

The Politics of Public Space, Volume One
Peter Chambers, Tom Andrews, Libby

Porter, Tania Davidge, Mark Jacques, Claire Martin

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**The Politics of Public Space
Public Lectures in Contentious Places**

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Public Lectures in Contentious Places

Edited by David Gaughan, David Gaughan, David Gaughan, David Gaughan

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Foreword

OFFICE would like to acknowledge the Woiwurrung and Boonwurrung people of the Eastern Kulin nation as the Traditional Owners of the lands on which these talks were held, this publication produced, and on which we live and work. OFFICE would like to pay respects to First Nations people, especially to Elders past, present and emerging. As this publication is principally concerned with public space in its many forms, we must then acknowledge that all land in Australia is stolen land, and sovereignty was never ceded. The relationship between public and private space is a common theme that runs throughout this publication, therefore, we must further acknowledge that these ideas, as part of colonisation, have only recently been imposed on this land.

The city and its sprawling suburbs have for a long time been idealised by Architects and Landscape Architects. This approach has been integral to both the education curriculum and the common declaration of what we do as a profession. The Politics of Public Space lecture series was established to identify the true complexities of our city and the many parties involved, asking: How may we better engage and understand our own city, particularly its public spaces?

RMIT University and its architecture departments are purposefully located in the centre of the city. Similar to its libraries and robotic labs, we see the city and our experience of it as a hugely valuable resource. The history, laws, development, and occupation of public space offer valuable insights into how students and practitioners may engage with it.

Beginning in 2018, OFFICE curated a series of informal lectures as part of

its teaching at RMIT University. Every Wednesday evening students and members of the general public would meet via an Instagram tip-off, to hear the talks and participate in the conversations. By holding the lecture series in contentious public spaces the aim was to speak directly to the city; offering both a theatrical and literal backdrop to each discussion, and engaging with the issues at stake in the city's form. To preserve and disseminate these events, OFFICE have compiled this content into a quarterly publication. One primary reason for publishing these texts has been to record the individual speaker's content as well as document the events and forms that have recently shaped the city.

Twenty-one speakers have contributed with backgrounds in architecture, landscape architecture, planning, law, criminology, activism, urban design, public housing, sociology and public art, all with varying readings

of the city. We would like to thank the speakers for generously donating their time, not only in presenting their content but for also assisting with the editing process. Without their openness, intelligence and generosity this publication would not be possible.

We would also like to thank all those who purchased a copy of this publication. As a not-for-profit, all the funds from the sales will be used for future issues and allow us to undertake every stage of its production here in Melbourne. We greatly appreciate the support.

About OFFICE

OFFICE is a multidisciplinary design and research charitable not for profit based out of Naarm, Melbourne. The firm has strong ties to both education and the city, having run several studios, research seminars and projects grappling with the two. This alternative practice questions specifically architects and landscape architects current relationship to the built environment. How might we work within the limits of our profession to develop ethical projects that have social, cultural, and environmental integrity. The Politics of Public Space lecture series and subsequent publication embodies the energy and ambitions of OFFICE as a platform to educate, engage, contribute to and make public the discourse around our built environment.

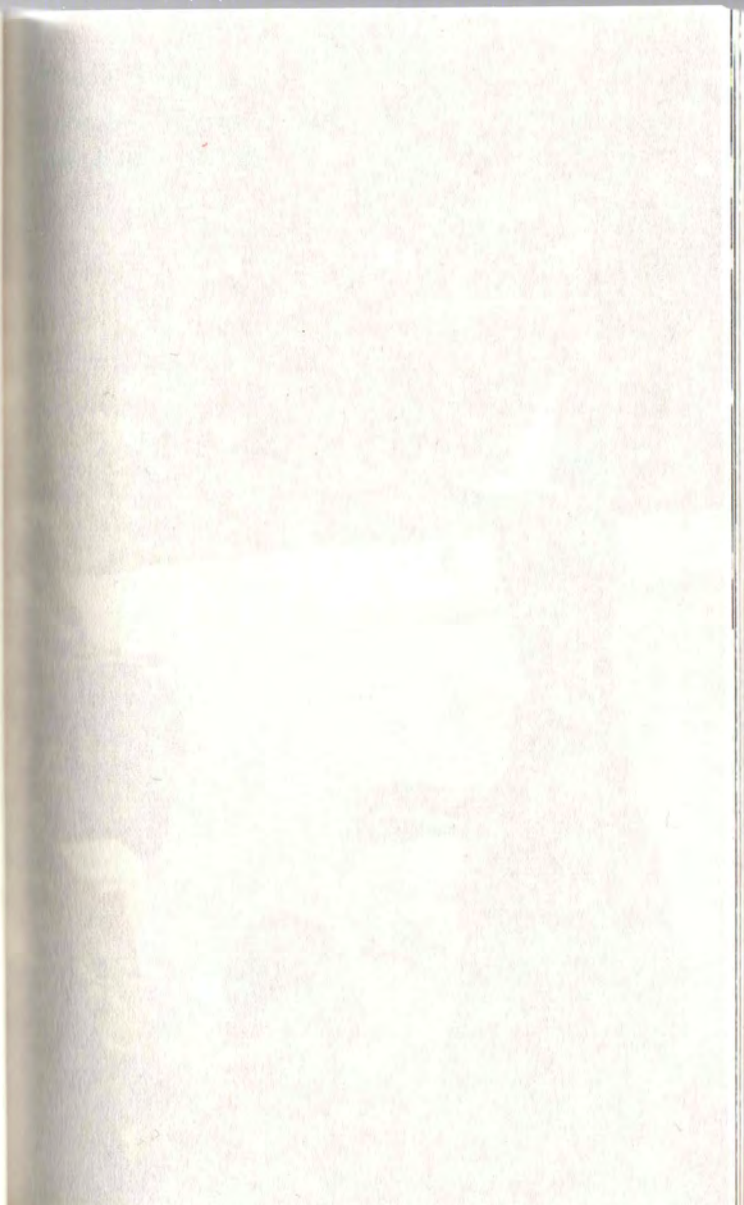
As a charitable organisation OFFICE is legally bound by the following objects of practice, which guide this publication and all of our projects:

- a. to use the tools of design, architecture and research to assist in the design, development and construction of projects with a public benefit and which have social, cultural and/or environmental integrity;
- b. to undertake and make public (where possible) research into opportunities for improving public spaces;
- c. to engage in discourse around issues facing the built environment, in order to educate and inform the public, through exhibitions, public lectures and publications;

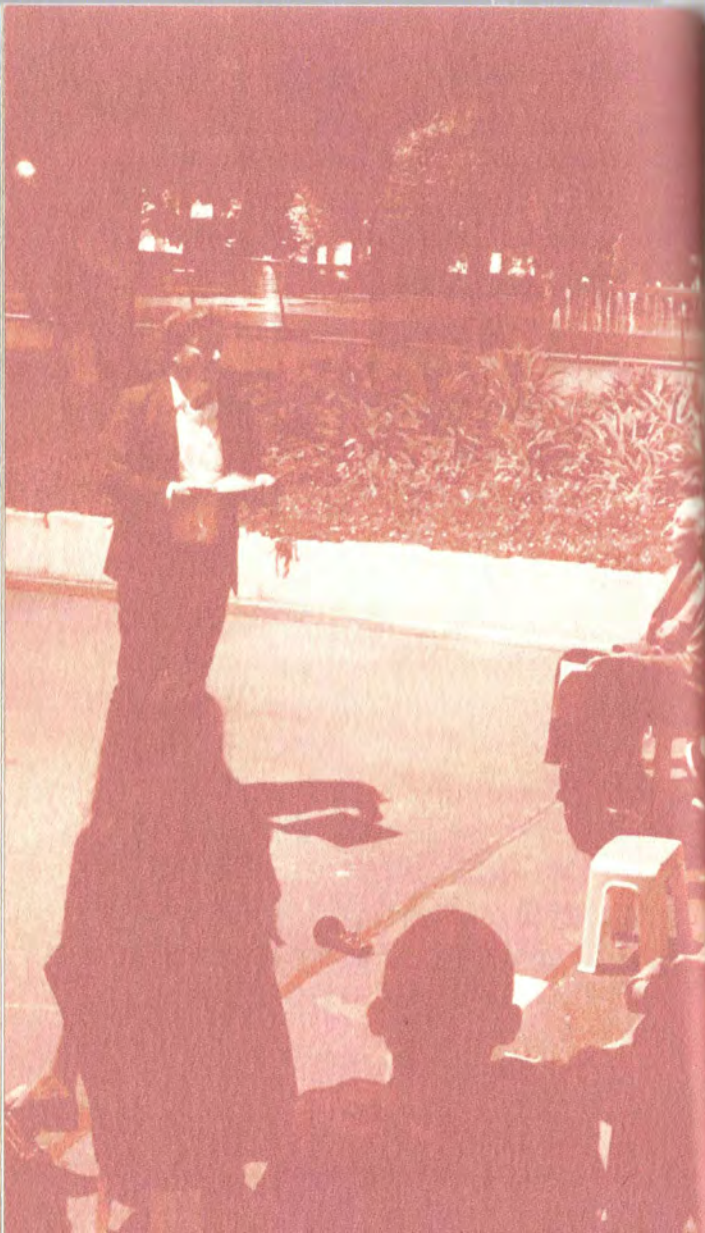
- d. to educate and mentor students of design and architecture, and to provide those students with opportunities to engage in the practice of design and architecture; and
- e. to do all other things as may be deemed incidental or conducive to the achievement of any of the preceding objects of the Company.

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Mark Jacques
Lincoln Square, Carlton
04 April, 2018



I've chosen to be here tonight, in Carlton's Lincoln Square, to talk about the deliberate changes that have recently been undertaken to this area and the consequences of those changes on the public life of this part of the city. Before 2016, the experience of this space was a very different one to what we see tonight, so too its relationship to the Swanston Street spine. A series of design moves have been made that quite deliberately exclude the occupation of one group of people and privilege another kind of occupation. What is essential to note is that this exclusion has been enabled through design – the thing that we do.

So, if you have the ambition to work in the public realm, this dilemma will arise at some point in your career. If there is anything that I'd like to come out of tonight, it is that you become aware and critical of the tactics of inclusion and exclusion within the city, how they work, and what your role is

when generally working for those that have power, at the behest of citizens that don't.

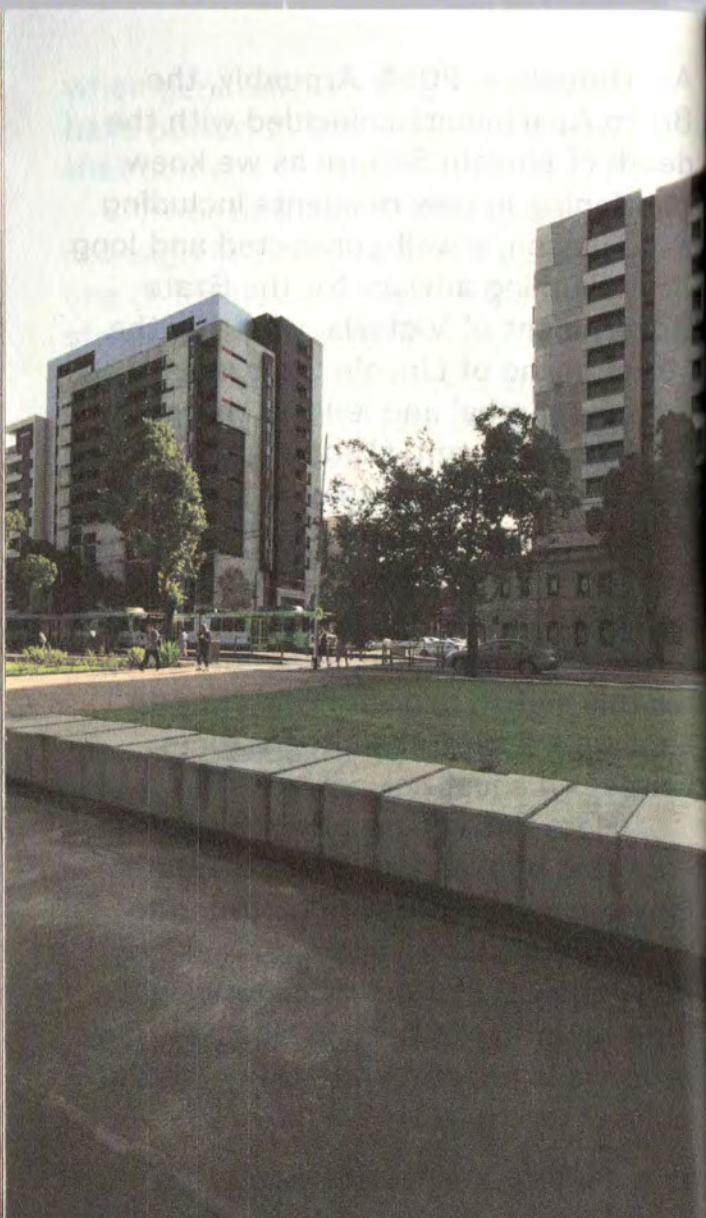
Prior to the City of Melbourne's redesign in 2016, Lincoln Square was one of Melbourne's most celebrated street skating spots. Most of the area that we're standing on was smooth asphalt, there were lots of stairs and terraces; and those walls, edges and steps were robustly built, low and very skateable. The skating culture that occupied the Lincoln Square was focused on the plaza, leaving the remainder of the park open for passive use.

In the last 20 years, the city around the square has redeveloped substantially through a series of projects immediately adjacent to it – coincidentally all designed by Hayball. The Europa Apartments, yonder up Swanston Street are from around 2003. The Seasons Apartment building was completed around 2006. The Canada Hotel site in 2009, and finally the Bravo

Apartments in 2014. Arguably, the Bravo Apartments coincided with the death of Lincoln Square as we knew it, bringing in new residents including Roz Hansen, a well-connected and long time planning advisor for the State Government of Victoria, who saw the street scene of Lincoln Square as 'urban anarchy' and led the charge for its redevelopment, stating with no irony that sharing the space with skaters affected 'shared spaces'¹.

Then Lord Mayor Robert Doyle was groping at a greater truth when he said of the skaters in 2016 that "time's up for this selfish minority who tried to capture a part of the city for themselves... It's just not on"².

Here this is a problem of adjacency – an itch between an agent of State Government right there (pointing to Bravo Apartments) and a pre-existing population of skaters who were right here (pointing to Lincoln Square). The problem is fueled by the City with the



is looking to the familiar, and
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to the form of the building and
This is the kind of argument that
is made to support the design
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the heterogeneous urban environment
a place that's a public witness and
supportive of the social experiment
but that's not the case and so the
argument that the building is a

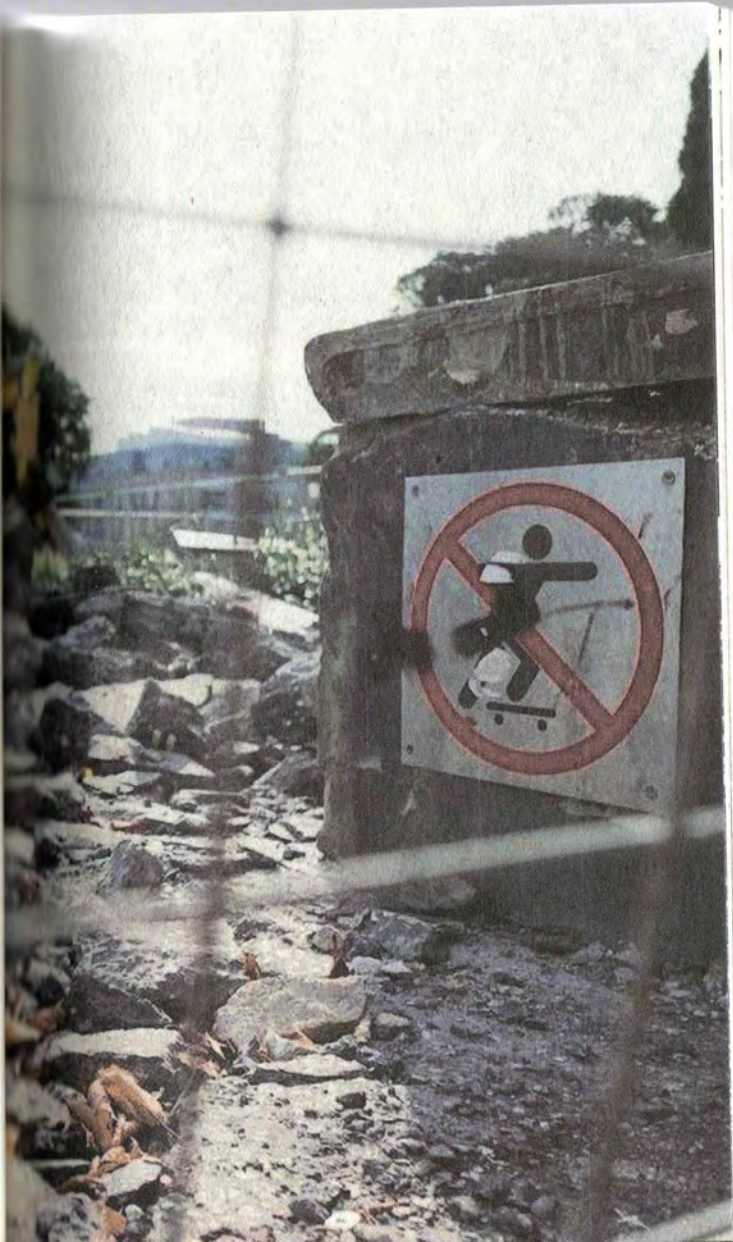
apparent language of inclusion (“shared”, “selfish minority’ etc.) but occasional design actions of deliberate exclusion, in 2016, the City of Melbourne councillors voted to redesign the park to make it unsuitable and unattractive for skateboarders.

As Vito Acconci reminds us, “Public space is not space in the city but the city itself”³. Exclusion in public space undermines the city and undermines what makes the urban – the itch of adjacency. The city is proximity to the unfamiliar, encounters with the stranger and vicinity to the other.

This is the kind of argument that is made by people like Iris Marion Young when she describes the city as ‘heterogeneous, plural and playful, a place where people witness and appreciate diverse cultural expressions that they do not share and do not fully understand’⁴. It might be skaters, or

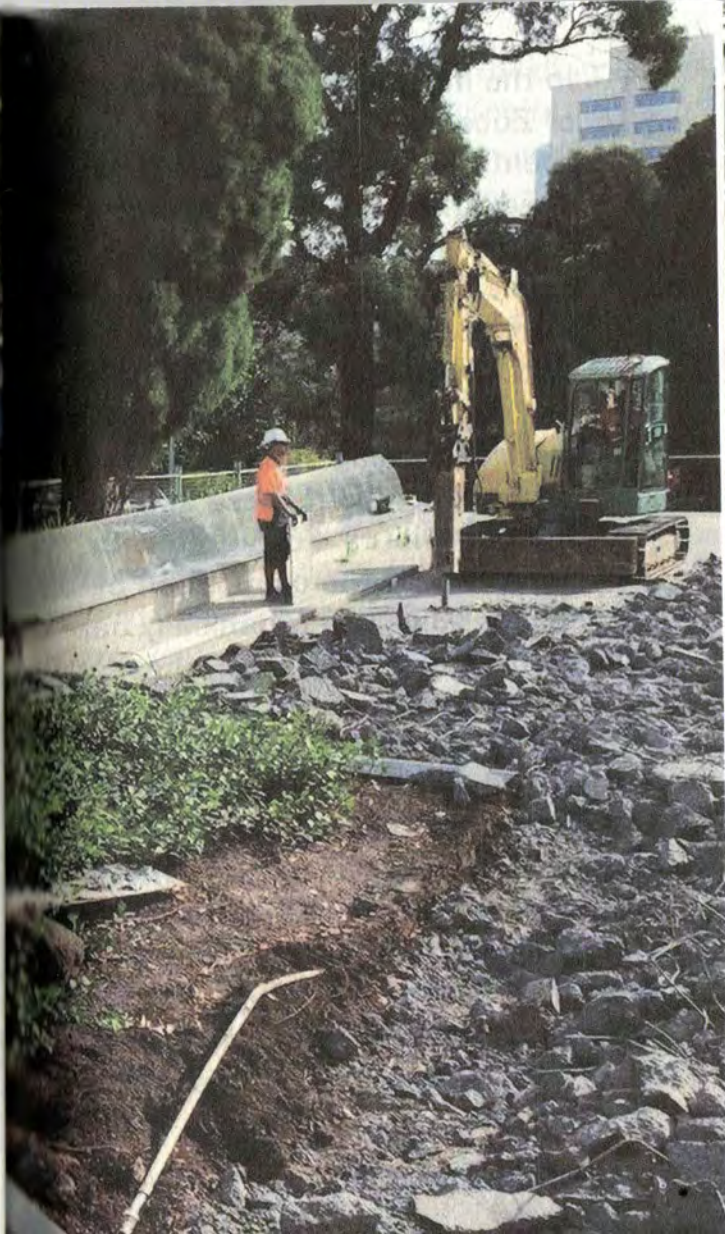
It might be the poor, the old, the new immigrant, the suburbanite, the red-neck – cities that exclude adjacency with those that are different, become increasingly crowded with people who think, live and vote the same. They enable the kind of homogeneity where it is increasingly difficult to encounter those who are different from ourselves and increasingly harder to develop ways of exchange with those who are different from ourselves outside the knee-jerk reactions of outrage or the muting of cancel culture.

Inclusion, therefore, is an engine not only of public space but of public life and of the civic. I’d suggest that urban inclusion is often granted by a state-declared right to gather in a particular place, but is more often found in the places that are made public – where the public gathers or gives itself permission to occupy a space that it doesn’t have an explicit right to. This is the place that’s made public by annexation.





▲ Lincoln Square – Varied surface treatment to discourage skateboarding,
photo by OFFICE



In the more-or-less recent context of Zuccotti Park and the Occupy events in New York, this kind of annexation was the key point – people were not protesting in public space, but were annexing a privately owned space and, through action, making it public. Unlike Jane Jacobs, I don't think there's anything spontaneous or naturalistic about these actions and behaviours. I disagree with the idea that the occupation of spaces somehow organically happens without any instigation, these behaviours are either enabled by, or retarded by, design. Private spaces become public when the public is able to annex them. The annexation is a by-product of design. Public space becomes private when the public that has it gives it up, or is designed out of being able to claim it, which I would argue is what has occurred here in Lincoln Square.

The kind of design moves that

I'm talking about might be providing skateable surfaces like this (points to the asphalt of the street) or non-skateable surfaces like that (points at the new lawn and skate barriers that were installed in Lincoln Square). But they also include other kinds of tactics – the kind so comprehensively documented by Interboro in *The Arsenal of Exclusion & Inclusion*⁵ – including adverse possession laws, zoning laws, commit no nuisance signs, alcohol-free zones, armrests on benches, bike lanes, bollards, busking bans, muzak, clear zones, covenants, the cul-de-sac, fences, housing co-ops, no loitering signs, corridors, privately-owned public space, street trading zones, smoking bans, tenant communities and owners corporations.

These are the sites of inclusion – spatial design moves, policy moves and urban design moves. Moves that are at the scale of that wall and moves that are at the scale of this superblock.

All of these tactics can be deployed, as a means of including people in the creation of public space or deliberately excluding them. They may be deployed knowingly or unwittingly by developers, real estate agents, the fourth estate, social media as well as architects, landscape architects and urban designers. Their application is driven by self-interest and excluding the undesirable, but I suspect that all of us here have been, are, or will be undesirable for someone at some time or other. So as designers you better start thinking about these tactics now, even if out of self-interest rather than for the sake of the city.

An important book for those of you who are interested in the agency of public space is the *Practice of Everyday Life* written in 1980 by Michel de Certeau⁶, which in some ways anticipates and describes the idea of habitual power, control, inclusion and exclusion in public spaces.

Certeau makes the distinction

between the producers of culture (the powerful) and the users of the culture of the city. The producers of culture exercise agency over the city through strategic imposition, so the idea of a kind of order from above, generally at the scale of the precinct or the metropolis. In contrast to this, Certeau characterises the domain of the non-powerful users of culture not as strategy, but as tactics. He understands tactics not as a subset of strategy, but as an adaptation to the environment which has been created by the strategies themselves. For instance, VicRoads might create the culture of prescribed urban movement through providing a hierarchy of road infrastructure, but a local cabbie or uber driver might figure out the best way to navigate those streets through lived reality, shortcuts and rat-runs. In the same way the City of Melbourne might have established an unassailable idea of a picturesque park on this site in the 1960s, but it



▲ Still from Jump Ramp Down by THEA/STOKES/SHAW/CHANG

is the lowly grommets and street skaters who redeemed it through use and were able to recuperate it into another idea of public life.

So, there's a distinction between strategy as a big picture of how the city is organised, and the tactics of those that generally don't have the power to alter the city, making the city in their own mould. The book centres on the idea that the weak deployed tactics to alter utilitarian objects, street plans, laws and language, in order to make them their own. So in a space like Lincoln Square, we now see what de Certeau might call "the weak tactics of the strong", in this case, the strong being City of Melbourne – blunt attempts to restrict public access to public space. Opposing this, we await what he might call "the strong tactics of the weak" – ways in which skaters and others will annex the space and bring it back into a more nuanced,

inclusive and itchy public life of adjacency and difference. The design of the public realm is an attempt to locate oneself between these two kinds of behaviours - the “weak tactics of the strong” and the “strong tactics of the weak”. In undertaking my PhD, I mapped the projects that the office had done by looking at our server and categorising all the jobs. Unsurprisingly, 80% of them were about public space but interestingly, of those 80%, the clear majority were undertaken for private clients or with private capital. This is not an uncommon condition and puts our practice right in-

between Certeau’s two sets of tactics.

In practice, we are cast in the role of acting both for the public good and at the behest of private capital, a role that requires demonstrable creation of value and amenity for both constituents, often with promiscuous loyalties.



Despite our best efforts, we have to acknowledge that we're not given sole authority in the public realm nor are we part of a particularly powerful guild. Instead, we must win agency on projects through tactics of persuasion and arguments – often exercising influence with covert strategies and persistent advocacy. In our case, we deploy physical form to make the limits of public and private realms ambiguous. Within this ambiguity, we see a site for exchange, for the physical presence with the other, for shared experience and for the chance encounter. Our intention is to deploy physical and spatial devices that allow those sites to be annexed and occupied by the users of culture in the city. We see uncertainty as arguably the primary engine of public life and the uncertain boundary is an instrument for both the enquiry into and the making of, the city.

What I'm proposing (in the spirit of Certeau) is that in the design of the

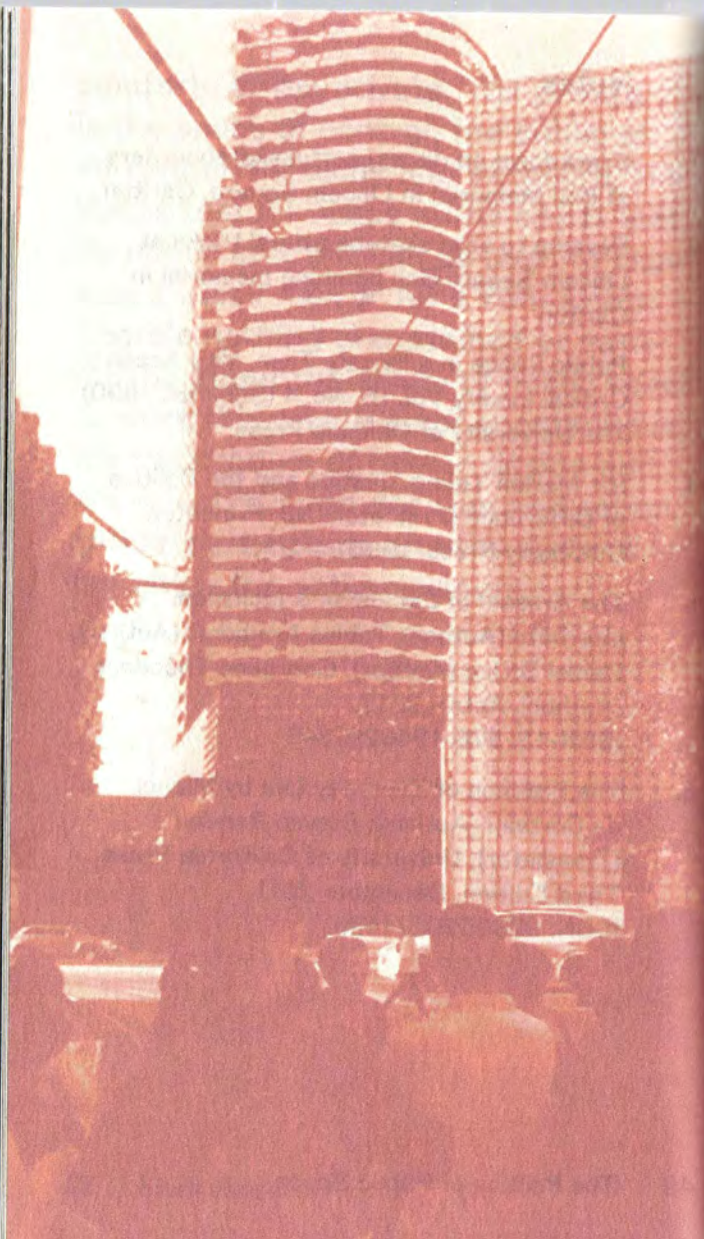
public realm that you accept the brief and capital of the powerful, but do so by working as if you are weak. Understand the strategies of superimposition and control within the city well enough to warp and convert them to other ends, and deploy tactics not of exclusion, but of inclusion that enable ordinary people to behave not merely as passive and submissive consumers but as active agents, who can manipulate the environments around them through everyday actions.

The trick is in making a project just awkward enough to prevent easy reabsorption into the order of power and commodities. Within this awkwardness is a space for annexation and the space of occupation and adjacency. To conclude, I'll return to Vito Acconci who talks about public spaces as an analogue of sex – that the private realm is one of monogamous relationships, but that public space involves the surrender of purity and all the

comforts of the private. The private is the space of control, the public of surrender, infidelity and exposure. His litmus test for space in the city is that its public only if it can be used to organise a *quick fuck* or for a *conspiracy*. There's nothing preordained or naturalistic about the ability of public space to work this way. It's not spontaneous, it's the product of human design and it's willed through decision and action, and as participants and the authors of the city – the action is yours.

Notes

1. Crackdown on disrespectful skateboarders at Bali Memorial in Lincoln Square, Carlton
2. Revamp to stop skateboarders' tricks at Lincoln Square Bali bombing memorial in Carlton
3. Public Space in a Private Time, Vito Acconci. *Critical Inquiry* Vol. 16, No. 4 (Summer, 1990), The University of Chicago Press
4. Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990).
5. *The Arsenal of Exclusion & Inclusion*. Interboro (Author), Tobias Armbrorst (Author), Daniel D'Oca (Author), Georgeen Theodore (Author). Actar, 2017.
ISBN-13: 978-1940291345
6. *The Practice of Everyday Life* by Michel de Certeau (Author), Steven Rendall (Translator), University of California Press. Third Edition, December 2011.
ISBN: 9780520271456



Libby Porter
William Barak Building, Carlton
11 March, 2019

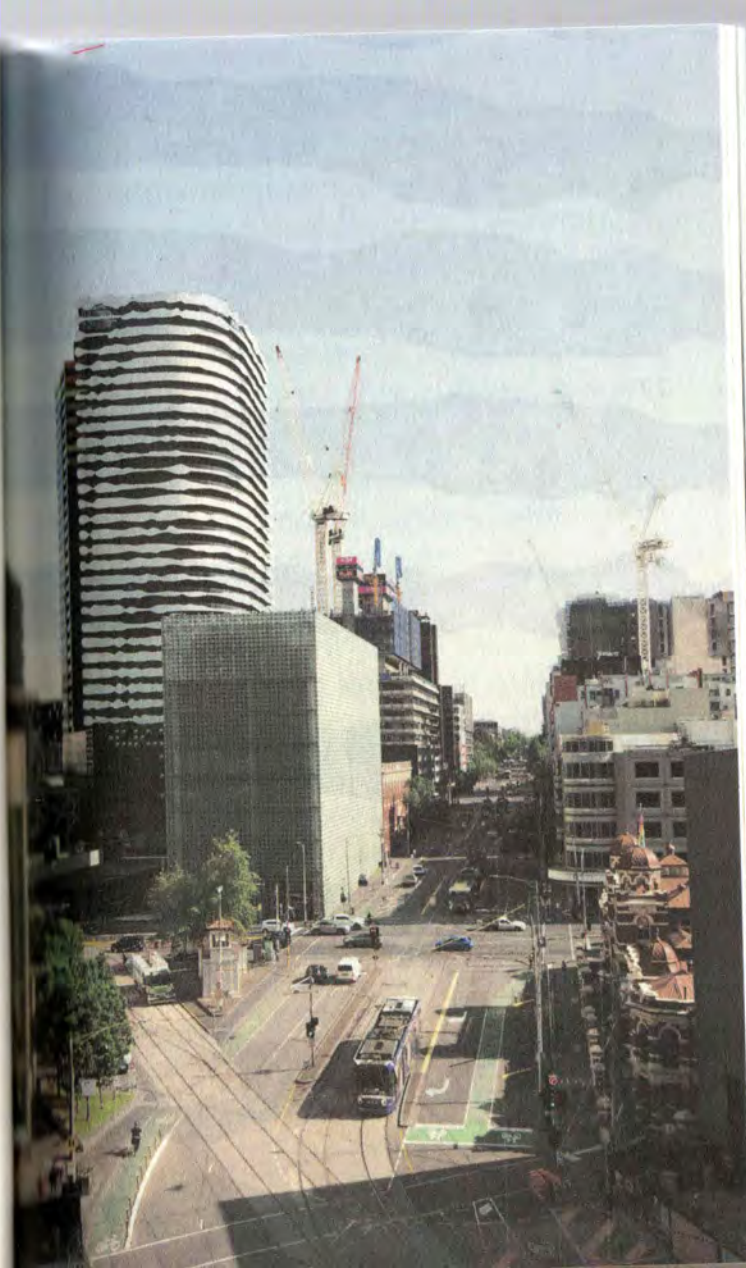
This lecture is held on the unceded lands of the Woiwurrung and Boonwurrung speaking peoples of the Kulin nation. I pay my respects to the peoples of the Kulin nation whose Elders past present and emerging have always known and shared this place. I acknowledge the presence and agency of Country in enabling this discussion and my own knowledge of place and belonging. I acknowledge the ongoing struggles of Indigenous peoples everywhere who continue to practice their sovereignty in the face of colonial violence, and my own responsibility to their struggles. Always was, always will be, Aboriginal land.


Acknowledgement of country is a way in which we come into a space and acknowledge who we are. As a non-Indigenous person, an uninvited guest here, who nonetheless calls this place home, it is important we acknowledge where we are and the struggles that underpin it. The face on this building

is William Barak who is a very important Wurundjeri Elder and leader. Sometimes referred to as the last Ngurungaeta of his people and was present during the contact period, when Melbourne was invaded by British colonialists. He was here, he was alive at that time and it is his face that stares down Swanston Street.

It is significant that here for the first time an Aboriginal person's face is writ so large in the city. I am interested in what it means to do that, to put his face on that building and what it might teach us about a city like this and for people to understand where we are.

So while you are standing up, take this opportunity to look down Swanston Street towards the Shrine of Remembrance. Understand these two buildings address each other, although it is difficult to perceive from this vantage point. From the top of Barak's forehead, I am sure you get a great





view down to the Shrine as you do looking the other way. The building was unveiled in 2015 to a lot of public discussions. I will outline the design story of how it came to be, however, I want to situate the building in a much longer context. Such as what this building teaches us about the processes of dispossession of Indigenous people and those associated with non-Indigenous possession of place as property.

The building was originally owned by Grocon, a Grollo family company who are very well known in Melbourne. Grollo operates across Australia but have a very large property and development portfolio here in Melbourne. They bought the land, received planning permission and drove the development of this particular building.

One of the things I want you all to take away from my talk is the way in which we can look at the built environment not only as a mirror of what

happens socially, culturally and politically – so it's not just reflecting to us our social-political order. But it also helps create it, it is constitutive of that order, it helps mobilise certain things and helps hide certain things. The Barak Building is a really fine example of how that happens. This is why I have brought you here to illustrate how the built environment constitutes the social order, it doesn't just reflect it, it forms and reproduces it.

William Barak's life spanned the frontier violence of this place, many of you won't know the history of Melbourne and how it came to be. You won't learn of the violence that occurred here, because we white-washed it out of most Australian history texts. Certainly in my field, in urban planning, urban geography and urban studies, we never talk about what happened to bring cities into being. We just study these places as if they appeared through the labours of mar-

vellous white men, who never did anything wrong, never stole any land or committed any genocide.

So the history of Melbourne coming to be is that in 1835 John Batman and John Faulkner sailed from Van Diemen's Land and decided to set up a separate colony, which wasn't recognised by the British colonial office at the time. They had done a few reconnaissance visits and they had seen how good the land was here and they reckon it would be a good idea to get ahead of the curve and grab as much land as they could.

They came with a boatload of sheep, a handful of people and a couple of cats and set up a camp down there and began what has become the city around you, and that we are all a part of. Doing so of course began the dispossession of Wurundjeri and wider Kulin Nation peoples of which William Barak was one.

Now you might have heard of a

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Witness
My hand
at London
the 10th day
of June
1835

▲ The Barman deed recorded the alleged purchase of land, 1835 June 6, State Library Victoria

“treaty” that was signed in 1835, has anyone heard that story? There are a couple of walking tours that will tell you a little bit of this story. So John Batman decided he would do what no other colonial government had done in Australia and that was to sign a treaty, but it was a farce, really it was a total sham. Many of the historical texts suggest that he fabricated it. Batman claimed that the people that he met, including Barak, who was a child at the time, and other Indigenous leaders, actually drew straight lines on a map and signed their name in ink. The notion is insane.

The colonial office was pretty annoyed, in that Batman had trespassed. They were not annoyed that he had trespassed on Wurundjeri and Boonwurrung Lands, but he had trespassed on the colonial office lands. They were not here yet, but they claimed jurisdiction and sovereignty on the place they were not yet occupying to control and

regulate Batman and his entourage.

So it was a pretty fascinating start to what is now a bustling metropolis, but one we don't talk about too much. What Batman did was unleash what has been described as one of the swiftest and most violent dispossessions in British Imperial history. Within about twenty-one years, something like 27 million hectares of land had been stolen and the population of Kulin nation peoples here had collapsed, from tens of thousands of people to around 11 by about 1846. It was a total population collapse due to the genocidal intent. The intent was to wipe everybody out and replace an existing social order with another one.

This is where we come to the story of urbanisation. It is the processes of urbanisation that allows that to happen and create it in some ways. What then unfolded was a series of actions that we now think of as the tools of planning, architecture, landscaping and survey-

ing, all of which are familiar to people like us.

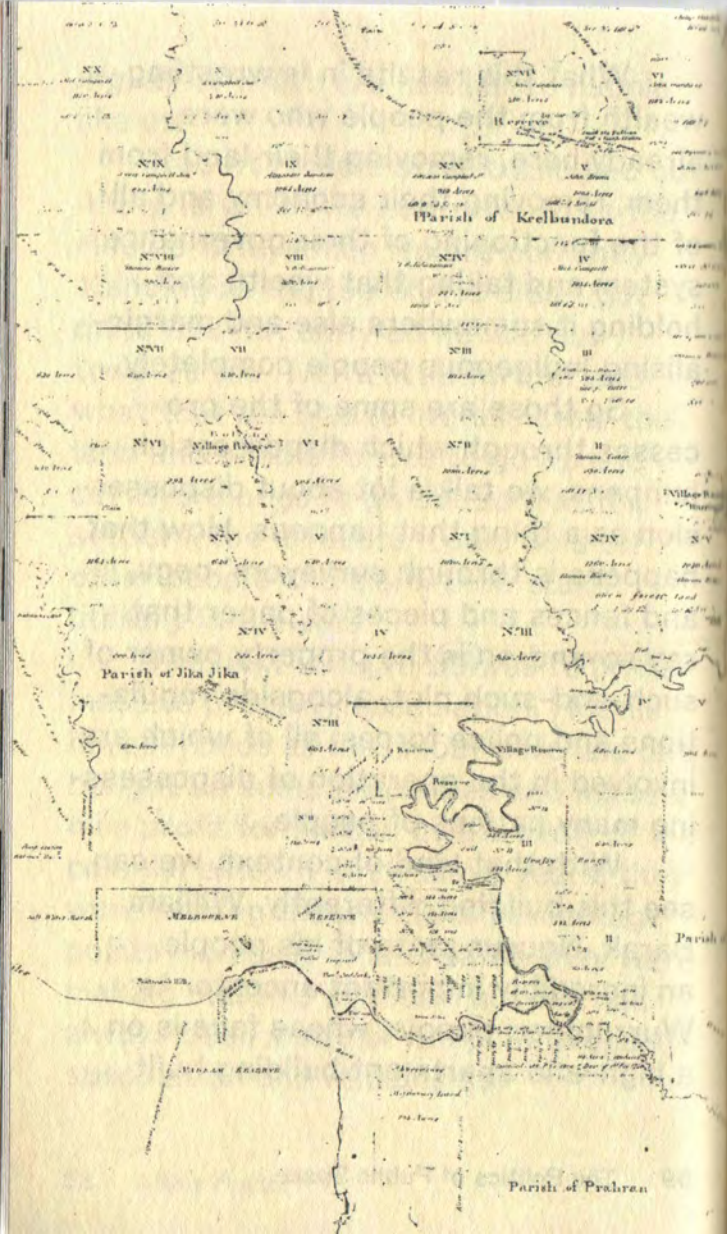
Robert Hoddle arrived and laid out the grid which we now refer to as the Hoddle Grid, which we are currently standing at the top of. He didn't get quite this far, early on he laid out towards the river a little further and what that did was to literally steal the land and enable fences to go up and surveyors pegs to go out so that the settlers, the invaders, could hold off other people and claim their stake literally in the soil.

The next thing it did was to invite massive property speculation. Hoddle himself, once all these lots were laid out, bought up some properties and made a nice profit for himself as did many of the colonial elite. In a few short years, they were making thousands of percentage points increases in land sales, they were making massive profits. This site has always been a site of rampant property speculation and remains so.

What this results in is wrestling wealth from the people who were already here, removing their land from them, removing their economy and all of the functioning of their governance system and taking that wealth and holding it somewhere else and marginalising Indigenous people completely.

So those are some of the processes through which dispossession happens, we talk a lot about dispossession as a thing that happens. How that happens is through surveyors' pegs, and fences and pieces of paper that say so-and-so is the property owner of such-and-such plot, alongside regulations and police forces, all of which are involved in the operation of dispossessing many nations of people.

With that kind of context, we can see this building differently. William Barak, Ngurungaeta of his people, an incredibly important ancestor to Wurrunjderi people, whose face is on a high-end apartment building built



Plan showing the surveyed lands to the northward of Melbourne. Author/Creator: Hoddle, Robert, 1794-1881. State Library of Victoria.

on his own stolen land over which his people never ceded their sovereignty. He looks towards a Shrine of Remembrance that refuses to recognise that this place was founded in war, and only recently celebrates and memorialises Aboriginal soldiers who fell in overseas conflicts on behalf of the Australian Nation.

If we turn for a moment to the contemporary context and ask who decided to put William Barak's face on the building? Were Wurrundjeri people involved? Were they consulted? Does it teach us something about indigenous history?

When the building was unveiled back in 2014, there was a public forum (Contextualising the William Barak Apartment Building) held at Federation Square. They had a panel of three Aboriginal and three non-Aboriginal presenters to discuss the building and what it signified for the city. The architect Howard Raggatt from ARM, Carey

Lyon from Lyons Architecture, Jefa Greenaway who is an Aboriginal architect and co-director IADV, along with Linda Kennedy a Yuin woman who has her own design practice and blogs about decolonising design, and Auntie Joy Murphy who is a Wurrundjeri Elder and descendant of William Barak. It became clear that there had been some consultation, even though in the early planning stage Barak's face or the Aboriginal heritage of this site was one of many possible heritage perspectives being considered by the architect.

We have not been able to get to who decided it would be a good idea to put William Barak's face on the building, but we have a feeling it was someone in the Grollo Family. The company went to the Wurundjeri Land Council and spoke to them about the possibility, I don't know what happened in that interaction. I wasn't there and no-one has ever really spoken about that at the panel event, but I think it was

possibly a rather fraught decision making process.

I can imagine that if you are a group of people who have been so marginalised from your own land for so long, to suddenly have someone who represents your people looking out over the city must have been a really extraordinary recognition, that you are here. So I can imagine, and indeed it was reported in the media that the Wurundjeri Land Council were in favour of the building, as it was seen as a recognition that 'we are here, and we have always been here'. That recognition must feel like an amazing thing to achieve.

What then happened was a really interesting debate. If you think about the word recognition, because we talk about recognition a lot in relation to Australia and settler colonial contexts, and we talk a lot about its relation to land rights in places like Melbourne.

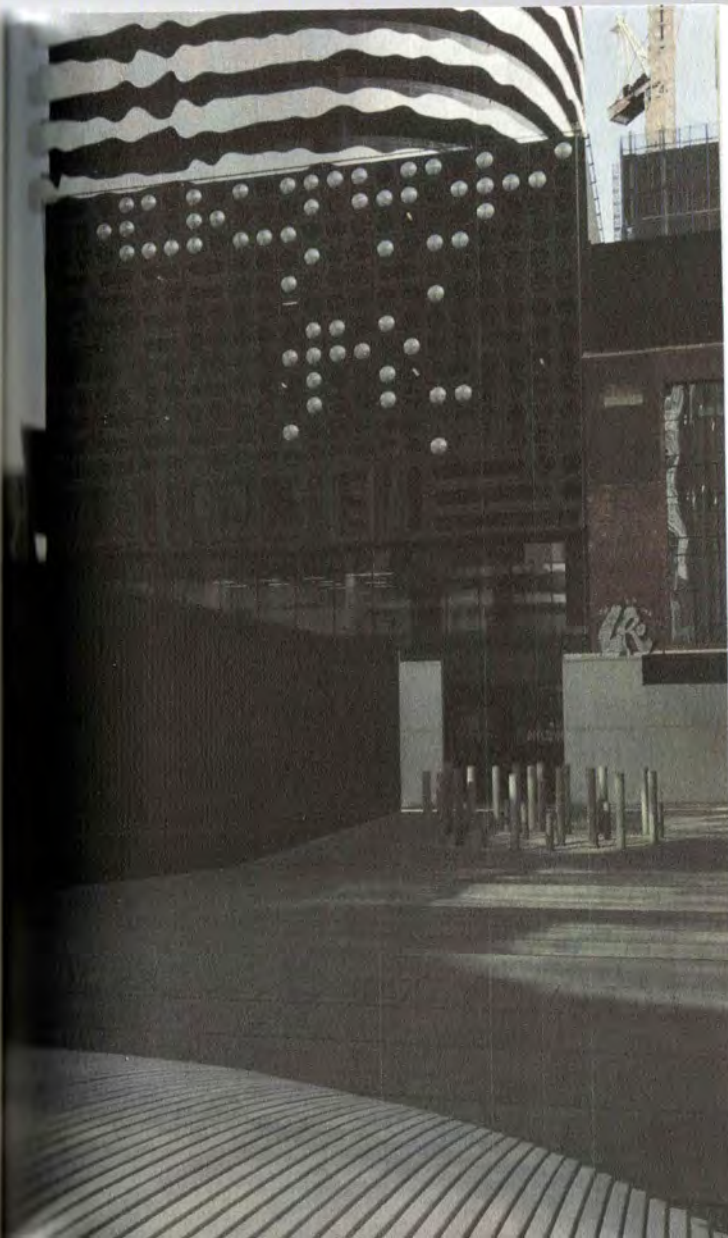
Recognition has two meanings, there is a recognition in the sense of

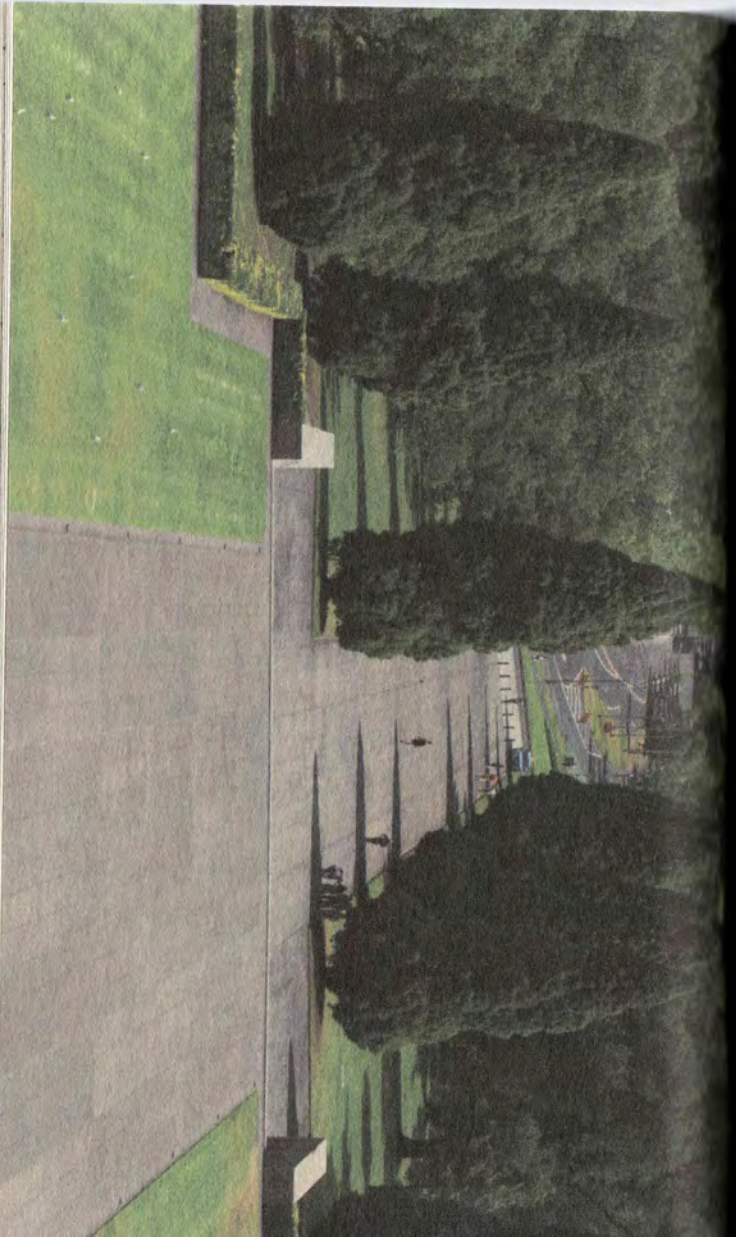
familiarity – if you looked up my website, saw my photo and you recognised me when I arrived for example. So you have some familiarity with something and you can recognise it. Then there is recognition in the sense of legitimacy, such as recognition of Indigenous land rights.

So on the first type of recognition, Aunty Joy Murphy said she can't recognise her own ancestor on this building, it doesn't look like him, and the Architect said something quite extraordinary. He said it doesn't matter that it doesn't look like him, because actually, it could be anybody and then he named three people that he thought it might be interesting to in his terms "invite conversation about the building". He said it could be Che Guevara, it could be Karl Marx, it could be Jesus Christ, the point he said is to invite conversation. At which point there was a lot of dropped mouths and stunned looks on the panel.

Another thing about recognition is most of you didn't really know who he was, and if I said that name to you, William Barak, you probably wouldn't be able to say who that was because we don't know, in the wider social settings and public discourse who this man is. We don't talk about the history we touched on earlier really at all, and the building itself doesn't invite you to find out.

Has anyone been inside the building or inside the Malt House? If you go in the foyer all you learn about is the brewery history, macho Australian beer culture, very male-dominated. You don't get any information or interpretation, and certainly, no Wurundjeri controlled interpretation allowing Wurrundjeri people to tell their story of this incredibly important man, and why it is meaningful to have his face on this building, there is nothing at all. Except, if you notice the silver discs,





right underneath his chin, if you can see from here, wrapping round the carpark. Those silver discs spell out in braille, "Wurundjeri I am who I am". I don't really have anything more to say about that – braille, utterly meaningless two floors off the ground and so large it means nothing. It's architectural flimsiness, trying to make a statement without making any statement at all.

The broader question is about what is it that we are recognising when we render an Indigenous person's face on the front of such a building. We are doing the opposite of recognising, if recognising makes something visible and it makes a statement about something in a way that we can access deeper meanings of identity and belonging. It deliberately turns our attention away from the history of dispossession that allows the building to be built in the first place.

It hides the extraordinary levels of wealth that have been ripped out of that site and recirculated in the capitalist economy by property developers, architects and governments. It hides all of that and wraps it up in a palatable statement about Indigenous recognition as a way of making something safe without allowing anyone to ask deeper questions about what is going on here. It is not about visibility or representation or actual Indigenous presence in the city at all, it is about obfuscating the processes of colonisation that enable all of us to be here and move through the city and never once think about how we are implicated and how we are responsible for this place as Wurundjeri Country according to Wurundjeri law.

It never once asks us to do that, and it never once asks us to think about who benefited from that dispossession, because actually all of us do - we are in public space out here to talk about it.

But also who benefited in terms of the speculative wealth generated from that site, it hides all those kinds of questions.

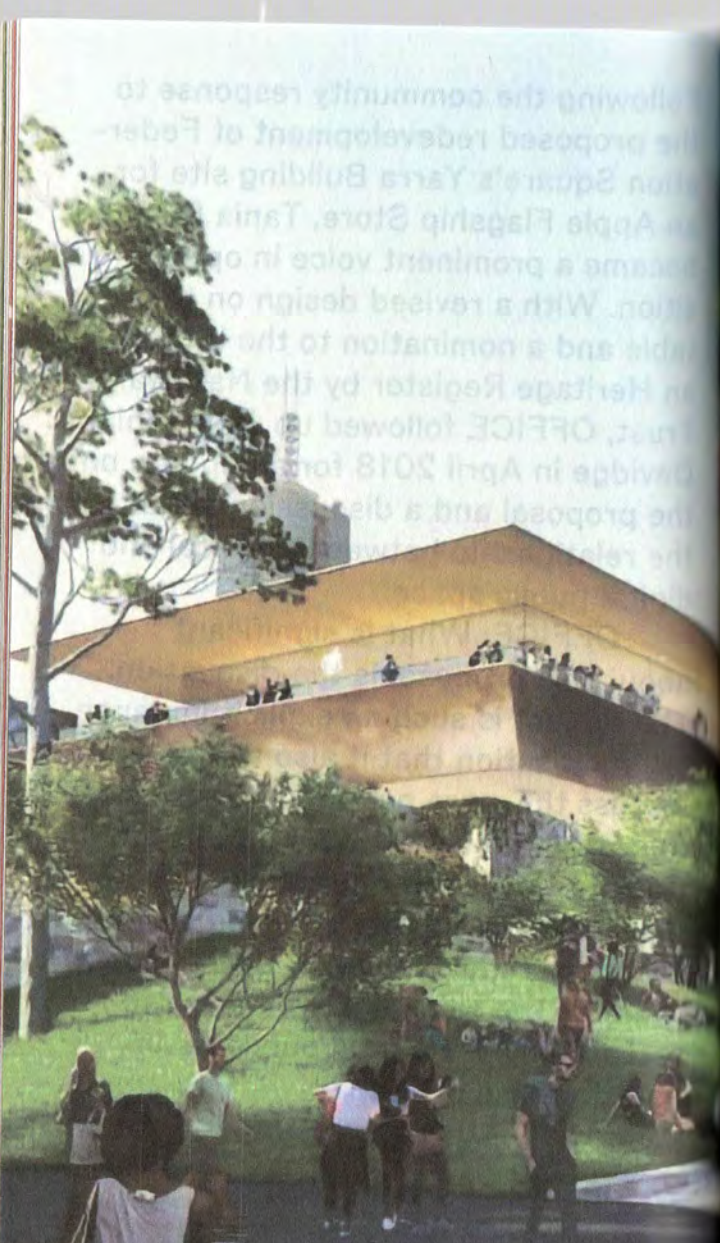
What I want you to take away from this is to think about this building with this image of this man, who was once rendered so incompatible with this city he was thoroughly marginalised pushed to the edges, his body and all the bodies like his, is suddenly now colossally large at the apex of the spine of this city looking toward an imperialist nation-building project down the other end. Think about how this does not mark the end of colonisation, it teaches us how colonisation remains utterly present in our contemporary lives and continues to hold up our ability to be here in this space right now in this city at this time.



Tania Davidge
Federation Square, Melbourne
25 April, 2018

Following the community response to the proposed redevelopment of Federation Square's Yarra Building site for an Apple Flagship Store, Tania Davidge became a prominent voice in opposition. With a revised design on the table and a nomination to the Victorian Heritage Register by the National Trust, OFFICE followed up with Tania Davidge in April 2018 for an update on the proposal and a discussion about the relationship between physical and digital public space.

OFFICE: What is significant about this proposal is the discussion. The project is such an explicit instance of privatisation that it also allows us to discuss the more pervasive forms, those that often go unnoticed. There is an existing tension in Federation Square that has been further revealed by the proposed redevelopment. Social media is key to the campaign, you are also researching the digital public realm, how do these overlap?



Following the community response to the proposed redevelopment of Federal Square's Yara Building site for an Apple Flagship Store, Tania became a prominent voice in the community. With a revised design on hand and a nomination to the National Heritage Register by the Trust, OFFICE followed the lead. In April 2018, the proposal and a design plan for the site were presented to the public. The public response was overwhelmingly positive, with many people expressing their support for the project. The project was ultimately approved, and the building is now under construction. The public square in front of the building is a vibrant space, with many people walking and sitting on the benches. The building's cantilevered upper level is a striking feature, and the green hillside in front of it is a beautiful addition to the city's landscape.

Tania Davidge: When we discuss aspects of the city we usually refer to a specific location. I'm interested in the public sphere as a space where we enact our citizenship, where we have a voice on public issues, not only as a physical location. The public sphere might include physical locations but it's importantly discursive, so it might include writing an article in a magazine or discussion on a blog for instance.

Part of my interest in the definition of public space relates to the question of whether the social digital platforms, where many of us are now interacting, can be considered as public spaces. Platforms such as Twitter, Instagram, Facebook, LinkedIn, Snapchat, all of which are privately owned and for profit, have all enabled certain positive public outcomes. Of course, there have been negative developments and it should be noted, we are now seeing an exploration of the role that regulation can play.

So, are these social media spaces truly public spaces? Sonia Livingstone, a media theorist at the London School of Economics, thinks that the public nature of these platforms is fluid. Often people are described as either part of the audience or as a participant – a public. In this delineation, audiences are typically defined as passive, and publics as active. And you are either one or the other – it's often viewed as a binary relationship. But it is not as simple as that. Sometimes we are part of the audience and sometimes we are public participants. And then we need to ask ourselves if the participants are acting publicly, in the open, and if they are acting for profit. All of these questions play into whether we define these digital spaces as public spaces. Physical public space is similarly complicated. When we think about public space in this way, we can see that public space, be it real or online, is complex and fluid. It is negotiated, defined and disseminated



▲ The Yarra Building, Federation Square Photo by OFFICE





by the voices that engage with it — be they the producers or audiences of that discourse.

OFFICE: Questions then arise as to how we engage in this? What are we comfortable with? These questions are analogous to those around physical public space, for as you say, it's only public when we engage with it and talk about it.

TD: Public space is not made by architects, landscape architects, engineers or politicians. It is made by the people who participate in it. Public space is socially produced and the built form (or the digital platforms) provide the framework for participation. The Apple store is a physical manifestation of these issues playing out. The Apple store is a for-profit platform, so we need to ask: where is the public in that space, who makes the decisions and who has a voice? We can see questions around corporate citizenship, the privatisation of public space and civic

responsibility currently being asked globally, all feeding into this conversation.

OFFICE: We want to be able to define the terms by which we engage with these spaces whether physical or digital. Can social media services such as Facebook truly facilitate this conversation?

TD: All of these conversations around what is public and private, whether in the digital realm or in the physical, add up to the development of broader and hopefully more nuanced conversations. An outcome that holds no interest for me is the privileging of a single voice or a narrow range of opinion. A more interesting outcome is hundreds of voices, over time, beginning to change discourse and shift culture.

This is where digital platforms are really significant in that they enable people who wouldn't normally have a public voice to build and develop one, and add their voices to others.

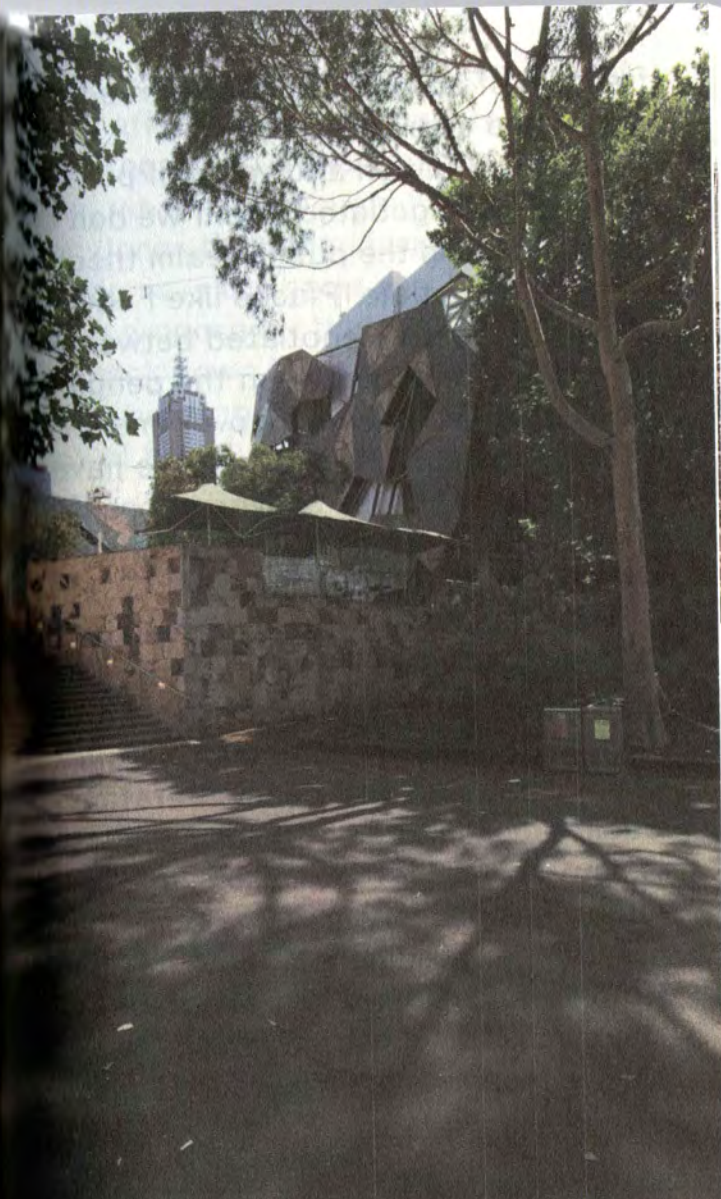
OFFICE: Defining public space can

be incredibly difficult, Michael Sorkin in his book 'All Over The Map'¹ comes as close as any by establishing three key criteria:

1. Freedom to assemble
2. Freedom of access
3. Freedom of use and expression.

Do you think Federation Square meets these?

TD: I love these criteria, but currently being part of a very grassroots community campaign makes me think that these criteria seem very idealistic, although they do provide some excellent guidelines. Public space is contextual, it is defined by the culture and the values of the society that surrounds and defines it. For example, the public space of Tiananmen Square is very differently understood to that of Times Square or Trafalgar Square. Plus, we need to remember to ask ourselves: Whose freedom to assemble, whose



freedom of access and whose freedom of use and expression?

The definition and value of public space is negotiated and if we don't have a voice in the public realm then we can't negotiate. Places like Federation Square are negotiated between private interests, between the people who use it and between governments (local and state in this case). We have to take part in these conversations if we want to participate in determining the shape and the form of the city.

OFFICE: Part of the reasoning for the Apple Store is to improve aspects of the square that don't work, such as the lack of connection to the river. What does the ideal Federation Square look like? Does it remain as it is now, or does it require some of the alterations put forward?

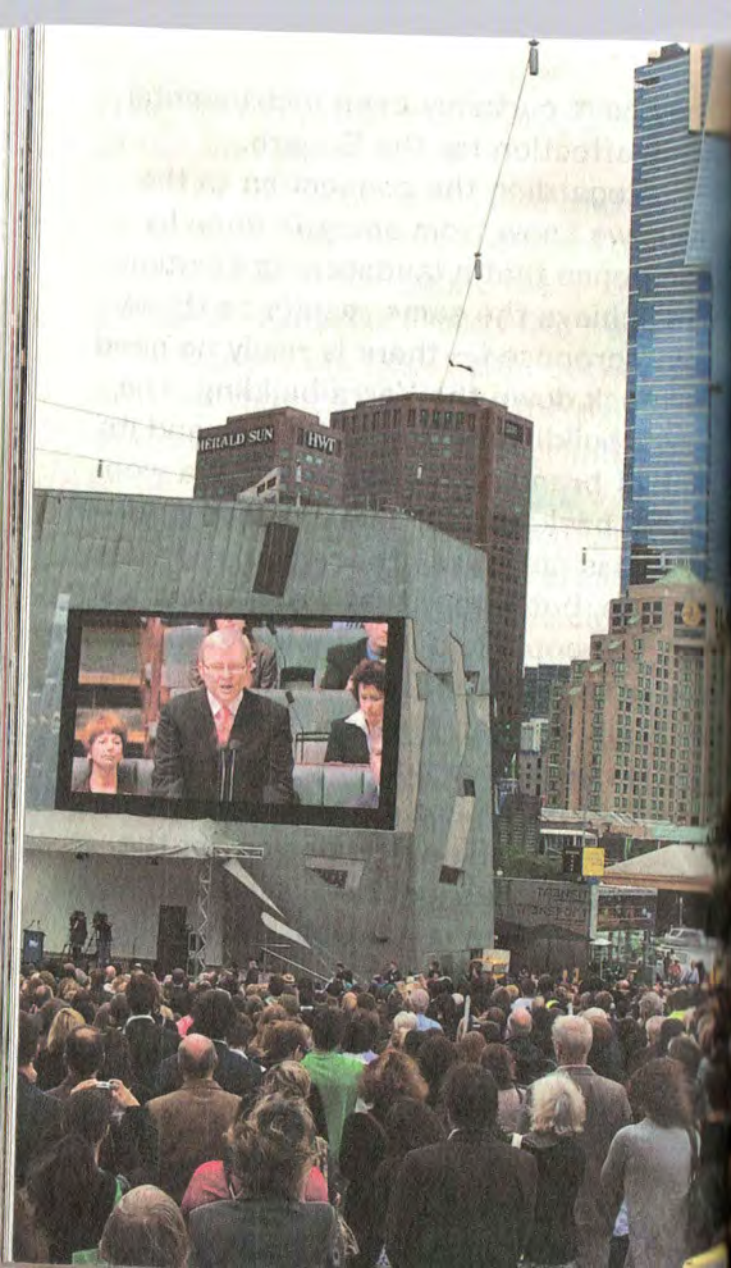
TD: No building is without its flaws. However, people are very adaptable and sometimes these very flaws help us build affection and connection to place.

They have certainly been instrumental in my affection for the Square.

Regarding the connection to the river, we know from analysis done by Ron Jones that a landscaping solution can achieve the same results as those being proposed – there is really no need to knock down the Yarra building. The Yarra building holds the Square and its lack of branding means that it is a wonderful backdrop for public activity. All of this is not to say that we are against change, but rather that we see how we talk to people and stakeholders about the proposals that impact public space as really critical. We need better processes and more nuanced conversation and discussion around these issues.

OFFICE: The new design for the Apple store has just been released, can you update us on what's changed in regards to your campaign?

TD: The main change to the discussion has been the National Trust nominating Federation Square to the



▲ Work Choices Rally at Federation Square, photo by David Simmonds

Victorian Heritage Register. Although we have a lot of built environment expertise as part of our team, we're also really concerned with the social and cultural significance of the Square. People gathered there to protest the invasion of Iraq in 2003, to watch Kevin Rudd's Apology to Australia's Indigenous peoples and for regular cultural and sporting events. Although social and cultural significance is more difficult to evaluate, it's about acknowledging these social histories and people's stories that connect them to place. Federation Square is only sixteen

years old, so this nomination raises questions about what forms a contemporary understanding of heritage might take, about Fed Square's role in the city and how this role is determined. Most people think about heritage in terms of bricks and mortar — the object itself. But social signifi-

cance and social connection to place is very important. Often when a heritage building is renovated the physical fabric remains but the building loses its soul. How do we maintain the social value of our important places? Fed Square is such an important nomination to the Heritage Register and it has the potential to change the way we understand heritage and the public space of our city.

Postscript by Tania Davidge:

Heritage Victoria accepted the National Trust's heritage nomination and recommended to the Heritage Council of Victoria that Federation Square be listed to the Victorian Heritage Register under six of the eight heritage assessment criteria.¹ This recommendation is currently being assessed by the Heritage Council of Victoria and an announcement regarding Federation Square's Heritage status is imminent. In February 2019,

during the heritage assessment period, Fed Square management (Fed Square Pty Ltd) applied for a heritage permit to demolish the Yarra Building and build the Apple Flagship store. Citizens for Melbourne facilitated over 2,300 submissions opposing the permit. In total 3,418 submissions were received – a record number. On the April 5, 2019 Heritage Council of Victoria refused the permit. In light of this decision Apple announced it would no longer seek to build a flagship store at Federation Square and the State Government announced a review of Federation Square's finances, governance and vision which includes community consultation – truly a win for the people of Victoria.

Notes

1. Sorkin, Michael. *All over the Map : Writing on Buildings and Cities*. London New York: Verso, 2011
2. The Executive Director of Heritage Victoria recommended Federation Square for inclusion to the Victorian Heritage Register as important to Victoria's cultural history (Criterion A), as being an outstanding example of a public space (Criterion D), for its architectural and aesthetic quality (Criterion E), its high level of technical achievement, for its social and cultural significance (Criterion G) and for its association with people who are important to Victoria's history (Criterion H).
<http://heritagecouncil.vic.gov.au/heritage-protection/criteria-and-thresholds-for-inclusion/>

Tom Andrews & Peter Chambers
Bourke Street Mall, Melbourne
24 July, 2018



Following their article on the city-wide implementation of concrete bollards in response to both local and international vehicle related terrorist attacks, Tom Andrews and Peter Chambers published *Never Mind the Bollards*. This interview took place on 24/07/18 following their lecture in Bourke Street Mall. The interview gives a general overview of the issues at stake in the implementation of the concrete bollards around Melbourne. From the events that caused their initial use, the policies, and the subsequent reclamation by the general public through encouraging forms of art. All of which is foregrounded in a historical understanding of violence and vulnerability in public space. The concluding network of issues and policy gives a problematic answer to what is public space in the contemporary city.

OFFICE: On first look, temporary bollards seem pretty innocuous and it seems like a strange topic for legal

academic and a criminologist to collaborate on. Why bollards?

Peter Chambers: I have a theoretical interest in background conditions: the things which are withdrawn from direct attention, but which are nonetheless constitutive or enabling or which shape how we live with one another, as well as how the way we live with one another is imperfect, but in definite and specifiable ways. That leads to a methodology of asking how things appear as they are, and how do the things that disappear come to be. When you think about concrete blocks across the CBD, it both implies and expresses a whole politics of securitisation which ramifies through a number of different fields, such as cultural, legal and political fields, and for us is very much to do with insurance. I'm really interested in things which are both systemically present and subjectively absent in the city, from the point of view of the selectiveness of human attention.

Tom Andrews: My answer is less about the theoretical orientation and about how we came to notice bollards. Peter and I were having a conversation about the risk of being run over from behind while riding bikes, at the time when there was an increase in car attacks that nominally fell under the heading of things done by people either directly or indirectly associated with Islamic State. What we had come to realise was that there was something theoretically similar in the way in which pedestrianisation, roads, and city spaces seemed to produce this vulnerability. The starting point wasn't bollards and securitisation, rather, it was to rethink the political relations between different users of the everyday dimensions of the city. For instance, if you start from a position of mutual but asymmetrical vulnerability, rather than harm.

PC: Once we started looking at the bollards and doing some very early pieces around it for workshops, peo-

ple's attention drifted to bollard. So we would start by saying "why are there these brutalist concrete cubes all throughout the city? What is the problem? Why is that problem a problem? What do they assuage? What and who do they address? Who or what did the bollards address, and how do they address their public and who or what are their publics?"

I always partialise and pluralise this idea of publics and say that there's a point of mediation there – no different to architecture or street art or graffiti or any form of publicly installed thing. Each addresses you, makes claims upon you, and also solicits you, and, maybe interpolates you into a set of relations. You're supposed to look at the bollards and feel reassured that maybe the City of Melbourne and the State Government are doing something, even though there's a spate of urban car attacks, the governments



utilise the bollards to put forward the message “we are assembling things in a very definite and concrete way, so you can feel safe”.

Straight away my attention goes to capitalism, I think back to 9/11 and the week or so after when Bush II was saying “Get down to Disney World in Florida. Take your families and enjoy life, the way we want it to be enjoyed, so after 9/11 the stock market is tumbling – and business confidence is really what is central to it – so political economy really matters. There are questions of consumption, and there are political and normative questions about public address and the publicness of spaces, putative publicness, how public are they are, et cetera.

And then people would just say “but what about bollard? Isn’t that interesting?” Since the 1990s with cultural studies, there’s definitely a reification of, like, low-level petty street forms of resistance insofar as if the

government installs something and then you paint on it, and this comes from Michel de Certeau, and certain kind of readings of parts of Foucault, that somehow resistance or contention demonstrates the presence of politics in the city. On the one hand, you have bollards which demonstrate a securitisation process, but don’t worry it’s okay everything in Melbourne is vibrant and interesting still because of ‘street art’. What was troubling for us was that, in a sense, the bollard was precisely what removed the objectionability of the objects themselves. People have a problem with bollards, but you paint them pretty colours and then it just shows what a great city Melbourne is, and you can put it on Instagram.

OFFICE: Back then to de Certeau, is bollard a strong tactic of the weak, or a weak tactic of the weak?

TA: I think it’s also a strong tactic of the strong? After all, it demonstrated the capacity for crochet to hijack a

conversation about politics... I wanted to understand how bollards actually do the work that they do. Why were we talking about crochet rather than politics? After all, at the same time there are a series of announcements from State Government and related stakeholders, so the City of Melbourne, Victoria Police etc, which announced decisions to turn a blind eye towards those selfsame practices that in any other context have been heavily criminalised by the very same actors. As soon as the cops tell you to go ahead and graffiti something, my radars are up! This is precisely what they want to happen.

OFFICE: The City of Melbourne and Victoria Police had a similar response to bollard as to Hosier Lane, they see cultural capital in allowing street art, in certain places, to play out?

TA: Hosier Lane is kind of a permissive space. But it was more an amnesty with the bollards than permission. To my mind, that's a different

mode of governance. The cops said "we won't charge you" rather than "you're allowed to do it".

The main objection to bollards, playing out through the press, was that they're ugly, and so the beautification practice was able to offset their incursion into the city. The most popular one was this Lego rip-off of the I Heart New York logo, which was in two senses a perfect lure. Firstly, it enabled the deflection of complaints into the aesthetic realm: "I don't like them because they're ugly; we shouldn't have ugly things in the city". Secondly, in terms of thinking critically the temptation – which we saw being given into – was to discuss the beautification rather than what was beautified.

PC: One thing that I wanted to add was that bollard conscripted the public into a securitisation process, and in doing so it nullified any possibility of raising the contention that maybe securitisation of urban space was pre-



▲ Bollart at Federation Square, photo by OFFICE



cisely the problem. With the graffiti and street art, it's really about public authorities saying "you may do this thing which is normally something which is transgressive", and everyone thinks it's great.

But no, you're part of a securitisation process now. This points to the absence of politics in the polis.

OFFICE: So moving on from the bollart as a force to conscript the public into securitisation,

the bollards were reported as a direct response to the Gargasoulas attack, but the timeline is more muddled than that. Do you want to unpack the timeline for us?

PC: I would just start in January, I was down the beach when the Gargasoulas attack happened so it's something which came to me via my phone and then the next day via the newspaper. That is to say that there was this real distance to the event for most people. I don't think that there was a punctual

or precise reckoning with how horrible it was. It's really a horrendous crime, from a legal point of view by best reckonings it's probably the most complicated criminal case in recent Victorian history. We've got to be sceptical about that claim until it plays out, but it is something huge and complex, and real and visceral for those people involved, but for most people – myself included – because of when it happened there was this strange hazy distance to the whole thing.

TA: I remember listening to it on the radio, and just hearing these little snippets of a car chase which had been going since 3 am and a gradual ramping up of intensity. At the time, the details were kind of background noise, in their own way slightly, oddly, comedic. The cultural semiotics of the "doughy" and the Commodore had a sort of familiar sound from growing up in the country, that said, "it's not terrorism". It was only later when news came that he'd

swerved down Bourke Street Mall and multiple people had died and the significance of the injuries, that the horror shone through clear and unexpected.

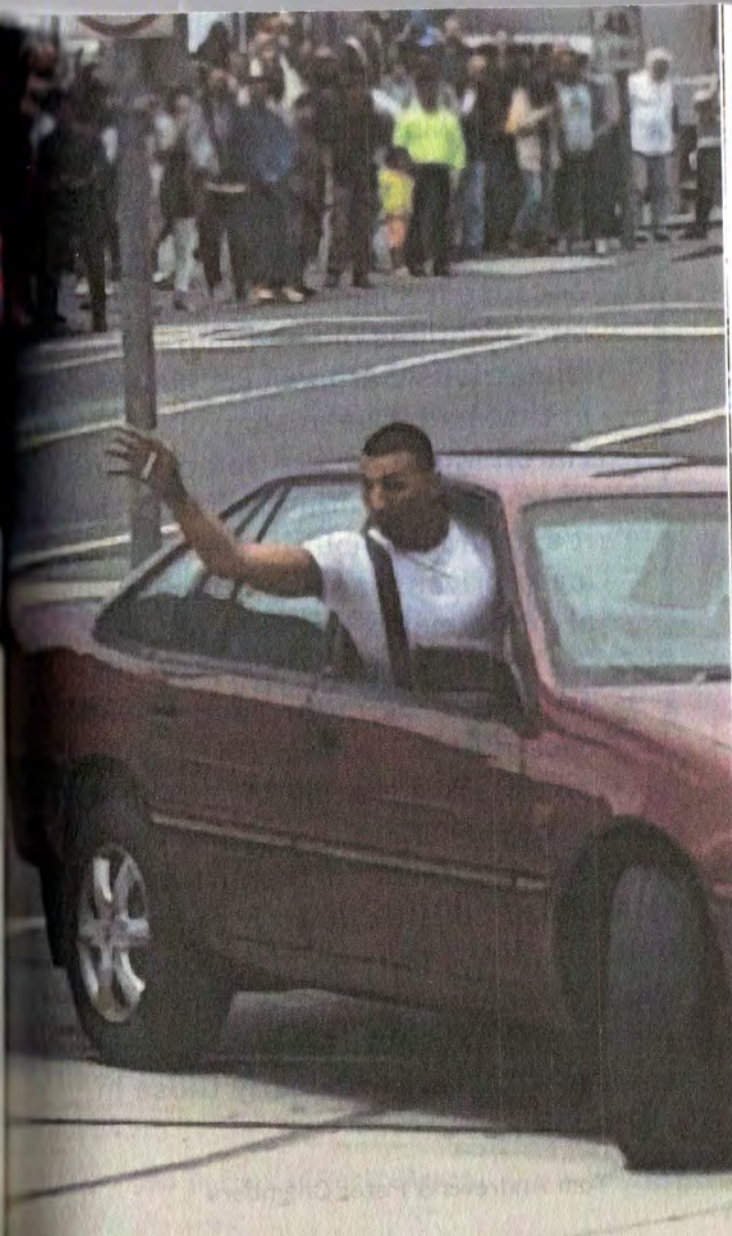
OFFICE: In response to these and other forms of violence committed in public space, the media has often been over-simplistic and resorted to blaming the 'other' within society, what was the media's response to these attacks.

PC: There was a piece by Jeff Sparrow¹ which was really spot on, and was to say that firstly there's a distinction between the people who are present, and the people who were absent but involved in the events in a mediated way through the news and social media. In actual fact, people in the CBD that day behaved with incredible decency towards one another. This forces us to think critically about assumptions we have about living in a city of strangers where people don't





▲ Car used in the Bourke Street Mall attack, photo by Justin George



assist one another, but that these relationships have warmth and trust and exist in spite of everything. Secondly, the fact that there was no broader resonance, precisely because it's jammed through the complications of the figure of Dimitrios Gargasoulas himself, in that had it been someone like Haron Monis, where you can kind of frame that within this idea that it's a madman, but it's an ideologically driven madman, the portrayal in the media would have been vastly different.

TA: That's super interesting because I think what Sparrow is getting at is that had Gargasoulas been in any meaningful way frameable as an Islamist terrorist then it would have called bollards down from the sky. But, and this is the important thing about causality, the attack didn't on its own. It was only with subsequent ISIS-inspired attacks, particularly those in

London, that retroactively energised this whole field of security. Cause and effect have to be defended here.

OFFICE: Do you want to talk us through what exactly the function of the temporary bollards is?

TA: We've carried on the conversation so far that the things that are called bollards actually are bollards. We need to introduce what, exactly, the concrete cubes are. They're not actually a specialised security device, instead, they are counterweights for marquees at large corporate events, including ironically the Grand Prix Road Race, as well as the Cadel Evans Road Race. These are multipurpose concrete cubes that have been repurposed as a temporary security bollard. The kicker here is that according to some mechanical engineer's estimations if you were to run a small sedan into them at 40 kilometres an hour, the speed limit in the city, the bollard would slide along the bluestone paving of the Bourke Street Mall.

PC: The thing which we came across which was one of the most perverse findings was that this thing which was about reassuring the public that the city was safe to go shopping, objectively increased harm: these things can become projectiles.

TA: There is this great series of photos that the Commonwealth government's security design contract published, of a blue 1990s Hyundai Excel hitting a similar, but slightly different, style of bollard. The car gets launched into the air and then the bollard shatters into fist-sized chunks that get launched as projectiles.

PC: It's a circumstantial thing. Maybe they would slow down a Commodore and maybe they would slide, but you just have a different distribution of injury. It's not addressing the problem. If the problem is children being run over and killed by crazy people in Commo-



dores, the bollard doesn't solve that problem, if that's the design you're looking for. But as long as we have bollard then at least we're you know having a public discussion about it right? I'm drifting into cynicism...

TA: You have to understand the multiple publics at work. Bourke Street is a public space of a kind. But it's also, precisely, not a public space of another kind. So how do you approach the task of determining precisely how it is made public? It's not just through ingress and egress but also through an idea of public address. Ownership and access on the one hand, but also communication on the other: the street becomes a forum. The bollards communicate not only to people "it makes us safer, therefore, we don't feel bad about shopping in the Bourke Street mall", notwithstanding the fact that service vehicles can and do access the space with impunity.

PC: If you look at the location of the bollards, Fed Square, in front of

the State Library and also at the corner of Southern Cross Station, they are located so tourists and especially tourists from regional Victoria get off the train when they come into the city and they are like "oh there are bollards, we're safe". This instils the idea that there is a responsible government and they exist, and they're responsive to our anxieties and look how they're addressing them.

OFFICE: So the bollards don't keep people safe from car attacks, rather they are more concerned with confidence, whether that be in the government or their ability to shop at Zara, so what work do they perform?

TA: The general point we need to make here is that risk and capitalism have always hung out together. Anyone who makes anything, in a productive sense, has a vested interest in minimising risk. The first risk mitigation contracts were options for agricultural crops, so you lock in a price which



is lower than perhaps it might be, but regardless if the crop fails you can claim the intermediate price from the buyer because you've locked it in early. This relationship between building things in order to sell them and trying to find ways of governing the risks of a complex world have got a long history.

What we found is that there's one antecedent series of events that's perhaps more important in terms of setting up a financial infrastructure for dealing with mass terrorism. And that was the bombing campaign of the Provisional Irish Republican Army in the early 1990s against the City of London. At this stage, the bombings caused mostly property damage, and loss of income rather than loss of life. The IRA had been bombing for a long time and they got good at it, so I share Mike Davis's terror at the capacity to pack a lot of explosives in or reasonably small area! But there are two things that converge in the early 1990s in London: one

of them is the ready availability of high-yield inexpensive explosives, through the use of fertiliser, and the technical know-how to combine ingredients in such a way that you can increase their destructive potential.

PC: Thanks to Hezbollah, they're the real innovators here! Davis argues that Hezbollah developed the technology, really refining it, and then taught it to the Provisional IRA.

TA: These forces converge on London in the 1990s, after the IRA had worked out that bombings with mass casualties were a bad political tactic because they pushed their political objectives further away through that violence.

Their innovation at the tactical level wasn't so much the ammonium nitrate bombs, it was the targeting of them, which was to bomb the City of London and bomb finance and insurance buildings which had sprung up in the 80s and 90s. These buildings have

glass facades, they've got car parks underneath, they are generally unoccupied at 3 am. You can literally bomb the physical manifestation of capital. The series of political responses, tactically, that both the City of London and the London Metropolitan Police security services etc have worked out, have lasting impacts in London today. The first was the insurance industry starts to respond to terrorism in a much more serious way after those early bombing attempts. The second is that the City of London itself starts to develop securitisation practices in order to lower the risk of terrorism happening. The congestion charge in London for example, comes from this, by lowering the number of cars in the city it enabled the cameras in the City of London to track cars. It had nothing to do with reducing traffic.

PC: Reducing traffic is an obvious benefit, but it was about monitoring traffic. But finance capital was why

that tax was brought in: it's a screening function.

TA: Then 9/11 happens. What surprised us when we looked at insurance markets after 9/11, was that the insurance industry had suffered a series of reasonably large losses in the lead up to 9/11 in completely unrelated portfolio areas. There were a series of big storms and parts of Europe had flooded, so if you think about all of the money which needs to sit in the insurance market in order to pay out damages, then 9/11 happened at a low point.

PC: This is where Bush II, saying 'get on a plane and take your kids to Disneyland' comes back, because the NASDAQ was volatile and the whole thing could go down. Now we get to this second order of risk. So, it goes from being about having actuarial models, to "is a global insurance market itself insurable?", or "is the whole thing just going to collapse?" and "do we have a crisis not just of insurance



and insurance markets but of insurability?”.

TA: I don't know if you remember that period of time but there was a live expectation that mass casualty bombings were the new normal. The issue for the insurance market wasn't so much that 9/11 was expensive: they deal with expensive things all the time. The issue for the insurance market was this ambient risk of terrorism, meaning that in the event that there was a follow-up attack, perhaps there wasn't enough money in the jar. And everyone might be left holding their own can. You need to think of the distribution of risks through the insurance markets as a social practice, it is the way by which our particular culture has generated a “we are all in it together” mode of dealing with traumatic events.

There are a few things an insurance company can do to deal with increasing

costs. One of them is to redo the actuarial models, which is a longer-term costing strategy. Another might be to simply raise the prices for particularly risky enterprises, or, to step out of that market altogether. A third might be, and we know this from firefighting, you can introduce regulations and oversight to reduce ambient risk. Metropolitan Fire Brigade is largely funded by the fire insurance levy. They have the dual responsibility mediated by insurance, of dealing with and preventing loss/damage, and we can think of terrorism in the same way. The MFB conducts inspections on properties to ensure that they comply with the regulations.

Moving on from that background, 15 years later and there's a different series of risks. Mass casualty bombings tend to be a statistical anomaly: 9/11 is an outlier in the context of what most terrorism actually looks like. The ISIS tactic of distributed networks of people, including those with mental illness

and other problems, as well as the tactic of using cars to perform an attack, and then using mass media to amplify the effects into something which has the same kind of political potential but at a lower cost to life and bottom line.

OFFICE: And that goes to the tactic of IS of just claiming attacks as something they have orchestrated, even when there is no evidence of their involvement.

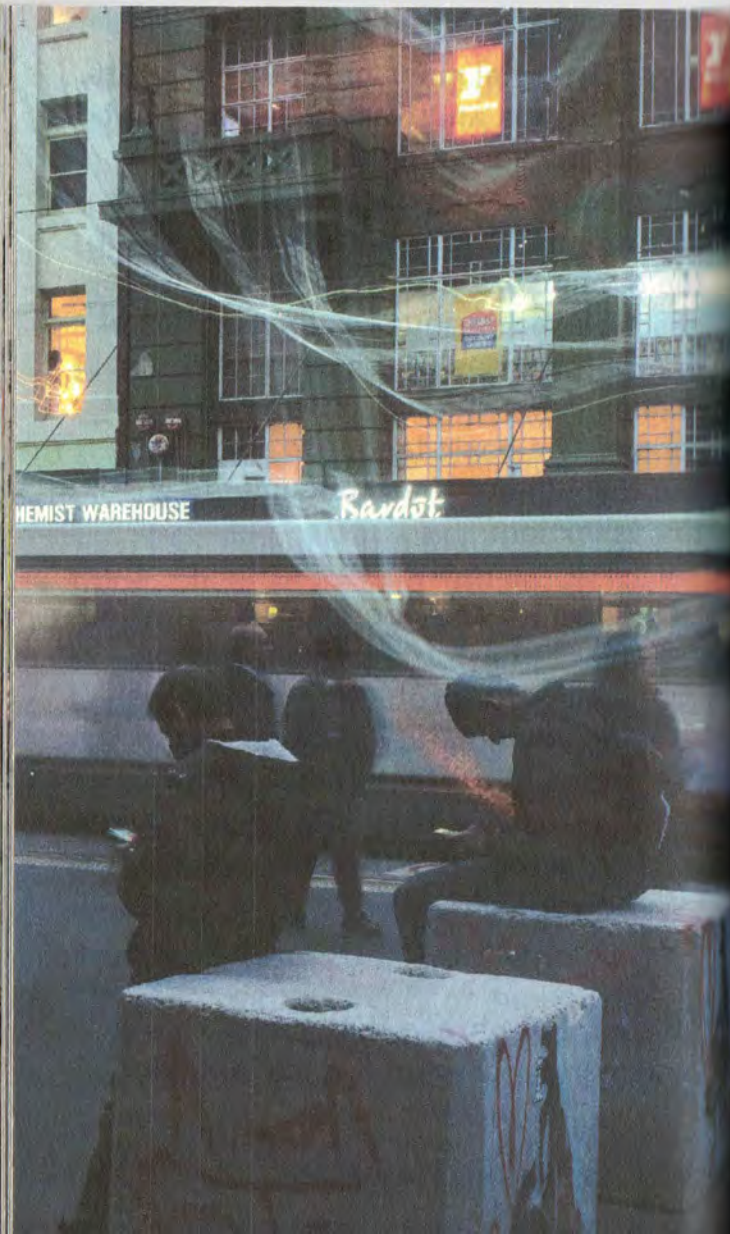
PC: Which is the Man Haron Monis thing, because he said "Allahu Akbar" does that mean he is a member of IS? From their end, IS benefit virally from that strategy.

TA: Around the time of the Gargasoulas incident, a high-level group of representatives from States, Territory, Commonwealth and New Zealand governments, along with representatives from the security services, and from the police departments of each of those jurisdictions met to produce a series of documents to deal with car attacks and

other potential mass casualty incidents. The Australia and New Zealand Counter Terrorism Commission (ANZCTC) produced a series of reports outlining strategies. What's really curious about the documents is the way in which they describe the various responsibilities of different parties who have an interest in minimising the risk of vehicular terrorism. The basic language that they use throughout these documents is the assertion:

'Owners and operators of crowded places have the primary responsibility for protecting their sites, including a duty of care to take steps to protect people that work, use, or visit their site from a range of foreseeable threats, including terrorism'.²

This kind of phrase that seems really innocuous, but what it does is it picks



▼ Bourke Street Mall, Melbourne, photos by Tom Anderson

up on principles of what we call in common law countries, tort law. Tort Law is about various forms of civil wrongs and first amongst them is negligence.

What the tort of negligence was designed to deal with in the first instance was manufacturing commercial foodstuffs. After *Donohue v Stevenson*, a case brought by a woman who fell ill from gastroenteritis due to a snail in a ginger beer bottle, the law reflected the proposition that basically says that if you can foresee that the conduct you engage in risks harming someone, then you owe that third person a duty to take proper care.

PC: So, foreseeability is important and duties of care to do and forbear in some kind of way.

TA: This is the language of these new counterterrorism strategies: if you own or operate a public space, for example, Federation Square for

which isn't a public space in the sense of it being publicly owned but it's operated by a private company.

OFFICE: So it's pseudo-public space?

TA: Exactly, the byzantine way in which those legal relationships are structured is part and parcel of unpacking the distinction between public and private. But here the ANZCTC simply say if you "own or operate a public space". Meaning if people visit your premises which are under your effective control, you have the responsibility to minimise harm, and by saying that vehicular terrorism is foreseeable, it then means that basically every private entity which is responsible for governing places accessible to the public has the primary responsibility of performing the low-level environmental policing duties in order to protect the public from vehicular terror.

PC: So if the public was recruited

aesthetically and semiotically into the securitisation process through bollart, the insurance markets and also corporations responsible for taking steps to address foreseeable risks are likewise recruited in a security assessment process by saying "your response you need to tighten your rigging, you need to take adequate steps, and if you don't, you know, your arses are in the wind".

TA: It reveals to us that there's a public and a public: just because something appears to be "public" doesn't necessarily mean that it is. Secondly that these kinds of regulations constitute different publics. There is a public of security professionals, they work together, read each other, PhDs who go to the same conferences, who think through environmental design issues as insurance problems, they know each other, this is how it constitutes a public. This could be a description of any profession. But here, security somehow means that we can see the distinction

between forms of public life a little more clearly.

And yet, coincidentally, after 9/11, in order to protect property speculation and investment, Peter Costello proposed what became the Terrorism Insurance Act of 2003. This Act basically said that in the event something goes catastrophically wrong, the Australian people will pick up the tab for insurance industry costs when the bill is beyond AUD\$3b.

OFFICE: So, if something goes really wrong the government will bail out the insurance companies.

PC: Right, there's an old op-ed piece by Slavoj Zizek from the Iraq war period where he talks about public sovereignty being the government of the people, by the people, for the people, in that American constitutional way. What he says actually happens, is that it's government of the lowercase 'p' people buy the capital 'P' people for the capital P people but the final two

people are different people so that there are three entities here. You have the people or the citizenry and the subjects, you have the state apparatus, and then you have a relation to the forces of accumulation and capital. Hidden within this idea of public space in the social contract, representation and liberal democracy, is in fact a set of nested symbiotic power relations which have clear beneficiaries. The question of the state here is really interesting, because there is always a basic offer of protection, from Hobbes onwards, you cede your natural freedom and in exchange, I'll protect your life from all of those threatening entities. But in this case, sovereign says to capital "you be good for the money and take foreseeable steps. But don't worry, if it's really catastrophic and you're not good for the money, we're good for the money".

TA: "We" here doesn't mean the sovereign, it means us as citizens. In the language of these policy docu-

ments, the purpose of a bollard is the deferring, delaying or deflecting of a car from its intended target. If you can't necessarily ensure stopping the car, insuring is the next best thing. That is actually an adequate metaphor for thinking about the trajectory of political power and the allocation of resources in the city. Bollards in their temporary mode reveal to us just precisely how delayed, deferred and deflected the operation and the continuity of publics actually is. If we didn't have the period of time in which these ugly concrete objects sat and confounded people, those windows might not have necessarily opened, and that the more permanent installation of bollards wouldn't have prompted the same kind of questions and analysis. The window of temporariness actually revealed how the bollard couldn't perform its primary function, but it delays and defers until the second-order processes – re-jigging the insurance

contracts, getting the consultants in to talk about design (how to build a bollard in a flower box), and facilitating consumer confidence – take shape in the meantime.

PC: Ultimately you have a social learning process, with a set of effects which come through either as bollards which are inconspicuous but that function better, like the ones on Bourke Street now, or a revised set of procedures that responds to the potentially catastrophic event.

There's something about cause and effect here which we can just touch briefly by talking about Occupy Melbourne. One of the reasons why the Occupy Melbourne protesters were removed from the city was because the Queen was visiting, and the Queen going to visit Fed Square and indeed she travelled down Swanston Street on the tram. One of the things which was invisible for all is that the City of Melbourne, and State and Federal Govern-



▼ Queen Elizabeth Rides a Tram During Her Visit to Melbourne, photo by AAP, Alex Coppel



ments were absolutely terrified, because not only do you have Fed Square, which is really difficult space to secure, but suddenly you have all these, what the Herald Sun is calling “disruptive stinky socialist hippies” sitting there in City Square, making this claim on public space. We have this liberal democratic social imaginary that says that there are public spaces, so that there’s an ontological distinction between the public and the private, but that the public really exists, public space really exists and that public space is something which is inalienable and which can be occupied. Where in fact what most of the institutions at different of scales of government are dealing with is a conception of public space as something with differential mediated access, so you have competing contesting publics who have varying and variable claims to that space, and you have to

balance the contesting interest between those different things.

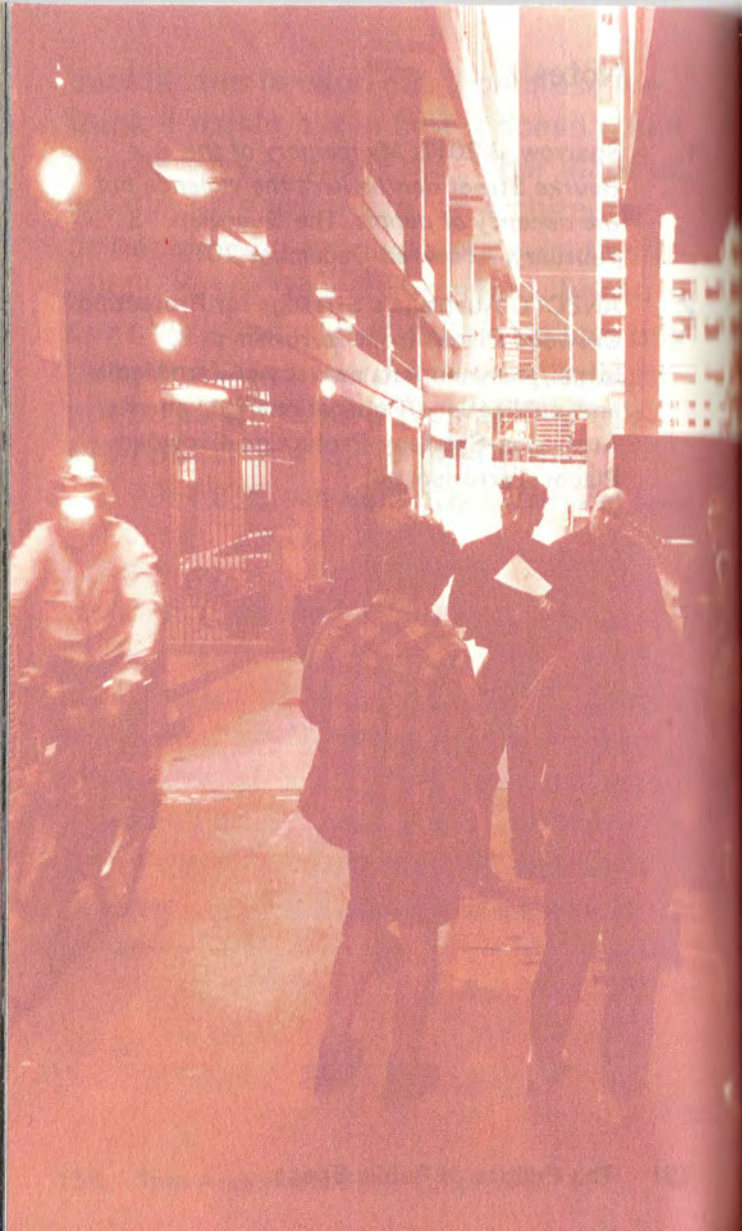
You have the right of a group of people to protest against the effects of finance capital, and you have the socialisation of risk there in 2008, precisely the same thing. So who ends up picking up the tab for the global financial crisis? There are people protesting and the government saying “no you can’t occupy that” and we have to balance those claims against the right of The Sovereign, when she’s in Australia in order to appear at Federation Square and have a photograph taken with flag-waving people. What I really take from both Occupy Melbourne in its appearance and disappearance, and also the temporary security bollards in their appearance and disappearance, is it forces us to question both the categorical existence of public space as such, and also to think in a more processual way, to focus more on questions about how public space is

constituted in each case, because we think it exists but in fact it doesn't, and maybe it never really did... For all of us, whether it's urbanists, or architects, or people who are just concerned with public space, that's important, because our cherished object, public space, this thing that we accord value to, it might not be as we think it is, and mightn't even be. That's super interesting.

OFFICE: And slightly terrifying tool

Notes

1. Sparrow, J 2017, *My memory of the Bourke Street deaths isn't the violence but the decency of people*, The Guardian, 13 February, Accessed December 2019
2. ANZCTC Australia's Strategy for Protecting Crowded Places from Terrorism p. 2, <https://www.nationalsecurity.gov.au/Media-and-publications/Publications/Documents/Australias-Strategy-Protecting-Crowded-Places-Terrorism.pdf>



Claire Martin
Private Laneway A'Beckett Square,
Melbourne, 25 March, 2018

I would like to acknowledge that we are on the land of the Kulin Nations, and that it is important to think about this in the context of what I am going to talk about; privately owned public space. If we are talking about ownership, then we must remember that the ownership of property in an Australian context is a colonial construct, while also understanding that this land was never ceded.

Urbanisation and neo-liberal globalisation have brought privately owned public spaces (POPS) to the fore as spectacularised products of, rather than antidotes to, the city. In the context of burgeoning urban populations, reductions in access to public space, ecological threats and dwindling municipal budgets, we need to ask how we might move beyond the binary of public and private space?

The 2013 Charter of Public Space defined public space as '...places publicly owned or of public use, accessible

and enjoyable by all for free and without a profit motive...'¹. Similarly, the 2004 World Charter for The Right to The City refers to "all persons having the right to association assemble and expression' and 'cities should guarantee public spaces for this effect"². Whilst POPS can be privately owned publicly accessible spaces, they can also be privately procured, but publicly owned and operated spaces. The idea of providing something for the public good, that can be accessed by all and without a direct cost to the user is key. Restricted access is central to the critique of privately-owned public space and I will talk about both publicly and privately owned public space with an emphasis on the importance of accessibility.

To understand these spaces, we need to briefly trace the history of the privatisation of public space. The historical western context for the privatisation of public space dates to land-lordism and the enclosure movement

beginning in 13th century England when land previously designated common land became privatised. This trend continued into the 18th and 19th centuries, with the creation of London's fenced garden squares. By the mid-20th century, POPS were mostly understood as urban forecourts, urban open spaces, through-site links, and commercial plazas. Spaces like the Seagram Building Plaza in New York began to emerge as developers traded floor area for generous zoning concessions and uplifts. By the 1990s, the twin phenomena of deregulation and urbanisation had led to a reduction in the number of public buildings and an escalation of the large-scale corporate ownership of publicly accessible spaces. This perceived loss of public space has continued in a context of increasing social fragmentation and dispersal, with growing concerns about the public's visibility, where people are able to exercise their political rights, freedom of speech,



freedom of association, and the freedom to protest, or simply to just enjoy the opportunity of being in public space. A handy US website³ helps you to identify and locate over 500 of New York's POPS, but they also occur in many cities around the world, including Toronto, Rotterdam, London, Hong Kong, and Melbourne, where there are over 50. To consider POPS in the North American context, we need to consider their history of philanthropy that is very different from here. Private donations previously earmarked for education and cultural institutions have begun to flow to parks and open spaces. But, like bequests to the cultural institutions before them, they tend to benefit places that can generate the most revenue. For example, in 1993 Central Park was given an endowment from Richard Gilder, who gave \$17,000,000 to Central Park's maintenance, with John Corset donat-

ing a further \$100,000,000 to the park. Central Park was designed as an antidote to the city and in many ways what I am going to talk about are POPS as a product of the city and how it is rapidly evolving.

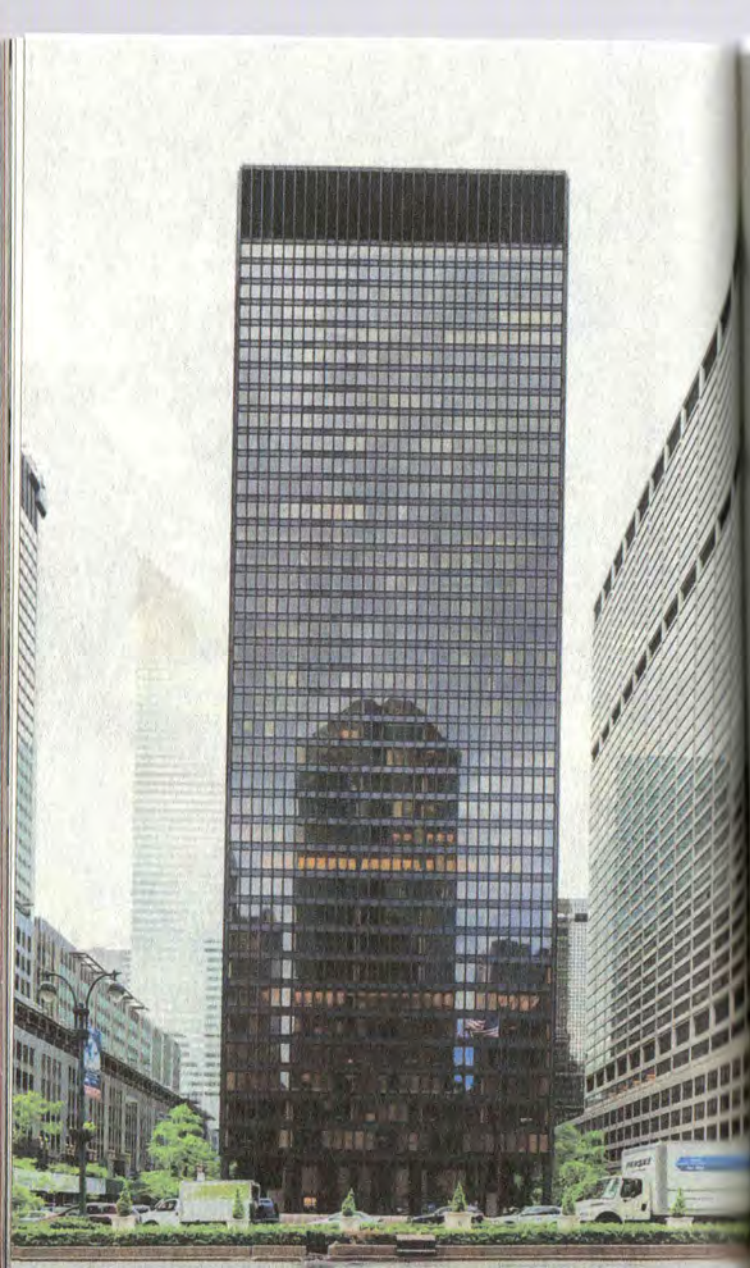
The much-lauded High Line, a project perhaps far too often referenced by many of the architects that I work with, has similarly received over US\$150,000,000 in donations. And whilst it has deservedly captured the public imagination it has also created unrealistic expectations. It attracts three million visitors a year, but at an annual operational cost of US\$3,000,000. The High Line relies almost entirely on private or self-funding for their ongoing operation.

Another concern about POPS is that they are causing the incremental privatisation of public space, often limiting access, incorporating surveillance and monitoring which arguably limits use and behaviour including protesting,

sleeping, drinking and eating, taking photos, recording interviews, or holding conversations like this one. Another concern with POPS is that they concentrate wealth. In the same way that the High Line had a large construction budget, it also costs a significant amount of money to maintain, which means that money donated for its upkeep is not equitably distributed across the city. These sizable philanthropic donations generate their own economic microclimates, further concentrating investment, development and wealth.

In the Australian context, POPS are often public-private partnerships, and in Victoria, significant public infrastructure projects like CityLink, Federation Square, and new hospitals are procured as public private partnerships. POPS began to appear in Melbourne in the mid-90s when the State Government, which was nearly





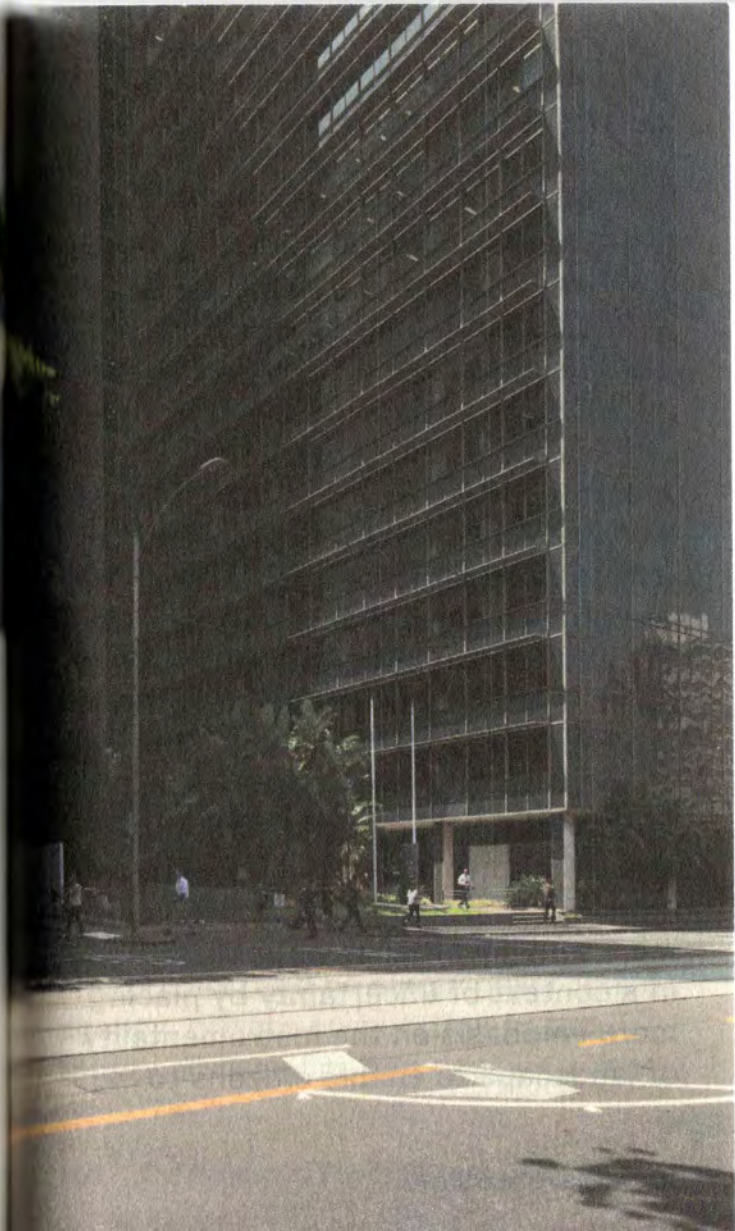
▲ City House, Melbourne, photo by Ken Oyama

bankrupt at the time, needed significant private investment to provide the city with much needed amenity. This sort of procurement model has huge economic, legal and civic implications for citizens, governments, and financiers. Another criticism is that POPS are heavily themed and lack a sense of place or identity, this is often as a result of the commercialisation or branding of the space. Companies often have significant naming rights to the spaces, but there may also be naming rights to elements within the spaces, including gardens and structures. Federation Square, and City Square spaces can be divided up for private events, with whole sections closed for commercial functions or activation.

Melbourne has had significant development in recent years and in a planning context where many things have been discretionary, it has left developers to decide for themselves



▲ ICI House, Melbourne, photo by OFFICE



whether they maximise public benefit opportunities or not. Over the last few years, the City of Melbourne has increasingly chosen to mandate through planning amendments 'better built environment outcomes.

The strategic objectives of the City of Melbourne and those they have signed up to through global initiatives like the United Nations Sustainable Development Goals operate across boundaries at a city scale. They are providing leadership that isn't coming at a federal level, to help the development of Australia's fastest-growing city; and sharing information with other councils so that they can develop ordinances rather than discretionary targets in their municipalities.

We need to engage with procurement and governance of public space in a context of uncertainty by placing more emphasis on the instrumentality of landscape to enable citizens to

democratically engage and truly convey what they value. By understanding how inextricable and interdependent the social, cultural, ecological and economic measures of public spaces are, we can reconceive of twenty-first century privately owned public spaces as landscape ordinance. Landscape as a new public institution not defined by the ideologies of neoliberalism, colonialism and professionalism that maintain existing power relations, but instead mandated by the public through rite and ritual.

It is the coalescence of the private ownership of large swathes of our cities and the existential threat of climate change that demands the reconceptualisation of the role of POPS and the unlocking of their true public value. Ecological systems don't discern between the binary oppositions of public and private, and no single government agency, private corporation or professional discipline can deal with this

complexity. We can't design our way out of massive uncertainty, but we can advocate, innovate and legislate to put the environment, and not just people, at the centre of placemaking. In the context of cognitive dissonance, we need to engage citizens in the fundamental decisions that are being made about our public realm, and in difficult conversations about the future of our cities.

Notes

1. Biennial of Public Space, Charter of Public Space, 18 May 2013, available at: http://www.biennalespaziopubblico.it/wp-content/uploads/2013/11/CHARTER-OF-PUBLIC-SPACE_June-2013_pdf-.pdf
2. International Alliance of Inhabitants, World Charter for the Right to the City, September 2004, available at: <http://www.righttothecityplatform.org.br/download/publicacoes/World%20Charter%20for%20the%20Right%20to%20the%20City.pdf>
3. Advocates for Privately Owned Public Space, 2012, Privately Owned Public Space in New York City, viewed 06 February 2020, <https://apops.mas.org/>

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Mark Jacques

Mark Jacques is an urban designer and landscape architect based in Melbourne. He is a Professor of Architecture (Urbanism) Industry Fellow at RMIT University, where he teaches in the Master of Urban Design program. In 2016 he established Openwork to undertake collaborative projects, research and speculation into public space. Openwork operates in four modes: as a landscape architectural consultancy providing design and documentation of public places; as an urban design studio providing input to plans and policies that will enable future public places; as a research lab, aligned with RMIT University's School of Architecture and Urban Design exploring counter-factual futures for the city; and as a speculative office, investing consulting profits into undertaking the types of projects that no one has yet asked them to do. Through these var-

ious modes of practice, their ambition is to be urban citizens – active and agitating for public exchange.

Libby Porter

Libby Porter is a planner and urban geographer, whose work focuses on the role of planning and urban development within our cities and the dispossession and displacement of its inhabitants. As a Vice Chancellor's Principal Research Fellow and associate professor at RMIT University she leads research on the politics of urban land, property rights, dispossession, critical urban governance, and the decolonising of urban planning. Libby's research has examined the themes of Indigenous rights, diversity, gentrification and displacement through urban renewal, the impact of megaevents on cities, urban sustainability, and urban informality. The broad and critical body of work that Libby has produced is a valuable resource for anyone interested in the founding, occupation and ongoing governance of our cities.

Tania Davidge

Tania Davidge is an architect, artist, educator, writer, researcher and director of the design studio Oopla. With a Master's degree in Advanced Architectural Design from Columbia University, New York she has extensive experience in architecture, urban design and strategic design. Tania provides analysis, research and commentary on what makes a vibrant and engaging public realm. Her work focuses on the connection between place, people, spatial identity and architectural form with a focus on the relationship of people and communities to architecture, cities and public space. In addition to this, Tania is the president of Citizens for Melbourne, a public space advocacy group running the 'Our City, Our Square' campaign. This campaign worked to safeguard Federation Square's public space by opposing the demolition of Federation Square's Yarra building

and its replacement with an Apple store. Although the Apple store will no longer go ahead, the campaign will continue to advocate for Federation Square as a place for the public throughout the review process recently announced by the State Government.

Peter Chambers

Peter's current focus develops the implications from analysing the emergence of border security to examine how noncitizens working in the gig economy find ways and means of living in Melbourne. He also has a parallel, related focus on urban conflict and social change, leading to a full-length work with Tom Andrews (La Trobe Law School) that explores conflict between motorists and cyclists and the intersection of global cities, culture wars, and ways of thinking about justice and shared vulnerability as we try, imperfectly, to live with one another. Peter has just completed *Border Security: Shores of Politics, Horizons of Justice*, a full-length work of social theory that addresses the co-emergence of border security, offshore detention and onshore enclaves in global cities. His current focus develops the implications from the book to think about the ocean, and how

noncitizens find ways and means of living in Melbourne. He also has a parallel focus on urban conflict and social change, and is currently examining temporary security bollards and car attacks in crowded urban spaces.

Tom Andrews

Tom Andrews' doctoral research re-describes the transformation of the law of criminal procedure in the eighteenth and nineteenth centuries, as better understood as a technology of empire. He teaches Criminology at the La Trobe Law School. With Peter Chambers he is writing a book on Melbourne as a city in economic transformation, with a particular focus on road cycling as a way into understanding urban contestation and spatial politics.

Claire Martin

Claire Martin is a landscape architect and associate director with the Melbourne studio of OCULUS. She has led the successful delivery of a range of education, health, cultural, infrastructure and public landscape projects. Claire is a member of the Office of the Victorian Government Architect's Victorian Design Review Panel and is passionate about education and research. She has taught design in the School of Architecture and Design, RMIT University where she is a longstanding member of the Landscape Architecture Program Advisory Committee, regular guest lecturer and invited critic. Claire was a co-creative director for This Public Life, the Australian Institute of Landscape Architecture's Festival of Landscape Architecture that brought together thinkers and practitioners from the arts and sciences, both nationally and internationally.

Claire plays an active role within the profession and was the recipient of the Australian Institute of Landscape Architects' Jim Sinatra Future Leaders Award.

This publication would not be possible without the generous donations of both organisations and individuals. We would like to thank the following institutions, businesses and people who contributed to our crowdfunding campaign:

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Tom Andrews
Tony Birch

The Politics of Public Space is a quarterly publication of transcripts that speak directly to the city and the way we read it.

Editor:
Tom Muratore

Design:
Tal Levin

Typeface:
ROM by Seb McLauchlan

Copy Editor:
Miriam McGarry

ISBN: 978-0-6487702-0-6

Second Edition

Published in 2020 by OFFICE in Melbourne, Australia.

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The first of the year was a
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ISBN 978-0-6487702-0-6