About the Committee for Perth

The Committee for Perth is a member-funded think-tank and advocacy organisation focused on maintaining and improving the liveability of the Perth metropolitan region. Our vision is to ensure its vibrancy, economic prosperity, cultural diversity and sustainability.

The Committee has more than 100 members representing a broad cross-sector of the business community, civic institutions and local government. We rely solely on our members’ financial and intellectual contributions to enable us to undertake the work, research and other activities that we carry out. A full list of our Members is at Appendix 3.

The Committee for Perth advocates on issues that will help us realise our vision for Perth and we have developed a unique model of advocacy to help us achieve that. Regardless of whether a project is our initiative or one implemented by government or others, we remain informed advocates for projects that will benefit Perth, whatever stage they are at, whether it’s concept or development.

More information about the Committee for Perth and our work can be found at www.committeeforperth.com.au.

Caution: This paper contains images and names of deceased people that may cause distress to Aboriginal and Torres Strait Islander peoples, in which case the Committee apologises.

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Foreword

The ‘What We Thought Would Kill Us’ series examines some of Perth’s most controversial developments, which have generated large amounts of community opposition either during the approval or development stages.

In undertaking a retrospective analysis, the Committee aims to provide case studies that not only document the history and development of particular sites but also seek to serve as reminders of key points in Perth’s growth and development.

This case study is the seventh in the series and examines the redevelopment of the Old Swan Brewery, a highly controversial repurposing of a cluster of historic buildings on the Swan River at the foot of Kings Park.

The approval process for the Old Swan Brewery was fraught not only with tensions between those that wanted the site conserved and others who wanted it turned into a public parkland, it was also a low point in relations with the Noongar community. The Whadjuk Noongar people wanted the site recognised for its cultural significance and mounted a sustained campaign which included protesters at the brewery site over a long period of time.

Despite taking 16 years to complete, the Old Swan Brewery redevelopment could now be argued to have created a better understanding of Noongar connection to place and the Dreamtime and has resulted in a mixed use precinct with visible markers of its brewing history.

The Old Swan Brewery continues to be a landmark on the shores of the Swan River. I trust you will enjoy delving back into the past and thinking about the significance of place during periods of change and adaptation.

Marion Fulker
CEO, Project Manager

Despite objections from numerous stakeholders, approval was granted for the redevelopment of the Old Swan Brewery in December 1999.

1.0 Introduction

This case study examines the Old Swan Brewery redevelopment, a highly controversial project undertaken over 16 years between 1985 and 2001 on the Old Swan Brewery site at 171-173 Mounts Bay Road, approximately two kilometres from the Perth Central Business District. The land is comprised of two lots and covers a total area of 18,220m².

The Old Swan Brewery project is a mixed-use redevelopment which includes 28 residential apartments; commercial floor space for restaurants and offices; and a car park linked to the complex via a pedestrian bridge. The final redevelopment comprises a complex of buildings that retained the remaining heritage elements including the restored cellar and eastern brewery buildings.

The site of the Old Swan Brewery is sacred to the Traditional Owners of the southwest of Western Australia, the Noongar people. The structures on the site are also considered to be significant to European heritage. The conflict between Indigenous and European heritage was the primary source of controversy associated with the redevelopment and resulted in protestors camping on the site of the redevelopment for more than three years from 1989 until police intervened in 1992.

The case for protecting the Indigenous heritage was heard in both State and Federal Court hearings, with calls for the existing buildings to be pulled down and the site be restored to parkland for public use. This proposal was strongly supported, with the most significant petition received in State Parliament carrying 16,314 signatures against the redevelopment.

Other concerns included the safety impacts associated with serving alcohol in a location close to Mounts Bay Road and the potential environmental impacts of the redevelopment, including damage to the nearby Kings Park and Swan River.

Despite objections from numerous stakeholders, approval was granted for the redevelopment of the Old Swan Brewery in December 1999.

This case study outlines the issues encountered during the redevelopment of the Old Swan Brewery and articulates the Indigenous and European heritage values of the site. Finally, the report comments on some of the outcomes achieved since its completion.
In 1887, the Swan Brewery Co. Ltd. was established by a Melbourne based solicitor Montague Cohen, which preceded a significant period of development on the Mounts Bay Road site with expansions to the premises in 1890 and 1897.

2.0 The Site of the Old Swan Brewery – A Historic Overview

The site of the Old Swan Brewery is of great historical significance to Indigenous Australians. Prior to colonisation, the Noongar people had a significant connection to the location, known to them as Goonininup, which was a sacred site for the mythical Waugal creature, an ancestral serpent that was responsible for creation of the Swan River during the Dreaming (State Library of Western Australia, 2010).

However, the location of the site on the Swan River, close to the Swan River settlement, meant that the site was developed during the earliest periods of European Colonisation. By 1831 it was established as a small shipyard and was the first to use jarrah in the production of sailboats used as transport on the Swan and Canning River.

Between this time and the establishment of a brewery on the site in the late 1880s it accommodated numerous activities including the Mount Eliza Depot, a food distribution centre and later an educational institution for local Aboriginal people; Perth’s first steam-driven flour mill, as well as a convict depot, tannery and residences (Heritage Council of Western Australia, 1991).

Business partners John Ferguson and William Mumme purchased the site in 1879 for the purpose of expanding the Swan Brewery, a business which was at the time located in the Perth CBD at what is now Sherwood Court.

Ferguson and Mumme initially used the Mounts Bay Road site as an iceworks facility, however its location gave it advantages over other Perth breweries due to the presence of a fresh water spring, ease of transport to and from the site and its capacity for growth (Heritage Council of Western Australia, 1991).

In 1887, the Swan Brewery Co. Ltd. was established by a Melbourne based solicitor Montague Cohen, which preceded a significant period of development on the Mounts Bay Road site with expansions to the premises in 1890 and 1897. By 1924-25 the Swan Brewery Co. Ltd. had captured 50% of local market share and in 1952 it became the sole trading brewing company in Western Australia to outlast the Great Depression (Heritage Council of Western Australia, 1991).

Yet the continuation of brewing on the site was hindered by outdated technology and in 1966 this culminated in the cessation of beer production, limiting use of the site to storage and fermentation facilities. Not long after brewing activity on the site ceased, the Swan Brewery relocated all activity to a single production facility in Canning Vale (Business News, 2001).

Once empty, the Old Swan Brewery buildings fell into a dilapidated state, ultimately leading to a State Government decision to purchase the site in 1985 for $5 million (Parliament of Western Australia, Legislative Assembly, September 17, 1985).
2.1 Indigenous Heritage

The Noongar people are the Traditional Owners of the southwest of Western Australia and are known to have lived in the area for 50,000 years, over which time they formed identities, laws and customs that are distinct from other Aboriginal groups or persons. The Whadjuk Noongar people reside in the area that became known as metropolitan Perth (SWALASC, Host & Owen, 2009).

In Aboriginal culture it is believed that all landforms were created by Ancestor spirits during the Dreaming. These places were considered sacred sites and included hills, watercourses, pools, animals, rocks, the stars and other landforms. Knowledge of sacred sites is passed on through oral history and an understanding of Aboriginal law and is not able to be made public (Australian Government, 2015). The mythical Waugal serpent is associated with the creation of the Swan River and forms part of the Noongar people's spirit and culture (State Library of Western Australia, 2010).

Numerous sites along the path of the Swan River remain significant to the Indigenous Noongar people and were often the location for various activities including trade, meetings between different groups, cultural exchanges, the creation of alliances or the settlement of disputes and where teachings were passed on to initiates (Vinnicombe, 1992). The Waugal is associated with a number of significant sites along the Swan River. These include:

- The location of the Swan Brewery was known to the Noongar people as Goonininup and it is here that the Waugal serpent camped along the river (SWALASC, Host & Owen, 2009).
- Burswood Shell Bed: the scales of the Waugal were scraped off in shallow water, in the form of oyster shells.
- Point Lewis and the Old Swan Brewery: the Waugal lurked in deep holes adjacent to these sites, which were avoided by Aboriginal people as they could be devoured or molested by the Waugal.
- Kennedy Springs: where the Waugal left the river and created an underground tunnel connecting to Lake Monger and believed to possess curative powers.
- Currie Bay: the location of limestone deposits identified as Waugal eggs.
- Rocky Bay: a resting place for the Waugal who coiled around a central pillar (Department of Education, 2016).

Recorded historical reference to this connection dates back to some of the earliest years of settlement and one of the first accounts was made in 1836 by the colony’s Government interpreter, who discussed removal of the Waugal egg limestone deposits at Currie Bay (Vinnicombe, 1992).

Formal recognition of the sites significance to Noongar people was made in 1985, through a report prepared on behalf of the Western Australian Museum’s Department of Aboriginal Sites, who conducted a survey that would identify sites of Aboriginal significance within metropolitan Perth. The site of the Old Swan Brewery was identified as one of the 18 most important sites and hence was registered under the Aboriginal Heritage Act 1972 as “a traditional living and food-gathering area” and a “Waugal Dreaming Track” (Ansara, 1989, p. 16).

Recorded historical reference to this connection dates back to some of the earliest years of settlement and one of the first accounts was made in 1836 by the colony’s Government interpreter, who discussed removal of the Waugal egg limestone deposits at Currie Bay (Vinnicombe, 1992).

2.2 European Heritage

The Old Swan Brewery is a site of European heritage significance as a result of early colonial activities on the site including ship building, the use of steam mills to produce flour, and the convict depot. The site also has European and post-colonial significance to local Indigenous people due to the use of the site as a food distribution centre and later an education institute for Noongar people (Heritage Council of Western Australia, 1991).

2.2.1 Heritage Listing

The Swan Brewery buildings have been identified as ‘an historical landmark for Perth’, which are defined as buildings that ‘are extremely well known’ or ‘mark or embody important historical events’ (Heritage Council of Western Australia, 1991, s.4.6). An assessment was conducted to determine the significance of the Brewery and concluded that the buildings are ‘the finest group of Brewery buildings in a Federation style idiom’ throughout all Australian capital cities (Heritage Council of Western Australia, 1991, s. 4.4.1).

Significant Fabric of the Swan Brewery as outlined by Schedule 2 in the 1993 Heritage Agreement has been identified as:

- Remaining structures built prior to 1950 including the stables area, brewery cellars building, warehouse structures, substation and switch room and the brick brewing tower;
- Native vegetation along the escarpment; and
- Brewing machinery representative of early to mid-twentieth century technology including the mash tun, hoist mechanism, brine pipes, valves and grist mill (Heritage Council of Western Australia, 1993).

The association of the buildings with prominent Perth people including architect and World War I veteran, Sir Talbot Hobbs and businessman Alan Bond whose company, Bond Corporation, which owned the site at the time of his historic 1983 America’s Cup win, add to the landmark status of the Brewery and concluded that the buildings are ‘the finest group of Brewery buildings in a Federation style idiom’ throughout all Australian capital cities (Swan Brewery Heritage Agreement, 1993).

A large number of Perth residents were also employed by the Swan Brewery, who up until 1960 was the State’s largest employer along with West Australian Newspapers. Workers would often reminisce about their time at the Brewery and refer to onsite happenings such as the team of Clydesdales that wore hats in summer (Heritage Council of Western Australia, 1991).

Figure 1. Swan Brewery Ship Lights (State Library of Western Australia, n.d.).
The original plans submitted by Brewtech were the subject of heated debate and opposition by a number of key stakeholders including local Aboriginal people, the Liberal Party, RAC, the Kings Park Board and the community.

3.0 Redevelopment of the Old Swan Brewery

The redevelopment of the Old Swan Brewery was a lengthy process beginning in 1985, at the time of the State Government’s purchase, until the completion of the redevelopment in 2001. The original plans differed considerably from the final redevelopment outcomes.

The information below outlines the scope of the redevelopment and provides an overview of the planning processes that were put in motion over a 16-year timeframe.

In December 1986, Brewtech submitted an application to commence development on the site with the intention of developing a large tavern and boutique brewery complex incorporating restaurants, tearooms and a multi-storey car park (Parliament of Western Australia, Legislative Assembly, October 18, 1989).

The original plans submitted by Brewtech were the subject of heated debate and opposition by a number of key stakeholders including local Aboriginal people, the Liberal Party, RAC, the Kings Park Board and the community. The primary concerns of the stakeholders were: the significance of the site for Aboriginal people, the lack of public open space provided by the proposals, the existing buildings distasteful state, and environmental and safety concerns.

In response to these arguments, substantial changes were made to the redevelopment plans over the ensuing three years.

In 1987 the site changed reservation under the Metropolitan Region Scheme (MRS) from ‘Urban’ to ‘Public Purposes – Special Use’ enabling the redevelopment to proceed (City of Perth, 1999b, p.39).

On 21 June 1988, then Minister for Planning Mr Bob Pearce advised of new plans for the building to become a “shrine to Aboriginal culture and heritage” which would incorporate a museum to house the Louis Allen art collection, “the best collection of Aboriginal art and artefacts in the world” and small theatre to provide performance space for Aboriginal groups (Parliament of Western Australia, Legislative Assembly, June 21, 1988, p. 1400). The revised proposal also incorporated the original plans for a tavern, restaurants and bar facilities.

It was later discovered that the Louis Allen art collection contained pieces of work that were originally collected from Aboriginals in the Northern Territory and contained no significance for the Traditional Owners of the southwest (Ansara, 1989). Unsurprisingly, these altered proposals were not supported by the Noongar community.

On 5 September 1989, the redevelopment plans were further altered with then Minister for Planning, Mrs Pamela Beggs advising that new plans for the Old Swan Brewery were to include visual arts, performance and exhibition facilities, small retail outlets, office space, cafes and restaurants (Parliament of Western Australia, Legislative Assembly, September 5, 1989).

However, these revisions also failed to gain support from opponents and between 1989 and October 1992, the Old Swan Brewery redevelopment became the subject of lengthy disputes between various groups in opposition to the redevelopment.
Aboriginal protestors were vocal in their objection to the redevelopment, and set up a peaceful protest camp on the site for three years. A detailed recount of the various attempts that were made by each group to halt redevelopment of the Old Swan Brewery can be found in section 4.1 below.

In June 1992, the State Government signed a 65 year lease agreement with Multiplex Constructions Pty Ltd, carried out by subsidiary Bluegate Nominees to restore the Old Swan Brewery (McGinty, 1992).

In a decision that would see the redevelopment of the site continue, then Minister for Aboriginal Affairs, Dr Judyth Watson gave approval to carry out the restoration and new work on the site of the Old Swan Brewery under section 18 of the Aboriginal Heritage Act in October 1992 (Lawrence, 1992).

On 5 November 1992, the Western Australian Planning Commission (then Department of Planning and Urban Development) conditionally approved a development application submitted by architects Cox Howlett & Bailey Woodland. This included the restoration of the existing cellar and eastern Brewery buildings and the development of a new four storey building. The complex would provide for the following uses:

- **Ground floor**: seven eating houses, three retail tenancies, 150 person theatrette, museum, art gallery, bike hire facility and two service yards.
- **First floor**: Office space, additional eating house.
- **Second, third and fourth floors**: solely office space.
- **360 bay car park on northern side of Mounts Bay Road connected by a pedestrian bridge** (City of Perth, 1999b).

In 1993, the lessees entered into a statutory Heritage Agreement with the Heritage Council of Western Australia that would ensure protection of the remaining structures that were built prior to 1950 and the historic brewing technology, deemed ‘Significant Fabric’ under Schedule 2 of the Heritage Agreement (Heritage Council of Western Australia, 1993, p.33).

A significantly altered application was submitted in June 1999 that would see the 1992 plans amended to remove the art gallery, theatrette, and museum and reduce the amount of office space. In addition, the amended plans introduced the inclusion of 29 apartments with private car parking and a service station (City of Perth, 1999b).

This application to change the use of the site was highly controversial and eventually resulted in then Minister for Lands, the Hon. Douglas James Shave MLA withdrawing consent for the Western Australian Planning Commission to approve the development application. Multiplex then entered a period of negotiations with the Minister who consented for them to resubmit their application in November 1999 (City of Perth, 1999b).

The final approval to redevelop the Old Swan Brewery site was given on 14 December 1999 by the Western Australian Planning Commission during a meeting of the Statutory Planning Committee. The complex was approved to contain the following:

- **Ground floor**: 3 restaurants or coffee shops, a museum, 28 internal car bays, four dwellings, a private gymnasium and swimming pool, a lobby and service area.
- **First floor**: two offices, one commercial tenancy or residential unit and nine dwellings.
- **Second floor**: two offices and seven dwellings
- **Third floor**: one office and seven dwellings
- **Fourth floor**: one dwelling
- **357 bay car park on northern side of Mounts Bay Road**

The primary differences between the final development and the initial application were: the reduction in floor space set aside for eateries; the removal of retail tenancies, theatrette, art gallery and bike hire facilities; and the replacement of office space with private residential tenancies (City of Perth, 1999b).

The redevelopment of the Old Swan Brewery was completed in 2001 at 171-173 Mounts Bay Road and cost a total of $54 million (Multiplex, 2016).
4.0 Opposition to the Redevelopment

The below information provides an overview of the various arguments raised against the Old Swan Brewery redevelopment and outlines the attempts that were made to halt any work from being undertaken.

4.1 Aboriginal Claim

Local Indigenous groups and champions for Aboriginal interests were vocal in opposing the redevelopment of the Old Swan Brewery.

Noongar Elder Ken Colbung, who was then Chairman of the Aboriginal Lands Trust was one of the first to publicly acknowledge the Aboriginal claims to the site and made several attempts for formal recognition to be achieved. These efforts included a public request to place the land in Aboriginal ownership in 1978; a press statement explaining the significance of the site for the Waugal in 1986; and another in 1987 that brought attention to the site's registration under the Aboriginal Heritage Act 1972, which required any development to be referred to the Western Australian Government's Department of Aboriginal Sites (Ansara, 1989). In the same year, Mr Colbung continued efforts to halt development through submissions to the Perth City Council, the Minister for Aboriginal Affairs and the Town Planning Appeals Tribunal.

The Swan Valley Fringe Dwellers, a local Aboriginal group led by controversial Aboriginal leader Mr Robert Bropho petitioned newly elected Premier Mr Peter Dowding on 4 May, 1988 in a letter asking him to “act concerning the Waugal Dreaming Track Site, Kings Park Development” (Ansara, 1989, p. 15).

The Aboriginal claims to the site were first mentioned in Parliament by either side of Government on 21 June 1988. Then Leader of the Opposition, Mr Barry MacKinnon raised the Old Swan Brewery as a matter of public importance during parliament and outlined concern regarding the lack of Aboriginal consultation undertaken. This argument was countered by the Minister for Aboriginal Affairs, Mr Ernie Bridge, who advised of a site visit with Mr Colbung that morning which had identified the site could be developed whilst still “allowing also for the broader community interests in that area” (Parliament of Western Australia, Legislative Assembly, June 21, 1988, p. 1405).

During the same parliamentary sitting, plans for the site were outlined by then Minister for Planning, Mr Bob Pearce that would “make this building a focus of Aboriginal culture in Western Australia” through the development of a museum to house the Louis Allen collection of Aboriginal art and artefacts and a small theatre used by Aboriginal performance groups (Parliament of Western Australia, Legislative Assembly, June 21, 1988, p. 1400).

This proposal was not supported by local Aboriginal groups, who continued to oppose the development by seeking stop work injunctions and meetings with the Premier and others, all of which were dismissed. This culminated in a number of Aboriginal groups setting up a peaceful protest camp on the site in January 1989, and included the Fringe Dwellers of the Swan Valley, the Uniting Aboriginal and Islander Christian Congress and the Black Action Group (Ansara, 1989).
The below information provides an overview of decisions and actions made that affected redevelopment of the Swan Brewery site during the three years that Aboriginal protestors camped onsite:

- **February 1989**: Supreme Court hearing determined Aboriginal statement of claim “should be struck out and the action dismissed”, which exempted the Government from having to consider the Aboriginal Heritage Act 1972 (Ansara, 1989, p. 30).
- **2 May 1989**: Supreme Court injunction sought by Mr Robert Bropho that would stop all work on the Swan Brewery site.
- **21 June 1989**: The whole site was declared of significance under Commonwealth legislation under the Federal Aboriginal and Torres Strait Islander Heritage Protection Act 1984 by then Federal Aboriginal Affairs Minister, Mr Gerry Hand. This required Commonwealth Ministerial written approval for any work to commence on site.
- **19 July 1989**: Then Premier of Western Australia, Mr Peter Dowding agreed to follow the procedures of the State Aboriginal Heritage Act 1972 which led the Federal Aboriginal Affairs Minister to revoke his 21 June decision detailed above.
- **27 September 1989**: The injunction sought on 2 May led to a decision of the Supreme Court that the Swan Brewery site was not protected by the State Aboriginal Heritage Act 1972 because it was on Crown land and the Act did not bind the Crown.
- **26 October 1989**: Mr Robert Bropho was granted special leave to appeal against the decision of 27 September.
- **23 November 1989**: Supreme Court granted an injunction that meant no work could commence until the case is heard before the High Court.
- **25 February 1990**: Federal Minister for Aboriginal Affairs authorised a payment of $50,000 to the Western Australian Aboriginal Legal Service to finance the challenge against the Swan Brewery development.
- **1 March 1990**: Appeal to the High Court that would require the State Government to seek the approval of the WA Aboriginal Cultural Committee prior to development of a site.
- **20 June 1990**: Decision by the High Court of Australia that the Aboriginal Heritage Act 1972 does bind the Crown and therefore upheld the action by Mr Robert Bropho to prevent the redevelopment of the Swan Brewery (Parliament of Western Australia, Legislative Council, October 30, 1990).
- **25 November 1990**: State Government announces plans to redevelop the site to conserve and restore the 1897 – 1933 brewery buildings (Parliament of Western Australia, Legislative Assembly, May 1, 1991).
- **22 December 1990**: Heritage of Western Australia Act 1990 passed.
- **14 May 1991**: Old Swan Brewery site and buildings placed on the register of National Estate.
- **15 May 1991**: Motion passed in Legislative Assembly with 28 Ayes to 26 Noes to demolish the Old Swan Brewery buildings and “return the area to parklands in keeping with the existing environment” (Parliament of Western Australia, Legislative Assembly, May 15, 1991, p. 1944).
- **11 February 1992**: The site was placed as an Interim Entry on the State Register of Heritage Places.
- **16 June 1992**: Permanently entered on the State Register of Heritage Places which ensured its protection under the Heritage of Western Australia Act 1990 (Heritage Council of Western Australia, 1992).
- **26 August 1992**: 40 to 50 police officers attended the Old Swan Brewery site, pushing back protesters in order to gain access and barricading the area (Parliament of Western Australia, Legislative Assembly, August 26, 1992).
- **22 October 1992**: Then Aboriginal Affairs Minister, Dr Judyth Watson gave approval to Bluegate Nominees Pty Ltd to carry out the restoration and new work on the site of the Old Swan Brewery. In making this decision she ignored a recommendation from the Aboriginal Cultural Material Committee that advised consent should not be given to develop the site for commercial and retail purposes under the Section 18 of the Aboriginal Heritage Act (Lawrence, 1992).

This final decision by then Aboriginal Affairs Minister on 22 October 1992 set in motion the lengthy development process that began with conditional approval to develop the site on 5 November 1992 by the WAPC. In making this decision, Dr Watson explained “whilst I understand my decision will cause concern amongst some Aboriginal people, I believe it is in the general interest of the broader community” (Lawrence, 1992).

This decision was condemned by the Noongar people, whose protests against the redevelopment were ignored and subsequently sought to use the legal system to protect their interests. They considered the approval of the redevelopment a ‘betrayal’ (SWALASC, Host & Owen, 2009, p.232).
4.2 Community Opposition

The community mounted significant and vocal opposition to the project.

From 13 March 1987 until 26 November 1992, a total of 16 petitions were presented in parliament that generally called for the existing buildings to be demolished and for the site to be converted to parkland for public use (Parliament of Western Australia, Legislative Assembly, Various).

The most significant petition was received on 8 April in 1987. Led by Mr Joe Stokes, leader of the Brewery Action Group, the signature had 16,514 signatures and called for the demolition of the buildings and conversion of the site to parkland. Another significant petition was raised on 29 August 1989. The petition contained 12,124 signatures and showed the significant interest of Perth residents in the outcome of the project (Parliament of Western Australia, Legislative Assembly, August 29, 1989).

The West Australian newspaper captured the views of residents at the time which called for the State Government to “remove the eyesore and restore the foreshore” and claimed that the building “spoil[s] the lovely drive along Mounts Bay Road” (Parliament of Western Australia, Legislative Assembly, April 8, 1987, p. 454).

Yet, despite this vocal opposition to the redevelopment, a survey undertaken by Chadwick Martin Consultants Pty Ltd in March 1986 on behalf of the Labor Government identified that 74.2% of respondents were in favour of retaining the Old Swan Brewery for the purpose of housing a major brewing facility on site.

The survey results also indicated that: 25% of respondents supported the demolition of the Brewery and conversion of the site to parkland; 0.4% of respondents preferred neither option; and 0.4% of respondents were in favour of retaining the Brewery for an alternative use (Parliament of Western Australia, Legislative Assembly, June 21, 1988).

In 1986 Brewtech conducted their own survey to determine the community’s sentiment on the redevelopment of the site, and reported that 72% of respondents were in favour of the proposal (Parliament of Western Australia, Legislative Assembly, June 21, 1988).

A total of 316 submissions were received in response to the interim registration of the Old Swan Brewery on the Register of Heritage Places in February 1991. Of these, 51.9% were in favour of its preservation and 48.1% were against it (Parliament of Western Australia, Legislative Council, June 4, 1992).

4.3 Union Opposition

In April 1989 the Construction, Mining and Energy Workers Union (CMEU) placed a ban on the site stopping any work from being undertaken.

In August 1992, a ruling against the CMEU in the Industrial Relations Commission resulted in a decision by the CMEU to remove the ban, as they would otherwise face deregistration if they continued to delay the redevelopment (Watkins, 1994).

4.4 Liberal Objections

The Opposition at the time, the Liberal Party, voiced their own objections to the redevelopment of the Old Swan Brewery site on numerous occasions in the Upper and Lower House. It was the view of the Liberals that the buildings should be demolished and that the site should be converted to parkland and become an extension of the Kings Park boundary. The buildings that remained on the site were referenced by then Shadow Minister for Planning, Mr Richard Lewis as being “vermin infested”, an “eyesore” and a “monument to its [the Labor Government’s] own stupidity and incompetence” (Parliament of Western Australia, Legislative Assembly, August 26, 1992, p. 3922).

The Liberal Party never wavered in their opposition to the project, and raised numerous arguments against the redevelopment in both Houses of Parliament over the period of time between 1985 and 1999.

On 25 November 1999, during assessment of the final development application, then newly appointed Liberal Minister for Lands, Mr Doug Shave advised that he was unable to reject plans for an “exclusive residential enclave” on the site due to the lease agreement made between Bluegate Nominees and the Labor State Government (Parliament of Western Australia, Legislative Assembly, November 25, 1999, p. 3931/3).

4.5 Environmental Concerns

The primary environmental concerns raised in light of the Swan Brewery redevelopment related to the potential destruction of Kings Park and possible impacts to the Swan River from the drainage of waste water.

The Kings Park Board publicly opposed the redevelopment in the Sunday Times, as reported in the Legislative Assembly on 8 April 1987. It was their opinion that the redevelopment, specifically excavation, would damage the Park’s appearance and could interrupt a series of shallow underground streams that supply water to lawns and gardens contained within Kings Park. The Board also expressed concern regarding the potential disruptive behaviour of patrons and a possible increase in violence and vandalism in Kings Park when it becomes a “badly abused thoroughfare for the brewery patrons” (Parliament of Western Australia, Legislative Assembly, October 14, 1987, p. 4503).

The Kings Park and Swan River Preservation Society were advocates for the restoration of the site to parkland. They first voiced this opinion in 1985 in a letter of congratulations to the then Premier, Mr Brian Burke, as it was understood that his intentions for the site aligned with their ambitions (Parliament of Western Australia, Legislative Council, May 4, 1990).

The Preservation Society wrote to Mr Burke again in 1999 expressing disappointment that the numerous petitions signed in opposition of the project were being ignored and requested the support of the State Government for “the majority of Western Australians in their opposition to any commercial development of the old Swan Brewery site” (Parliament of Western Australia, Legislative Council, May 6, 1992, p. 1819).

Yet, despite the concerns of these groups, the Swan River Management Authority advised then Minister for Waterways, Mr James Hodge in August 1988 that the potential damaging effect arising from the redevelopment of the Swan Brewery would be minimal and “all environmental aspects have been taken into account” (Parliament of Western Australia, Legislative Assembly, August 25, 1988, p. 2155).
4.6 Safety Hazards

The stretch of Mounts Bay Road that included the Old Swan Brewery site had been the location of 232 road accidents between the period 1983 to 1987, and was identified by the RAC as particularly hazardous to road users. In a submission that opposed the 1987 MRS amendment, the RAC highlighted that there had been 14 accidents that had resulted in fatalities between 1966 and 1987 within one kilometre of the site (Parliament of Western Australia, Legislative Assembly, November 24, 1987).

Medical professionals also expressed concern regarding the plan to locate a liquor distribution facility on such a dangerous stretch of road. Ninety-one medical staff from Royal Perth Hospital opposed the redevelopment in a petition which referred to the road as a “deathtrap”, advising that more accidents would occur if the redevelopment went ahead (Parliament of Western Australia, Legislative Assembly, April 8, 1987).

4.7 City of Perth

The City of Perth was also opposed to aspects of the applications submitted in September 1992, June 1999 and November 1999. Under the MRS reservation, the City of Perth was a referral agency and provided advice to the Western Australian Planning Commission on each development application. A summary of the main points raised by the City of Perth in their comments for each application is as follows:

- September 1992 application: The City supported retention of the historical Old Swan Brewery buildings but did not support any proposed new buildings; did not support office space in a public purpose reserve; proposed all car parking should be free of charge; and raised concerns over the safety of the dual use path (City of Perth, 1999a).

- June 1999 application: supported residential use of the site; did not support removal of the art gallery, museum and theatrette; did not support private car parking; did not support service station due to risks of ground water contamination and hazardous traffic movements; and proposed a bus stop on the site (City of Perth, 1999a).

- November 1999 application: comments were the same as those above. A motion was put forward by the Council to support the development and was lost as the ‘proposal would result in a further decrease in the public usage area of the site’ (City of Perth, 1999b, p.44).
5.0 Redevelopment Outcomes

5.1 Aboriginal Claim

Noongar people did not support the redevelopment of the Old Swan Brewery during the redevelopment process or following its completion. Despite the completion of the project in 2001, Aboriginal people did not give up in their request to formally recognise the site's connection to the Waugal.

In 2003, the late Mr Yakurtja Clarrie Isaacs, an Aboriginal man actively involved in the protests against the Old Swan Brewery, requested of a City of Perth Councillor that a seat located in the Mounts Bay Road car park be painted black, yellow, and red to represent the Aboriginal flag. This was after he had carried out the same task twice prior to the formal request, and the seat being repainted blue each time. This request was unsupported by the City, who formally wrote to Mr Isaacs advising him of their decision (City of Perth, 2004).

While Noongar people failed in attempts to halt the redevelopment of the Old Swan Brewery site, subsequent events have resulted in increased recognition of Noongar people as the Traditional Owners of the southwest of Western Australia.

In 2005, an Aboriginal native title claim was proposed for the southwest of Western Australia, known as the Single Noongar Claim. The Single Noongar Claim was lodged by 80 applicants on behalf of all Noongar Aboriginal people and sought to recognise the land as Noongar country. On 19 September 2006, following a period of significant consultation with local Noongar people, Justice Murray Wilcox determined the case of the Single Noongar Claim as affirmative. This confirmed the existence of the Noongar community and their right to country, an area of land covering 193,957 square kilometres (SWALSC, 2017). The location of this decision encompassed the city of Perth and surrounding non-urban areas by the Noongar people as a single title which granted them ‘exclusive rights to occupy, use and enjoy’ (SWALSC, Host & Owen, 2009, p. xxiii).

Following the decision made by Justice Wilcox, the State and Commonwealth set an appeal in motion against his decision, the main arguments of which being that the Noongar community no longer carried out traditional laws and customs as their connection to country was lost. This appeal was heard in Federal Court, and on 23 April 2008 the Commonwealth and State arguments were upheld by Justice Finn (SWALSC, Host & Owen, 2009). In order to appeal this decision, the Noongar people would have to ‘demonstrate recorded traditional cultural activity for each generation since 1829’ (SWALSC, Host & Owen, 2009, p. xxv).

In December 2009, the State Government entered into a ‘Heads of Agreement’ with the South West Aboriginal Land and Sea Council (SWALSC), which commenced a period of negotiations between both parties. In October 2014, the SWALSC agreed in-principle to the final offer by the State Government, which was eventually authorised as the Indigenous Land Use Agreement following consideration by each claimant group (Department of Premier and Cabinet, 2016).

In a decision that would see the most comprehensive native title agreement proposed in Australian history, on 6 June 2016, the Western Australian Government formally recognised the Noongar people as the Traditional Owners of the southwest region of Western Australia through the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 (Department of Premier and Cabinet, 2017b).

Whilst the passing of the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 goes a long way towards redressing the Noongar people for the losses they incurred since colonisation, the betrayal felt over disputes such as Old Swan Brewery redevelopment may be felt for decades to come. The impact of this is immeasurable.
5.2 Heritage Retention

The restoration of the Old Swan Brewery, undertaken by Multiplex, was a difficult and complex process and included the retention of a number of structural elements that were part of the original buildings. Steel beams within the cellar buildings were retained which required the use of purpose built equipment due to the limited access and ceiling heights.

The eastern brewery buildings also received significant restoration works that included reconstruction of all facades using existing salvaged bricks and the retention of brewery machinery. The original mash tun brewing equipment is featured in the lobby of these buildings (Multiplex, n.d.).

Multiplex’s careful reconstruction and restoration of the heritage elements within the Old Swan Brewery was recognised by the Master Builders Association of Western Australia. In 2002, the Old Swan Brewery redevelopment was awarded the Excellence in Construction Awards in the Division 1 category for the Restoration/Renovation of a Historical Building over $10 million.

The retention of heritage buildings can deliver both measurable and immeasurable benefits. Measurable impacts include economic benefits provided by a heritage establishment, through visitor and resident spending and local employment opportunities. Australia wide in 2015, more than 2 million international tourists visited a heritage building, site or monument, which accounted for 33.3% of all international visitors (Tourism and Transport Forum, 2017).

Less measurable are impacts such as community engagement with a local area, the retention of historic knowledge and understanding, and enhancement of sense of place and identity. A survey of Australians identified that 92% value heritage as a core part of their national identity (Heritage Council, 2017).

However, while the restoration of the Old Swan Brewery has achieved the retention of a landmark building and delivered some local economic benefits, it could be argued that the final redevelopment proposal did not maximise the potential for public engagement or heritage interpretation of the site.

Opponents could also justifiably contend that equal or enhanced benefits could have been achieved through a development outcome that recognised and was sympathetic to the sites’ Indigenous significance.

5.3 Residents’ Complaints

Since completion of the Old Swan Brewery, a number of complaints have been lodged by the residential tenancies that sit above the restaurants and brewery on the ground floor of the complex.

In 2001, an application was submitted for a Special Facility Licence that would see trading hours extended until midnight on Sundays to Thursdays and 1am on Friday and Saturday evenings. In addition, the application requested approval to establish a bar, microbrewery and function room. Resident of the Old Swan Brewery complex, Ms Dale Gardner-Jansen was present at the City of Perth council meeting that considered the submission and subsequent application in August 2001a).

Whilst the Special Facility Licence was not granted, The Old Brewery currently operates as a restaurant, microbrewery and function centre under a Tavern Restricted Licence. (The Old Brewery, 2017)

The first official noise complaint was lodged by 26 residents of the Old Swan Brewery on 18 December 2001 under section 117 of the Liquor Licensing Act 1998. This led to an agreement via a Memorandum of Understanding between the residents, licensee and property manager in order to mitigate noise impacts arising from the operations of the Old Swan Brewery (Department of Racing, Gaming and Liquor, 2005).

Unsatisfied with the outcome, two residents lodged another section 117 complaint on 27 December 2002, protesting that noise from the Brewery was ‘unduly offensive, annoying, disturbing and inconvenient to people who reside in the Old Swan Brewery apartments’.

This complaint was eventually dismissed on 7 April 2003 after the licensee’s lawyers outlined a number of initiatives that Bluegate Nominees had undertaken to mitigate these occurrences. These included the establishment of a Committee to discuss any operational issues from the Brewery, engagement of an experienced manager to assist at the Old Swan Brewery, installation of a sound monitor, double glazed windows, air-lock doors, security guards and assessment by an acoustic expert (Department of Racing, Gaming and Liquor, 2003).

Despite the substantial effort undertaken to mitigate noise impacts from the Old Swan Brewery, which required an outlay of $250,000, one residential tenant remained unsatisfied with the outcome. On 4 November 2003 another section 117 complaint was lodged that resulted in the Old Swan Brewery having to refuse bookings on week nights for live entertainment and engage a structural acoustic engineer to inspect and report on the noise impacts until the dispute was resolved.

This resulted in further adjustments to the building to mitigate noise impacts on the advice of acoustic professionals, and the case was eventually dismissed by the Director of Liquor Licensing on 8 February 2005 (Department of Racing, Gaming and Liquor, 2005).

5.4 Environmental Concerns

Whilst a number of environmental concerns were raised in light of proposals to redevelop the Old Swan Brewery, there has been no evidence to suggest that any of these claims came to fruition. Both Kings Park and the Swan River are likely to have experienced little to no impact from the redevelopment, a substantial research effort has been able to find no reports of this occurring.

5.5 Road Safety

The redevelopment of the Old Swan Brewery was accompanied by modifications to the stretch of hazardous road that had previously been the subject of a number of accidents and, in some cases, fatalities.

During the redevelopment, $970,000 worth of road works were carried out that resulted in a realignment of the previous road and the construction of a tunnel that would link the Brewery to the carpark on the opposite side (Parliament of Western Australia, Legislative Assembly, September 15, 1992).

During a Legislative Council sitting in 1992 then Minister for Education the Hon. Kay Hallahan advised that dangers associated with this stretch of road had been removed since completion of the works. Between the period of 1 January 1985 and 15 August 1991 no fatal accidents had occurred on the Mounts Bay Stretch of road near the Old Swan Brewery, and in total 25 accidents had occurred (Parliament of Western Australia, Legislative Council, May 6, 1992).

5.6 Cycle and Pedestrian Safety

A dual use pedestrian and cycle path runs along the length of the Old Swan Brewery complex that connects cyclists from The University of Western Australia to the Perth CBD via Mounts Bay Road. This path, which intersects with the Old Swan Brewery and links the complex to a jetty at its entrance, was raised as safety hazard by a number of stakeholders in 2002. These included Multiplex Asset Management Pty Ltd, then Department of Planning and Infrastructure, residents and cyclists.

A number of ‘near misses’ occurred near the site of the Old Swan Brewery as a result of cyclists travelling at high speeds along this path and the limited sight distance because of the Brewery complex. A safety audit was conducted and modifications were made to the path to increase cycle and pedestrian safety (City of Perth, 2003).

Committee For Perth
5.7 City of Perth

The City of Perth, in their comments on the development application, raised concerns regarding the lack of public open space proposed for the Old Swan Brewery redevelopment, which was inconsistent with the MRS zoning of ‘Public Purposes – Special Use’.

While the redevelopment has allowed the public to use the site through provision of Mediterranean themed restaurant Zafferano and The Old Brewery Grill and Function Centre, both of these establishments require a person to purchase food or drink.

The amount of public open space provided by the Old Swan Brewery redevelopment is significantly reduced from all of the original redevelopment proposals, varied though they were. It is evident that removal of plans for a museum, theatrette, performance space, art gallery, teahouse and several restaurants from the proposal reduced the potential for public use of the site.

5.8 Costs

As the redevelopment of the Old Swan Brewery took place over such an extended period of time, the cost of the project was substantial, both for the State Government and for Multiplex subsidiary Bluegate Nominees, who spent a total of $54 million on the project.

The State Government also incurred the following expenses:

- $5 million for site acquisition;
- $8.4 million for payments made to the Western Australian Development Corporation;
- $0.42 million for payments made to BMA; and
- $0.97 million to realign the road (Parliament of Western Australia, Legislative Assembly, 15 September, 1992).

Following completion of the redevelopment, costs have been borne by the City of Perth due to the required safety improvements for pedestrians and cyclists, and additional landscaping requirements.

Ultimately the agreement between the State and Multiplex allowed the State to retain ownership of a prominent site while ensuring its restoration and redevelopment.

5.9 Suburb Description

The Old Swan Brewery was originally placed within the suburb boundaries of West Perth. On 12 June 2001 Multiplex Constructions submitted a request to the City of Perth to include the redevelopment in the suburb of Crawley, rather than West Perth.

The reasoning outlined for this change was: the riverside location of the Brewery would be more recognisable by a Crawley postcode; the luxurious nature of the redeveloped apartments were more in keeping with Crawley properties; and perceptions of the West Perth boundary would cause confusion as this site was so far removed from this.

This name change was approved by the City of Perth council during a meeting of 26 June 2001, however the Geographic Names Committee refused the request, and suggested a survey of residents be undertaken to ascertain their attitudes towards changing the suburb to Crawley or Perth. After two surveys were conducted and the issue presented again to the City of Perth, the Old Swan Brewery was renamed to 171-173 Mounts Bay Road, Perth WA 6000 (City of Perth, 2002).
6.0 Conclusion

The Old Swan Brewery was a highly contentious redevelopment project that enabled the retention and protection of European built heritage, however the project did not recognise or seek to protect the significance of the site to Noongar people and culture.

It is also clear that while the project has delivered some benefits, such as the retention of a landmark building, enhancing local amenity and services and delivering associated local economic benefits, it could be argued that the Old Swan Brewery redevelopment fell short of maximising the potential of the site from both a heritage and commercial or economic perspective.

With the benefit of hindsight, it is evident that the development process could have been more participatory and conciliatory, and the final outcomes more respectful to Indigenous heritage and culture, particularly given that the site was State Government owned. In this regard, the redevelopment of the Old Swan Brewery could be regarded as an opportunity partly missed.

Today it is increasingly recognised that respecting and raising awareness of Indigenous heritage amongst non-Indigenous Australians is an important process in our ongoing journey towards reconciliation. In the Committee for Perth’s report A Cultural Compact for Western Australia – the 10 year challenge a key recommendation was that ‘WA make its acknowledgement and respect of its Aboriginal and Torres Strait Islander cultures and heritage visible at all times across the State’ (Committee for Perth, 2008, p. 5).

This recommendation includes the need to preserve sites and spaces of importance to Traditional Owners.

It is therefore the finding of this report that the Old Swan Brewery redevelopment did achieve some of the desired outcomes such as retaining a landmark site and associated buildings, improving road safety, and provision of an activated mixed use precinct. However, it was at the time, a step backwards in relations between non-Indigenous Australians, Indigenous Australians and their supporters.

In undertaking case studies of this kind, it helps to show how important it is to undertake community consultation that is inclusive and acknowledges, respects and celebrates Aboriginal culture and heritage on sites of significance.
Appendix 1: Researcher

Georgia Harford-Mills
Research Officer

Georgia is a Research Officer with the Committee for Perth, joining the organisation in 2014. She holds a Bachelor of Science, Geography and received First Class Honours in Urban and Regional Planning from The University of Western Australia. In addition, Georgia received the 2015 Patrick Armstrong Prize in Geography for her research thesis.

To date, she has been involved in researching and coordinating a number of Committee for Perth projects including the landmark Get a Move On! report and the What We Thought Would Kill Us series. She is also responsible for coordinating the annual FACTBase Research program and the Committee’s Working Groups and Project Steering Committees.

Appendix 2: References


Appendix 3: Committee for Perth Membership

Research work commissioned by the Committee for Perth is funded entirely through the contribution of our members, and we acknowledge:

Foundation Members

Corporate Members
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