



Future of No 10 Clarence Street, Burwood

Dear Sahaja Yogis

Jai Shri Mataji!

The following background information is being shared with the National Collective so everyone is informed about the issues around our use of HH Shri Mataji's Burwood Centre.

Life Eternal Trust Australia will soon conduct a Survey of the NSW Collective about options for the future of Burwood. This information is shared to inform the wider Collective of the potential ways forward prior to the distribution of the Survey.

As the NSW Collective would be the beneficiaries of a return to using Burwood, and if the Survey supports proceeding with the suggested application the NSW LETA account and Collective funds would cover the cost of any work necessary to allow the Collective to return to using Burwood.

2018 Council advises to cease using the premises

Background to the restrictions placed on No 10 Clarence St

On the 26th November 2018 Burwood Council sent a notification letter to Life Eternal Trust Australia about the:

“unauthorised use of 10 Clarence St” in the letter the Council stated “Council is in receipt of a complaint regarding alleged unauthorised use at the above-mentioned premises for yoga and meditation services” where the approved use is a residential dwelling. Adding “Council directs you to immediately cease using the premises for the activity of mediation and meetings”

Neighbours had complained due to noise issues by way of chanting and drumming. This was conveyed to Burwood Council who issued the notification letter to further respect the community and contain any noise from the premises.

2019 Meeting with Mayor

Early 2019 the Trustees met with the Burwood Mayor about the notification letter. The mayor raised issues with the number of people meeting at a residential premises and that the building was not certified as being a safe place for meetings particularly around the risk of fire and the safe evacuation of the building in case of an emergency. The mayor also raised the issues not only relating to noise but and the impacts of parking of those attending the meetings to the surrounding streets.

Checking with neighbours

After the meeting with the mayor members of the Trust have spoken face to face and by way of a letter with the neighbours to ascertain any issues within the community. As part of the consultation to gauge the impact, if any on neighbours. A petition was put together by the Trust. This submission indicates an overwhelming consensus within the local community at that time that the noise which emanates from the premises was not viewed by the community as a disturbance.



2019 Back to Council

March 2019 LETA's solicitor sent Burwood Council a letter again reiterating that the use of the premises for yoga meditation was not a business activity and provided documentation to that effect. At that time a petition signed by surrounding residents was also shared with the letter.

Later in March 2019 Council responded by letter advising that is in receipt of a complaint regarding alleged unauthorised use of the premises, targeting an inspection date of 20 March 2019 to inspect No 10 Clarence St.

On the 20 March 2019 the site was inspected by 3 officers from Council and by letter from Council dated 20 May 2020. Council instructed the applicant to cease all activities on the site immediately for the purposes of a place of public worship and/or business premises.

Applying for 'Community Facility'

Upon advice from Ingham Planning Pty Ltd our Town Planning consultant and in order to provide the members of the Sahaja Yoga community with clarity. LETA proposed to prepare a Development Application to formalise the use on the site as a "*community facility*," which is the most appropriate definition for the use and is permissible within the residential zoning.

Over the next 12 months Ingham Planning Pty Ltd and LETA prepared a formal Development Application for No 10 Clarence that the use of the premises is suitable for the site and should be approved by Council as a community facility for the purposes of meeting for meditation.

The proposal was for the continuing use of the dwelling; and

- The use of the ground floor of the dwelling as a Community Facility, once a week on a Saturday from 4pm-9pm for the purposes of meditation. The time in which they would be present would also coincide with the end of main retailing activities within the town centre and the movement of large numbers of people within the town centre, thus reducing any potential disturbance to residents as this would be well prior to a reduction in background noise levels within this neighbourhood and before the closure of night time dining establishments within the immediate and local vicinity
- A maximum of 150 members would attend to practice Sahaja Yoga meditation

Several expert reports were commissioned in support of the Development Application including a Building Compliance Report, Traffic Assessment and Impact statement report, Acoustic Impact statement, Burwood premise site and Building survey.



Second meeting with Mayor – Council suggests rezoning Burwood area

Potential Re-Zoning application by Burwood Council of Clarence St

Prior to the submission of the Development Application the Trustees met with the Mayor and the head of the Planning Department. They informed us that Burwood Council were to submit a re-zoning proposal to the NSW State Government planning department that the south side of Clarence be re-zoned from Residential to Medium density development. It would not be the eight storeys as permitted on the north side of Clarence St but up to three storeys.

Burwood Council advised us not to submit our Development Application. That we should wait for the re-zoning to be processed and completed. Our use of 10 Clarence St would then be permitted without the need for a Development Application. Upon this advice we did not proceed to submit the Development Application and decided to wait for the re-zoning to be put in place.

2023 Council decides not to go ahead with rezoning

Re-Zoning application by Burwood Council of Clarence withdrawn

2023 Burwood Council informed LETA that they had withdrawn their application for the planned re-zoning application by Council of the south side Clarence St. Due to the number of heritage properties on the street and the Church. It was deemed not to be commercially viable to proceed with the re-zoning application given the cost to Council to fund the re-zoning.



Recent 2023 discussions with Council

Meeting with Town Planning Department

The Trustees together with our Town Planning Consultant met with Burwood Council Town Planning Department :

- Council previously looked at rezoning the south side of Clarence Street to mixed use. Council planners supported the rezoning but The Councillors resolved to remove Clarence Street from the rezoning due to the heritage listing of sites within the area.
- LETA asked about Council's appetite to do a planning proposal to include an additional permitted use for place of public worship for 10 Clarence Street, should the statutory planners not accept a DA for community facility. Council does not typically support site specific rezonings and they advised against this. Council only has three examples of additional permitted uses, which clearly demonstrates they do not support them.
- Council might be open to LETA led rezoning of the part of Clarence Street that is not heritage, but Council would not be doing this themselves as part of any review of the Burwood LEP. This would be a planning proposal that includes all the sites to the west of our site, and would be at a major cost to LETA. This is obviously not ideal from a time and cost perspective.

- Burwood Council advice was to go down the DA pathway and provide the evidence that the site is operating as a community facility. Council agreed that this should be supported by legal advice.



Council suggests a formal Pre-Development Application meeting to apply for 'Community Facilities'

Town Planning Consultant advice would be to have a formal Pre-Development Application meeting with Burwood Council. The Pre-Development request should be accompanied by:

- Planning statement detailing the proposal as a community facility (not a place of public worship)
- Not-for-profit statement
- Legal advice confirming the use is community facility
- Architectural plans that clearly show how the rooms are operating (identifying what is for meditation, what is for care-taker private residence)
- Evidence to address that the altars are not there as a place of public worship
- Draft traffic, acoustic and BCA statements from previous development application (we will be very clear that these are draft only and need to be updated)

Council to provide a written response

Burwood Council will then provide written advice based on this information. The main matter we need confirmed is whether they accept the characterisation of the use of Burwood as a community facility as proposed.

If they do accept this, the full Development application will then be about managing the impacts of the use covering noise, traffic, parking, fire safety, operation

If we proceed with a development application after the Pre-DA meeting, the package will need to include:

- Survey
- Architectural and landscape plans and schedule of materials and finishes
- Statement of Environmental Effects
- Cost Summary report
- Waste Management Plan
- Basix for residential (Certificate for Building Sustainability Index)
- BCA and access
- Traffic and Parking Statement
- Green Travel Plan
- Acoustic statement
- Concept drainage plan
- Heritage impact statement (although this could be covered in the Statement of Environmental Effects if Council agree)
- Fire safety measures
- Operational Management Plan

As with all applications of this kind we can never be assured of a positive outcome, however there is an opportunity for the Collective to again use Burwood if we go down this path.

If you have any questions or seek further information please write to:

life.eternal.trust.australia@gmail.com

