

Notice is hereby given that a Meeting of the Riverton Harbour Subcommittee will be held on:

Date: Monday, 24 July 2017
Time: 5.00pm
Meeting Room: Southland District Council Office
Venue: 117 Palmerston Street, Riverton

Riverton Harbour Subcommittee Agenda

OPEN

MEMBERSHIP

Chairperson	Nick White	Riverton Harbour Berth Owner
Members	Hayley Nelson	Riverton Harbour Berth Owner
	Blair Stewart	Riverton/Aparima Community Board
	Graeme Stuart	Riverton/Aparima Community Board
	Councillor Nick Perham	Ward Representative
	Muriel Johnstone	Oraka Aparima Runaka
	Ian Coard	Environment Southland
	Lyndon Cleaver	Environment Southland

IN ATTENDANCE

Committee Advisor	Alyson Hamilton
Community Engineer	Greg Erskine

Contact Telephone: 0800 732 732
Postal Address: PO Box 903, Invercargill 9840
Email: emailsdc@southlanddc.govt.nz
Website: www.southlanddc.govt.nz

Full agendas are available on Council's Website
www.southlanddc.govt.nz

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UPDATES

9.1 Chairperson's Report

Chairperson, Member White, to report on activities with which he has been involved since the Subcommittee's last meeting.

1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Subcommittee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the committee to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) the reason why the item was not on the Agenda, and
- (ii) the reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

6 Confirmation of Minutes

6.1 Meeting minutes of Riverton Harbour Subcommittee, 20 March 2017

Riverton Harbour Subcommittee

UNCONFIRMED

OPEN MINUTES

Minutes of a meeting of Riverton Harbour Subcommittee held in the SDC Office, Riverton, 117 Palmerston Street, Riverton on Monday, 20 March 2017 at 4.30pm.

PRESENT

Members (Acting Chair)

Blair Stewart
Graeme Stuart
Hayley Nelson
Muriel Johnstone
Ian Coard
Lyndon Cleaver

Riverton/Aparima Community Board
Riverton/Aparima Community Board
Riverton Harbour Berth Owner
Oraka Aparima Runaka
Environment Southland
Environment Southland

IN ATTENDANCE

Committee Advisor

Alyson Hamilton

Community Engineer

Greg Erskine

Property Asset Management Officer

Colin Pemberton

1 Apologies

Moved Member Stewart, seconded Member Stuart and **resolved:**

That the Riverton Harbour Subcommittee accept the apologies lodged by Member White and Councillor Perham.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

There were no Public Forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

Resolution

Moved Member Stuart, seconded Member Stewart **and resolved:**

That the minutes of Riverton Harbour Subcommittee meeting held on 12 December 2016 be confirmed as a true and correct record.

Reports

8.1 Action Sheet

Mr Greg Erskine (Community Engineer) presented the report.

Issues reported to the subcommittee included;

Removal of Railway Irons

The meeting was advised Environment Southland has indicated resource consent is required for the removal of the railway irons situated in the river. Staff progressing this application.

Berth L37 repair work

Mr Pemberton advised a reminder has been forwarded to the berth owner to undertake the necessary repair work.

Causeway repair work (old railway bridge)

The meeting was advised the contract to undergo the repair work to the causeway was awarded to Fulton Hogan. Mr Erskine advised it is expected the work to be completed within a couple of weeks.

7.1 Riverton Harbour - Living on Boats

Record No: R/17/2/3527

Colin Pemberton (Property Asset Management Officer) presented this report.

Mr Pemberton advised the purpose of the report is to seek subcommittee consideration to put in place rules for people staying/living on board vessels berthed at wharves in Riverton Harbour.

Mr Pemberton explained as part of the resource consent and licences for the structures in Riverton Harbour, Environment Southland has raised the issue of people living on vessels berthed at wharves.

Mr Pemberton advised Environment Southland has indicated that Council may well be in breach of its consent, if people are in fact living on vessels.

Mr Pemberton explained the activities allowed under both the resource consent AUTH-20158262 held by Council and the licences issued by Council to individual wharf owners, do not include anything in relation to staying/living on the vessels.

The subcommittee was advised the resource consent states;

"If sewage (polluting substance) or a mixture of sewage and greywater is discharged from a vessel while they are at the wharf this would breach consent AUTH-20158262 condition 3 (b).

Mr Pemberton advised this would also breach the Resource Management (Marine Pollution) Regulations 1998, Rule 11 (2) (a) and potentially Rule 11 (2) (c) which states:

On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs —

(a) more than 500 metres (0.27 nautical miles) seaward from mean high water springs; and

(c) in water depths greater than 5 metres;

Members further noted that the resource consent states,

"There is the potential that the vessels being lived in are in breach of consent AUTH-20158262 and the Marine Regulations 1998.

Mr Pemberton advised as Council is the consent holder any breach of the consent by a vessel means that Council are also in breach of the consent.

Mr Pemberton explained the license states the purpose of the occupation is to allow the Licensee to use and maintain the wharf for berthing of vessels and for the purpose of loading and unloading passengers and freight from those vessels."

Mr Pemberton advised Environment Southland has received reports of people living on board vessels berthed at Riverton Harbour wharves and has asked Council to investigate this and put in place some rules around if and when such an activity is allowed.

Mr Pemberton informed Council has indicated that 5 nights might be an acceptable length of time. Mr Pemberton added this would cover occasions when fishing boats returned to port to unload and were heading out again within a couple of days. Likewise a similar situation could apply to a charter vessel.

Mr Pemberton confirmed Environment Southland has accepted a maximum of 5 nights for any one stay.

Mr Pemberton advised if vessel owners suggest there is a need for a greater length of stay, the response should be that Riverton has suitable accommodation options and opportunities available.

Members noted Council does not want to be deemed to be in breach of the Environment Southland granted consent.

Following discussion members queried enforcement of the proposed five night length of stay on vessels in the harbour.

Mr Pemberton responded Council will undertake enforcement of the proposed ruling.

The subcommittee noted a toilet is available at the wharf for vessel users.

Member Nelson queried Environment Southland stance on vessels being delayed at the wharf due to weather conditions and whether this will be considered a breach of the resource consent.

Mr Pemberton responded it is expected common sense will prevail in situations where vessels experience delays due to weather conditions and it is also expected that vessels will have sufficient holding tanks for sewage and greywater.

Member Stewart queried the ruling at other ports/harbours of people living on vessels and requested this report be deferred pending further information to be obtained by staff on this matter to be presented to the subcommittee at its next meeting.

Resolution

Moved Member Stewart, seconded Member Stuart **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Riverton Harbour - Living on Boats” dated 13 March 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

- f) **Requests this report be deferred pending further information being sought by staff in regards to the ruling and policing at other harbour/ports of boat owners living on vessels.**

8.1 Chairperson's Report

- Member Nelson raised the issue of the procedure for oil spills which is highlighted in the resource consent issued by Environment Southland to berth owners. Member Nelson advised Environment Southland has indicated they are to be contacted in the first instance of any spill and prior to the use of any disbursements.

Member Nelson suggested the subcommittee consider the purchase of an oil spill containment boom to be made available for harbour users in the event of a spill as this may be a quicker option than having to wait for a response from Environment Southland staff.

Members concurred with Members Nelson's comment requesting staff obtain costings for an oil spill containment boom to be presented to the next meeting of the subcommittee for further consideration.

- The meeting was advised berth owners are waiting for marine timber (H6) to commence maintenance work to the marine piles and berths. It was noted this timber is specially treated for prolonged immersion in sea water and is difficult source.
- The meeting was advised the fence work surrounding the lead light at Taramea (Howells Point) is due to be removed and Riverton Engineering has been tasked to raise the beacon. It was noted a verbal estimate of the engineers cost is expected to be \$1,000 (excl GST), a written quote to be provided to the Community Engineer in due course.

Resolution

Moved Member Stewart, seconded Member Stuart **and resolved:**

That the Riverton Harbour Subcommittee:

- a) **Requests staff obtain costings for the possible purchase of an oil spill containment boom to be presented to the next meeting of the subcommittee for further consideration.**

The meeting concluded at 5.10pm

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE RIVERTON
HARBOUR SUBCOMMITTEE HELD ON
MONDAY, 20 MARCH 2017.

DATE:.....

CHAIRPERSON:.....

Riverton Harbour - Living on Boats

Record No: R/17/7/15692

Author: Colin Pemberton, Property Asset Management Officer

Approved by: Ian Marshall, Group Manager Services and Assets

☒ Decision

☐ Recommendation

☐ Information

Purpose

To further consider putting in place rules for people staying/living on board vessels berthed at wharves in Riverton Harbour.

Executive Summary

- 1 As part of the ongoing “bedding in” of the resource consent and licences for the structures in Riverton Harbour, Environment Southland (ES) has raised the issue of people living on vessels berthed at wharves licenced under the resource consent held by Council. Furthermore ES has advised that Council may well be in breach of its consent, if people are in fact living on vessels.
- 2 This paper further considers options to clarify when living on vessels berthed at the Riverton Harbour wharves is allowed.
- 3 The report was considered at the 20 March meeting of the subcommittee, where members deferred making a decision **“pending further information being sought by staff in regards to the ruling and policing at other harbour/ports of boat owners living on vessels.”**

Recommendation

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled “Riverton Harbour - Living on Boats” dated 17 July 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Considers that it is not appropriate to have people living on vessels without adequate holding tanks for both greywater and sewage.**
- e) **Agrees for persons being allowed to stay on vessels berthed at wharves in Riverton Harbour for a maximum of 5 nights only, where the vessel has adequate and separate greywater and sewage holding tanks.**
- f) **Agrees that a suitably worded clause be included in all new licenses issued and existing licence holders be advised that this decision will be applied to their licences.**

Content

Background

- 4 The activities allowed under both the resource consent (AUTH-20158262) held by Council and the licences issued by Council to individual wharf owners, do not include anything in relation to staying/living on the vessels. The Resource Consent states:

"If sewage (polluting substance) or a mixture of sewage and greywater is discharged from a vessels while they are at the wharf this would breach consent AUTH-20158262 condition 3 (b).

This would also breach the Resource Management (Marine Pollution) Regulations 1998, Rule 11 (2) (a) and potentially Rule 11 (2) (c).

Resource Management (Marine Pollution) Regulations 1998, Rule 11 (2) (a) & (c)

On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs—

(a) more than 500 metres (0.27 nautical miles) seaward from mean high water springs; and

(c) in water depths greater than 5 metres;

Environment Southland further advises that, *"There is the potential that the vessels being lived-in are in breach of consent AUTH-20158262 and the Marine Regulations 1998. As Southland District Council is the consent holder any breach of the consent by a vessel means that Southland District Council are also in breach of the consent."*

- 5 The licences state:

"Operative Provisions

6 Licence

"The purpose of the occupation is to allow the Licensee to use and maintain the Wharf and for berthing of vessels... and for the purpose of loading and unloading passengers and freight from those vessels."

4 Use of Wharf

(a) The licence shall use the Wharf only for the purposes specified in this licence and in accordance with the conditions of the coastal permit and terms of this licence."

- 7 Environment Southland has advised that it has had reports of people living on board vessels berthed at Riverton Harbour wharves and asked Council to investigate this and put in place some rules around if and when such an activity is allowed.
- 8 Council indicated that 5 nights might be an acceptable length of time. This would cover occasions when fishing boats returned to port to unload and were heading out again within a couple of days. Likewise a similar situation could apply to a charter vessel.
- 9 Environment Southland has accepted a maximum of 5 nights for any one stay.
- 10 If vessel owners suggest there is a need for a greater length of stay, the response should be that Riverton has suitable accommodation options and opportunities available.

- 11 Council does not want to be deemed to be in breach of the Environment Southland granted consent.

Issues

- 12 Whilst there have been no known contaminant spills, the risk is there with people living on board and this only increases with the numbers and the length of the stays.

Factors to Consider

Legal and Statutory Requirements

- 13 The Council is bound to comply with the conditions of the resource consent it holds (AUTH-21058262) and any direction given by ES in this regard.

Community Views

- 14 Community representation on the Riverton Harbour Subcommittee is considered sufficient for this purpose.

Environment Southland's Deputy Harbour Master, Ian Coard advised that following queries relating to terms and conditions for mooring at various marinas around New Zealand has indicated the following;

No staying overnight shall be permitted on the pile moorings or trailer parks at any time and no living on board shall be permitted in the berth at any time.

For clarification, staying overnight for more than one (1) night a week shall constitute living on board."

Costs and Funding

- 15 None identified at this stage. Breach of resource consent could result in compliance action by Environment Southland and therefore costs to Council.

Policy Implications

- 16 Council activities shouldn't breach conditions of consents held.

Analysis

Options Considered

- 17 It is a reasonable expectation that Council has in place policies around people living on vessels in Riverton Harbour.
- 18 Advice received on how other harbour agencies manage this activity, indicates a blanket ban. Discussion at the previous meeting however, suggested a slightly "softer" approach was considered appropriate, thus supporting the recommendation. Environment Southland has indicated such an approach would not breach the terms and conditions of the resource consent.

Analysis of Options

Option 1 – Status quo. No policy and no enforcement

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> No input required 	<ul style="list-style-type: none"> Could result in longterm residents on vessels and potential for contamination through discharge – intentional or not. Likely to place Council in breach of its Resource Consent

Option 2 –Adopt a position whereby people may only stay/live on vessels in Riverton Harbour for a maximum of 5 nights in any three week period.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Greater level of control over risk of discharge/contamination. Ensures compliance with ES resource consent 	<ul style="list-style-type: none"> Some vessel owners may not stay as long as they would without a policy. Loss of contribution to local economy – but minimal

Assessment of Significance

- 19 Not considered significant

Recommended Option

- 20 Option 2 is recommended.

Next Steps

- 21 If the recommendation is approved, Council staff will inform Environment Southland of the position taken.

Attachments

There are no attachments for this report.

Riverton Causeway Ownership

Record No: R/17/7/15565
Author: Greg Erskine, Community Engineer
Approved by: Ian Marshall, Group Manager Services and Assets

☒ Decision ☐ Recommendation ☐ Information

Background

- 1 When the resource consent was issued for the removal of the railway bridge over the Aparima River estuary some years ago there were conditions imposed. One of the conditions was that the eastern causeway be retained and ownership transferred to Council through the Riverton Harbour Subcommittee. This condition also required that the causeway be bought up to a standard acceptable to Council prior to the ownership being transferred.
- 2 The delay in the transfer to date has been due to the work not being undertaken to an acceptable standard.
- 3 The Subcommittee at its meeting in August 2016, considered that if the repair work as set in the report dated December 2014 prepared by David Hamilton and Associates was undertaken, this should then bring the causeway up to a standard suitable for the ownership to transfer to Council. All costs to undertake this work to the required standard should be that of Land Information New Zealand (LINZ).

Summary

- 4 The specified works have been completed in June 2017, as well as some subsequent minor works to a satisfactory standard.
- 5 The works were inspected by myself (Greg Erskine), LINZ staff members, three members of the Riverton Harbour Subcommittee and Council's Strategic Property Manager, Kevin McNaught on 1 June 2017.
- 6 The representatives on site on 1 June 2017, agreed that the works that had been completed by Fulton Hogan (engaged by LINZ) were of a standard as specified in David Hamilton and Associates report of December 2014.

Recommendation

That the Riverton Harbour Subcommittee:

- a) **Receives the report titled "Riverton Causeway Ownership" dated 17 July 2017.**
- b) **Agrees to accept transfer of ownership of the causeway since the repair work has been completed to a satisfactory and enduring standard and that Southland District Council will accept ongoing responsibility for the upkeep of the causeway.**

Attachments

- A Signed Letter to Land Information New Zealand - Riverton Causeway [↓](#)
- B Letter from Brett Smidt, Land Information New Zealand (LINZ) - Riverton Causeway update [↓](#)



When replying please quote: 320/15/2/22 K McNaught

23 September 2016

Land Information New Zealand
PO Box 5501
Wellington 6145

Attention: Brett Smidt

Dear Brett

Riverton Causeway

The Riverton Harbour Subcommittee of the Southland District Council again recently discussed the matter of the Riverton causeway. The Subcommittee reconfirmed the position previously advised to you by Council, that ownership of the causeway can only be accepted when it has been repaired to an enduring standard that would likely result in only expected routine maintenance being required in the medium term.

Council considers that if undertaken, the repair works set out in the report dated December 2014 prepared by David Hamilton and Associates should bring the causeway up to that standard. All costs to undertake this work to the required standard should be that of your organisation.

With ongoing wave action continuing to damage the causeway, the sooner these repairs are done the better and the matter can be finally resolved.

If you require further clarification, please contact me.

Yours faithfully

Kevin McNaught
MANAGER STRATEGIC PROPERTY



PO Box 903
15 Forth Street
Invercargill 9840
New Zealand

Tel 0800 732 732
Fax 0800 732 329
Email sdcc@southlanddc.govt.nz
Internet www.southlanddc.govt.nz

r/16/9/15722



Our Ref: 74081

Your Ref: 320/15/2/22 K McNaught

Wellington Office
Radio New Zealand House
155 The Terrace
PO Box 5501
Wellington 6145
New Zealand
T 04 460 0110
E info@linz.govt.nz
www.linz.govt.nz

8 June 2017

Kevin McNaught
Southland District Council
P O Box 903
INVERCARGILL 9840

Dear Kevin,

Riverton Causeway

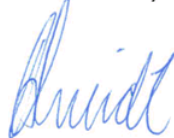
Thank you very much for your time last Thursday, along with Greg. It was also very beneficial for us to meet Jan and Blair.

I have today spoken with David Abercrombie who is handling the survey and disposal on behalf of LINZ. I have advised him of our discussion and vision for the site and asked that he formulate the best path to achieve this. As part of this David will collaborate with David Griffin of DOC as you suggested. I expect to hear back from David Abercrombie by the end of June.

The first step is for Southland District Council to agree that the repairs to the rockwork around the causeway have been carried out to a standard acceptable to them. Your letter of 23 September 2016 indicated that the SDC would be satisfied if the repair works set out in the report from December 2014 by David Abercrombie and Associates were to be carried out.

We agreed at our site visit last Thursday that the specified works had been completed, as well as some subsequent minor works arranged by SDC. Please confirm that the Riverton Harbour Subcommittee and the SDC itself are satisfied that the causeway repairs have been completed to an enduring standard and that SDC will accept ongoing responsibility for the upkeep of the causeway.

Yours sincerely



Brett Smidt
Crown Property

newzealand.govt.nz

Report to Riverton Harbour Subcommittee for the period ended 30 June 2017

Record No: R/17/7/15576

Author: Greg Erskine, Community Engineer

Approved by: Ian Marshall, Group Manager Services and Assets

☐ Decision

☐ Recommendation

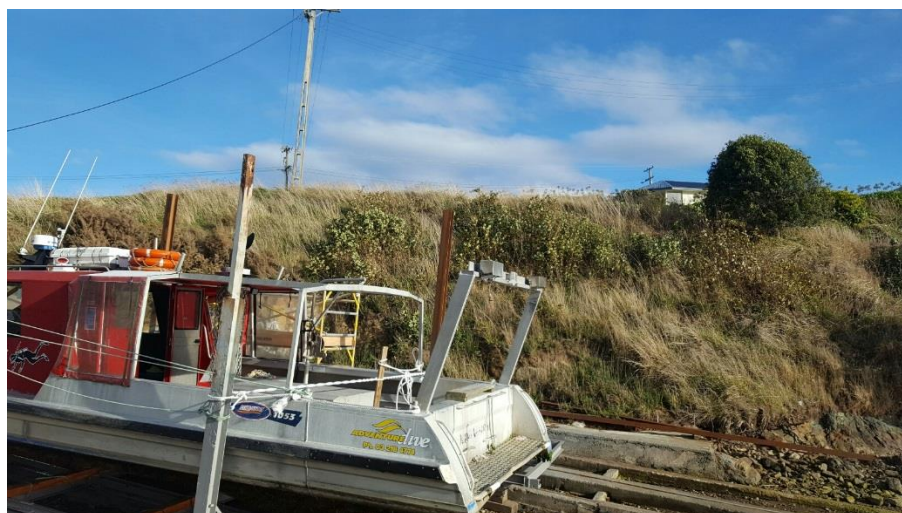
☒ Information

Community Engineer's Report

- 1 Repairs have been completed on the "old rail bridge" causeway. Land Information New Zealand has spent considerable money to get the causeway up to the standard in the DH report and now requests handover as per the attached report.



- 2 The area from the dry dock ramps back to the boat sheds has been cleared of sycamore and other noxious plants.



Financial Considerations

Community Engineer's Comments

The over expenditure this year has been the Environment Southland's fee for the consent (\$6,000), endowment land valuation (\$2,400) and repair to ramp wall (\$1,500).

Reserves

Please find the reserves report attached.

Financial Considerations

The table below shows all of the projects that are currently planned for Riverton in 2016/2017.

Activity	Project	Type	Year	Budget	Status	Officer's Comments
Community Facilities	SDC wharves upgrade	Maint Plan	16/17	\$20,000	Investigation	Repairs on SDC structures identified in the EMTECH report.

Recommendation

That the Riverton Harbour Subcommittee:

- a) Receives the report titled "Report to Riverton Harbour Subcommittee for the period ended 30 June 2017" dated 19 July 2017.

Attachments

- A Budget verses Actuals - 26381 Harbour [↓](#)

BUDGET VERSUS ACTUALS**26381 Harbour**

For the Period Ended June 2017

2016/2017 Financial Year

26381 Harbour

<u>Annual Budget</u>	<u>Department</u>		<u>Year to Date Actuals</u>	<u>Year to Date Budget</u>	<u>%Variance</u>
Income					
(26,146.00)	26381.11111	Rentals	(26,138.22)	(26,146.00)	99.97%
(7,981.00)	26381.11316	Licence Fee - Wharf	(7,809.40)	(7,981.00)	97.85%
(5,138.00)	26381.19151	Internal - Interest on Reserve	0.00	(5,138.00)	0.00%
(39,265.00)			(33,947.62)	(39,265.00)	86.46%
Expenditure					
0.00	26381.21218	Doubtful Debts	13.50	0.00	0.00%
1,087.00	26381.21311	Material Damage Insurance	1,136.82	1,087.00	104.58%
2,000.00	26381.21312	Public Liability Insurance	2,000.00	2,000.00	100.00%
1,000.00	26381.21411	Councillor - Meeting All	200.00	1,000.00	20.00%
500.00	26381.21836	Miscellaneous Grant	0.00	500.00	0.00%
4,000.00	26381.31211	Electricity	3,775.60	4,000.00	94.39%
4,100.00	26381.31527	Mowing	3,865.35	4,100.00	94.28%
158.00	26381.31528	Rates	186.91	158.00	118.30%
2,563.00	26381.31542	General Projects	13,919.48	2,563.00	543.09%
3,075.00	26381.35214	Maint - General	2,949.73	3,075.00	95.93%
1,281.00	26381.35216	Maint - Lights	1,816.25	1,281.00	141.78%
20,000.00	26381.35229	Maint - Project	0.00	20,000.00	0.00%
4,375.00	26381.36311	Refuse Collect - General	4,697.34	4,375.00	107.37%
634.00	26381.41118	Depn - Improvements	633.96	634.00	99.99%
0.00	26381.43346	Internal - CTF Services	1,285.00	0.00	0.00%
1,335.00	26381.43366	Internal Rates expense	1,388.32	1,335.00	103.99%
46,108.00			37,868.26	46,108.00	82.13%
6,843.00	Net Operating (Surplus)/Deficit		3,920.64	6,843.00	
Capital Movements					
(6,209.00)	26381.87764	To-RVTN HARB General - RE	0.00	(6,209.00)	0.00%
(634.00)	26381.99511	Add Back Non Cash Depn	(633.96)	(634.00)	99.99%
(6,843.00)			(633.96)	(6,843.00)	9.26%
0.00			3,286.68	0.00	

10-Jul-2017 1:46 pm