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Our Ref: B3359

20 November 2021

The General Manager
Canterbury Bankstown Council

Attention: Mr Simon Manoski

Dear Sir,

DA-893/2020

Alterations and additions to the existing community facility and construction of a mixed-use development including a place of public worship with ancillary facilities, food and drink premises, and basement car parking.

Nos. 15-19 Enterprise Ave, Padstow

We have been asked by United Muslims Australia (**UMA**), the applicant, to prepare a letter to Council detailing the current situation with regard to traffic and parking generation for the proposed development.

The Approved Development

On 2 March 2016, the Land and Environment Court granted development consent subject to conditions for the change of use of an existing industrial development to permit development of a multi-purpose Community Facility.

The particular approved uses were related to:

- Education and support including courses,
- Seminars, and
- Dissemination of information which included immigration, community grants, housing and language skills.

The approval also encompassed recreation facilities including:

- A gymnasium and indoor sports area.

The Court approval allows use of a dedicated prayer room, however, Conditions 39 and 42 of the approval restrict the use of the prayer room to only those persons already on site attending another

activity being provided within the Community Facility rather than operate as a Place of Public Worship.

Importantly, the approved development includes 79 car parking spaces based on a 1.6 persons per car attending the development.

The Current Application

The current application is distinguishable from the approved development in that it includes:

- A stand alone Place of Public Worship.
- A Community Facility.
- A Food and Drink Premises.

Traffic and Parking

During the assessment of the current application, one of the main issues is the traffic generation of the proposed development and the resultant need for on-site car parking. In this regard, the main area of concern is the number of people who would attend the proposed Mosque at times of peak use of the Mosque, the means by which those worshippers would travel to the site, and the number of car parking spaces which would be required to accommodate cars on the site. The time of particular concern is during Friday prayers.

In keeping with a previous request from the Local Planning Panel (**the Panel**), the applicant has attempted to seek approval to undertake a traffic and parking analysis of other approved developments similar to that which is now proposed, being located in an industrial area. The applicant has been advised that the operators of other such Mosques will not permit the conduct of such surveys. As such, it has not been possible to obtain any empirical data to assist in the assessment of the proposed development.

Notwithstanding the above decline to undertake traffic and parking surveys at other Mosques, it is considered that there are certain circumstances which would lead to a conclusion that any such surveys would not generate data which would be representative of traffic and parking demand. In this regard:

- The current situation with regard to COVID 19 dictates that it is not possible to undertake any survey of existing facilities.
- Even if Places of Public Worship were able to operate as per pre-COVID 19, it is most likely that, in at least the short to medium term, that use of Places of Public Worship would be limited in the number of worshippers who could use those facilities at any one time.
- There is no indication as to when existing restrictions will be relaxed and, indeed, if all restrictions will in time be removed.

As such, it is unlikely that there will, in the near future, be any opportunity to undertake any traffic and parking surveys of existing facilities which will provide any meaningful data which either the applicant or the Council could use to ascertain the traffic and parking generation of the proposed Place of Public Worship.

The way forward

We understand that the Panel has requested Council to finalise its assessment of the development application for determination of the Panel at its December 2021 meeting which would be based on the existing plans and reports before the Council.

As indicated above, the previous approval for the site by the Land and Environment Court determined that a figure of 1.6 persons per car would be appropriate to ascertain the number of car spaces required on the site of the proposed Mosque. The applicant has accepted that figure and applying that figure to the proposed development, with the proposed 332 car parking spaces in a two (2) level basement car park, results in a maximum number of worshippers on the site of 510.

The applicant agrees that 510 worshippers should be the maximum for the site and has commissioned modified plans to demonstrate how that number of worshippers could be accommodated in the Mosque. Preliminary plans have demonstrated that, with appropriate floor area for each worshipper and COVID 19 safe separation of worshippers in place, that the 510 worshippers can be accommodated in the Mosque as now proposed without undue modification to the built form.

In light of the decision of the applicant to limit the number of worshippers to 510, there is now a significant possibility that the issues originally identified by both the Council and the Panel can be resolved. This being the case, we are of the opinion that the amount of time and money which has been invested to date by both the applicant and the Council would be wasted if the application were to be determined based on the current information available. As such, we respectfully request that the Panel defer its determination of the application until such time as the modified plans and accompanying reports are finalised to allow the Council Town Planning Staff to provide revised assessment of the proposed development.

We trust that deferral of determination the application will provide for a more efficient and cost effective assessment of the development application based on modified plans and accompanying reports which, we feel, will provide a solution to the issues raised by both Council and the Panel.

Yours faithfully,

NEXUS ENVIRONMENTAL PLANNING PTY LTD

per:

A handwritten signature in black ink, appearing to read 'Neil Kennan', written in a cursive style.

Neil Kennan