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# AMENDED STATEMENT OF ENVIRONMENTAL EFFECTS



Prepared For: Clarendon Homes October 2021 Amended June 2022 Report No.: 9025354 Site Address: Lots 11-12 DP 132660 776-778 Hume Highway YAGOONA NSW 2199

Boundary adjustment and construction of an exhibition home and secondary dwelling.

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# INTRODUCTION

This report has been prepared at the request of Clarendon Homes in support of a boundary adjustment of two lots and construction of a display home and secondary dwelling and parking area on the lots. Following an initial assessment by Council, dated April 2022, plan changes have been made to the proposal and additional information provided to assist Council in the ongoing assessment of this project.

The aim of this report is to identify and respond to the applicable statutory planning controls and Council policies that apply to the site, as well as identify potential natural and built environmental impacts of the development.

The development has regard to the requirements of the Bankstown Local Environmental Plan 2015 and provisions of the Bankstown Development Control Plan 2015 being the principal environmental planning instruments for the site.

The subject allotments form the basis for the display of the housing stock available through Clarendon Homes. Parking is proposed within Lot 11 of the site and a traffic report is submitted with this application to show there is no detrimental impact of the display home and parking area on traffic exiting or entering the site. Please refer to the Traffic and Parking Report prepared by TAR Technologies. Per the accompanying letter, it is requested Council consider condition the approval for the exhibition home and parking to ensure the sites cannot be sold separately until the expiry of the exhibition home.

Based upon the unique nature of the landuse activity as an exhibition home, Development Consent is required for this purpose. This use will be limited to a small period of time (5 years) as standard for exhibition homes. Following expiry of this timeframe it is envisaged for the built form to be reverted back to a single residential dwelling for market sale including removal of the sales office, parking area and any signage.

It is demonstrated within this statement that the proposed development is able to generally satisfy the intent of policy.

This document has been prepared in support of an application under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act 1979) and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal.

The subject development is not integrated development or designated development for the purpose of the EP & A Act 1979.

Therefore, it is with confidence that the subject application is submitted for a favourable determination.

# DESCRIPTION OF SITE AND LOCALITY

The subject sites are within an established residential area. The site is known as 776 Hume Highway Yagoona and formally identified as Lots 11 and 12. The site appears consolidated to provide a large residential site, with existing dwelling. The subject application seeks to adjust the boundary of the allotments, to create one larger and one smaller site, further information provided in next section.

The proposed exhibition home and secondary dwelling are located on the larger Lot (proposed Lot 112). The subject site presents as a suitable area for the exhibition home being within suitable proximity to a main transport corridor and will provide a suitable access to view the exhibition home.



Source: NearMaps 2021

The subject sites are both rectangular in shape, with a frontage to the Hume Highway. The sites contain a dwelling to be demolished under separate application. Several trees require removal to site the subject development, however replacement landscaping will follow construction of the development.

Surrounding development is a mix of residential dwellings in a largely residential area that is within proximity to main transport corridors and surrounding central business districts. A road network is connected to the site including services of telecommunications, power, water and sewer as anticipated within an established residential area.

# DECRIPTION OF PROPOSAL

The proposal is for the construction and use of a dwelling house and secondary dwelling as an exhibition home and provision of a parking area for visitors at 776 Hume Highway Yagoona. The proposal also involves a boundary adjustment between Lots 11 and 12.

A summary of the changes to the lots are shown in the below table.

	Lot Size	Lot Width
Existing		
	1277m <sup>2</sup>	27.305m
Proposed		
	Lot 111: 552.7m <sup>2</sup>	Lot 111: 11.79m
	Lot 112: 730.7m <sup>2</sup>	Lot 112: 15.53m

The proposed changes remain in keeping with the relevant planning controls as outlined within the following sections.

The subject development application is supported by professional plans prepared by Clarendon Homes that demonstrate the acceptability of the designs.

The proposed exhibition home and signage is intended to operate from the site to allow potential customers easy access to a display home while surrounding areas are being established. The display home is to operate for short periods of time, and following expiry of this time period, the dwelling will revert back to a residential home with the signage removed and the parking area converted to a residential allotment.

In detail, the proposed development consists of the following works:

<u>Landuse</u>

- Dwelling and secondary dwelling within Proposed Lot 112, to operate as an exhibition home.
- Parking area within Proposed Lot 111.
- Hours of operation are Monday to Sunday 10am 5.00pm.
- Two (2) full time sales staff present on site at all times.
- Paper display information and non-fixed office furniture within the sales office.

This type of activity works as a point of call to interested homebuyers allowing them to walk through the display home and inspect features whilst also providing an area for a sales function.

# <u>Site works –</u>

- Construction of dwelling, secondary dwelling and parking area.
- Signage at street level of a low intensification in order to identify sales office and the display home. Details have been provided with the subject application.
- Fencing provided to boundaries to safely direct customers to the dwelling.

The dwelling and signage is detailed on the accompanying plans prepared by Clarendon Homes.

# ASSESSMENT OF PLANNING CONTROLS

There are a number of State and Local Environmental Planning Instruments that may apply to any given development. In providing this assessment of the proposed development, consideration has been given to the following statutory and non-statutory controls.

- Section 4.15 of the Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy (Industry and Employment) 2021
- Bankstown Local Environmental Plan 2015
- Bankstown Development Control Plan

The following discussion explores the compliance of the subject development with the relevant EPI's.

# Section 4.15 of the Environmental Planning and Assessment Act 1979

The assessment of a development application is required to address the matters for consideration listed under section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended. The following matters must be considered:

- (a) the provisions of:
  - i. any environmental planning instrument;
  - ii. any draft local environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority;
  - iii. any development control plan;
  - iv. any matters prescribed by the regulations,
  - v. that apply to the land to which the development application relates.
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- (c) the suitability of the site for the development;
- (d) any submission made in accordance with the Act or the regulations;
- (e) the public interest.

The relevant issues are addressed in broad terms through the assessment provided below.

# State Environmental Planning Policy (Industry and Employment) 2021

Signage details are provided on the landscape plan accompanying the application. A digital sign (1.3m x 4m), Lot Plate sign (0.4m x 0.9m), tower sign (1.1m x 4m) and flag pole (0.85m x 5m) are proposed.

# Chapter 3 – Advertising and signage

Clause 3.2 Signage Generally

The proposed signage is considered to be in keeping with the aims/objectives as per Clause 3.1 as it predominantly relates to business identification signage and will not have any adverse impact upon the amenity and visual character of the area. Please refer to the below assessment of Schedule 5.

## Clause 3.3 Advertisements

This part does not relate to business identification signs.

#### <u>Schedule 5 – Assessment Criteria</u>

Requirement	Provision	Compliance
<ul> <li>(a) The character of the area.</li> <li>(i) Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>(ii) Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	The signage is considered to be compatible with the existing character of this section of Hume Highway. With a number of signs existing along the roadway. The display home and associated signage will not have any detrimental impact upon the locality.	Yes
<ul> <li>(b) Special areas.</li> <li>(i) Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	Signage will not detract from any surrounding areas.	Yes
<ul><li>(c) Views and vistas.</li><li>(i) Does the proposal obscure or compromise important views?</li></ul>	No loss of important views.	Yes
(ii) Does the proposal dominate the skyline and reduce the quality of vistas?	No vistas to be impacted upon, signage of a similar scale and nature of other signs within the vicinity and located wholly within the site. The signs will not impact	Yes

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	upon the amenity of the street.	
(iii) Does the proposal respect the viewing rights of other advertisers?	Viewing rights of other potential advertisers respected.	Yes
(d) Streetscape, setting or		
landscape. (i) Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Scale, proportion and form considered appropriate for the site.	Yes
(ii) Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Signage not anticipated to have any negative impacts on the streetscape, and will be within the scale appropriate to the street.	Yes
(iii) Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Signage relates to a proposed business use.	N/A
(iv) Does the proposal screen unsightliness?	No unsightliness to screen.	N/A
(v) Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Signage does not protrude above the building.	Yes
(vi) Does the proposal require ongoing vegetation management?	No	N/A
<ul> <li>(e) Site and building.</li> <li>(i) Is the proposal compatible with the scale, proportion and other characteristics of the site or building or both on which the proposed signage is to be located?</li> </ul>	Signage considered compatible with the building.	Yes
(ii) Does the proposal respect important features of the site or building, or both?	Signage proposed creates interest without detracting from any features.	Yes
(iii) Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Design, scale and siting of the signage is considered to be appropriate for the sites.	Yes

<ul> <li>(f). Associated devices and logos with advertisements and advertising structures.</li> <li>(i) Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	No	N/A
(g) Illumination. (i) Would illumination result in unacceptable glare?	No, illumination will have an acceptable glare.	Yes
(ii) Would illumination affect safety for pedestrians, vehicles or aircraft?	The sign is setback within the property boundaries and is of a minimal nature that is would not impact upon pedestrians or vehicles.	Yes
(iii) Would illumination detract from the amenity of any residence or other form of accommodation?	No, illumination will be of a minimal impact. Sign to be turned off between 11pm and 6am.	Yes
(iv) Can the intensity of the illumination be adjusted, if necessary?	Capable of being provided.	Yes
(v) Is the illumination subject to a curfew?	Yes, illumination will be between 6amand 11pm with the sign being automatically turned off after 11pm.	Yes
<ul><li>(h) Safety.</li><li>(i) Would the proposal reduce the safety for any public road?</li></ul>	There is not anticipated to be any loss of safety for passing motorists.	Yes
(ii) Would the proposal reduce the safety for pedestrians or bicyclists?	There is not anticipated to be any loss of safety for pedestrians or cyclists.	Yes
(iii) Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas?	No loss of sightlines.	Yes

# Bankstown Local Environmental Plan 2015

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

The subject site is zoned R2 Low Density Residential pursuant to Clause 2.1 Bankstown Local Environmental Plan 2015.

The proposed development is defined in the plan as a 'dwelling house' and 'secondary dwelling' to be used as an 'exhibition home' being 'a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays',

The identified zone permits the construction of an 'exhibition home' and 'secondary dwelling' subject to development consent from Council.

## Clause 2.3 Zone objectives and land use table

The objectives of the R2 Zone are:

- •To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.
- To allow for the development of low density housing that has regard to local amenity.
- To require landscape as a key characteristic in the low density residential environment.

The proposed development is for a low-density residential dwelling and secondary dwelling being compatible with the existing and future character of the locality. The buildings are designed to provide a high level of amenity for adjoining residents whilst considering the natural restraints of the site.

A parking area is proposed on Proposed Lot 111 ancillary to the use of the Proposed Lot 112 as an exhibition home. The parking area will not have any detrimental impact upon the surrounding properties and will maintain the streetscape given there area number of properties within the vicinity which have parking on-site to accommodate customers parking.

The proposed dwellings are considered to meet the objectives of the R2 Zone.

#### Clause 4.1 Minimum lot size

Minimum lot size required per the Maps is 450m<sup>2</sup>. The proposed boundary adjustment results in each lot having an area greater than 450sqm, complying with this requirement.

# Clause 4.3 Height of Buildings

Requirement	Provision	Compliance	
	Dwelling House		
Building height – 9m	7m	Yes	
0 0			
Wall height – 7m	Max. 7m	Yes	
č			
Secondary Dwelling (detached from Dwelling)			
Building height – 6m	4.426m	Yes	
Wall height – 3m	2.975m	Yes	
5			
Wall height – 3m	2.975m	Yes	

## Clause 4.4 Floor Space Ratio

Requirement	Provision	Compliance
0.5:1	0.499:1	Yes

## <u>Clause 4.6 Exceptions to development standards</u>

The development does not contravene any development standards with in the LEP.

#### Clause 5.4 Controls relating to miscellaneous permissible uses

Secondary dwellings - If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater –

- (a) 60 square metres,
- (b) 10% of the total floor area of the principal dwelling.

The proposed secondary dwelling has a total floor area of 52.35m<sup>2</sup> meeting with the above control.

#### Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance.

## Clause 5.11 Bush fire hazard reduction

The subject site is not identified to be bushfire prone land on Council's maps.

## Clause 6.1 Acid Sulfate Soils

The subject site is not known to be affected by Acid Sulphate Soils.

# Clause 6.3 Flood Planning

The subject site has not been identified as being within a flood risk precinct as per Councils 10.7 Certificate.

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## Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the relevant objectives and development standards relating to dwelling houses as contained within BLEP 2015.

# Bankstown Development Control Plan 2015

# Part B1 – Residential Development Section 2 Dwelling Houses

Requirement		Provision	Compliance
Subdivision			
Subdivision may be allowed if:	Lot 111:	Lot 112:	
-each lot is minimum 450sqm;	552.48sqm	730.78sqm	Yes
-min. frontage 10m;	11.791m	15.528m	Yes
-min. depth 15m.	46.305m	46.787m	Yes
Additional battle-axe controls.	N/A		N/A
<u>Storey Limit</u> Max. 2 Storeys	2 Storey dwellir	ng proposed.	Yes
Fill not to exceed 600mm unless contained within perimeter of dwelling of dwelling to a max. 1m above NGL.	Minimal fill proj	oosed to be battered.	Yes
Setback restrictions Dwellings prohibited within 9m of an existing animal boarding facility.	N/A		N/A
Setbacks to Primary and			
Secondary frontages			
Primary frontage			
Ground – 5.5m	Min. 6.5m to ar	ticulation.	Yes
First – 6.5m	6.5m		Yes
Secondary frontages	N/A		N/A
Building wall – 3.0m			
Garages – 5.5m			
Setbacks to side boundary			
Wall height <7m – 0.9m	Min 1.62m to r	principal dwelling	Yes
Wall height $>7m - 1.5m$	>1.5m		Yes
Basement levels must not project	N/A		N/A
beyond the ground floor walls.			
Driveto Open Space			
Private Open Space	00m <sup>2</sup> provided	bohind the building line	Voc
Min. 80m <sup>2</sup> behind building line. Min. dimension 5m	•	behind the building line, the dwelling with min.	Yes

Access to sunlight Greater than 3hrs solar access to living area of subject residence and neighbours 8am to 3pm / Mid-winter solstice.	North to rear, appropriate solar access to habitable rooms of subject dwelling where capable, with adjoining property to receive adequate solar access given the appropriate height and compliant side setbacks provided.	Yes
Greater than 3hrs solar access to 50% of POS on subject site and neighbouring allotments 9am to 5pm / Equinox	3hrs available to POS areas of proposed dwelling. 3hrs solar access to the POS of the adjoining dwellings is capable of being provided throughout the day.	Yes
Overshadowing of existing solar panels should be avoided.	Proposed dwelling not anticipated to overshadow any existing solar panels.	Yes
<u>Visual Privacy</u> Windows looking directly into living rooms or POS areas of neighbouring properties should be: - Offset or, - provided with a 1.5m high sill or, - provided with screening	Windows have been appropriately offset and setback to ensure minimal privacy intrusion to neighbouring properties. Upper leisure room windows orientated to overlook the front setback, and side window to parking area will not intrude on adjoining privacy.	Yes
Upper floor side/rear balconies permitted where not accessed from living areas, <1.5m wide and provided with screening.	Upper floor front balcony proposed.	N/A
Roof top balconies are not permitted.	N/A – No roof top balconies proposed as part of this development.	N/A
Building Design Max. roof pitch – 35°	<35 degree roof pitch – flat roof proposed to showcase contemporary designs.	Yes
Attic spaces to contain maximum of 2 rooms and a bathroom.	N/A	N/A
Dormers to be <2m wide, below ridge line and not dominate the roof plane.	N/A	N/A
Development in foreshore areas must use non-reflective materials that area compatible with the	N/A	N/A

natural characteristics of the area.		
Building Design (Car Parking) Car parking to be located behind the building line.	Parking setback behind the building line.	Yes
At least 1 covered parking space.	Spaces provided within attached double garage.	Yes
Setback 6.0m from primary or secondary street frontages if providing only one space.	Double garage setback >6m.	Yes
Garages to be integrated and does not dominate the façade.	Garage integrated within dwelling, appropriate articulation of front façade ensures garage is not a dominant feature.	Yes
Triple garages only permitted on two storey dwellings where it is architecturally integrated with the upper storey.	N/A	N/A
Landscaping Retain and protect significant trees where possible.	Several trees are proposed for removal in order to site the proposed dwelling and secondary dwelling. Additional landscaping and vegetation to be provided upon completion of the construction phase.	Yes
Min. 45% landscaped area between dwelling and street frontage.	>45% provided.	Yes
At least 1 x 75L tree in front setback	Mature tree capable of being provided if considered necessary – Refer to landscape plan.	Refer to Landscape plan
In foreshore protection areas, native trees with a mature height of 12m to be planted adjacent to water bodies.	N/A	N/A

# Section 3 Secondary Dwellings

Requirement	Provision	Compliance
Site Cover Secondary dwelling max. 60sqm and must not exceed max. floor area permissible under EPI.	Total FSR does not exceed maximum allowed under LEP and secondary dwelling 52.35m <sup>2</sup> .	Yes
<u>Storey Limit</u> Attached – 2 storey	N/A	N/A
Detached – 1 storey	1 storey.	Yes
Fill not to exceed 600mm unless contained within perimeter of dwelling to a max. 1m above NGL.	No fill. Platform to be cut only.	Yes
Setbacks to the primary boundary Primary frontage Ground – 5.5m First – 6.5m	>5.5m – setback behind the principal dwelling N/A	Yes N/A
<u>Setbacks to side boundary</u> Wall height <7m – 0.9m Wall height >7m – 1.5m	Min. 0.95m setback to wall. N/A	Yes N/A
Private Open Space Must not result in the principal dwelling having less than required landscaped and POS.	Principal dwelling provided with required POS areas.	Yes
Access to sunlight Greater than 3hrs solar access to living area of subject residence and neighbours 8am to 3pm / Mid-winter solstice.	3hrs solar access available to proposed secondary dwelling due to northern orientation provided to the rear. The adjoining dwellings will not be unreasonably impacted upon due to the single storey nature of the secondary dwelling.	Yes
Greater than 3hrs solar access to 50% of POS on subject site and neighbouring allotments 9am to 5pm / Equinox	Given northern orientation to the rear, suitable solar access to the POS area is provided where possible.	Yes
Visual Privacy Windows looking directly into living rooms or POS areas of	No windows with direct line of sight. Windows have been appropriately	Yes

neighbouring properties should be: - Offset or, - provided with a 1.5m high sill or, - provided with screening	offset and setback to maintain privacy.	
Building Design Max. roof pitch detached secondary dwelling – 25°	<25° roof pitch to secondary dwelling, flat roof pitch proposed due to contemporary design of dwelling and secondary dwelling.	Yes
Building Design (Car Parking) Secondary dwelling must not result in the principal dwelling having less than required car parking.	Required car parking is provided to the principal dwelling.	Yes
Landscaping Retain and protect significant trees where possible.	Some trees are proposed for removal in order to site the proposed dwelling. Remaining vegetation on site is to be retained, with additional landscaping is proposed upon completion of the construction phase.	Yes

## Section 14 – Ancillary Development (Outdoor Structures)

Swimming pool has been removed from the application.

#### Part B5 – Parking

#### Section 2 – Off Street Parking

Council requires 2 parking spaces to be provided for the proposed dwelling. The development provides two parking spaces within the proposed double garage. The proposed parking arrangement is considered to meet the objectives of the control for dwelling houses.

No minimum parking requirements are provided in the DCP for Exhibition Homes. The provision of six (6) parking spaces, plus two additional staff parking spaces is considered more than adequate to accommodate visitors to the Display Home. Please refer to the accompanying Parking and Traffic Report prepared by TAR Technologies.

The parking spaces have been designed to meet with the minimum width and depth provision as per Clause 3.3 of B5 – being 2.5m (w) x 5.4m (l). Please refer to the amended architectural and landscape plans. Further, landscaping, pathways and lighting details have been provided as per Clauses 5.6 and 5.9 of Part B5. Adequate landscaping and bumper stops are provided as per Part B5, Clause 6.1, with trees also planted and shown on the Landscape Plan per Clauses 6.2 and 6.3.

The amended Traffic and Parking report provided details that the proposal is capable of meeting with the DCP controls and the Australian Standards. As such, suitable parking is considered to be provided in this instance.

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## Conclusion with respect to DCP requirements

The proposal is considered to reasonably satisfy the objectives of the relevant design provisions relating to dwellings as contained within the Bankstown Development Control Plan 2015.

# The Likely Impacts of the Development and Suitability of the Site

The impacts on the natural and built environments are of a level considered acceptable for exhibition homes, sale office and signage.

The sites are ideally suited to the proposed use, which are permissible and satisfy the broad objectives of the Bankstown LEP 2015 and general design provisions of the Bankstown DCP 2015.

This statement also demonstrates that the proposed signage is of a low scale, aesthetically designed and blends well with the built form and envisaged residential character.

Given the above and the discussion of the matter within the report, the proposed development is considered suitable to the sites.

# Any submissions made in accordance with this Act.

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process and duly considered.

# The public interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case, particularly noting the sympathetic nature of the proposal.

# CONCLUSION

The proposed development has been considered in respect of the relevant Environment Planning Instruments and is deemed to be satisfactory with respect to those requirements.

The proposed development, including subdivision/boundary adjustment and the subsequent use of the dwelling as exhibition homes along with the parking area and signage will have minimal impact upon the surrounding properties and is appropriate as demonstrated within this statement and within the supporting documentation submitted to Council. The signage appropriately identifies and relates to the sites use as a residential exhibition home.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activities and ancillary works are considered acceptable and maintain the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under 4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed use and signage is on balance worthy of approval.

Local Consultancy Services Pty Ltd October 2021