



Hillarys Boat Harbour Licensed Premises Position Statement

January 2024

The Department of Transport (DoT) manages Hillarys Boat Harbour as a recreation precinct and family-friendly tourism destination. While liquor licences are permitted this needs to be balanced with other attractions and activation opportunities. This position statement is to be read in conjunction with DoT Maritime Leasing Policy and Guidelines. DoT will consider this position statement as it undertakes its various functions as defined in section 5 of the *Marine and Harbours Act 1981*.

The position statement outlines factors which are considered in evaluating licensed premises proposals or requests by lessees.

Permitted Uses are defined within the head lease. This position statement does not make provision for changes of use in those leases that do not include licenced venues as a permitted use.

A variation to the lease may be negotiated and agreed to by all parties to the lease as per the DoT Maritime Commercial Leasing Guidelines. Such negotiations may not be limited to the permitted use and may incorporate considerations beyond licensed venues.

1. Primary recreation function of Hillarys Boat Harbour

Hillarys Boat Harbour is a significant community recreation asset in Perth's northwest corridor.

The harbour is located on reserved lands, vested in the Minister for Transport pursuant to the *Marine and Harbours Act*. DoT manages the public reserve on behalf of the Minister for Transport in accordance with its vested purpose for recreational boating.

The recreation purpose of Hillarys Boat Harbour is also recognised by the Metropolitan Region Scheme, which identifies the area as a reserve for parks and recreation.

The reserve includes a diversity of important recreational assets, including boat ramps with trailer parking, boat pens, yacht club, and public parklands which include picnic and barbecue spaces and a sheltered beach highly valued by families with young children.

Section 12(2) of the *Marine and Harbours Act* provides the Minister for Transport with the power to lease land within Hillarys Boat Harbour. This has enabled parts of Hillarys Boat Harbour to develop to provide tourism and economic opportunities, which complement the recreational purpose of the harbour and benefit from its waterfront location. The Hillarys Boat Harbour Management Plan and Hillarys Boat Harbour Activation Master Plan recognise the broader economic contribution from complementary tourism and hospitality activities in parts of the harbour.

DoT's support for complementary, commercial development within Hillarys Boat Harbour is framed by the core purpose of the reserve for recreation and will seek to ensure that complementary waterfront commerce does not impede on the enjoyment of the harbour as a public recreation reserve. Sale and consumption of liquor within Hillarys Boat Harbour is an activity which, if not appropriately managed, presents risk to the enjoyment of the harbour for recreation and the safety of community members and visitors.

While the harbour's waterfront location makes it desirable, from a business perspective, for evening entertainment and a broad food and beverage offering, several attributes of the harbour warrant careful consideration when considering proposals that propose extension or expansion to the current range of licenced premises.

Although there is an already significant offering of night-time entertainment attractors and large licenced premises, several characteristics of the harbour make it unsuitable for expansion as a major night-time entertainment precinct. They include: recreational activities specifically targeted to children and young families, including parkland and AQWA;

- range of recreational and retail activities in a small area, resulting in unaccompanied minors utilising the area, particularly during school holiday periods;
- the harbour's remote location from convenient public transport, providing limited transport options late in the evening;
- the harbour's remote location from other entertainment activities and options, therefore precluding dispersal of patrons across a wider area over the course of the evening or when venues close; and
- lack of surveillance and connectivity, which does not allow for efficient dispersal of crowds and patrons in the late evening.

As the manager of the public recreation reserve, DoT has a duty of care to the community and also the responsibility to manage the risks associated with increased sale and consumption of alcohol within Hillarys Boat Harbour, and to ensure that the supply and consumption of alcohol within the harbour does not impact on the use or enjoyment of the harbour for its primary recreation purpose.

2. Complementary licensed premises

For the purposes of this position statement, licensed premises are defined as per the *Health (Public Buildings) Regulations 1992*; as follows:

licensed premises means —

(a) premises in respect of which a cabaret licence as defined by the Liquor Control Act 1988 2 has been granted under that Act; or

(b) premises in respect of which a tavern licence, a hotel restricted licence or any other kind of hotel licence as defined by the Liquor Control Act 1988 2 has been granted under that Act; or

(c) a cabaret, hotel or tavern —

(i) in respect of which a special facility licence as defined by the Liquor Control Act 1988 2 has been granted under that Act; and

(ii) in respect of which paragraph (a) or (b) does not apply.

large, licensed premises means licensed premises having a floor area of more than 850 m².

DoT recognises that the current offering of food and beverage within Hillarys Boat Harbour includes a mix of licensed premises, including some large licensed premises.

DoT considers that additional small and medium-sized licensed premises may be appropriate to complement the current offering within Hillarys Boat Harbour while maintaining the amenity and use of the recreation precinct, where these premises are focussed on dining and include provision of a food service.

Expansion and/or additional large licensed premises are generally considered incompatible with maintaining the amenity and primary recreational use of Hillarys Boat Harbour.

While DoT will generally not support or recommend large licensed premises within Hillarys Boat Harbour, it may contemplate large licensed premises where they are demonstrated to provide a significant, positive activation benefit.

All activities within the Hillarys Boat Harbour precinct should contribute to, and not impede, its primary purpose as a safe, accessible harbour for marine recreation and boating, and its reputation as a major destination for families, with international appeal. Such proposals would need to be consistent with the following criteria:

- contributes to widening Hillarys' regional appeal, attracting additional people to the harbour across a wide target demographic, who may not currently be visiting regularly;
- encourages increased and/or longer visitation to the harbour, supporting the local economy through increased spend on dining, entertainment, and related expenses;
- diversifies the recreational offer within the harbour by providing a complementary, destinational experience not already present;
- provides engaging and/or educational activities that appeal to a wide range of demographic groups, including the precinct's target audience of families and tourists;
- offers complementary activities during special events within the harbour; and
- offers benefit for the local community and/or the precinct's target audience of families and tourists, including as a space for the community to hire for meetings or events.