Environmental Referral and Assessment Sheet

#A2021/12461

DA No.	10.2021.170.1
Proposal:	Mixed Use Development comprising Twenty Seven (27) New Eco Tourist Facility Cabins, Seven (7) Ancillary Buildings including Wellness Facility, Refuges, Depot, Addition of Deck to Existing Centre and Associated Earthworks and Vegetation Removal, and Change of Use of Fourteen(14) Private Education Accommodation Units to Eco Tourist Facility Units
Property description:	PT: 1 DP: 1031848
Property description:	951 Broken Head Road BROKEN HEAD
Parcel No/s:	238081
Applicant:	Planners North Pty Ltd
Owner:	BHCF Pty Ltd
Zoning:	Zone No. E2 Environmental Conservation / PART E3 Environmental Management / PART RU2 Rural Landscape / PART SP1 Special Activities / PART DM Deferred Matter
Planning Officer:	Mr I C Holland
Referral Date:	14 April 2021
OSMS	Is the Section 68 (Onsite) concurrent with the DA: No (Delete
	OSMS assessment from the end of the document
Environmental Health Officer	T Fitzroy, E Holt & P Johnson

DSO – Copy and paste or tick EHO referral requirements from DA review sheet.

Initial Assessment				
☐ Additional Information required			No additional inf	ormation required
Comment:				
Doc Number: Click here to enter text.	Officer: T Fitzroy &	& E Holt		Date Click here to enter a date.
Full Assessment				
Additional Information required		\boxtimes	No additional inf	ormation required
Comment: This Environmental referra Emma Holt dated 1/4/22 doc #: A202		s to be r	ead in conjunctio	n with EH referral prepared by
Officer: Paul Johnson		Date 30)/08/2022	

ASSESSMENT

	Satisfactory	Unsatisfactory	Not applicable
Acid Sulfate Soils (Cl 6.1 BLEP 2014)	\boxtimes		

Comment:

09/03/2022: Councils GIS indicates that portions of the subject property are classified as Class 2 (red), Class 3 (yellow) and Class 4 (green) Acid Sulfate Soils Zoning, refer to aerial below:



Disturbance of acid sulfate soil is not likely to occur as a result of works for the proposed development. No further investigation or action is necessary.

Contaminated Land (SEPP 55)	×	П

Comment: A Stage 1 Contamination Assessment was prepared by Env Solutions (September 2019) for the Eco-Tourism proposed development.

	Satisfactory	Unsatisfactory	Not applicable
The assessment included the following co	•	,	
 A review of the site conditions and the development site; 	surrounding envi	ronment, including	inspection of
Preparation of a summary of the sit	e history;		
Identification of past and present contaminant types;	potentially contar	minating activities	and potential
 A preliminary assessment of potent 	al site contaminati	ion based on the de	sktop studies;
 Collection of soil samples from acro 	ss the proposed d	evelopment area;	
 Assessment of the soil analytical re- levels; and, 	esults against relev	vant screening and	investigation
 Assessment of the environmental 	(chemical) suitabil	ity of the develop	ment area for
the future proposed "mixed use" l	and use.		
On the basis of desktop studies and site insp contaminants include the potential use of ins with these activities include OCPs and metal period of time. Soil sampling was concentrated development area. A total of 28 samples were	ecticides, pesticide s, which may persis ed across an area o	s and fertilisers. CO st in the environmen of 1.1 ha within the p	PC associated tal for a long proposed
A review of the results indicates compliance gardens.	with the HIL and EI	L's for residential us	e with access to
Prior to application being amended, the appl development application has now been modi assessed within the Contamination assessm risks for all areas of the lot intended for use.	fied to exclude the ent. The submitted	use of these structu report assesses cor	res that were not ntaminated land
On-Site Sewage Management (Cl 6.6 BLEP 2014			
Comment:	I		1
See comments by Emma Holt within EH ass	essment dated 1/4/	22 doc #: A2021/12	461 for details re

the proposed OSMS.

Within previous EH assessment, concerns were raised regarding members of the public being able to use the development and the additional wastewater load this would generate. The applicant has confirmed that the development will be used by staying guests only. EH has recommended a condition requiring the use of the development for overnight staying customers only, not for members of the general public.

	Satisfactory		Not applicable	
When a s.68 is received, a condition will be r				
discharge volume to LAA is recorded. The operator would be required to submit a quarterly report				
with monitoring data.	Γ	Γ		
Food Premises	⊠			
Comment: Standard conditions recommende	ed.			
Waste Management	\[\sigma\]			
	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	noo with the Dyron	Chira DCD 2014	
Comment: Waste and Recycling Generation				
Appendix B8.2 have been provided by Harley	Granam Architects	s dated o April 2020	•	
No WMP has been provided for construction	waste Standard co	nditions have been	recommended	
The trial flag been provided for concuracion	Wasto. Staridard oc	maniono navo boom	rocommonaca.	
Land Use Conflicts		\boxtimes		
Comment: Concerns were raised within prev	vious EH memo re b	uildings located wit	hin a drainage	
buffer and the effect this might have on wate				
following re land use conflicts:				
-				
The amended plans for the Reception buildir				
these buildings are to be set back over 10m				
no longer part of the application. Two suspe		0 0		
are expected to have minimal impact. The drainage is a largely grassed and ephemeral. On the				
basis of the above and the option for Council	to condition riparia			
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Air-conditioning condenser unit & pool plant:

1. Day 45.1 dB(A) LAeq,15min

- 2. Evening 43.0 dB(A) LAeq,15min
- 3. Night 38.0 dB(A) LAeq,15min

Assessed at 30m from the dwelling or at the boundary if it is closer.

The main noise sources associated with the development that will impact surrounding noise sensitive residential receivers include patron noise and plant and equipment noise.

Satisfactory	Unsatisfactory	Not applicable
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The report uses SoundPLAN to model the acoustic impact of the development on surrounding noise sensitive receivers.

The report has identified that plant noise can be adequately controlled subject to consideration being given to the location of the plant. EH will be recommending a condition requiring the applicant provide Council with certification prepared by an Acoustic Engineer confirming the development has been designed and constructed in accordance with the established noise criteria and recommendations outlined within the report.

With regards to patron noise, a couple of deficiencies are noted within the report, these being:

- 1. The report has understated noise source levels for patron noise for the external open space area around the pool. The report should use noise source levels derived from Technical paper 'Prediction of Noise from Small to Medium Sized Crowds' (Hayne et al, 2011);
- 2. The report has not assessed the impact of noise from
- 3. The report has not assessed the impact of noise from the Centre Additions, labelled CB.1 on site plans. The proposed addition includes a covered deck area adjacent to the existing bar, with the deck having openable windows and louvres; and
- 4. The report has not undertaken a maximum noise level event assessment (sleep disturbance).

With regards to the external open space areas around the pool and rooftop of wellness centre, EH has undertaken an assessment of the impact of noise from this use and subject to the use of this area concluding at 10pm, noise from the pool area will meet the relevant noise criteria. Buildings and retaining walls around the external area of the pool will assist in mitigating noise associated with the use of this area on the noise sensitive residential receivers located to the north. To provide some certainty that noise from the development will not significantly impact the acoustic amenity of surrounding noise sensitive receivers, EH has recommended the following conditions:

- 1. The use of the communal open space areas is between the hours of 7am 10pm only;
- 2. No amplified music within the communal open space areas.

With regards to the covered deck area, to mitigate the potential for noise from the use of the bar and deck area impacting surrounding noise sensitive receivers, EH have recommended a condition requiring all louvres and windows closed of covered deck area from centre building from 10pm.

EH is satisfied that the noise criteria presented within the acoustic report can be achieved subject to conditions.

Other Impacts (Noise, Dust, Odours, Water		\boxtimes	
Quality, EMR, Public Health, Skin			
Penetration)			
	_		

Comment: The recommendations below for management of potable water are applicable only in the circumstance that, potential risks of impact to potable water supply identified above are removed. For further information refer to land-use conflicts section above.

Existing Water Supply

Raw water is currently abstracted from a raw water dam on the property with a reported capacity of 10 ML. It is understood that secure yield (security of supply) calculations for the existing dam have been undertaken on behalf of the site manager. The water is pumped from the dam to a storage tank at the water treatment plant. The site manager has advised that the water treatment plant has a design capacity of 41 kL/d. From the treatment plant, the potable water is pumped through a 63 mm nominal diameter (51 mm ID) Class 12.5 MDPE rising main approximately 200 m long, with a current pumping capacity of 2 L/s, to six (6) x 45 kL water supply storage tanks. The storage tanks have a combined storage volume of 270 kL and a top water level (TWL) of 50.97 m. From these storage tanks, the water

gravitates to the reticulation network. This network has a flow capacity of 10 L/s at a discharge pressure of 250 kPa according to a hydrant flow test undertaken in April 2020.

Proposed Development

The water demand of the proposed development has been estimated as 29.2 kL/d. This comprises the estimated daily wastewater generation rate of 22.6 kL/d, plus an additional 6.6 kL/d to account for water use that does not get collected in the wastewater collection system (e.g. outdoor taps/ showers, garden irrigation, pool top-up, pool filter backwash, leakage).

The estimated water demand is less than the water treatment plant capacity of 41 kL/d, so the plant has sufficient capacity for the proposed development. Secure yield calculations are required to confirm that the existing water supply dam (or other available water sources) has sufficient capacity and, as noted above, it is understood that such an assessment has been undertaken. It is not anticipated that there would be any negative impacts on the existing water distribution infrastructure due to increased demand requirements. The existing reticulation network will be able to meet the required peak instantaneous demand of 6.9 L/s. The increased water demand would have a positive impact on water quality in that the water age would potentially be reduced.

10/03/2022: The proposed development relies on a private water supply and private sewage treatment plant (STP). Therefore, a licence may be required under provisions of the WICA Act. A condition has been imposed re private water supply.

Depot Building

As per Section 2.3.1, the proposed depot building (CB.07) is located a substantial distance from the other buildings and the water supply infrastructure. It is proposed that the depot building would be serviced by a stand-alone water supply system comprising rainwater tanks with a total capacity of approximately 50 kL.

09/03/2022: The applicant has provided a copy of the Private Drinking Water Quality Assurance prepared by Think Water for Linnaeus Estate which was submitted and acknowledged by NSW Health refer letter dated 09/02/2015 (E2021/130759).

It is recommended that the PDWQAP be updated and submitted to the PCA and NSW Health for consideration and approval respectively prior to the issue of a construction certificate. A condition can be imposed to this effect.

An advice note will be issued specifying the requirements should any of the treatment rooms be used for skin penetration activities.

Recommendation:

\boxtimes	Supported	☐ Not Sup	ported
	Additional Information Needed	Information to be requested by Planner	☐ Information already requested

Supported

The development application is supported from environmental grounds. Should consent be granted then the following environmental conditions would be applicable:

Parameters of consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
20207_NIA_1	Noise Impact Assessment	Greg Alderson &	January 2021
	Proposed Eco Tourism Mixed Use	Associates	
	Development		

If more lines in the table are required, press the 'Tab' button in the last cell of the existing table

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

The following conditions are to be complied with prior to issue of a Construction Certificate for building works

2. Potable Water Supply Management Plan

Prior to the issue of a Construction Certificate a NSW Heath approved private water supply quality assurance plan must be provided to Council. For further information refer to the following website http://www.health.nsw.gov.au/environment/water/Publications/private-water-supply-guidelines.pdf

3. On-site sewage management facility Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal must be obtained from Council prior to issue of a Construction Certificate. Such approval must be issued after the date of this consent.

The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.

4. Trade Waste - Section 68 approval required

An Approval under Section 68 of the Local Government Act 1993 for trade waste must be obtained.

5. Site Waste Minimisation and Management Plan

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information www.byron.nsw.gov.au/files/publication/swmmp - pro-forma-.doc

The following conditions are to be complied with prior any building or construction works

6. Erosion & sediment measures

Erosion and sedimentation controls are to be in place in accordance with the *Guidelines for Erosion & Sediment Control on Building Sites*. A full copy may be downloaded from Council's web site at www.byron.nsw.gov.au.

The following conditions are to be complied with during any building or construction works

7. Inspection for on-site sewage management

All plumbing and drainage works is to be installed by a suitably qualified person. The plumber must adhere to the requirements of the NSW Code of Practice and AS/NZ 3500. The plumber is to arrange for the following inspections to be undertaken:

- a. Internal drainage prior to covering of the works.
- b. External drainage prior to the covering of works.
- c. Irrigation installation prior to the covering of works.
- d. Final

8. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

9. Construction Noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

Note: Council may impose on-the-spot fines for non-compliance with this condition.

10. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

11. All excavated soils to be disposed of off-site

All excavated soils to be disposed of off-site and in accordance with NSW EPA *Waste Classification Guidelines* (2014) and approved environmental management plans.

12. Removal of demolition and other wastes

All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the NSW EPA Waste Classification Guidelines (2014) https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines

13. Excavated natural materials and demolition waste disposal

Any and all excavated natural materials and demolition and builders waste transported from the site must be accompanied (a copy kept with the transporter) by a NSW Protection of The Environment Operations Act s143 Notice. Template s143 Notices are available at https://www.epa.nsw.gov.au/-media/epa/corporate-site/resources/wasteregulation/160095-notices143-form.docx

14. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

15. Prevention of water pollution

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

The following conditions are to be complied with prior to occupation of the building

16. On-site Sewage Management system must be completed

The on-site sewage management system is to be constructed in accordance with approved plans and in accordance with current specifications and standards. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

17. Approval to Operate required

In accordance with the Local Government Act, an Approval to Operate the onsite sewage management system must be obtained from Council. Forms may be downloaded from Council's website with 'http://www.byron.nsw.gov.au/on-site-sewage'.

18. Acoustic compliance report

Provide Council with certification prepared by an Acoustic Engineer confirming the development has been designed and constructed in accordance with the established noise criteria and recommendations outlined within the Noise Impact Assessment prepared by Greg Alderson & Associates dated January 2021 (reference: 20207 NIA 1).

The following conditions are to be complied with at all times

19. Potable Water Supply Testing and Reporting

The potable water supply must be maintained in accordance with the requirements of NSW Health's Private Water Supply Guidelines (2016) including annual water quality testing by a NATA accredited laboratory. Results must be kept on site and provided to Council on request.

20. Trade Waste

All trade waste pre-treatment devices shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

21. Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

22. Use of the development

The use of the development and associated facilities is for overnight staying customers only, not for members of the general public.

23. Must not interfere with the amenity of the neighbourhood

The use of the development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid
- d) All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

- e) Goods deliveries shall be restricted to daytime operating hours.
- f) Communal open space activities associated with the pool, wellness facilities and tennis courts are restricted between the hours of 7 am 10 pm only.
- g) Amplified music is prohibited within the external communal open space areas associated with the pool, wellness facilities and tennis courts.
- h) All louvres and windows to the covered deck of closed of covered deck area of the Centre building, identified on plans as Building CB.01, are to be closed from 10pm.

Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

Enclosed public places (smoke-free environment)

Environment Act 2000 and the Smoke-Free Environment Regulation 2000 and the guidelines in the Regulation for determining what an enclosed public place is. Enquiries may be directed to the NSW Department of Health. The legislation may be viewed on: http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0

ADVICE NOTE

Skin Penetration Activities

Skin penetration premises must be designed and carried out in accordance with the requirements of:-

- (a) the Public Health Act (as amended);
- (b) the Public Health Regulation (as amended);
- (c) the NSW Health Guidelines for Skin Penetration premises; and
- (d) Building Code of Australia;

The premises must be registered with Council prior to the commencement of the use and an application made to Council to obtain development consent for this type of use.

Information regarding a skin penetration business can be found on the following site - <u>Skin penetration</u> businesses - Byron Shire Council (nsw.gov.au)

Information regarding the application process for a Development application - <u>Apply for a Development Application - Byron Shire Council (nsw.gov.au)</u>

Request for update of information on Contaminated Land Management System

To:	PES7; Staff				
From:	Mr S Denize Click here to enter a date.				
Date: Subject			nue SOUTH GOLDEN BEACH, LOT: 4 DP: 31166		
Parcel N		ende 300 m GOLDEN Bi	EACH, LOT	. 4 DF. 31100	
		contaminated land manage ving reporting: (please chec		m in response t	to Council's receipt and
Site cor	ntamination repo	rts/information submitted	d to Counc	il:	
	Preliminary Invest	igation			
	Detailed Investiga	tion			
	Remedial Action F	Plans			
	Validation and Mo	nitoring			
	Site Audit Stateme	ents received by Council			
		and orders issued under the osals agreed by the EPA).	CLM Act (ind	cluding voluntary	investigation &
	Prior notification of	f category 2 remediation worl	ks		
	Notification of con	npletion of category 1 and cat	egory 2 rem	ediation work.	
	Information of whi	ch Council is aware in relation	n to current	or former land us	es/pollution incidents.
	Development App	lication			
Report	Dotaile:				
Report	Details.				
Input inf	ormation from Env	vironmental Assessment R	eport SEPF	² 55 findings (e	g cut and paste from
	nental officer's as	,			
	document / report	title of environmental assessme	ont		
IIICIUUE	DA 110 and doc # (or environmental assessing	311L		
TRIM R	ef: Doc # of abov	re report(s):			
Propert	ty Description:	35 Beach Avenue SOUT	H GOLDEN	BEACH, LOT: 4	DP: 31166
Propert	ty Affected:	☐ Whole of property	☐ Adjoini	ng land	☐ Building envelope(s)
		☐ Contamination Assess	ment	☐ Further information	
Actions	s required:	☐ Remediation Required		☐ Validation R	eport Required
Actions	s required.	☐ Site inspection		☐ Add to 149 Certificate (*see below)	
		☐ Refer to EHO		□ Nil	
Determi	ination (at completi	on of assessment):			
☐ Not contaminated ☐ Contaminated ☐ Assessment required					
☐ Remediated – full ☐ Remediated – partial ☐ Approved potential contaminating land use		aminating land use			

*Descriptor on s149(5) certificate ADMIN STAFF PLS ADD THIS TEXT AS A MEMO ON AUTHORITY:

Environmental officers to insert details of any contamination or subsequent remediation.

Refer to s149(5) certificates for the following parcels for examples of suggested wording – PN 241972, 111080, 134080, 134060, 65320, 239419, 222100, 21650- Leave blank if site is 'not contaminated'

Health-based Investigati	on Le	vel A	ssessed:					
Residential with gardens (NEPM A)								
•	Residential with minimal access (NEPM B) Parks recreational open space (NEPM C)							
☐ Commercial or Ind	ustrial	(NEP	M D)					
	Click here to enter a date.							
Signed Tim Connors			Date					
Input to Authority Regis						C: Current / H: H	<mark>istoric</mark>	
Activity	С	Н	Activity	С	Н	Contaminant	Œ	
Abattoir			Fuel storage depot			Acids/alkalis		
Abrasive blasting			Glass manufacture			Antifouling paints Asbestos		
Agriculture – Banana Farm			Intensive animal			Fertilizer		
Agriculture – Cattle			Landfill sites/waste depots Macadamia Farm					
Agriculture – Orchards Agriculture – Turf Farm			Market gardens			Flocculants		
Airport			Metal finishing			Fungicides		
Asbestos disposal			Mining and extractive industries			Herbicides		
Automotive repair/engine			Pest control depots			Hydrocarbon		
works			rest control depots			Tiyulocarboli		
Battery			Printing shops			Inorganics		
manufacturing/recycling						•••		
Boat building/maintenance			Radioactive sand fill			Metals		
Breweries/distilleries			Railway yards			Organics		
Bus depot			Residential			Paints – heavy metals		
Chemical storage Commercial			Scrap metal recovery			Pesticides Pharmaceuticals		
			Service stations					
Communication tower Compost manufacturing			Sewage treatment plant Shipping facilities			Photography Plastics		
· · · · · · · · · · · · · · · · · · ·								
Concrete batching Council works depot			Shooting or gun clubs Spray painting			Radioactive sands Rubber		
Defense works			Stock dipping sites			Soap/detergent		
Dip buffer			Timber preserving/treatment			Solvents		
Dry cleaning			Underground storage tanks			Unknown		
Electricity generation/power			Unknown			Waste disposal		
station			CHRIOWII			general		
Fibreglass reinforced plastic manufacture			Utility depots					
Filling (imported soil)			Vacant					
Fuel storage			Waste disposal					
Risk:	□ Hig		□ Low				☐ Medium	
Remediation required	☐ No ☐ Yes – Provide details (eg. Prior to issu				issue	CC)		
Validation Report	□ No □ □ Yes – TRIM Ref #Click here to enter text							