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Liquorland (Australia) Pty Ltd

Supplementary s36B Submissions Liquorland Currambine Central

Application for conditional grant of a liquor store licence:
A787524057



By letter dated 20 February 2026, the Licensing Officer advised that the Applicant's proposed Locality¹ was not considered correct in relation to the suburb of Connolly and asserted that Hodges Drive to the south is the "more appropriate" boundary, with the consequence that an additional packaged liquor outlet needed to be addressed by way of s36B submissions.

These submissions address the appropriate locality and the Liquor Barons Connolly store for the purposes of s36B, as requested by the Licensing Officer.

1 Locality

By email dated 5 September 2025, the Premises Manager confirmed that the Applicant's proposed locality for the foreshadowed application "appears appropriate". That locality was the same as the Locality relied on in the Consumer Requirements and Public Interest Assessment Submissions (**PIAs**) supporting the Application. It was identified by MGA Town Planners (**MGA**) in their October 2025 report² by applying the guidance provided in *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2021] WASC 366 and *Liquorland (Australia) Pty Ltd v Director of Liquor Licensing* [2024] WASC 128.

Nonetheless, it appears that the south-eastern boundary of the Locality, which MGA identified as being the Joondalup Resort golf course that bisects the suburb of Connolly, is now disputed. The Applicant understands that the remainder of the Locality is accepted.

No evidence has been provided to substantiate the assertions by the Licensing Officer that the area to the south of the golf course is "a continuous residential area of Connolly connected to the ocean side adjacent to Marmion Ave" and that "people in this area and other parts of Connolly would consider they are all within the same locality or neighbourhood". The only evidence before the Director is that provided by MGA, who concluded that "the Joondalup Golf Course ... creates a clear distinction and separation between the communities at either side".³

Liquorland submits that the appropriate locality is not determined solely by the existence of physical barriers, nor is it defined by road or suburb boundaries in isolation. Rather, it requires a qualitative assessment of how an area functions as a neighbourhood in practice, having regard to land use, connectivity, community infrastructure and social interaction.

While the golf course may not be a complete physical barrier, it is a substantial land use that materially separates the residential areas in Connolly to the south from those to the north and west. The golf course, together with its associated infrastructure, creates a clear distinction between neighbourhoods, both visually and functionally. Residents to the south orient towards different access routes, retail facilities⁴ and community infrastructure to those of residents north of the golf course.

For these reasons, Liquorland respectfully maintains that the locality for this Application should be the Locality identified by MGA rather than the expanded locality suggested by the Licensing Officer.

¹ Unless expressly defined, capitalised terms used in these submissions have the same meaning as in the PIAs.

² Figure 1.

³ MGA Report paragraph 4.14.

⁴ See MGA Report, paragraph 4.13.



2 Liquor Barons Connolly

Acknowledging the evidentiary onus on the applicant for the grant of a licence, in these submissions Liquorland addresses the Liquor Barons Connolly store without accepting that it is an existing packaged liquor premises in the Locality that requires consideration under s36B(4).

MGA has provided supplementary information regarding Liquor Barons Connolly by way of a letter dated 27 February 2026 (**MGA Letter**), which accompanies these submissions. For the avoidance of doubt, the map included in the MGA Letter showing the s36B locality boundary proposed by the Licensing Officer is provided for reference only, and does not indicate Liquorland's acceptance of that locality, for the reasons outlined above.

MGA considered the location, functional role and composition of the activity centre in which Liquor Barons Connolly is situated, its functional role in comparison to other premises within the Locality and the likely neighbourhood of the store. Liquor Barons Connolly is located within the small Connolly neighbourhood activity centre (**NAC**) which also includes takeaway food outlets, restaurants, a pharmacy, dentist, hair salon and early learning centre but does not contain a supermarket. MGA opined that, given the absence of a supermarket at this activity centre and its location south of the Joondalup Resort golf course, the Liquor Barons Connolly store is likely to predominantly service residents in the southern part of Connolly below the golf course, those in the northern parts of Heathridge, visitors to the Joondalup Resort making single purpose trips to purchase packaged liquor. Access to this premises by other residents in the Locality is constrained by the golf course, or the need to access the regional road network to access the store. Additionally, residents in the suburb of Connolly east of the Connolly NAC and south-east of the golf course, are approximately an equal or closer distance to the Joondalup Strategic Regional Centre as they are to the Currambine Central District Centre. Based on MGA's assessment, the Connolly NAC's small scale, limited accessibility, and lack of a supermarket means it serves a different and more limited function than other activity centres in the Locality that offer higher retail amenity, including the Centre.

The Liquor Barons Connolly store itself is an average-sized store, offering mainstream packaged liquor products, predominately suited for single-purpose shopping trips to purchase packaged liquor by nearby residents. Even if it were within the Locality as suggested by the Licensing Officer (which is disputed), Liquor Barons Connolly cannot reasonably meet the demonstrated consumer requirement of local residents for a choice of supermarket associated liquor stores to facilitate convenient and efficient combined grocery and packaged liquor purchases with the associated benefits of diversity, competition and comparison shopping.

3 Conclusion

Liquorland submits that the Locality identified by MGA, with the Joondalup Resort golf course forming the south-eastern boundary, is the appropriate locality for the purposes of s36B. Liquor Barons Connolly is not located within that Locality and should be excluded from consideration. Even if it were considered relevant for the purposes of s36B, it cannot reasonably meet the local packaged liquor requirements in the Locality.

Accordingly, Liquorland submits that the requirements of s36B(4) are satisfied and that the Application should now proceed.

Herbert Smith Freehills Kramer

4 March 2026