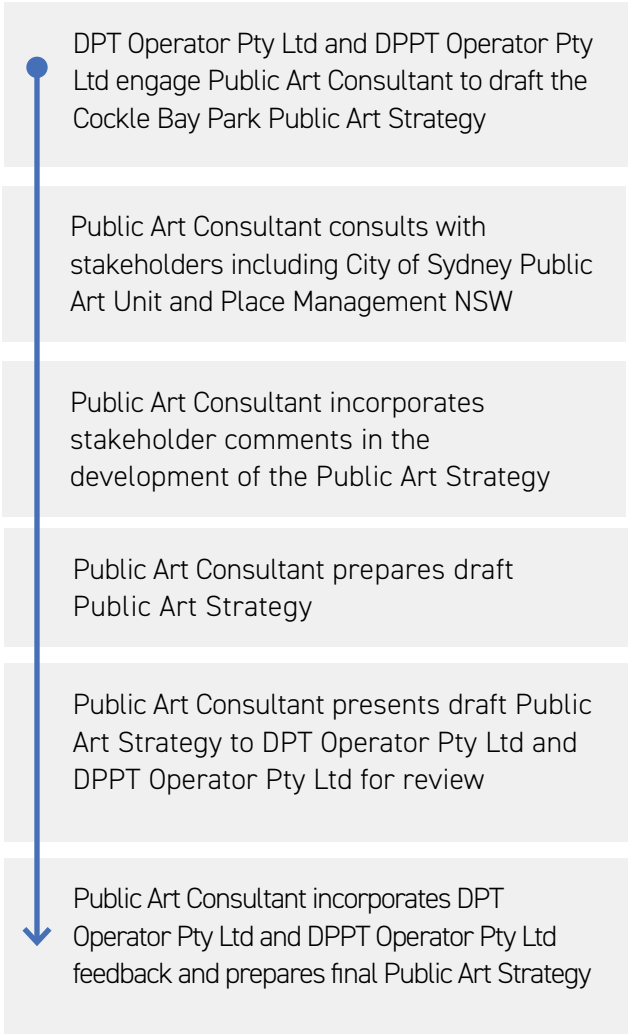
ARTISTS

- Respond to artist brief
- If successful, develop and build commissioned artwork.
- Submit deliverables for approval at completion of each stage.

Figure 7: Project governance chart

4.2 REVIEW AND APPROVAL GATEWAYS

PUBLIC ART STRATEGY



ARTIST BRIEF

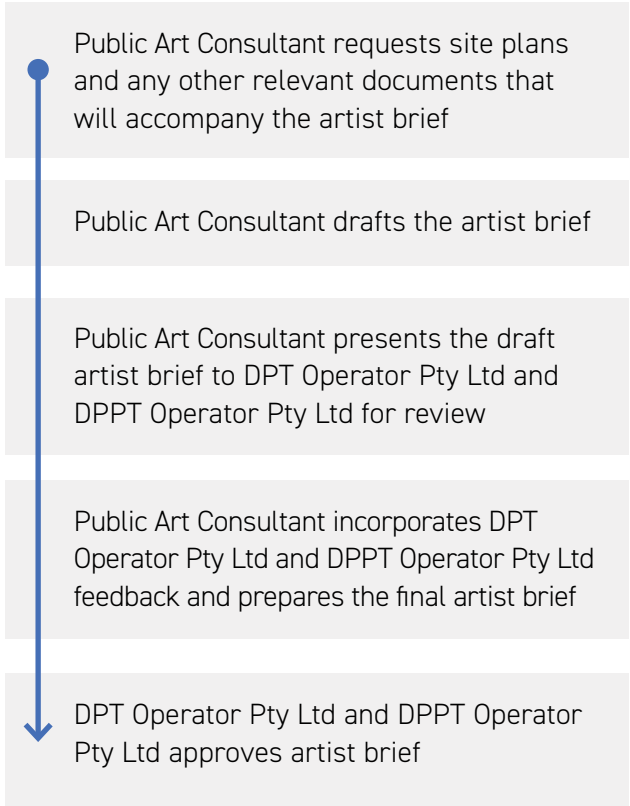
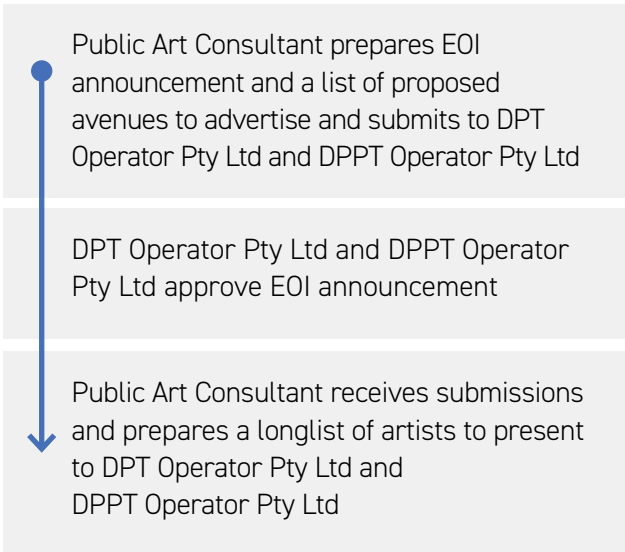


Figure 8: Review and approval gateways

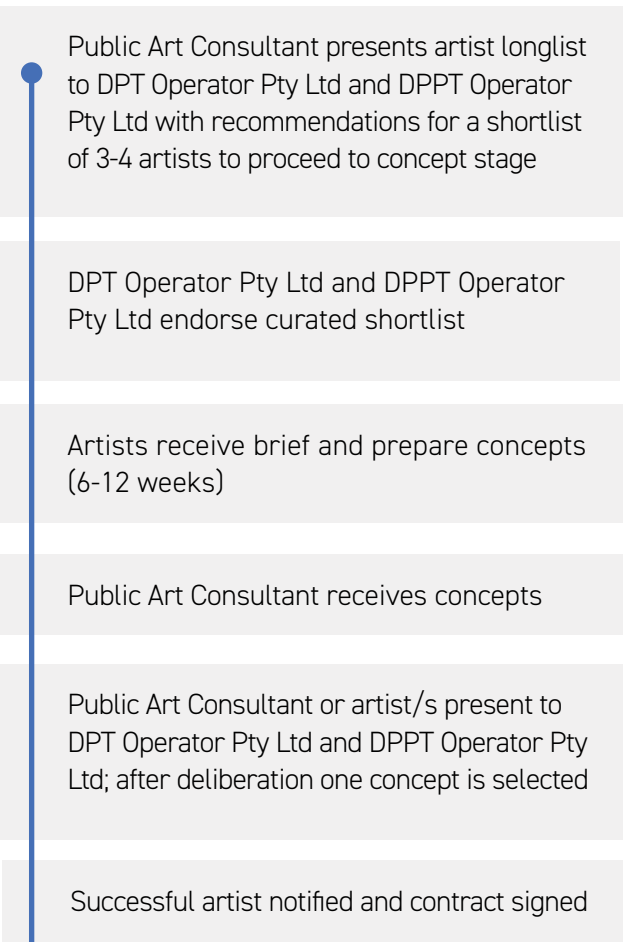
4.2 REVIEW AND APPROVAL GATEWAYS

ARTIST SELECTION AND ENGAGEMENT

EXPRESSION OF INTEREST



EXPRESSION OF INTEREST/LIMITED TENDER



MOVE TO ARTWORK DELIVERY

DIRECT SELECTION/COLLABORATIVE PROCESS



ARTWORK DELIVERY

ARTWORK DELIVERY

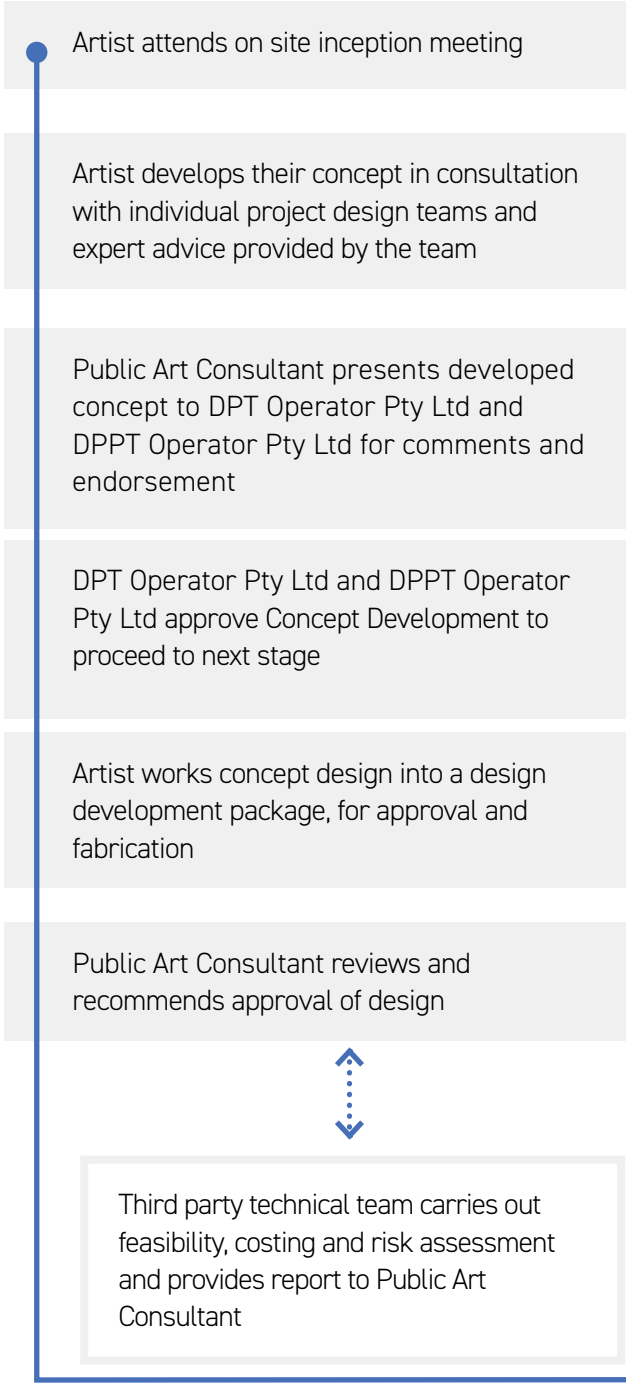


Figure 9: Review and approval gateways

4.3 RISK MANAGEMENT

Risk management for the Cockle Bay Park Art Program encompasses:

- Identification of risks and opportunities
- Nomination of risk owner and responsibility
- Implementation of risk mitigation strategies

In addition to the typical public safety risks (climbability, pinch points, head collision etc), this strategy considers additional risks including customer satisfaction, political risk, perceived value for money, and the potential for negative publicity.

Formal, documented risk assessment workshops will be held regularly to either eliminate risks entirely or to mitigate and manage them to levels acceptable to DPT Operator Pty Ltd and DPPT Operator Pty Ltd.

Risks are evaluated on a two directional matrix using a qualitative rating of the likelihood of the event occurring and the scale of the possible consequences. When risks have been identified, they are analysed by multiplying the consequences and likelihood to produce a level of risk.

LIKELIHOOD		
LEVEL	DESCRIPTOR	DESCRIPTION
1	Rare	May occur only in exceptional circumstances
2	Unlikely	Could occur at some time
3	Moderate	Should occur at some time
4	Likely	Will probably occur in most circumstances
5	Almost certain	Almost certain to occur in most circumstance

Table 3: Risk management: Likelihood

CONSEQUENCE		
LEVEL	DESCRIPTOR	DESCRIPTION
1	Insignificant	No injuries Low financial loss
2	Minor	First aid treatment Medium financial loss
3	Moderate	Medical treatment required High financial loss
4	Major	Extensive injuries Major financial loss Loss of production capability
5	Catastrophic	Death Huge financial loss

Table 4: Risk management: Consequence

4.4 QA

The Public Art Consultant will adopt a rigorous set of practices to ensure the highest quality deliverables for DPT Operator Pty Ltd and DPPT Operator Pty Ltd. These include:

- Fortnightly management review of all aspects of the project
- Regular and formal risk management review
- Director review and sign-off of all documentation released to clients
- Clear documentation trail throughout project
- Benchmarking ourselves against comparable global firms
- Benchmarking relevant global best-practice projects
- Project debriefs with lessons applied
- Continuous improvement of all work practices






























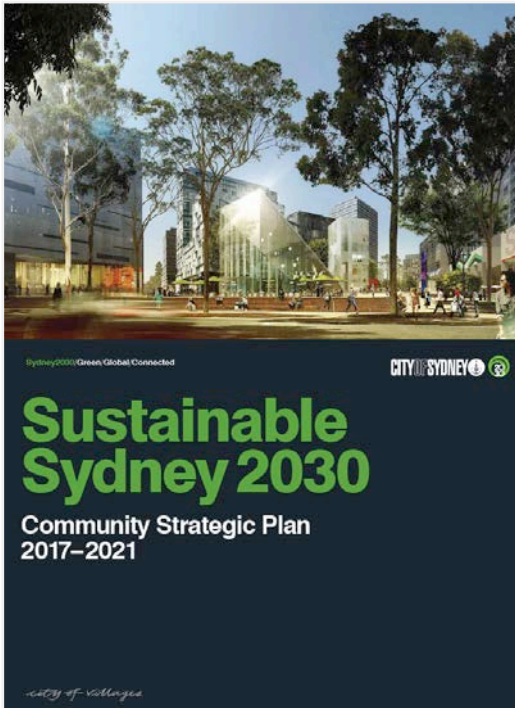
CONSEQUENCE						
LIKELIHOOD		1	2	3	4	5
	1					
	2					
	3					
	4					
	5					

Table 5: Risk management: Likelihood / Consequence

LEGEND:

-  Low risk; manage by routine procedures
-  Moderate risk; management responsibility must be specified
-  Significant risk; senior management attention needed
-  High risk; detailed research and management planning required at senior levels

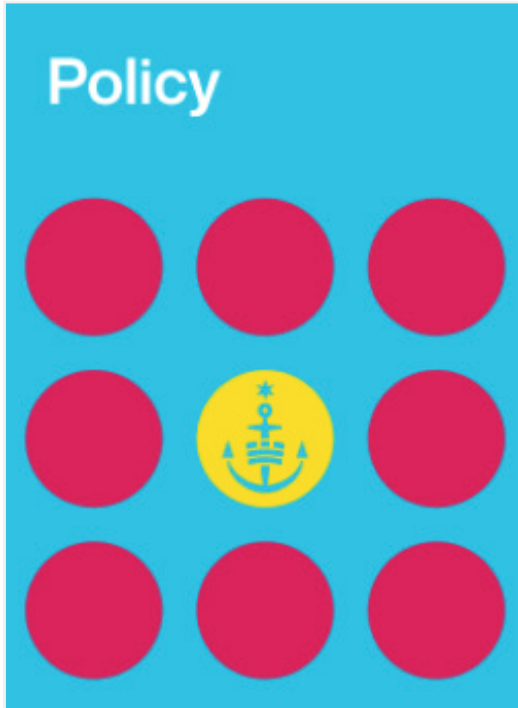
4.5 POLICY CONTEXT



CITY OF SYDNEY
SUSTAINABLE SYDNEY 2030

The Cockle Bay Park Public Art Strategy is considered within the context of existing strategies and policies which influence this jurisdiction:

CITY OF SYDNEY, SUSTAINABLE SYDNEY 2030 City of Sydney’s Sustainable Sydney 2030 set of goals positions Sydney as a Green, Global, Connected city. Cockle Bay Park Public Art Strategy supports the City’s 2030 direction for “a cultural and creative city”.



CITY OF SYDNEY
PUBLIC ART POLICY

The key feature of the Public Art Policy is its proposal to continue to integrate art into the fabric of the city. Public art can enrich the public domain and artists can contribute to the shaping and transforming of the urban realm in ways which reflect, accentuate and give meaning to Sydney’s unique environment, history and community.

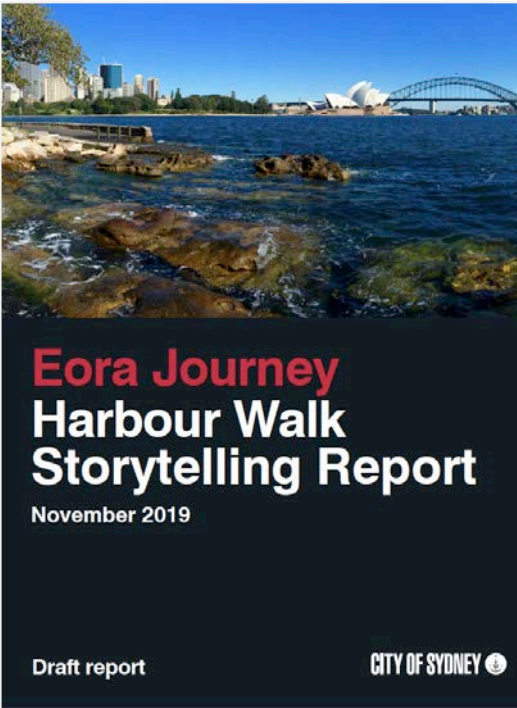
The overall goal of the Public Art Policy is to generate significant benefits, tangible and intangible, in the long-term development of Sydney as a sustainable city as envisioned in Sustainable Sydney 2030.



CITY OF SYDNEY
CITY ART: PUBLIC ART STRATEGY

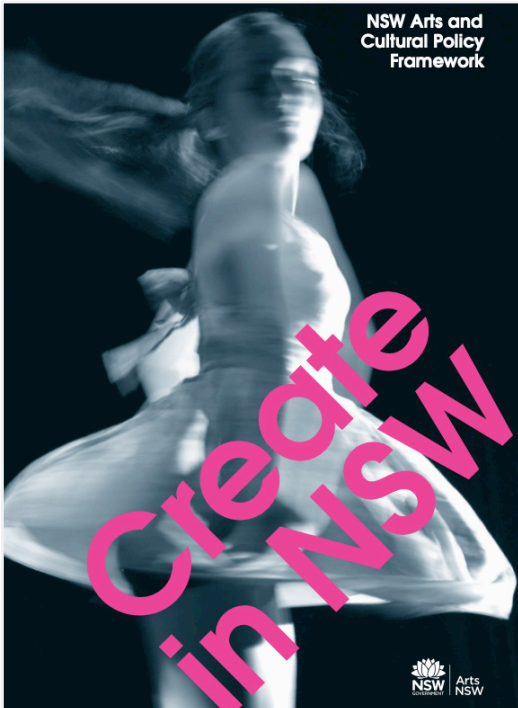
The City’s Public Art Strategy aims to embed public art into the fabric of the city that reflects Sydney’s unique history, its diverse communities, its creativity, its innovation and its energy.

The Public Art Strategy builds on the legacy of the past, while responding to new ideas about art, storytelling, interpretation and cultural expression.



CITY OF SYDNEY
EORA JOURNEY ART PROJECTS

Eora Journey celebrates Aboriginal and Torres Strait Islander culture, heritage and communities in Sydney. It comprises 7 major public artworks, 4 of which have been commissioned.



CREATE IN NSW
THE NSW ARTS AND CULTURAL POLICY FRAMEWORK, 2015

This policy supports NSW regional and urban development strategies which recognise how arts and culture are intrinsic to transforming NSW into a global creative leader.



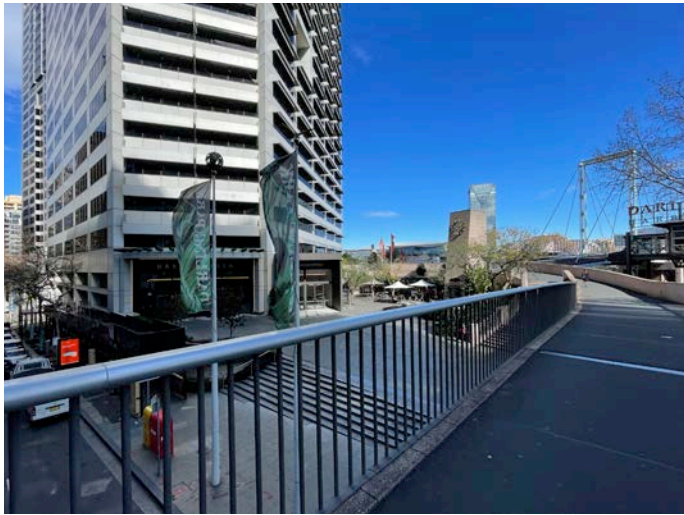
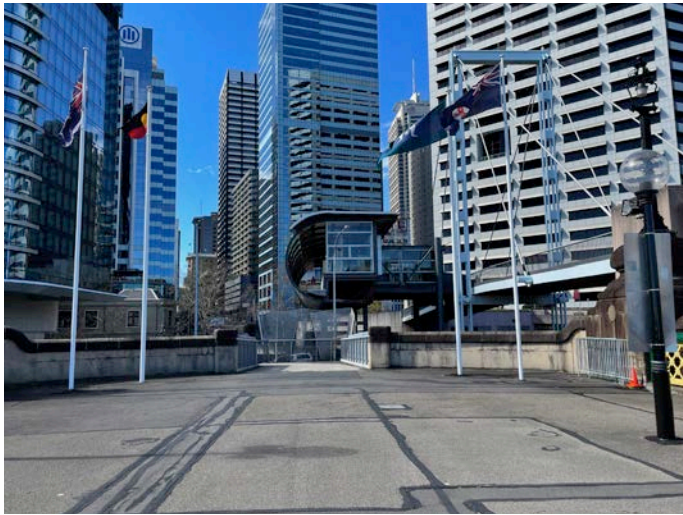
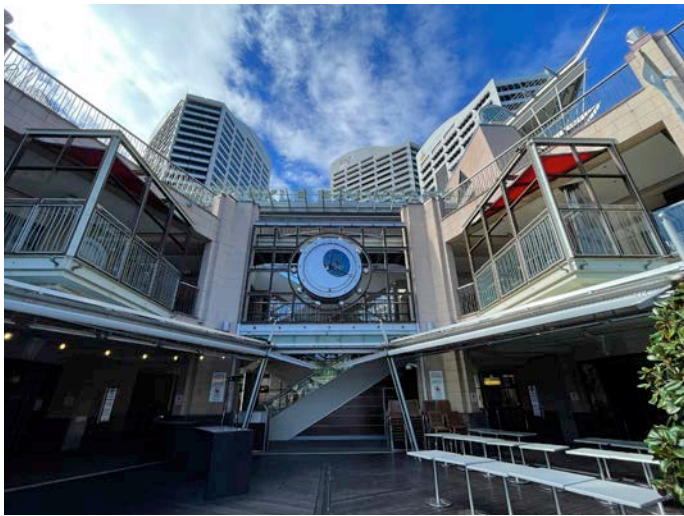
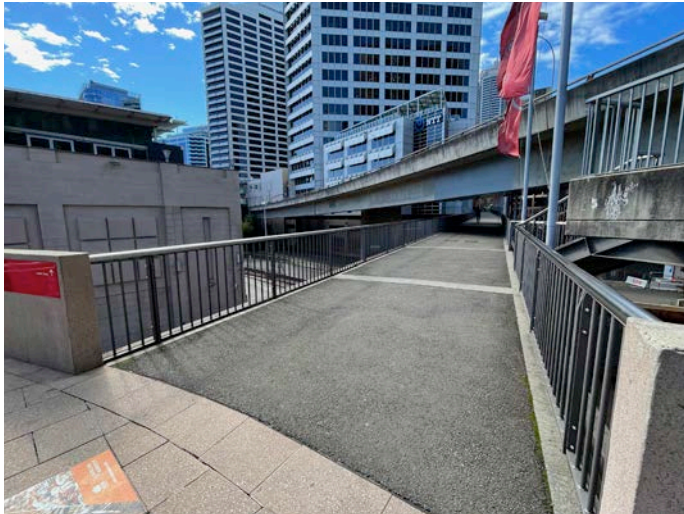
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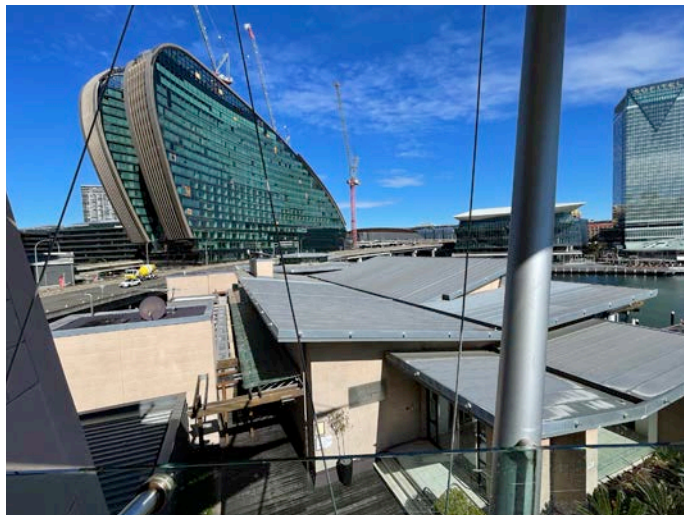
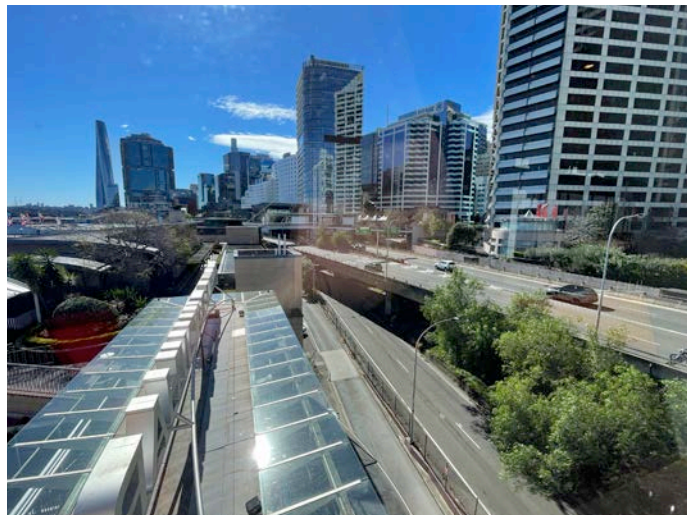
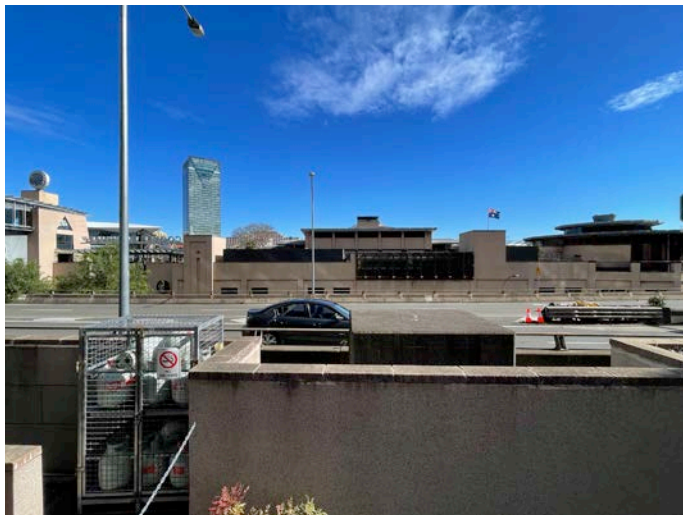
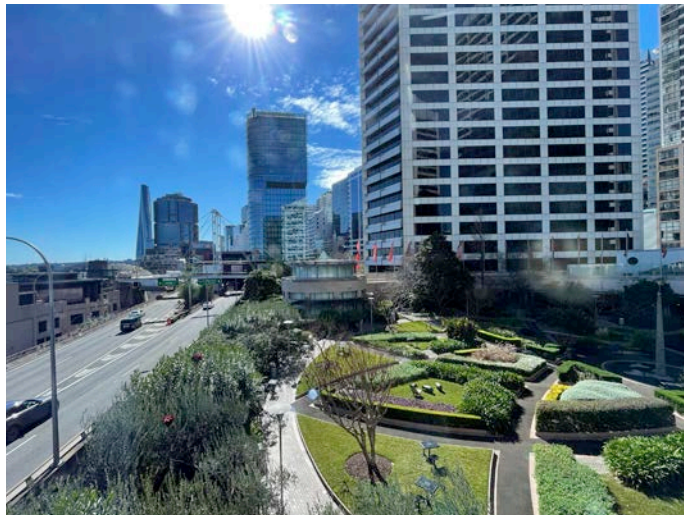
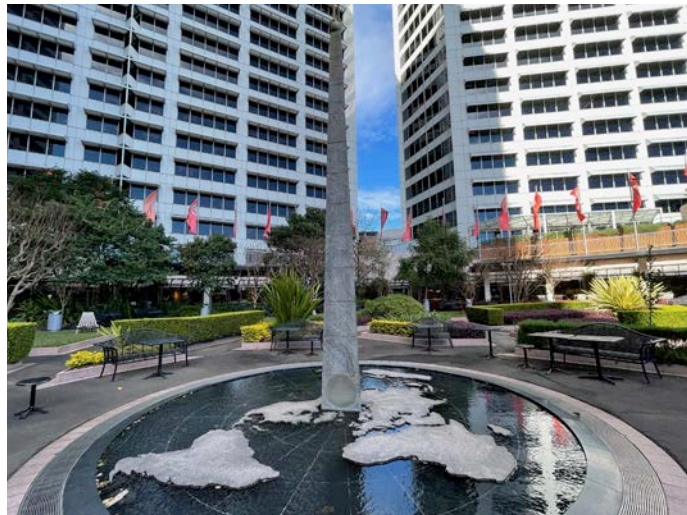
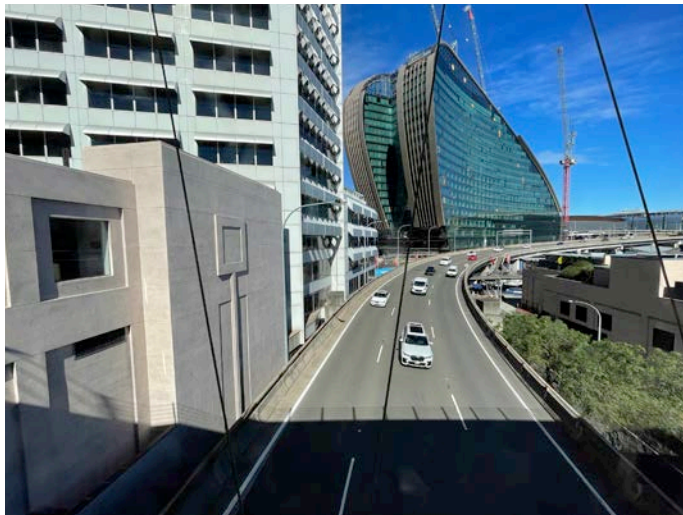
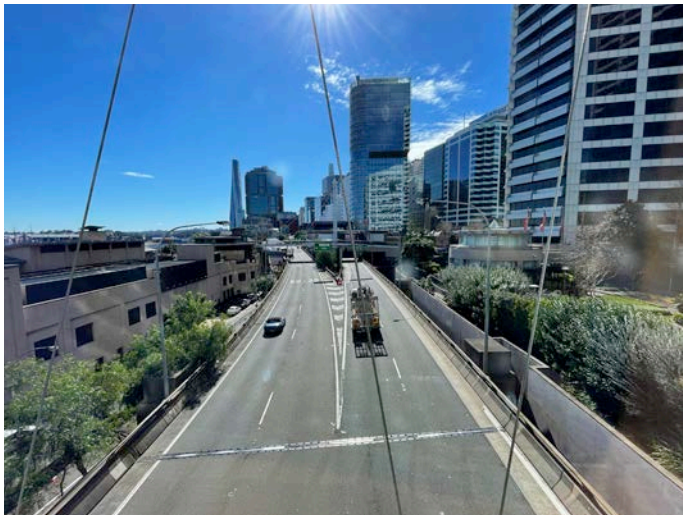
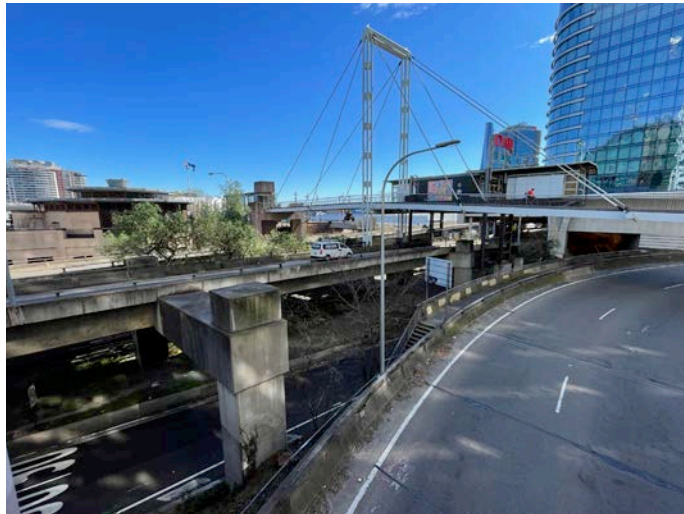
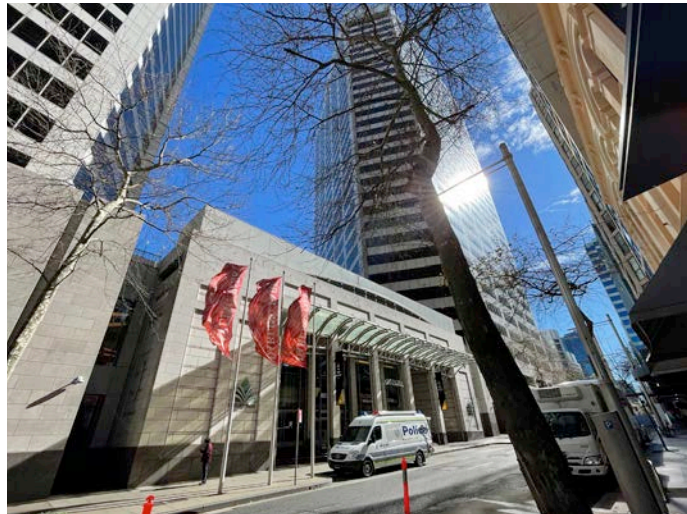
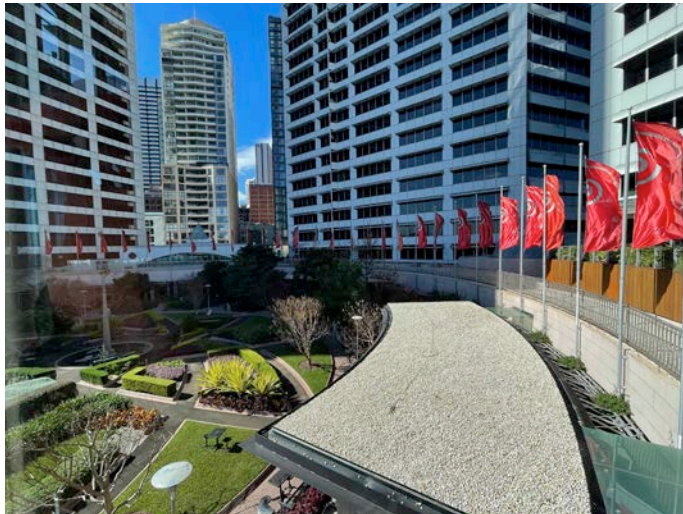
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BETHAN@CULTURALCAPITAL.CITY
MARK@CULTURALCAPITAL.CITY

SITE ANALYSIS



APPENDIX A



CONSULTATION REGISTER

This plan has included considerations from the following two meetings, supplementing the internal strategic work related to overall place making principles.

01

**PUBLIC ART PLAN
DISCUSSION
CITY OF SYDNEY**

Wednesday, 11th August, 2021
2:00pm – 3:00pm

Attendees:
Claire Morgan, City of Sydney
Glenn Wallace, City of Sydney
Dara Gill, Cultural Capital
Bethan Donnelly, Cultural Capital

02

**PUBLIC ART PLAN
DISCUSSION
PMNSW**

Wednesday, 1st September, 2021
3:30pm – 4:30pm

Attendees:
Jess Hughes, Co-owners
Lachlan Adams, Co-owners
Greg Mannes, Co-owners
Trent Delahunty, Co-owners
Stephanie Smith, Co-owners
Jano Yousseph, TSA
Viennici Tsui, Place Management NSW
Nicholas Leung, Place Management NSW
Vicky Sarakiniotis, Place Management NSW
Antonio Concalves, Place Management NSW
Annie Tenant, Place Management NSW
Nicholas Fterniatis, Place Management NSW
Ben Frazer, Place Management NSW
Bec McHenry
Anna McLaurin, Weir Phillips Heritage
Peter Hurley, Aspire Strategy
Michael Stott, Urbis
Mark McClelland, Cultural Capital
Matt Barratt, Cultural Capital
Dara Gill, Cultural Capital
Hannah Molyneaux, Cultural Capital
Bethan Donnelly, Cultural Capital

DECOMMISSIONING

INTRODUCTION

Public artworks are part of a city’s built environment, heritage and legacy. They become an integral part of the fabric of the city and its meaning to citizens and visitors. Consequently, decommissioning should be carefully considered. For any new project that may necessitate removal of existing public art, it is ethically responsible to implement a formal procedure to be undertaken prior to decommissioning.

DPT Operator Pty Ltd and DPPT Operator Pty Ltd will need to consider the existing artwork at Cockle Bay Park which may require decommissioning as part of the new development at the site.

WHAT IS DECOMMISSIONING?

Decommissioning is defined as the formal process to remove public artwork from its active status, including (but not limited to) relocation, storage, sale, donation or disposal/destruction.¹

GUIDELINES FOR DECOMMISSIONING

Each public artwork has a finite lifespan that depends on a number of factors. The following guidelines can be used to assess the artwork at Cockle Bay Park and determine the rationale for decommissioning.²

A. LIFESPAN

A work may be decommissioned when it has reached its intended lifespan as set out in the original commissioning agreement.

B. EVOLUTION OF THE SITE

A work may be considered for decommissioning when the site on which the artwork is located has been sold or is to be redeveloped.³

C. CONDITION OF THE WORK

A work may be considered for decommissioning when its condition has deteriorated or been damaged to such an extent that:

- It can no longer be considered to be the original work of art;
- It is beyond restoration, or the cost of restoration is excessive in relation to the original cost of the work or the current value of the work (in sound condition);
- The cost of ongoing maintenance is prohibitive.

D. LEGAL/RISK AND MORAL RIGHTS CONSIDERATIONS

A work may be considered for decommissioning on legal, risk and moral rights grounds when:

- The work has deteriorated to a point where it is unsafe or presents a danger to the public;
- The artist raises concerns regarding the work – its condition, presentation, location;
- Changes to the environment impact on the integrity of the work, affecting the artist’s original intent and moral rights;
- The work of art has faults of design, material or workmanship.

E. ARTISTIC CONSIDERATIONS

A work may be considered for decommissioning when the:

- Artistic merit of the work falls below the general level to which the commissioner aspires;
- Work is no longer regarded as a significant example of the artist’s work;
- Work lowers the level of quality in the commissioners collection.

F. CONTEXTUAL CONSIDERATIONS

A work may be considered for decommissioning when it no longer reflects a sense of place.⁴ As narratives change and contexts are redefined or contested, community or cultural issues associated with the artwork, building, land and/or original commissioning process may need to be reconsidered. Other community or cultural considerations include the popularity and heritage value of the work.

DECOMMISSIONING PROCEDURE FOR EXISTING WORKS OF PUBLIC ART

1. ASSESSMENT

The decision to decommission the artwork at Cockle Bay Park must be assessed against the “Guidelines for decommissioning” set out earlier. Assessment must be impartial and include the contribution of a qualified arts advisor/curator with relevant expertise, technical and structural knowledge and legal expertise. The Public Art Consultant is suitably qualified to fulfill this role and has been engaged to provide a professional assessment on the adaptive reuse and decommissioning of the artwork at Cockle Bay Park.

The opinions and advice of relevant stakeholders including the artist, maintenance contractors, DPT Operator Pty Ltd and DPPT Operator Pty Ltd may also be included in the assessment.

2. THE COMMISSIONING AGREEMENT

The lifespan and decommissioning conditions of the artwork should be specified in the original commissioning agreement. The agreement should state that the work will remain in the proposed location for a specific period and its location will be reviewed, in conjunction with the artist, after that time. If it is deemed necessary to remove the work prior to the agreed decommissioning, the implications of the original commission agreement need to be considered. Any decision to decommission the work at any time should involve the artist or a representative of the artist if possible.

3. MORAL RIGHTS

Legal obligations in relation to the artist’s moral rights and to any contractual commissioning arrangements need to be understood and met. Moral rights for artists have been incorporated into the Copyright Act since 21 December 2000. They provide artists with the right of public acknowledgment as creator of a work and the right of integrity, which means that the work will not be materially altered or distorted, or treated in a way that is prejudicial to the artist’s reputation. This creates an obligation on the commissioner to consult with the artist if there is a need to remove, relocate, destroy or demolish the artwork.⁵

In the event of destruction, removal, decommission or relocation of the artwork, a contract requires compliance with section 195AT of the Copyright Act 1968. This section requires the person who wishes to destroy, remove or relocate the artwork to give the author (the artist) a reasonable opportunity to remove the work from the place where it was situated, or a notice stating the person’s intention to carry out the above acts and an opportunity for the author (the artist) to seek and have access to the artwork for the purpose of making a record of the work, or consulting with the person about the intended acts.⁶

If, after making reasonable enquiries, the artist cannot be located or contacted, then consideration needs to be given to who should be consulted on their behalf e.g. the estate and current copyright holder; and establishing who is empowered to make the final decision regarding the work.

4. OPTIONS FOR DECOMMISSIONING A WORK

After discussions between DPT Operator Pty Ltd, DPPT Operator Pty Ltd and the artist have occurred, the future state of the artwork can be determined. Future states may include:

- Removal during construction works, restoration and replaced in its original location
- Removal, restoration and incorporated into a new artwork in that same location (with the agreement of the artist for the new work)
- Removal, restoration and located in a new location
- Removal and stored for possible future use
- Removal and sold
- Removal and returned to the artist or loaned/gifted to an institution
- Removal and destroyed

DPT Operator Pty Ltd and DPPT Operator Pty Ltd must undertake a comprehensive record of the decommissioned work, including detailed information about the artwork, artist, year of commissioning, materials, dimensions, artwork location, commissioner and decommissioning process is properly recorded and stored.

ENDNOTES

1 Draft - NAVA Best Practices for Commissioning Art in Public Space
2 The “Guidelines for decommissioning” set out in this report are based on, and expand, the de-accessioning policy published by Government of South Australia (Arts South Australia) in their document Public art: making it happen. Commissioning guidelines for local councils
3 Draft - NAVA Best Practices for Commissioning Art in Public Space
4 Draft - NAVA Best Practices for Commissioning Art in Public Space
5 This paragraph is taken from the Arts Law Centre of Australia, Information sheet: Public Art Design and Commissioning
6 Draft - NAVA Best Practices for Commissioning Art in Public Space