

## **6.05. NOTICE OF MOTION - MOWING OF TRIANGULAR PART OF SAINT DAVID'S CHURCH PROPERTY CORNER OF MOSSMAN AND FRONT STREETS, MOSSMAN**

**COUNCILLOR:** Cr Terry Melchert

### **NOTICE OF MOTION:**

I hereby give Notice of my intention to move the following Motion at the Council meeting scheduled for Tuesday 23rd September 2016:-

**“That Council continue to include the triangular section of land adjacent the Saint David’s Church Mossman as part of its scheduled Town area mowing program.”**

### **BACKGROUND:**

This issue has been raised recently by Cr Noli and it is my view the Council should continue to mow this block even though it is part of church property. Council has done the mowing as long as I can remember and I understand this is because the church allows the use of the land, for the time being, effectively as public park and open space area and it conducts the Saturday markets which are benefit to locals, tourists and the stall holders.

### **OFFICER'S COMMENT:**

The land in question is private freehold land. The owner does not pay General Rates on any of the land. The land is used for commercial purposes (market) each Saturday and stallholders are charged a commercial fee. Council has no infrastructure on the land in the way of tables and seating that may be used for recreational activities. This type of infrastructure is contained on Council's property on the opposite side of the roadway which is a designated park.

If Council wishes to use ratepayers funds to mow the lawns of private properties, noting that General Rates are not paid on this property, then the most appropriate approach would be for Church to apply for in-kind assistance and that the request be assessed as per the policy for the provision of in-kind assistance.

Council may consider developing a “mowing private properties policy”. This would then ensure all churches and other private organisations would have equal access to ratepayer funds. However, since there already exists an In-kind Assistance Policy this would appear not to be necessary.

Finally, the following points should be considered:-

- The land is private land used for a commercial activity. Council already removes the waste from the markets free of charge.
- The mowing contract cannot respond in an ad hoc way to private property mowing requests.
- Many private properties or clubs which have community as members have a volunteer roster or similar to do ground maintenance.
- Council should not selectively use ratepayers funds to choose to benefit one property over another.
- An opportunity to apply for in-kind assistance exists.