To Each Member of the County Council

Dear Councillor

I am to inform you that a Meeting of the County Council will be held in the Council Chamber, County Hall, Dun Laoghaire, on Monday, 10th May, 2004 at 5.00 pm to consider the following agenda.

A visitor's ticket is enclosed.

Yours Faithfully

Gerard Hayden

Head of Corporate Services

CLÁR/AGENDA

1. Confirmation of Minutes
   (a) Minutes of Special County Council Meeting held on 10 March 2004
   (b) Minutes of Adjourned Special County Council Meeting held on 16 March 2004
   (c) Minutes of Adjourned Special County Council Meeting held on 18 March 2004
   (d) Minutes of Adjourned Special County Council Meeting held on 23 March 2004
       (already circulated)
   (e) Minutes of County Council Meeting held on 13 April 2004
       (circulated herewith)

2. Councillor V. Boyhan
   “To ask the Manager to set out the allocation of Conservation Grants for each of the years 2002 and 2003 detailing the following:
   (a) central allocation from the Department of the Environment, Heritage and Local Government;
   (b) applications received;
   (c) the applications granted;
   (d) owner/applicant of property;
   (e) address of property;
   (f) if the property is a protected structure;
       and will the Manager set out arrangements for advertising and receiving applications for the year 2004?”
3. **Councillor V. Boyhan**

   “To ask the Manager for a comprehensive statement of the income levied by the Economic, Development and Planning Department in relation to the various categories of the Section 48 (Planning) Levy Scheme since its introduction to date?”

4. **Councillor V. Boyhan**

   “To ask the Manager for a statement on the issues raised in the Circuit Court Judgement of Mr. Justice Esmond Smyth delivered on 2 April 2004 in relation to the properties at 11, 12, 13 & 14 Pearse Close, Sallynoggin?”

5. **Councillor V. Boyhan**

   “To ask the Manager for a progress report in respect of perfection of title of the following open spaces which are a major source of concern for the residents of these areas:
   (a) Belmont, Stillorgan, Co. Dublin
   (b) Court Lands Estate, Johnstown Road, Cabinteely
   (c) Talbot Lodge, Blackrock
   (d) St. Augustine’s, Blackrock
   (e) St. Helier’s, Stillorgan Park
   (f) Ardagh Park, Blackrock
   (g) Rowanbyrne, Blackrock
   (h) The Cloisters, Blackrock
   (i) Elm Grove, Carysfort Avenue
   (j) Pine Court, Blackrock
   (k) Farmleigh, Stillorgan?”

6. **Councillor V. Boyhan**

   “To ask the Manager to make arrangements to have the National Flag hoisted every day to the front of our civic building the County Hall?”

7. **Councillor E. Costello**

   “To ask the Manager is the Council prepared to introduce traffic calming measures on Wilson Road at the request of the residents of that road?”

8. **Councillor E. Costello**

   “To ask the Manager is the Council aware of the number of 3G mobile telephone masts planned for Dun Laoghaire Rathdown and Stillorgan in particular?”

9. **Councillor E. Costello**

   “To ask the Manager how many planning applications for 3G mobile telephone masts have so far been received and how many are expected over the next six months?”
10. **Councillor E. Costello**

“To ask the Manager can the Council have the traffic committee review the entrance to Chestnut Road from The Rise? This is proving to be a dangerous junction as it also comprises the entrance to the shopping complex for The Rise?”

11. **Councillor E. Costello**

“To ask the Manager to outline in detail the costs involved to this Council in relation to the electronic voting and if special training has been provided for presiding officers and polling clerks?”

12. **Councillor J. Dillon Byrne**

“To ask the Manager to discuss his proposal for changes with the Council for the ‘Pay By Weight’ pilot scheme which will be introduced for 6,000 households in Dun Laoghaire Rathdown County Council?”

13. **Councillor K. Ireland**

“To ask the Manager what is the possibility of the Council providing premises for the Monkstown Educate Together National School, both generally and specifically, in relation to the Department of Education & Science’s premises available at Tivoli Terrace?”

14. **Councillor T. Kelly**

“To ask the Manager, now that the County Development Plan has been approved, will he ensure that all aspects outlined in the Residential Density Guidelines for Planning Authorities September 1999 is complied with in particular 5.5 building height on p.17 and 5.6 overlooking / shadowing on p.18?”

15. **Councillor T. Kelly**

“To ask the Manager, now that the County Development Plan has been approved will he ensure that all aspects outlined in the Residential Density Guidelines for Planning Authorities 1999 be adhered to, in particular Section 5.0 Controls and Safeguards 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.6.1, 5.6.2 in order to ensure protection to existing residents in established areas?”

16. **Councillor D. O'Callaghan**

“To ask the Manager to report on the extent / impact of any cuts in the Social Economy Programme in the Dun Laoghaire Rathdown area and to outline exactly where these cuts occurred and what measures have been taken to minimise any impact they might have?”
17. **Councillor D. O’Callaghan**

“To ask the Manager to state the following regarding offers made to housing applicants in either Rosemount or St. Nathy’s flats:-
(a) the number of offers made in Rosemount flats since 1 January 2004;
(b) the number of offers taken up in the same period in Rosemount;
(c) the number of offers made in St. Nathy’s flats from 1 January 2004;
(d) the number of offers taken up in the same period in St. Nathy’s House?”

18. **Councillor C. Smyth**

“To ask the Manager why the waste charge waiver form now includes point (b) under question 5 ‘I consent to the terms of note 9 on back of this form’?”

19. **Councillor C. Smyth**

“To ask the Manager the following in relation to Ballyogan Recycling Park:-
(a) when is the Park to open;
(b) a list of facilities which will be available in this current phase;
(c) when is work expected to begin on phase 2;
(d) what facilities will be available in phase 2;
(e) a list of the facilities which will incur a charge and the expected charge?”

20. **Councillor C. Smyth**

“To ask the Manager the following in relation to the Affordable/Social Housing requirements of Part V to be provided by developers:
(a) the number of units to date provided by builders;
(b) a list of the location under (a);
(c) have all units in (a) been built on the site of the development;
(d) how many developers have provided a financial contribution rather then housing/land;
(e) could the Manager give a break down of the money, which has been collected under (c);
(f) has the Council received any sites/land under this scheme rather then residential or a financial contribution;
(g) could the Manager give a break down of the sites/land, which has been received under (f)”

21. **Conferences**

(a) “Embedding Social Inclusion in Local Government”, Dooleys Hotel, Waterford, 31st March
(b) “Rethinking The City: Maximizing Creativity”, Seminar on Urban Revitalisation, 15 –19 Essex Street, Temple Bar, 30th April
(c) “Talking Around the Houses”, DFI Seminar, Accommodation for People with Disabilities, Croke Park Conference Centre, Dublin, 11th May

(already circulated)

22. **Approval of Nominations**

(circulated herewith)
23. **Temporary Change of Speed Limit at M11 Loughlinstown**

   (circulated herewith)

24. **Issue of Polling Cards to Voters in Local Election**

   (circulated herewith)

25. **Taking in Charge of Residential Developments**

   Talbot Lodge, Grove Avenue, Blackrock
   Holmwood, Brennanstown Road, Cabinteely

   (circulated herewith)

26. **Proposed Disposal of Properties**

   (a) Proposed disposal of Council land at Lawnswood Park, Stillorgan.
   (b) Proposed disposal of site at Ballinteer Bridge adjacent to 16 The Laurels, Dundrum.
   (c) Proposed granting of wayleave to Sorohan Builders at Harlech Downs, Goatstown.
   (d) Proposed disposal of Council land fronting proposed development at Ballyogan Avenue.
   (e) Proposed disposal of Council land at Dundrum.

   (already circulated)

27. **Report submitted in accordance with Part 8, Article 81 of Planning and Development Regulations, 2001**

   (a) Provision of a Signalised Pedestrian/Cyclist Crossing at the Drummartin Link Road (adjacent to the proposed LUAS stop) near St. Olaf's National School and St. Benildus College, Dublin 14.
   (b) Provision of a Roads Maintenance Depot at Rochestown Avenue.
   (c) 13 Apartments and Ancillary Services for the homeless at junction of Clarence Street and George's Place incorporating No. 1 Bentley Villas, Dun Laoghaire, Co. Dublin.
   (d) Flood alleviation measures along and adjacent to the Carrickmines and Shanganagh Rivers.
   (e) Demolition of 61 houses and construction of 77 Dwellings at Laurel Avenue, Wyattville Road, Ballybrack, Co. Dublin.

   (circulated herewith)

28. **Scheme of Priorities for Architectural Conservation Areas**

   (circulated herewith)

29. **Community and Arts Grants**

   (circulated herewith)
30. **Cathaoirleach's Business: Councillor T. Matthews**

That the Manager confirms that he:-
(a) approves phases 1 to 4 of the Dundrum Family Recreation Centre business plan;
(b) supports Dundrum Family Recreation Centre with the necessary finance to complete phase 1 to 4 with funding from the new development levy fund, taking into account the funding that Dundrum Family Recreation Centre will receive from the Sports Capital programme and the pools renewal programme; and
(c) will make a case to central Government for additional funding for the completion of the new pool and make Dundrum Family Recreation Centre a Regional Centre, the precedent having been set in the redevelopment of the Finglas pool.”

31. **Strategic Policy Committees - Report of Chairpersons**

(circulated herewith)

32. **Ministerial/Departmental Correspondence**

(a) Letter from the Office of the Minister for Foreign Affairs, dated 7 April 2004, regarding the status of the Irish language in the European Union.

(circulated herewith)

33. **Other Correspondence**

(a) Letter from Balbriggan Town Council, dated 16 March 2004, regarding a notice of motion on Post Polic Syndrome sufferers.
(b) Letter from Killarney Town Council, dated 29 March 2004, regarding a notice of motion on ‘text gaming’ on mobile phones.
(c) Letter from Killarney Town Council, dated 29 March 2004, regarding a notice of motion on the introduction of measures outlawing puppy farms.
(d) Letter from Letterkenny Town Council, dated 7 April 2004, regarding a notice of motion on the non-legalisation of cannabis.
(e) Letter from Kerry County Council, dated 20 April 2004, regarding a notice of motion on recognition for Irish Sign Language.

(circulated herewith)

**RÚIN POLASAÍ/POLICY MOTIONS**

34. **Councillor D. O'Callaghan**

“That this Council review/examine housing policy in relation to second offers made on either Rosemount or St. Nathy’s flats until the new Housing List comes into force and that all ‘second’ offers made in relation to the two areas in question since 1 January 2004 be withdrawn forthwith.”
RÚIN/MOTIONS

35. **Councillor C. O’Malley**
   “That given the number of occasions when the issue of Councillors power to make decisions has been actually or potentially circumscribed by reported legal opinions, in circumstances where there is a difference of opinion between Council management and a majority of Councillors, it is moved that budgetary provision be made for independent legal advice to be provided to the Elected Councillors as and when required by Council Members.”

36. **Councillor E. Costello**
   “That we the Members of Dun Laoghaire Rathdown County Council request that, in light of the steady removal of powers from the elected Members, the Minister rename his Department as the Department of the Environment and Local Administration and that Local Government accordingly to be more correctly referred to as Local Administration henceforth.”

37. **Councillor J. Dillon Byrne**
   “That all houses of shelter and support run and/or supported by the Health Board not be charged commercial rates or environmental charge by this Local Authority.”

38. **Councillor N. Bhreathnach**
   “That this Council invites the Manager to bring forward a report outlining how the recent changes, introduced in the Intoxicating Liquor Act 2003, which promises “a new role for local authorities” relating to exemption orders, will impact on the Council.”

39. **Councillor D. Marren**
   “That the Members of this Council call on the Minister for Health to give an undertaking that the services provided at St. Colmcille’s Hospital, Loughlinstown, be maintained and developed to cater for the population of south Dublin and north Wicklow.”

40. **Councillor A. Culhane**
   “That this Council considering,
   - that 50% of newly formed households in Dublin can no longer afford to buy a house from their own resources,
   - that house prices have continued to rise by about 12% per annum,
   - that the numbers seeking local authority housing have doubled and have to wait twice as long,
   - that homelessness has increased dramatically,
   - that the Government has cut rent allowance, and
   - that the Government has delayed the legislation to give rights to private tenants,
   calls for the resignation of the Minister for Housing and Urban Renewal.”
41. **Councillor B. Conway**

“That Dun Laoghaire/Rathdown County Council welcomes the establishment of the office of Ombudsman for Children and resolves to assist that office in any way possible in so far as the powers of the Council may be relevant thereto.”

42. **Councillor C. Smyth**

“That the Manager considers changing the operational hours on a Saturday on construction sites so that there will be less disruption to local residents (which is currently 8.00am to 1.00pm).”

43. **Councillor V. Boyhan**

“That this Council requests that the County Manager provide legal advice in relation to the establishment of Architectural Conservation Areas as per the Planning and Development Act 2000 and will the legal advice also have regard to Section 10(2) of the 2000 Act which provides that a development plan “shall” include, inter alia, an objective to the preservation of the character of Architectural Conservation Areas and will the legal advice clarify if the word “shall” imports a mandatory obligation on the planning authority in this regard.”

44. **Councillor B. Lowe**

“That this Council formulates a policy in relation to anti-social activity which outlines the Council response to a complaint of anti-social behaviour in Council estates. This policy should outline the response from Council, liaison with complainants and conclusion of complaint and any action arising.”

45. **Councillor B. Saul**

“That this Council writes to the Minister for the Environment, Heritage & Local Government, in light of the recent controversy in relation to the introduction of electronic voting, and requests that the Minister fully addresses the problems raised by the general public in relation to the introduction of electronic voting.”

46. **Councillor K. Ireland**

“That this Council requests the Minister for the Environment to waive the dog licence fee for those people in receipt of an old age pension.”
47. **Councillor T. Kelly**

“That the Manager, given the on-going housing crisis in the County, the result of which our young people are forced out of the County due to the prohibitive cost of housing, that the Manager please address the following:

(i) why having purchased a site at Furry Hill in 2000 and having got Council approval for a social housing development on this site almost 18 months ago, not one block has to date been laid;

(ii) in light of the housing crisis what measures are the Council taking to address the shortage of mixed housing i.e. affordable, shared-ownership and social housing in the County;

(iii) how far advanced is the Council’s affordable housing programme and when can prospective purchasers expect this programme to be completed;

(iv) how many applications for affordable housing have been made to date to the Council in anticipation of the Council’s proposed affordable housing programme;

(v) when exactly will construction begin on Furry Hill.”

48. **Councillors H. Keogh, L. Cosgrave, E. Costello, W. Dockrell, M. Elliott, P. Hand, T. Joyce and D. Marren**

“That this Council call on the Government to protect the fundamental right of people with disabilities in Ireland and to end the widespread discrimination they experience in the provision of basic services by the State by introducing a rights-based Disability Bill.”

49. **Councillor C. O’Malley**

“That the polling station in Dalkey be removed from St. Patrick’s Road back to the Town Hall, where it had originally been located and which provides better access to traffic and parking.”

50. **Councillor J. Dillon Byrne**

“That this County Council requests the Minister for Health, Micheál Martin T.D., to accept the recommendation from the Brennan Report to retain the Health Boards; that, given that the Eastern Regional Health Authority was a body set up just three years ago to re-organise the delivery of health care in the Eastern Region, and has executed this responsibility given the financial constraints placed upon that authority by the Department of Health, that in recognition of the close liaison of this Local Authority of Dun Laoghaire Rathdown County Council with the East Coast Area Board and the Eastern Regional Health Authority that the presence of five members of this Local Authority on these Boards ensures a cohesive successful and well informed co-operation between these Authorities and that we wish to ensure, in the future that there will not be a democratic deficit at Health Board level in the future with whatever re-organisation takes place.”

51. **Councillor B. Conway**

“That consistent with the legitimate rights of land owners, this Council recognises the importance of access to the uplands within the County to walkers and hikers and resolves to explore with hill walking organisations ways in which the Council can, where practicable and working with other public authorities, facilitate such access.”
52. **Councillor D. O'Callaghan**

“That this Council mindful of the plight of Irish emigrants, particularly in Britain, and the appalling conditions in which they now live in, agrees to write to the Minister for Foreign Affairs demanding that he takes immediate action by increasing the Governments financial contribution to Irish emigrants in Britain, and the setting up of a welfare agency in conjunction with the British authorities to help these people as a matter of urgency.”

53. **Councillor A. Culhane**

“That this Council condemns the provisions of the new Policing Bill that will force many voluntary and community groups to pay to have their events policed and calls on the Minister to make provision for small community events where the expense of such policing may prove prohibitive.”

54. **Councillor C. Smyth**

“That the Manager explains the Waste Charges, which are being currently introduced under a pilot scheme because they include fixed weight and volume charges.”

55. **Councillor N. Bhreathnach**

“That this Council in support of the Monkstown Educate Together School, calls on the Department of Education & Science to acquire the site at Tivoli Road, and so secure the school’s future within the County of Dun Laoghaire Rathdown and within Dun Laoghaire.”

56. **Councillors B. Lowe and G. Horkan**

“That this Council writes to the Minister for the Environment, Heritage & Local Government congratulating him on the major success of his strategy on homelessness and to urge him to maintain his budget of €58m.”

57. **Councillor V. Boyhan**

“That the Manager would compile a list of all motions (excluding Development Plan motions) that have been approved by this Council since June 1999 to date with a brief indication of any progress as a result of same.”

58. **Councillor T. Kelly**

“That in the event of the Pay by Weight pilot scheme not resulting in a real financial saving to householders vis-à-vis the fixed charge, that the Council review its policy by introducing the Pay by Tag system which operates in other counties and which appears to be a more equitable system to that of the fixed charge.”
59. **Councillor J. Dillon Byrne**

“That the Manager when considering the County Council’s Customer Service Plan and the positive messages about the Council of the delivery of an effective service to the public now consider offering a telephone response during the hour plus at lunch time.”

60. **Councillor E. Costello**

“That Council Standing Order 104 be amended in light of the following information:—

‘In accordance with statutory requirements as set out in ‘The Fire Services Act 1981’ and after consultation with our Chief Health & Safety Officer the maximum number of persons permitted in the Council Chamber at any time shall not exceed fifty.’”

61. **Councillor D. O’Callaghan**

“That the Manager gives a progress report to this Council regarding the possible dumping of waste materials at Aikens Village, Sandyford, having regard to the following:—

(a) to the Section 55 Notice served on the developer and if he is complying;
(b) if further clarification has been received under the serving of the Section 18 Notice;
(c) if the Council are continuing to monitor this site;
(d) was the matter referred to the E.P.A.”

62. **Councillor B. Conway**

“That the draft Parking Control Scheme for Green Road, Blackrock, be amended as follows:—

(a) that the provision for ‘all-day’ parking be deleted from the draft Parking Control Scheme and be replaced by a three hour limit; and
(b) that the provision for double yellow lines to run along the south side of Green Road, be amended so that the lines are confined to the junction with Sydney Terrace.”

63. **Councillors D. Marren and B. Lowe**

“That the Manager report on the developments in the Court action brought by certain residents in the Monkstown area against the County Council’s proposals to introduce Pay and Display parking in that area, and to state the costs incurred by the local authority in the court action and the estimated loss of revenue.”

64. **Councillor C. O’Malley**

“That this Committee supports the application of Monkstown Educate Together School to the Department of Education & Science to purchase a site on Tivoli Terrace South, so that the school can move to a more adequate premises from its current temporary premises.”
65. **Councillor C. Smyth**

“That this Council reviews / changes policy regarding the provision of ‘dog bins’ and ‘litter bins’ in the Council’s parks / recreational areas.”

66. **Councillor T. Kelly**

“That given the fact that householders are deemed liable for any blockage of the foul drain not only within the boundary of their property but also for the section of foul drain between the boundary of their property and the main sewer and also for the cost of any repair to a section of footpath or section of road caused as a result of repairing such blockage/damage, that the Council initiate proceedings to redefine what is a sewer as per the current Sanitary Services Act and remove the responsibility from householders regarding blockage/damage to section of foul drain outside of the official boundary of their property.”