

Decision Notification

Application Details

Application no.	211367
Licence No.	57319086
Licence Class	Restaurant & Catering
Premises Name	Zayt & Zaatar
Premises Address	17 Charles Street West Lakes SA 5021
Applicant	Oil and Oregano Pty Ltd, The Oil and Oregano Trust
Application Type	Application for a Liquor Licence

Outcome

Decision	Conditional Grant
Effective Date	10 Feb 2022

Requirements

The following requirements in support of the application have been satisfied:

- Landlord's consent has been obtained
- The application has been advertised
- All approvals, consents or exemptions have been obtained

Certificate

A certificate of approval is issued for the premises to be situated:

17 Charles Street
West Lakes SA 5021

The certificate is granted subject to the following conditions:

- The certificate shall lapse on 9 February 2023 if the premises are not completed by this date.
- The applicant must submit a copy of the Certificate of Occupancy at which time a further order will be made and the final approved plan and licence will be issued.
- The certificate of approval must be converted to a licence prior to the applicant commencing trade at the premises.

People

Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Nedal Choujaa (146593)
- Amber Sasha Lee Choujaa (169083)

Licensee

I note that the applicant will hold the licence as trustee for The Oil and Oregano Trust .

Determination Details

An intervention was lodged by the Commissioner of Police regarding the approval of Nedal Choujaa .

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption at the site of a function off the licensed premises authorised

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	7:30 am to 10:00 pm	-
Tuesday	7:30 am to 10:00 pm	-
Wednesday	7:30 am to 10:00 pm	-
Thursday	7:30 am to 10:00 pm	-
Friday	7:30 am to 10:00 pm	-
Saturday	7:30 am to 10:00 pm	-
Sunday	7:30 am to 10:00 pm	-

Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

The applicant has addressed the objects of the Act in their application and I am satisfied the sale, supply and consumption of liquor will be undertaken safely and responsibly, consistent with the responsible service and consumption of liquor, and the expectations and aspirations of the public.

Pursuant to section 56 of the Act, I am satisfied all persons who occupy a position of authority in the entity to hold the licence are fit and proper persons to occupy such a position - noting the further reasons below in relation to Mr Nedal Choujaa.

Pursuant to section 57 of the Act, I am satisfied the proposed premises are of a sufficient standard for the purpose of carrying on business under the licence. Further, I am satisfied the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

City of Charles Sturt Council have granted development approval for the proposed venue (a cafe/restaurant fit out) I am satisfied all relevant approvals, consents and exemptions, other than a final certificate of occupancy, are in place.

Pursuant to section 72 of the Act, I am satisfied the lessor has consented to the application.

I am satisfied the proposed licence is not contrary to the public interest or inconsistent with the objects of the Act.

Fit and Proper Person Assessment - Mr Nedal Choujaa

SA Police have lodged a submission pursuant to section 76 of the Act, submitting Mr Choujaa is not a fit and proper person to be approved for a position of authority connected to the licence (a company director and shareholder). SAPOL submitted Mr Choujaa failed to correctly declare his history of offending (criminal and expiation) and that his

history of expiation offences, 36 traffic related expiation offences between 2003 and 2018, are evidence of a deficiency of character.

I have carefully considered SAPOL's concerns but ultimately find Mr Choujaa to be a fit and proper person to occupy a position of authority for a combination of the following reasons:

Mr Choujaa has operated as a person in a position of authority in connection with the sister restaurant, Zayt and Zaatar in Campbelltown, since 2017. I am not aware of any probity issues raised in connection with Mr Choujaa holding this position.

Mr Choujaa's history of offending is largely traffic related and is towards the lower end of the spectrum of concern.

It has been more than 10 years since Mr Choujaa committed an offence (other than an expiation offence) which led to criminal proceedings (a speeding offence from April 2011).

Mr Choujaa has not committed an expiation offence in almost four years, his last expiation offence being a speeding offence in May 2018.

Mr Choujaa provided the following response to SAPOL's submission:

I think there was a bit of a miscommunication and misunderstanding on my behalf,

I currently hold the Following

**Position of Authority*

@ Zayt and Zaatar Campbelltown

**RP Badge # 146593*

And in saying that I filled out a P.I.D

To hold a liquor licence in end of 2017 and all my details was lodged to liquor licencing board,

So when filling out this current P.I.D

I continued from end of 2017 so I'm sorry if I filled it out incorrectly, but I wouldn't withhold sensitive and important information intentionally as CBS have all this information previously on hand,

Yes I do have a history with breaking the law when I was young and irresponsible 95 % of my previous offenses were motor vehicle related,

I have done a lot of growing up since then and now have a beautiful family of my own.

I am a very hard working man and sincerely hope my error and misjudgement doesn't complicate my application.

Approved Plans

The licensee shall notify the Liquor and Gambling Commissioner within seven days of any changes to the approved plans submitted with this application.

Under Delegation from the Liquor and Gambling Commissioner



Ben Johns
Manager, Liquor & Gambling
10 Feb 2022

