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Our Ref: B3359

14 September 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.

The operation of the proposed development depends to a significant degree on presenters and guests coming to the facility from interstate and/or overseas as follows:

- Presenters attending the Site for various workshops who usually attend workshops for up to four (4) days.
- International guests who present lectures in both the Mosque and the Community Facility for four (4) to five (5) days.
- Interstate guests for community meetings run by UMA for up to two (2) nights.

Currently, any international and interstate visitors are accommodated by UMA in local hotels at the expense of UMA. It is proposed to establish an accommodation wing on the Site at Level 1 containing four (4) rooms as part of the mixed used development which will be utilised by those guests and visitors. The accommodation wing is not to be used for permanent accommodation and is ancillary to the use of the Site as a Place of Public Worship and a Community Facility.

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.

The Traffic and Parking Assessment submitted with the development application calculates the number of car parking spaces for the Place of Public Worship based on the applicable "Places of Public Worship" parking rate under the Council Development Control Plan, as being:

- Prayer Area 1,659.67m², 1.0 space / 5m² of assembly area = 332 car spaces.

In response to the above, Council has requested further information and, in particular, states:

The car parking rates in Part B5 of the BDCP 2015 set out the minimum car parking rates

applicable to the proposed Place of Worship. The above DCP rate does not necessarily mean that all parking demands of the proposal will be contained on-site. An accurate estimation of the maximum car parking demand generated by the proposed Place of Worship will be required to be provided in order to identify the proposed development impacts.

There have not been any occupancy surveys of other Places of Worship to determine an appropriate car parking rate for the proposed site ...

As the plans detail 1,500 prayer mats, it can be assumed that a maximum of 1,500 patrons can be on-site at any one-time during times at which the Place of Worship is in use.

Adopting the assumption that all car parking spaces on-site will be capable of being used for the Place of Worship relates to a vehicle occupancy of 4.52 patrons per vehicle. This is not supported. This occupancy rate needs to be justified with numerical and survey data of similar uses. It is important to note that the vehicle occupancy rates for Friday noon Prayers are typically between 1 to 1.5 persons per vehicle. Council has accepted higher occupancy rates for similar uses in the past, where it can be demonstrated that such higher occupancy rates are reflective of other similar uses already in operation, but only in the realm of 2.5 persons per vehicle. [emphasis added]

Advice from the applicant's Traffic Consultant is that there are other Mosques operating such as:

- Anzac Street, Greenacre.
- Matthews Street, Punchbowl.
- Eldridge Road, Greenacre.

Approved car parking rates for the above range from 2 person per vehicle to 2.75 person per vehicle.

In an endeavour to ascertain exact number of cars attending Friday prayers at the above Mosques, the applicant has attempted to seek approval to undertake a traffic and parking analysis of the Eldridge Road facility in that the approved development is similar to that which is now proposed, being located in an industrial area. The applicant has been advised that the operators of that Mosque will not permit the conduct of such surveys.

Notwithstanding the above decline to undertake traffic and parking surveys at the Eldridge Road Mosque, 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 Places of Public Worship are not permitted to operate in the Greater Sydney Area. As such, it is not possible to undertake any survey of existing facilities.
- Even if current restriction on the use of Places of Public Worship were lifted such that those facilities were able to operate, 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, that number being significantly less than the number which would use that facility during non COVID 19

times.

- Indeed, it is most likely that a restriction would also be in place that only those people from a particular family can be in a vehicle together, thus skewing the number of people per vehicle when compared to non COVID 19 times when members of more than one family might travel to the Mosque in one vehicle.
- 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 and, in particular, the number of people per vehicle. Indeed, we are advised by UMA is that attendance at the Mosque, if it were operational, would be significantly less than that which would have been the case in pre-COVID 19 times.

The way forward

In light of the above, it would seem that there is unlikely to be any real opportunity to undertake any surveys which would assist either the applicant or the Council to better understand the traffic and parking generation of the proposed Mosque. As such, there is a need to determine a process by which the Council would be able to continue with the assessment of the current application.

The applicant is asking Council to consider the application in light of the constraints of the COVID 19 lock down having regard to previous approvals utilising a figure of up to 2.7 persons per vehicle.

In addition, on 16 November 2018, the Land and Environment Court granted consent relating to the approved Community Facility to, among other things:

- Use the approved prayer room in the existing Community Facility as a Place of Public Worship,
- Construct car parking for 155 car spaces.

The consent included a condition that the use of the development was for a 12 month trial period during which time UMA was to undertake a number of surveys to determine if the development was operating in accordance with the approved management plan for the site.

In light of the fact that the now proposed development is unlikely to be used to its capacity for some period of time, and on the assumption that approval is to be granted, it is suggested that an appropriate means by which the Council can move forward is for a condition of any consent being that UMA undertake detailed surveys of the use of the approved facility to determine if the proposed 325 car parking spaces are sufficient to accommodate traffic frequenting the site during Friday prayers. The results obtained could be utilised by Council to request modification of the Plan of Management as required.

We trust that the above will assist Council in its endeavour to allow progress in the assessment of the subject development application.

Yours faithfully,

NEXUS ENVIRONMENTAL PLANNING PTY LTD

per:

Neil Kennan