



External Alterations, House of Ullr, Thredbo Village

Development Application Assessment
DA 22/16334

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Cover image: *Main Range, Kosciuszko National Park (Source: Alpine Resorts Team)*

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BVM	Biodiversity Values Map
Consent	Development Consent
CPP	Community Participation Plan
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
KNP	Kosciuszko National Park
Minister	Minister for Planning
NPWS	National Parks & Wildlife Service
Planning Secretary	Secretary of the Department of Planning and Environment
RFS	NSW Rural Fire Service
SEPP	State Environmental Planning Policy

Contents

1	Introduction	1
2	Matters for Consideration	4
2.1	Strategic Context.....	4
2.2	Permissibility	4
2.3	Mandatory Matters for Consideration.....	4
2.4	Other approvals.....	10
3	Submissions	11
3.1	Department’s engagement.....	11
3.2	Summary of submissions	11
4	Assessment	13
4.1	Design details and standards.....	13
4.2	Managing construction impacts.....	14
5	Recommendation.....	15
	Appendices	16
	Appendix A – Recommended Instrument of Consent	16

1 Introduction

The application seeks approval for the external alterations to the existing tourist accommodation building (Figure 1) of the House of Ullr, consisting of the replacement of the existing windows.



Figure 1 | Location of site (blue arrow) in context of other surrounding lodges (Source: Nearmap 2023)

The site is located on Lot 815 DP 1119757, 8 Mowamba Place, Thredbo 2625. The site is occupied by a mixed-use building known as the House of Ullr (HOU) which provides a mix of hotel accommodation, restaurant, public bar and ski storage. The building is centrally located in Thredbo Village and accessible off Bobuck Lane from Friday Drive.

The HOU (**Figure 2**) is located on the corner of Bobuck Lane and Mowamba Place and sits next to similar tourist accommodation buildings in the village. It is bounded by Bobuck Lane to the north, by Mowamba Place to the west, by RAN Ski Club to the east and by Bernti's Mountain Inn and Happy Jacks Apartments to the south.

The Department previously granted development consents for the proposed renovation and extension of the HOU in 2015 and 2016. The first stage of the works has been completed and the Applicant (MTHJ Holdings Pty Ltd) has advised that there is no intention to commence the subsequent stages of the development. The current intention of the Applicant is to retain the existing lodge rooms and refurbish as necessary to continue providing tourist accommodation.

With this application, the Applicant seeks approval for the demolition of the HOU's existing timber framed windows, installation of thermal seals in the existing openings and installation of new double glazed aluminium framed windows (**Figures 3 to 5**). The proposal aims to maintain the appearance of the original

windows, such that the colour of the window frames will be of a similar dark grey colour to match the existing colour scheme of the building. Additional spandrel considerations are required and works to address BCA non-compliance on four areas of the building are proposed.

The existing single glazed windows with timber frames are the original windows installed for the HOU from its construction more than 40 years ago. The replacement of the old decaying windows will ensure the building's longevity of use as a 'tourist accommodation' facility. The proposed improvement works will also create a more energy efficient building by reducing the amount of air infiltration and heat loss whilst improving the amenity value of the HOU.



Figure 2 | House of Ullr - Existing North Elevation and West Elevation



Figure 3 | Existing North Elevation, with windows to be replaced (red dotted) and spandrel works in blue (Source: Applicant's documentation)



Figure 4 | Existing South Elevation, with windows to be replaced (Source: Applicant's documentation)

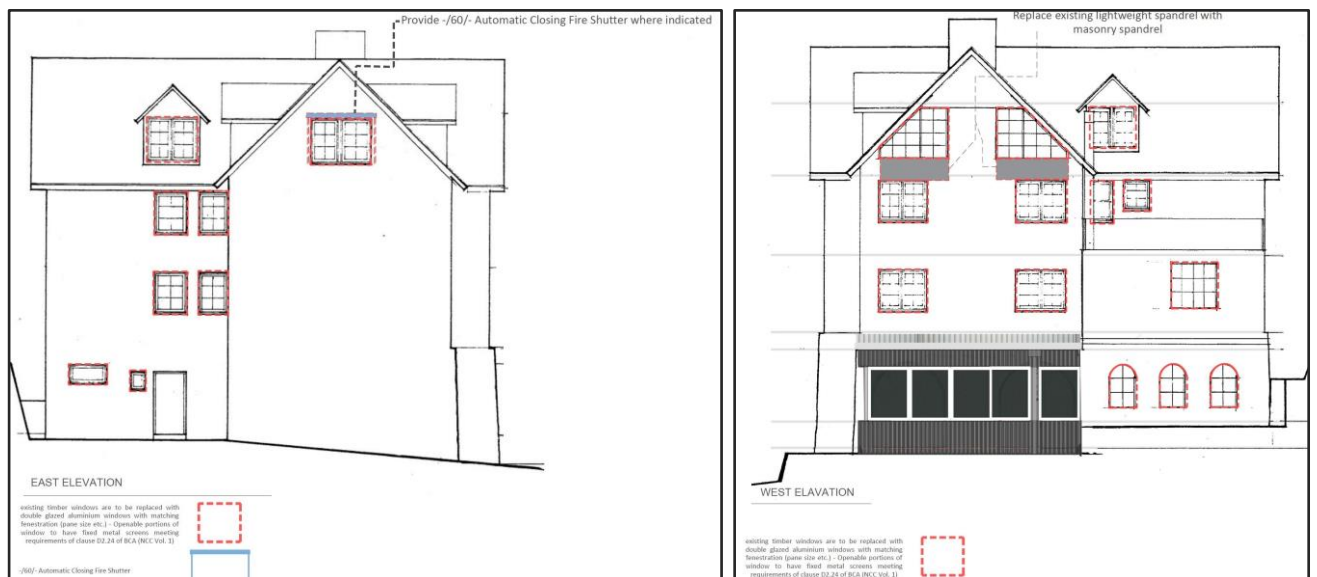


Figure 5 | Existing Western and Eastern Elevation, with windows to be replaced (red dotted) and spandrel works in grey (Source: Applicant's documentation)

The Applicant also comments that the proposal will improve the building's bushfire resilience. Further, new screens are to be installed over the openable section of the windows, that would exceed the minimum bushfire requirements proposed for the site (BAL 12.5).

The estimated cost of works is \$229,790.00.

Supporting documents and supporting information to this assessment report can be found on the NSW Planning Portal website at:

<https://www.planningportal.nsw.gov.au/development-assessment/state-significant-applications/projects/state-development-applications>

2 Matters for Consideration

2.1 Strategic Context

South East and Tableland Regional Plan 2036

The proposal is consistent with the Regional Plan as it would maintain the existing use of the site for tourist accommodation and improves the condition of the tourist accommodation building for its guests and visitors, which maintains visitation to the NSW ski resorts.

Snowy Mountains Special Activation Precinct Master Plan

The proposal is consistent with the Master Plan as it relates to maintaining visitor accommodation, while improving the external appearance, energy efficiency (reducing heat loss) and bushfire resilience of the building without impacting the environmental, cultural and landscape attributes of Thredbo Village.

Precincts - Regional SEPP

The proposal is consistent with Chapter 4 of the Precincts - Regional SEPP as the proposal would not have an adverse impact on the environment, as the proposal appropriately minimises the potential impacts by restricting works to the existing building footprint area.

2.2 Permissibility

The proposal includes external alterations to a building whilst maintaining the use of the site consistent with the definition of 'tourist accommodation' as defined in Chapter 4 of the Precincts - Regional SEPP. Pursuant to section 4.9 of the Precincts - Regional SEPP (in effect at the time of lodgement, as since amended), 'tourist accommodation' is permissible with consent within the Thredbo Alpine Resort.

2.3 Mandatory Matters for Consideration

Objects of the EP&A Act

Table 1 | Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal supports the ongoing use of the building through improving the existing structure. The construction impacts are maintained within the building's footprint, posing minimal impacts on biodiversity and the environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social	The proposal would not have an unacceptable impact on the environment thus being ecologically sustainable development. Mitigation measures during construction have been considered and rehabilitation of impacted areas is supported.

considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,	The development seeks approval for works that upgrade the buildings longevity and use of the site for 'tourist accommodation', thereby promoting the ongoing economic use of the land.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable to this proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The impacts upon the environment have been limited where possible, with works relating to the replacement of existing windows.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is not anticipated to result in any impacts upon built or cultural heritage, including Aboriginal cultural heritage.
(g) to promote good design and amenity of the built environment,	The Department considers that the proposal responds to its existing setting, built form and would not impact upon the natural environment. The works to the window frames and glazing improve the external appearance, energy efficiency (reducing heat loss) and bushfire resilience.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent to ensure the construction of the proposal is undertaken in accordance with legislation, guidelines, policies and procedures (refer to Appendix A).
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 3), which included consultation with government agencies and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 3), which included notifying the neighbouring lodges, and displaying the application on the NSW Planning Portal website.

Considerations under section 4.15 of the EP&A Act

Table 2 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument (EPI)	<p>The Precincts - Regional SEPP is the principal EPI which applies to the site for this type of development. An assessment against the requirements of Chapter 4 of the Precincts - Regional SEPP is provided below.</p> <p>The Department is satisfied that the Application is consistent with the requirements of Chapter 4 of the Precincts - Regional SEPP.</p>
(a)(ii) any proposed instrument	Not applicable to the proposal.
(a)(iii) any development control plan	Not applicable to the proposal.
(a)(iiia) any planning agreement	Not applicable to the proposal.
(a)(iv) the regulations	<p>The application satisfactorily meets the relevant requirements of the EP&A Regulation, particularly the procedures relating to development applications (Part 3 and Part 4) and fees (Part 13 and Schedule 4).</p> <p>The Department has undertaken its assessment in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
(a)(v) any coastal zone management plan	Not applicable to the proposal.
(b) the likely impacts of that development	The Department has considered the likely impacts of the development, with no native vegetation impacts likely to occur as a result of the proposal. The proposal is considered to have positive economic and social impacts.
(c) the suitability of the site for the development,	The site is suitable for the development and supports the ongoing use of the building.
(d) any submissions made in accordance with this Act or the regulations,	Consideration has been given to agency discussions during the assessment of the application. See Section 3 of this report.
(e) the public interest.	The works are consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP. The

development is compatible with adjoining land uses of the locality and would not have an adverse impact on the environment. The proposal is consistent with the principles of ESD.

As such, the proposal is believed to be in the public interest.

Environmental Planning Instruments

State Environmental Planning Policy (Precincts - Regional) 2021 (Precincts - Regional SEPP) is the principal EPI applicable to the development. Consideration of Chapter 4 of the Precincts - Regional SEPP (in effect at the time of lodgement, as since amended) is provided below:

Table 3 | Chapter 4 considerations

Section 4.12(1) - Matters to be considered by consent authority

(a) the aim and objectives of this policy, as set out in section 4.1	The proposal is consistent with the aim and objectives of Chapter 4 of the Precincts - Regional SEPP in that it is consistent with the principles of ESD and supports the ongoing use of the site for 'tourist accommodation'.
(b) the conservation of the natural environment and any measures to mitigate environmental hazards (including geotechnical hazards, bush fires and flooding),	<p>The proposal is appropriate as it allows alterations to an existing building, while having an acceptable impact on the environment.</p> <p>The land is not subject to flooding. The Bushfire Assessment report submitted with application has identified the site as bushfire prone land with Fire Danger Index (FDI) of 50 and within the existing Special Fire Protection Premises. A BFSAs has been issued by the RFS. The land is identified as being in an area of geotechnical sensitivity, with geotechnical considerations discussed below. Natural hazards have been adequately addressed.</p>
(c) the cumulative impacts of development on existing transport, effluent management systems, waste disposal facilities or transfer facilities, and existing water supply,	No adverse cumulative impacts are anticipated as the proposal will not result in any changes to existing transport, effluent management systems, waste disposal facilities, transfer facilities or water supply.
(d) any statement of environmental effects,	The SEE and supporting information supplied are considered adequate to enable a proper assessment of the works.

(e) the character of the alpine resort,	The proposal would not adversely alter the character of the resort.
(f) the Geotechnical Policy – Kosciuszko Alpine Resorts,	<p>The site is within the G zone identified on the Department's Geotechnical Policy – Kosciuszko Alpine Resorts Thredbo Village Map.</p> <p>The Applicant comments that the Application does not require any geotechnical investigation as no ground disturbance is proposed and that the works are non-structural alterations to the building.</p> <p>The Department raises no concerns with the proposal.</p>
(g) any sedimentation and erosion control measures,	No adverse impacts are expected due to the works being on the façade of the building.
(h) any stormwater drainage works proposed,	No negative impacts to stormwater or drainage are anticipated due to the nature of the proposed works.
(i) any visual impact of the proposed development, particularly when viewed from the Main Range,	In the replacement of the old windows, the proposal has positive visual impact as the new works would renew the building's façade which blends not only into the existing building, but also, the landscape of Thredbo Alpine Resort.
(j) any significant increase in activities, outside of the ski season,	The proposal does not result in an increase in activities outside the ski season.
(k) if the development involves the installation of ski lifting facilities,	The proposal does not involve the installation of any new ski lifting facilities.
(l) if the development is proposed to be carried out in Perisher Range Alpine Resort: the document entitled Perisher Range Resorts Master Plan (PRRMP) and the document entitled Perisher Blue Ski Slope Master Plan,	Not applicable to proposal, with the site being located in Thredbo Alpine Resort.
(m) if the development is proposed to be carried out on land in a riparian corridor.	The site is not within a riparian corridor.

Section 4.13 – Additional matters to be considered for buildings

Building Height	The proposed works do not increase the height of the existing building.
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Building Setback	The proposed works do not reduce existing setbacks.
Landscaped Area	The proposal does not negatively impact existing native vegetation and therefore is appropriate.

Section 4.15 – applications referred to the National Parks and Wildlife Service

The proposal was referred to the NPWS pursuant to section 4.15 of the Precincts - Regional SEPP. Refer to comments received at **Section 5** and as required, discussions on the proposal at **Section 3**.

Section 4.24 – Heritage conservation

European heritage	Not applicable
Aboriginal heritage	The NPWS raised no concerns.

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. ESD initiatives and sustainability have been adequately considered by the Applicant and mitigation measures are proposed to be incorporated into the design.

The proposal is consistent with ESD principles and the Department is satisfied the proposed change of use to a bedroom and associated minor works have been developed having regard to ESD principles, in accordance with the objects of the EP&A Act as follows:

- the proposal is not expected to adversely impact upon the health, diversity, or productivity of the environment for future generations
- the Applicant has recognised the value of the environment and restricted works to the existing building facade, with minimal vegetation management required to meet the NSW RFS requirements for an IPA area for the allotment only
- the proposal does not impact upon cultural heritage, including Aboriginal cultural heritage

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires the application of the *Biodiversity Conservation Act 2016* (BC Act) in connection with the terrestrial environment. The BC Act introduced a Biodiversity Offsets Scheme (BOS) that applies when:

- the amount of native vegetation being cleared exceeds a certain threshold area; or
- the impacts occur within an area mapped on the Biodiversity Values Map (BVM) published by the Minister for Environment; or
- the 'test of significance', in section 7.3 of the BC Act, identifies that the development or activity is likely to significantly effect threatened species or ecological communities, or their habitats; or
- the works are carried out in a declared area of outstanding biodiversity value.

The site is predominantly managed land, with the existing HOU being approximately 90% of the site area. The remaining area contains maintained landscape gardens. Any management of vegetation would be minimal, possibly the trimming or removal of vegetation on a case by case basis, which would not trigger the threshold requirement for the site. The Department also notes that the site should already be managed as an IPA in accordance with the consent issued (as modified in 2018) for external alterations and additions to the site (DA 7073 and MOD 7949).

The Department has reviewed the mapping and considers the site to be located outside of the BVM.

The Department has formed the view that given the proposed works are only to the existing building footprint and that only potentially trimming of vegetation is likely, the proposal will not a significant effect on threatened species or ecological communities, or their habitats.

The Department notes that there is currently no declared area of outstanding biodiversity value within KNP.

2.4 Other approvals

Rural Fires Act 1997

As the works include external alterations to a tourist accommodation building located on bushfire prone land, an approval is required from the NSW Rural Fire Service (RFS) under Division 4.8 of the Environmental Planning and Assessment Act 1979 and Section 100B of the *Rural Fires Act 1997* in the form of a Bush Fire Safety Authority.

Refer to **Section 3** for further discussion on this component.

3 Submissions

3.1 Department's engagement

The Department's Community Participation Plan, November 2019, prepared in accordance with Schedule 1 of the EP&A Act generally requires applications to be exhibited for a period of fourteen (14) days. However, applications under Chapter 4 of the Precincts - Regional SEPP are not required to be public exhibited if the proposal relates to works which are wholly internal to a building or where the site is located more than fifty (50) metres away from a tourist accommodation building.

As part of the works include external alterations to an existing tourist accommodation building within 50 metres of other tourist accommodation buildings, the Department exhibited the application between 16 January 2023 until 30 January 2023 on the NSW Planning Portal website.

The application was exhibited to nearby lodges and forwarded to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act (integrated development) as a Bush Fire Safety Authority under the *Rural Fires Act 1997* is required for the development to be carried out.

The application was also referred to the NPWS pursuant to section 4.15 of Chapter 4 of the Precincts – Regional SEPP.

3.2 Summary of submissions

During the exhibition period, the Department received comments from the NPWS and RFS. No public submissions were received.

NPWS

The NPWS did not object to the proposal and commented that the proposed works will result in minimal environmental impact and no further assessment by NPWS is required. NPWS recommended that standard conditioning regarding damage to native vegetation, vehicle parking locations, waste management and site cleanliness should be applied to the development. Should an Asset Protection Zone (APZ) be required, then further consultation with NPWS should be undertaken.

The Department has recommended conditions on the consent regarding vegetation management and notes that no Site Environmental Management Plan (SEMP) was provided with the application. The SEMP will address amongst others, waste management, traffic management and parking for vehicles associated with construction.

RFS

The RFS did not object to the proposal and has issued its a Bush Fire Safety Authority (BFSA) under section 100B of the Rural Fires Act 1997, subject to the following conditions:

- At the commencement of building works, and in perpetuity, all land within the subject leasehold site shall be managed as an inner protection area (IPA) in accordance with Appendix 4 of 'Planning for Bush Fire Protection 2019'.
- Proposed external alterations to the existing building identified as repair and replacement works shall:

- not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight;
- be adequately sealed or protected to prevent the entry of embers; and
- use equivalent or improved fire-resistant materials that do not affect any existing fire resisting components of the building
- The existing building is to be upgraded, where practical, to improve ember protection (if not already constructed to the Bushfire Attack Level under Australian Standard AS 3959). Improved ember protection can be achieved by undertaking some, or all of the following:
 - enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm.
 - Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves.
 - External doors are to be fitted with draft excluders.
 - Details of proposed upgrades to improve ember protection shall be submitted with the application for the Construction Certificate.
- Any new construction that does not generally meet the criteria of Condition 3 must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.
- The provision of water, electricity and gas must comply with Table 6.8c of "Planning for Bush Fire Protection 2019".
- A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019

To address the RFS requirements, a condition has been recommended for the Applicant to submit to the Principal Certifier the plans and other documentation showing compliance to the conditions of the BFSA.

4 Assessment

The Department has considered the relevant matters for consideration under section 4.15 of the EP&A Act, the SEE and supporting information in its assessment of the proposal. The key issues in the Department's assessment are:

- design details and standards
- managing construction impacts

Each of these issues is discussed in the following sections of this report.

4.1 Design details and standards

The proposed works, when constructed, are to comply with the Building Code of Australia (BCA) and relevant Australian Standards. The Department has also considered whether any upgrades to the building are required as part of its assessment in accordance with section 64 of the EP&A Regulation 2021, as in force at the time of this assessment. The Department notes that compliance with relevant requirements is to be determined at the construction certificate stage by the Principal Certifier and in accordance with conditions of consent.

- All new work (or work as part of the DA) must comply with the BCA. The Department considers that compliance with the BCA is achievable, with documentation confirming compliance required to be provided at the Construction Certificate stage.
- Compliance with the *Disability Discrimination Act 1992 (DDA)*, and therefore the Access to Premises Standards prepared under the DDA, is triggered at Construction Certificate stage. Ensuring compliance with the DDA is the responsibility of the building owner, manager and certifier. The Department has recommended an Advisory Note to ensure the building owner, manager and certifier are aware of the obligations.
- Section 64 of the EP&A Regulation 2021 requires a consent authority to review a building and consider whether upgrades are warranted to bring the existing building into total or partial compliance with the BCA. The building is considered to be satisfactory in terms of BCA compliance and fire safety measures. No additional upgrades to the building are recommended as a result of the proposed works.
- In relation to bushfire prevention measures, the BCA requires construction to comply with the BFSA issued by the RFS. The BFSA is incorporated into the conditions of the consent and compliance must be verified at the construction and occupation certificate stages.

Details of proposed compliance with the BFSA, including upgrades to improve ember protection shall be submitted with the application for the Construction Certificate. The Department has recommended a BFSA compliance condition to be submitted to the Certifier.

- Ensuring the proposal meets snow and wind loading requirements is a key consideration of the Department's assessment in the NSW Alpine environment. With adverse weather conditions at times, the fixing of the new structures to the existing building needs to be constructed appropriately. The Department has recommended that structural certification be provided prior to the issue of an occupation certificate for the works.

The Department concludes that subject to compliance with the conditions of consent, including references to the BCA which are to be addressed by the Principal Certifier at the Construction Certificate stage, the proposal is satisfactory and would improve the amenity of the building for its occupants.

4.2 Managing construction impacts

Given the scope of the works and that the site is predominantly previously disturbed, it is unlikely that the construction of the proposal will cause any adverse impact upon the natural environment. The proposal is in keeping with the use of the building for tourist accommodation and the construction activities will not generate any vegetation disturbance.

Construction impacts such as noise and vibration will be short term and managed in accordance with standard environmental conditions. NPWS commented that standard conditioning regarding damage to native vegetation, vehicle parking locations, waste management and site cleanliness should be applied.

As part of the recommended condition of consent, the Applicant will be required to prepare a Site Environmental Management Plan to be submitted to the Principal Certifier. It should include details outlining vehicle parking, waste management, flora and fauna management, dust and noise minimisation strategies as well as material storage, to be implemented during the works.

The Department has also recommended other standard construction conditions applied in the Alpine, along with recommended conditions from NPWS and RFS. Subject to compliance with these conditions, the Department is of the view that the proposed works would not impact upon nearby buildings or the environment.

5 Recommendation

The Department has assessed the merits of the proposal in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposal is acceptable as:

- there will be no impact on any threatened species, populations or ecological communities
- the replacement of windows will improve the external appearance and longevity of the building
- the replacement of windows and installation of thermal seals will help create a more energy efficient building by reducing the amount of air infiltration and heat loss
- the proposal is appropriate and does not impact upon any other nearby properties
- construction impacts on the surrounding environment would be minimised as the proposal will be contained within the existing building footprint and disturbed areas

Overall, the Department is satisfied that the proposal is suitable for the site and in the public interest.

The Department therefore recommends that the application be approved, subject to recommended conditions. In accordance with the Minister's delegation of 9 March 2022, the Team Leader, Alpine Resorts Team may determine the application as:

- no reportable political donation has been disclosed
- there are less than 15 public submissions in the nature of objections
- the application is in relation to land to which Chapter 4 of the Precincts - Regional SEPP applies

It is recommended that the Team Leader, Alpine Resorts Team, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and adopts all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants** consent for the application in respect of DA 22/16334, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix C**)

Recommended by:



Abigail Bautista
Planner
Regional Assessments Team

Adopted by:



Daniel James
Team Leader
Alpine Resorts Team
as delegate of the Minister for Planning

28 April 2023

Appendices

Appendix A – Recommended Instrument of Consent