

MINUTES OF ORDINARY MEETING OF CORK CITY COUNCIL
HELD ON MONDAY, 25th SEPTEMBER, 2006

- PRESENT** An tArdmhéara, Comhairleoir M. Ahern in the chair.
- NORTH EAST** Comhairleoirí M. Quill, T. Brosnan, J. Kelleher, D. Murphy, A. Spillane.
- NORTH CENTRAL** Comhairleoirí M. Barry, G. O' Flynn, D. Wallace, P. Gosch.
- NORTH WEST** Comhairleoirí J. O'Brien, D. McCarthy, C. Burke, M. O' Connell, T. Fitzgerald.
- SOUTH EAST** Comhairleoirí D. Clune, D. Counihan, C. O' Leary, D. O' Flynn, T. Shannon, J. Corr.
- SOUTH CENTRAL** Comhairleoirí C. O'Connell, C. Lynch, S. Martin, T. O' Driscoll.
- SOUTH WEST** Comhairleoirí J. Buttimer, F. Dennehy, M. Shields, B. Bermingham,
- APOLOGIES** Comhairleoirí C. Clancy, D. Cregan
- ALSO PRESENT** Mr. J. Gavin, City Manager.
Mr. K. Terry, Director of Services & City Engineer,
Planning & Development
Mr. D. O'Mahony, Director of Services, Corporate Affairs
Mr. T. Healy, Head of Finance
Ms. M. Broderick A/Administrative Officer, Housing & Community
Ms. N. Mulcahy, A/Senior Executive Officer, Corporate Affairs.
Ms. U. Ramsell, A/Senior Staff Officer, Corporate Affairs

An tArdmhéara recited the opening prayer.

1.(a) **VOTES OF SYMPATHY**

A vote of sympathy was passed unanimously with An Chomhairle standing in silence to:-

- The O'Tuama family on the death of Sean O'Tuama
- The Hickey family on the death of Andrew Hickey
- The Dorney family on the death of Marie Dorney
- The Ferguson family on the death of Cllr. Michael Ferguson
- The Darrer family on the death of Malcolm Darrer
- The O'Brien family on the death of Tess O'Brien
- The Coakley family on the death of Mary Coakley
- The Harte family on the death of Michael Harte

- The Murphy family on the death of Alan Murphy
- The Hurley family on the death of James Hurley

1.(b) **VOTES OF CONGRATULATIONS**

An Chomhairle extended a vote of congratulations to:

- The Organisers of the Ladies Mini Marathon
- The Munster Literature Centre on the Frank O'Connor Weekend
- John Allen, Manager of the Cork Senior Hurling Team and his staff and team

1.(c) **VOTE OF BEST WISHES**

An Chomhairle extended a vote of best wishes to the Cork Ladies Football team in their upcoming All Ireland Final.

2. **MINUTES**

The Minutes of the Ordinary Meeting of An Chomhairle held on 11th September, 2006 were considered and approved.

3. **QUESTIONS**

3.1 **NO. 10 FRIARY GARDENS**

In response to the following question submitted by Comhairleoir S. Martin, a written reply was circulated as outlined below:-

What is the up to date position regarding No.10 Friary Gardens? What restrictions have been imposed, and how much time has been allowed to rectify the situation?

The property at 10A Friary Gardens, Friars Walk was the subject of a Planning Enforcement file (E 4498) since July 2001. As the taking of enforcement proceedings was deemed by the City Council's Law Agent to be statute barred, the matter was referred in August 2002 to the City Council's Property Department to place the property on the Derelict Sites Register.

All avenues were exhausted by the Property Department prior to their seeking to compulsorily acquire the property, under the Derelict Sites Act 1990.

As the owner objected to the acquisition, the matter was referred to An Bord Pleanála for determination. The owner had carried out some works on the property & An Bord Pleanála refused Cork City Council consent to acquire the property under the Derelict Sites Act 1990, as the property could not reasonably be described as being a derelict site in its condition at that time. An Bord Pleanála

also advised that the compulsory acquisition could only be consented to in circumstances where such an acquisition was necessary in order to render the lands non-derelict. Having regard to the condition of the land at that time, it was considered that this situation did not pertain to the property in question.

3.2 **PEDESTRIAN CROSSING AT JUNCTION OF BLACKROCK RD. AND CHURCH RD.**

In response to the following question submitted by Comhairleoir D. Clune, a written reply was circulated as outlined below:-

To ask the Manager if he will ensure that a pedestrian crossing facility is provided at the junction of Blackrock Road and Church Road. Funding for such a facility was a condition of planning for the development on the grounds of the Ursuline Convent?

A planning condition on the major residential/commercial development in the Ursuline Convent Grounds specifies that this development must pay for the cost of installing traffic signals at the junction of Church Road and Blackrock Road to cater for the increased traffic volumes in the area. The traffic signals at the junction will include full pedestrian crossing facilities.

Work on the development of the site has began and the issue of the installation of the traffic signals at Church Road/Blackrock Road will be pursued with the developers to ensure that the planning conditions for the development will be complied with.

3.3 **SKATEBOARD FACILITY IN TORY TOP ROAD**

In response to the following question submitted by Comhairleoir C. O’Connell, a written reply was circulated as outlined below:-

Would the Manager say if the skateboard facility in Tory Top Road, Ballyphehane, was inspected and passed by engineers and safety officer and was he satisfied that it conformed with the relevant legislation before it was open to the public?

As part of the tender documentation it was requested that “All Skateboard facilities must be built in accordance with internationally recognised safety standards. PAS30, PAS35 and BSEN1176, current ROSPA/ NPFA safety Standards.”

All Rhino Skatepark equipment is certified by the TUV to DIN 33943/11.00 standard and adheres to the most stringent engineering and safety norms for Skatepark construction.

A ROPSA post installation inspection was carried out and the equipment was found to be compliant with PAS 35.

3.4 **ONE WAY SYSTEM ON WASHINGTON ST. WEST AND LANCASTER QUAY**

In response to the following question submitted by Comhairleoir C. Burke, a written reply was circulated as outlined below:-

Would the Manager outline to Council when Washington Street West and Lancaster Quay are going to revert to a one way system in view of the fact that Council voted for it over 10 months ago?

In order to give effect to the vote by Council, it was necessary to have a new scheme layout designed to accommodate a one-way traffic system, including reconfiguration of road lining and alterations to traffic lights. On completion of the design it was then necessary to go through another public consultation process, wherein submissions and comments are invited from the Gardaí and general public.

On completion of this process under Section 38 of the Roads Traffic Act 1994, Lancaster Quay and Washington Street West was reverted to one-way routing on the 18th September 2006.

3.5 **ST. JOSEPH'S COMMUNITY CENTRE, MAYFIELD**

In response to the following question submitted by Comhairleoir M. Quill, a written reply was circulated as outlined below:-

To ask the Manager when work is due to commence on the extension to St. Joseph's Community Centre, Mayfield?

Total committed funding of over € 800k for the works to St Josephs Community Centre has just been finalised. Architects Bertie Pope and Associates have been instructed to proceed to tender stage without delay, which should allow work to commence in late 2006 early 2007.

3.6 **PRESENTATION RD., PRESENTATION CL. AND TEMPLEACRE AVE.**

In response to the following question which was deferred from the meeting of An Chomhairle held on 24th April 2006, submitted by Comhairleoir T. Fitzgerald, a written reply was circulated as outlined below:-

Given that the concerns below were highlighted by the residents in Presentation Road, Presentation Close and Templeacre Avenue regarding the Chapel Field Development in Gurrabraher can the Manager inform me when

- (a) Will the Roads and Recreation & Amenities Departments reduce the green area with proper kerbing in Presentation Road so that vehicles and emergency services can easily flow through the estate and a parking system agreeable by the residents is put in plan
- (b) Will the footpaths be dishd for those who require them so that this aspect of the traffic issue is addressed on Presentation Road
- (c) Will the traffic calming measures be put in place in Presentation Road
- (d) Will the lane exiting Presentation Road to Bakers Road be resurfaced and additional lighting installed
- (e) Will similar parking issues be addressed in Templeacre Avenue onto Colmcille Road
- (f) The green area in Presentation Close be replaced with proper parking facilities
- (g) Ensure that all of the above are put in place before the completion of the development and
- (h) Will the Manager consider naming the development after Fr. Nesson Shaw OFM Cap who promoted sport and recreation for many years in the Chapel Field?

- (a) Plans have been prepared by the Housing Directorate to reduce the green area and provide additional parking on Presentation Road.
- (b) Yes
- (c) Yes
- (d) It is not intended as part of the Chapel Field development to carry out road re-surfacing and provide additional public lighting on the roadway exiting Presentation Road onto Bakers Road.
- (e) Plans are currently being prepared to address any possible parking issues that may arise.
- (f) Yes.
- (g) The works that the City Council have agreed to carry out will be finalised before the housing development is completed.
- (h) As the Council has sold the land at Chapel Field, it is a matter for the developer of the new housing scheme to provide a name for the development.

3.7 **ROADWORKS MATERIAL AT PEARSE ROAD NEAR MUSGRAVE PK.**

In response to the following question submitted by Comhairleoir C. Lynch, a written reply was circulated as outlined below:-

To ask the Manager with regard to depositing of road works material at the section of Pearse Road near Musgrave Park:

1. What actions have been taken by Cork City Council to have this material removed?
2. Which Contractor(s) was responsible for depositing this material?
3. Has any penalty been issued to the firm responsible for leaving this material at the site?

Roads Maintenance Division are arranging to remove the material. Despite numerous visits to the area, we have not been able to identify the contractor(s) or persons responsible for the dumping. The Parks Department have been asked to landscape the area. Environment have been asked to erect illegal dumping signs and asked to maintain the area.

3.8 **HOLLYHILL LANE**

In response to the following question submitted by Comhairleoir T. Fitzgerald, a written reply was circulated as outlined below:-

In relation Hollyhill Lane (Southern End)
Can the Manager inform me when:

- (a) Will ramps and traffic calming measures be put in place in the interest of safety to the young children living there, given that traffic has increased dramatically and will increase further with the potential increase of traffic to the new affordable housing scheme and access to the VEC Sports Facilities
 - (b) When will the wall including the Palisade Fencing be built and the plan available for inspection for the residents
 - (c) Can Children At Play Signs be put in place
 - (d) When will the pedestrian lights be fixed at the foot of the lane on Blarney Street
 - (e) Will the sewerage problems be addressed
 - (f) What green area will be available for the children to play in?
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- (a) Ramps and traffic calming measures will be put in place by the end of October, 2006.
 - (b) Tenders for the construction of the wall have been received and are currently being assessed.
 - (c) Children at Play Signs are being put in place and will be erected by the end of October, 2006.
 - (d) The existing pedestrian lights at this location will be upgraded before the end of November, 2006.
 - (e) Any sewerage issues that arose between both developments at this location have been resolved.
 - (f) A green area at the lower end of Hollyhill Lane will be available for children's recreational activities.

3.9 **WATER CHARGES IN CORK CITY SCHOOLS**

In response to the following question submitted by Comhairleoir P. Gosch, a written reply was circulated as outlined below:-

To ask the Manager what directive he has received from the Department of the Environment which has brought about the situation whereby he is charging Cork City schools for water which is in turn putting huge pressure on school resources?

In accordance with the Government's Water Services Pricing Policy, Cork City Council is obliged to recover the full cost of water services from the non-domestic sector. The recovery of such costs is in accordance with the E.U. Water Framework Directive and the Polluter Pays Principle.

Prior to the introduction of this policy schools were billed and required to pay charges in respect of the operational costs of water supply in the same way as they are required to pay for other utility services. However a number of schools in disadvantaged areas in Cork City were granted waivers in respect of water service costs. The new national policy does not provide for any exceptions to the recovery of costs from the non domestic sector - nor does it provide any alternative mechanisms for the recovery of any non domestic related use."

On the 16th November 2004, Cork City Council sought clarification from the Department of the Environment Heritage and Local Government on exemptions to the applicability of the policy and requested that the Local Government fund be extended to cover some of the costs arising for the non domestic sector. A reply was received on 3rd December 2004 which clarified that there were no exceptions to the application of the new policy for the non domestic sector and that the Local Government Fund, which is paid by the Department to local authorities, was not an appropriate mechanism for the recovery of non domestic costs.

3.10 **INSPECTIONS CARRIED OUT BY CORK CITY COUNCIL ON RENTED PROPERTIES IN 2005**

In response to the following question submitted by Comhairleoir J. Buttimer, a written reply was circulated as outlined below:-

In response to the report issued by Threshold last week:

What number of inspections were carried out by Cork City Council on rented properties in 2005?

What % of total rented properties does this represent?

What were the summary results of the inspections?

The Council carried out 794 inspections during 2005. This figure represents approximately 11% of the overall total of Private Rented Properties. In excess of 95% of properties were compliant or substantially compliant with only minor defects. The remaining 5% were all issued with improvement notices and progress is monitored on an on-going basis.

3.11 **DETAILED ACCOUNTS FOR CORK 2005**

In response to the following question submitted by Comhairleoir M. Barry, a written reply was circulated as outlined below:-

Can the Manager provide Council with full and detailed accounts for Cork 2005?

Full detailed accounts will be before the City Council meeting on Monday, 25th September together with report on economic assessment of tourism and conference business.

3.12 **DISC PARKING FROM BAKER'S ROAD TO BLARNEY STREET**

In response to the following question submitted by Comhairleoir M. O'Connell, a written reply was circulated as outlined below:-

Can the Manager tell me when Disc-Parking will be established from Baker's Road to the top of Blarney Street. This was promised in a reply to a motion which I submitted some months ago?

Whilst Blarney Street from Bakers Road to Blarney Road is in the pay parking extension, this is a two year programme. Areas with parking problems are given priority. However, this section of Blarney Street will be checked regarding parking and if deemed problematic pay parking will be put in place by the 30th November 2006.

3.13 **LAKE LAWN, WELL ROAD – ACCESS RIGHT OF WAY**

In response to the following question submitted by Comhairleoir T. Shannon, a written reply was circulated as outlined below:-

What departments of Cork City Council were contacted by officials of the Dept. of Finance regarding an application to the Department for an access right of way over the green and open public space and palm trees at Lake Lawn, Well Road?

When was this contact made?

To whom in City Council did they discuss this application?

How was this contact made, i.e. phone, written etc.

Did any in house discussions take place in City Council regarding this contact by the Department, and were any concerns expressed.

What response was given to the Department by Cork City Council?

Are relevant documents available to Council Members?

Cork City Council's Property Department was contacted by the Chief State Solicitor's Office by letter dated 19th September 2003. This letter stated that following receipt of an application from the Solicitors for Stephen and Maria Largo O'Sullivan, of Manakin, Well Road, Cork to acquire a right of access over the strip, the State was willing to waive the State's interest in the strip of ground at Lake Lawn, in favour of Cork City Council.

Title to this strip of ground vested in the State following the dissolution of the company which owned it, Fastnet Public Utility Society Limited.

Cork City Council has not responded to this request.

3.14 **WATER CHARGES IN SCHOOLS**

In response to the following question submitted by Comhairleoir T. Brosnan, a written reply was circulated as outlined below:-

Would the City Manager please confirm the number of Primary/National Schools and Secondary Schools to which demands for Water Charges have been issued and the sum total of money being demanded for these schools?

In accordance with the Government's Water Services Pricing Policy the City Council is currently issuing bills in respect of water services on 61 school accounts.

It is to be noted that, in the past, schools were required to pay charges in respect of the operational costs of water supply in the same way as they were required to pay for other utility services. However a number of schools in disadvantaged areas in Cork City were granted waivers in respect of water service costs.

Under the new national policy local authorities are required to charge all non domestic water service users the full cost of water services on the basis of consumption levels. In furtherance of this requirement meters are being installed by local authorities across the country on all non domestic properties. This process will be completed in Cork City by the year end.

Bills issued to schools in respect of the most recent 6 month bill period show that the charge for water services to schools for the same period was **€118,342**. The ongoing cost of water services to schools will be refined further as the metering system is fully rolled out and all charges are based on actual consumption levels (75% of all school accounts are currently metered with the remainder to be

metered before year end). Payments received from schools to date this year (i.e. following the issue of bills for the above mentioned 6 month period) amounted to **€91,933**. This figure includes payment for past use in a small number of cases. The Water Services Pricing Policy does not provide for any exceptions to the recovery of costs from the non domestic sector - nor does it provide any alternative mechanisms for the recovery of any non domestic related use.

4. **EUROPEAN CAPITAL OF CULTURE 2005**

On the proposal of Comhairleoir M. Quill, seconded by Comhairleoir J. Corr An Chomhairle agreed to receive a verbal report from the City Manager on the European Capital of Culture 2005 Final Report and to defer discussion on the final report to the next meeting of An Chomhairle.

5. **CIVIC RECEPTIONS**

An Chomhairle approved the following Civic Reception:-

Civic Reception for St. Finbarr's Under 15 Hurling Team on their victory in the Lord Mayor's Cup Final.

6. **CORPORATE POLICY GROUP – 18th SEPTEMBER 2006**

6.1 **FINANCIAL STATEMENT TO 31ST AUGUST 2006**

An Chomhairle approved the Financial Statement to 31st August 2006.

6.2 **LOCAL GOVERNMENT AUDITORS REPORT ON THE ACCOUNTS FOR YEAR ENDED 31ST DECEMBER 2004**

An Chomhairle approved the Local Government Auditors Report on the accounts for Year Ended 31st December 2004.

6.3 **MEMBERS OF PRESS INVITED TO RECEPTIONS HELD IN CITY HALL**

An Chomhairle approved the report of the City Manager dated 15th September 2006 on the following motion which was referred to the Committee by An Chomhairle :-

‘In an effort to further promote Cork in a positive way I propose that members of the press would be invited to all receptions held in City Hall.’

(Proposer: Cllr. D. McCarthy 06/304)

The report of the City Manager stated that the Civic Reception Invitation list has an extensive press section and Civic Reception Invitations are sent as a matter of course to all those listed.

This list is updated regularly by the Communications Co-ordinator.

7. **HOUSING AND COMMUNITY SERVICES STRATEGIC POLICY COMMITTEE – 8th SEPTEMBER 2006**

7.1 **PART 5 PLANNING AND DEVELOPMENT ACT 2000**

An Chomhairle approved the report of the Director of Services dated 31st August 2006 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council would acquire 20% of houses/apartments in all new developments under Part 5 Planning and Development Act 2000’.

(Proposer Cllr. C. Clancy 06/129)

The report of the Director of Services stated that Cork City Council’s policy is to, where possible, acquire 20% of units in all developments. The only obligation on the Developer, in accordance with the provision of the 2000 Planning and Development Act is to provide 20% of the land subject to the application. The development of Brownfield sites in major urban areas with high existing use values of land coupled with high construction costs and associated development costs will, on occasion, necessitate solutions other than provision of units on site.

The Director added that the 2002 Planning and Development (Amendment) Act gave new options to planning applicants for compliance with Part V. The Department of the Environment, Heritage and Local Government issued guidelines to all planning authorities in relation to the implementation of Part V which Cork City Council adheres to.

7.2 **DIRECT LABOUR SECTION**

An Chomhairle considered the report of the Director of Service dated 31st August 2006 on the following motion which was referred to the Committee by An Chomhairle.

‘That this Council agrees that a special joint meeting of the Housing Functional and SPC Committees be held with a view to reviewing the direct labour section of Cork City Council. This system always guaranteed a cheaper and better build House along with providing local jobs’

(Proposer Cllr. C. O’Connell 06/268)

On the proposal of Comhairleoir C. O'Connell seconded by Comhairleoir M. Barry a vote was called for on the report of the Director of Services where there appeared as follows:-

FOR: Comhairleoirí M. Quill, D. Murphy, G. O' Flynn, D. Wallace, P. Gosch, D. McCarthy, C. Burke, T. Fitzgerald, D. Clune, D. Counihan, D. O' Flynn, T. Shannon, J. Corr, C. Lynch, S. Martin, T. O' Driscoll, J. Buttimer, F. Dennehy, M. Shields, M. Ahern (20)

AGAINST: Comhairleoirí A. Spillane, M. Barry, J. O'Brien, C. O' Leary, C. O'Connell (5)

An tArd-Mhéara declared the vote carried and the report approved.

The report of the Director of Services stated that the Direct Labour unit was disbanded in favour of a market driven competitive tendering process. It would not be prudent to reintroduce such a unit at present as this may have serious financial implications for the City Council. Furthermore the delivery process has changed somewhat since abandonment of the Direct Labour Unit with turnkey provision now being the main delivery mechanism.

7.3 **GAS BOILER SERVICING**

An Chomhairle approved the report of the Director of Services dated 31st August 2006 on the following motion which was referred to the Committee by An Chomhairle and requested that Housing Officials would contact Bord Gais to see if a deal could be worked out with Bord Gais paying 50% of the service fee.

‘Council resolves to cover the cost of an annual gas boiler servicing for all Council Tenants on a waiver’.

(Proposer Cllr. Mick Barry, Cllr. Catherine Clancy 06/351)

The report of the Director of Services stated that there are no funds available in the current financial year to cover servicing of boilers for tenants on waivers. The cost implications of such a service are currently being examined with a view to some provision being made in the 2007 financial year. However, this will be considered by members during the preparation of the Budget for 2007.

7.4 **AFFORDABLE HOUSING**

An Chomhairle approved the report of the Director of Services dated 31st August 2006 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council will give specific consideration to applicants on the Affordable Housing list who are over forty years of age in light of the fact that the standard mortgage is granted for a twenty year period.

(Proposer Cllr. C. Lynch 06/353)

The report of the Director of Services stated that the City Council currently consider applicants over the age of forty years should all other criteria be met. The mortgage term is adjusted to ensure repayment on reaching the age of sixty five years.

7.5 **DISABLED PERSONS GRANTS**

An Chomhairle noted the report of the Director of Services dated 31st August 2006 on the following motion which was referred to the Committee by An Chomhairle.

‘That the ceilings presently in place, i.e. ceilings put in place by Cork City Council, be immediately reviewed in relation to the disabled persons grant

0 to 25,000	80% Grant
25,000 to 35,000	75% Grant
35,000 to 40,000	70% Grant

In my opinion these ceilings need to be raised and those people earning €40,000 or more need to have a mechanism put in place to allow them obtain a grant towards work deemed necessary.

(Proposer Cllr. S. Martin 06/143)

The report of the Director of Services stated that the details of increased income limits were circulated to members of the Housing Functional Committee at their meeting on 6 June 2006. The increased limits are as follows:

Less than €30,000 - 80% Grant
 €30,000-€35,000 - 75% Grant
 €35,000-€45,000 - 70% Grant
 Greater than €45,000 - No Grant

It was agreed that the minutes of the Housing & Community Strategic Policy Committee meeting held on 8th September 2006 should be amended to include the wording “that there be a mechanism in place to look at hardship cases as they arise”.

8. **RECREATION AMENITY & CULTURE STRATEGIC POLICY COMMITTEE – 18th SEPTEMBER, 2006**

8.1 **DIRECTOR OF SERVICES REPORT ON NORTH CITY ENVIRONMENTAL ENHANCEMENT ACTION PLAN – RECREATION, AMENITY & CULTURE PROJECTS.**

An Chomhairle noted the report of the Director of Services on the North City Environmental Enhancement Action Plan which was approved by An Chomhairle in July 2006.

8.2 **BYE-LAWS AT THE LOUGH**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘That Cork City Council will prepare, or amend any existing by-laws, governing behavior at the public amenity area of the Lough and that those by-laws would respect and reflect the traditional uses of the facility. In particular, those by-laws should:

- (a) protect the wild life sanctuary and the interests of those who care for the wild life;
- (b) protect the conservation of the fish stock by making it illegal to kill or permanently remove fish and clearly advertising this in a number of languages;
- (c) ensure that rod fishing may be carried out in specified areas, following consultation with the fishing club, and located away from the wild life sanctuary;
- (d) ensure that all other necessary controls, such as having to keep dogs on a lead, are adhered to.
- (e) ensure that the water levels are monitored to ensure that water cannot drop below the required levels required to maintain the health of fish and wildlife.
- (f) that spinning be banned and that the previous motion concerning the use of lead weights be enforced.’

(Proposer: Cllr. F. Dennehy 06/320)

The report of the Director of Services stated that the Council would prepare draft Bye-Laws for the Lough with the assistance of the Central Fisheries Board and the Lough Carp. Anglers Association was also considered.

8.3 **NEW LIBRARY, LEISURE FACILILTIES – ST. MICHAEL’S DRIVE, MAHON**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘That Cork City Council would build and develop a new library in conjunction with Leisure facilities i.e. a Swimming Pool and Gym on Council owned lands at St. Michaels Drive in Mahon as part of the main infrastructure in the fastest growing ward of the City.’

(Proposer: Cllr. C. O’ Leary 06/363)

The report of the Director of Services stated that Council had already decided at its meeting of 27th February 2006 that it wished to construct a new leisure centre at the existing Douglas Pool site was also considered. The report also stated that negotiations are at an advanced stage at present in relation to provision of a new library at Mahon (Skehard Road)

9. **ENVIRONMENT FUNCTIONAL COMMITTEE – 18th SEPTEMBER, 2006**

9.1 **SANITARY AND OTHER SCHEMES**

An Chomhairle approved the report of the Director of Services on Sanitary and Other Schemes for the year to the 31st August 2006.

9.2 **ENVIRONMENTAL MATTERS**

An Chomhairle approved the report of the Director of Services on Environmental Matters for the year to 31st August 2006.

9.3 **PILOT BULKY GOODS COLLECTION – KNOCKNAHEENY**

An Chomhairle noted the report of the Director of Services which noted that under North City Enhancement Action Plan 154 applications for Bulky Goods Collection Scheme were dealt with. Collections took place between 29th August and 5th September 2006. 3.56 tonnes of electrical goods and 8.52 tonnes of other material were collected. It is hoped to provide another such collection prior to end of year.

9.4 **STREET CLEANING EXTENDED HOURS**

An Chomhairle noted the report of the Director of Services on Street Cleaning which indicated that nine additional staff had been allocated to street cleaning and a revised evening a weekend schedule had been implemented since 22nd August 2006 was considered. The schedule provided for cover in the area between Clontarf St and Courthouse St between the two river channels up to 10:00 p.m. on four evenings per week together with additional hours on remaining days also.

9.5 **END OF LIFE VEHICLES**

An Chomhairle noted the report of the Director of Services which outlined the general provisions of the Waste Management (End of Life Vehicle) Regulations 2006.

The Regulations place an onus on producers and persons who place motor vehicles on the market to take back free of charge and to arrange for their proper disposal at the end of useful life by recycling/ reusing the components and prescribe registration requirements.

9.6 **RELIEF SEWER IN MELBOURNE ESTATE, UAM VAR ESTATE, AND ELTON LAWN**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘Due to the inadequate sewage facilities and the agreed need for a new relief sewer system in the areas of Melbourne Estate, Uam Var Estate, Elton Lawn and the eventual demolition of the Sewage pumping house in Curraheen Estate I am proposing that funding is made available to carry out this work as soon as possible.’

(Proposer: Cllr. M. Shields 06/312)

The report of the Director of Services indicated that some remedial works had been undertaken which had relieved the situation was also considered. The Drainage Section has looked at a number of options to eliminate in so far as is possible flooding in the area. The most preferable option is the extension of the Inchiggagin sewer at an estimated cost of €0.8m and funding under the Water Services Investment Programme has been applied for.

9.7 **REPLACEMENT PIPE – UAM VAR AVENUE AND UAM VAR DRIVE**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘Given that the capacity of the two sewers on Uam Var Avenue and Uam Var Drive has reached maximum capacity or is close to it, That Cork City Council would in the estimates programme for 07 provide for complete replacement/enlargement of the pipe.’

(Proposer: Cllr. J. Buttimer 06/422)

The report of the Director of Services stated that some remedial works had been undertaken which had relieved the situation was also considered. The Drainage Section has looked at a number of options to eliminate in so far as is possible flooding in the area. The most preferable option is the extension of the Inchiggagin sewer at an estimated cost of €0.8m and funding under the Water Services Investment Programme has been applied for.

9.8 **THOMOND SQUARE SEWER**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘That the public Drain at Thomond Square be upgraded.’

(Proposer: Cllr. T. O’ Driscoll 06/371)

The report of the Director of Services stated that there was no public drain in Thomond Square and any upgrading of the private drains was a matter for the individual householders was also considered.

CONTINUATION OF MEETING

An Chomhairle agreed to continue the meeting beyond 8 p.m. and agreed unanimously that the meeting would finish at 9 p.m.

9.9 **ENERGY CONSERVATION**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘That Cork City Council to commit as a priority encouraging more sustainable development through energy end use efficiency, and increasing the use of renewable energy, in all new building projects in the designated area within the Local Area Plans.

It will achieve this by:

- Encouraging responsible environmental management in construction
- Promoting sustainable approaches to housing developments by spatial planning, layout, design and detailed specification
- Ensuring high standards of energy efficiency in all housing developments under its remit, and encouraging developers, owners, and tenants to improve the environmental performance of the building stock, including the deployment of renewable energy
- For housing, specifically applying an improvement of 60% relative to prevailing norms as represented by the Building Regulations Part L

- For other buildings, specifically applying an improvement of 60% relative to prevailing norms as represented by the Building Regulations Part L
- Anticipating the operational implementation of the EU Directive on the Energy Performance of Buildings (EPBD) by encouraging the energy rating and labelling of building energy performance, so as to give visible recognition to such improvements.

The specific approach proposed for developers is to set a target, accompanied by a menu of design and technology options, including renewable energy technologies, as a means of offering flexibility towards meeting that target in the most technically and economically feasible manner on a case by case basis.

As an initial step towards achieving greater environment sustainability, Cork City Council should propose the introduction of a performance based CO2 Emissions Target (CET) for new buildings being constructed within the Local Area Plan.

Targets

All new buildings within the designated area will represent a significant improvement in energy and associated environmental performance relative to prevailing practice.

The following conditions apply:

Housing:

A collective average reduction of at least 60% in CO2 emissions deriving from energy usage for space and water heating within the housing development, relative to a baseline of prevailing regulatory and design practice. This initial baseline of comparison is to be represented by the provisions of Technical Guidance Document L (TGD L) to the Building Regulations, 2002 using a conventional gas fired heating boiler with an assumed seasonal efficiency of 75%. The calculation is to be carried out for the time being using the Heat Energy Rating Method in TGD L, pending the adoption of the official national methodology for determining energy performance of housing for the purposes of the EU Energy Performance of Buildings Directive (EPBD).

In meeting this CO2 performance target, the development shall include:

- A collective average reduction of at least 60% in energy consumption for space and water heating, relative to the baseline of existing regulatory and design practice and using the methodology outlined above; and
- A contribution of 30% by renewable energy supply systems to meet the collective space and water heating requirements within the housing development.

Non-residential:

A collective reduction of at least 60% in CO₂ emissions deriving from total energy usage (space heating, water heating, lighting, other) arising from all services within the development, relative to a baseline of existing regulatory and design practice. This initial baseline of comparison is to be represented by the provisions of TGD L to the Building Regulations, 2006. In the absence of an official national methodology for determining the energy performance of non-domestic buildings, this calculation is to be carried out using a method compliant with the draft European Standard prEN 13790.

In meeting this CO₂ performance target, the development shall include:

- A collective average reduction of at least 60% in energy consumption for all services, relative to the baseline of existing regulatory and design practice and using a methodology as outline above, and
- A contribution of 30% by renewable energy supply systems to meet the collective energy requirements within the development.

To illustrate the above, using the Heat Energy Rating methodology, the baseline energy performance of new housing is typically 125 kWh/m²/year for space and water heating when constructed to the minimum requirements of Building Regulations, 2002, and using a boiler with a seasonal efficiency of 75%. This translates into a CO₂ performance of 23.7 kg/m²/year using a gas fired heating system.

Cork City Council would require that new housing developments should achieve a 60% reduction in CO₂ emissions associated with space and water heating (i.e. to below 9.5 kg/m²/year), which must include a reduction in energy use for this purpose (i.e. to below 50 kWh/m²/year) and a contribution of at least 30% by renewable energy systems to meet the collective space and water heating requirements within the development.

Menu of options

In pursuit of these targets, a strong menu of superior design and specification options will include the following:

- Site layout and associated bio-climatic/passive solar design measures
- Enhanced levels of insulation in walls, roofs, floors, glazing and doors
- Reduced uncontrolled air infiltration losses
- Use of healthy and controllable ventilation systems
- Heat recovery systems
- Use of daylight
- Water conservation measures
- More sustainable building materials

- Improved heat generation appliance efficiency, e.g. condensing boilers
- Intelligent heating system configuration and time/ temperature/ zone/ function controls
- Efficient provision of domestic hot water
- Fuel switching to low or zero CO2 emitting fuels
- Energy efficient lighting systems
- Incorporation of renewable energy systems, e.g. active solar, heat pumps, biomass
- Provision of appropriate group or district heating systems

In the case of non-domestic buildings, additional options include:

- Heating, ventilation and air conditioning systems and controls
- Electrical energy use including motive power
- Efficient lighting systems and controls
- Building Energy Management Systems
- Occupancy controls
- Monitoring and Targeting Systems
- Combined Heat and Power (CHP)

Other measures which can contribute to the energy efficiency and renewable energy targets can also be considered.

This menu approach enables specifiers and developers to adopt approaches which are responsive to site and client circumstances and constraints, and offers the flexibility to explore and employ different mixes of options on a case by case basis, to maximise technical and economic feasibility.

(Proposer: Cllr. C. O' Leary 06/376)

The report of the Director of Services stated that the Building Control Regulations set standards which had to be implemented in buildings was also considered. The Building Control Act enables the Minister to make regulations specifying standards. However no provision exists in the Act for the making of bye laws by local authorities that establish standards that would be different to those prescribed nationally by the Minister. Council may wish to consider writing to the Minister recommending a review of the regulations or proposing alternative standards. The report also noted the active involvement of the City Council in encouraging sustainable energy practises. Any changes to the content of Local Area Plans should be the subject of separate consideration by the Planning Committee.

9.10 **GLASS RECYCLING**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘That this Council would provide a Glass Recycling Collection Service, To be collected along with the Dry Recycling service already in place.’

(Proposer: Cllr. D. O’Flynn 06/309)

The report of the Director of Services stated that the existing system collection of dry recyclables cannot support the collection of glass was also considered. The introduction of a door to door system for collection of glass was not recommended at present as it result in additional costs to the City Council due to the need to invest in additional transport, bins etc with a consequent increase in cost to the householder. To increase the amount of glass being recycled there was a need to provide additional bring banks.

9.11 **REFUSE AMNESTY**

An Chomhairle approved the report of the Director of Services on the following motion which was referred to the Committee by An Chomhairle:-

‘That Cork City Council will introduce a one day “Refuse Amnesty” at the landfill site on Kinsale Road to assist in the cleaning up of the City and the suburbs.’

(Proposers: Cllr. J. Buttimer and T. Fitzgerald 06/297)

The report of the Director of Services stated that a comprehensive domestic refuse and dry recyclable collection for households whose payments were in order is being provided by the City Council was also considered. The provision of free access was not recommended on the basis that it would be contrary to EU and Government policy (polluter pays), encourage further waste generation and hoarding and could not be availed of by households who do not have their own transport. It was suggested that, in the event of additional resources becoming available in the forthcoming budgetary process, such funds could be spent to better effect by for example providing financial and other assistance to residents associations and community groups engaged in clean up initiatives in their areas or by supporting/subsidising further bulky goods collections”

10. **PLANNING & DEVELOPMENT FUNCTIONAL COMMITTEE – 18th SEPTEMBER, 2006**

10.1 **DRAFT HERITAGE PLAN**

An Chomhairle approved the Draft Heritage Plan dated 13th September 2006.

10.2 **HOUSING ESTATES**

An Chomhairle approved the report of the Director of Services, Planning & Development & City Engineer on Housing Estates – July/August 2006 dated 14th September, 2006.

10.3 **PLANNING STATISTICS**

An Chomhairle approved the report of the Director of Services, Planning & Development & City Engineer dated 14th September 2006 on the number of planning applications determined and deferred from 1st January, 2006 to 31st August, 2006.

11. **CORRESPONDENCE**

An Chomhairle noted correspondence.

12. **CONFERENCES**

An Chomhairle approved the attendance at the following Conferences:-

12.1 **LOCAL GOVERNMENT ENVIRONMENT SERVICES**

An Chomhairle approved the attendance of Comhairleoirí P. Gosch, B. Bermingham and S. Martin at the Local Government Environment Services Conference to be held on the 28th – 30th September, 2006 in the Walter Raleigh Hotel, Youghal, Co. Cork.

12.2 **CONFEDERATION OF EUROPEAN COUNCILLORS “1916: A TIME OF RISING AND A TIME OF WAR”**

An Chomhairle approved the attendance of Comhairleoir D. Counihan at the Confederation of European Councillors “1916 – a time of rising and a time of war” the Impacts and Legacy for Modern Ireland, North & South to be held on the 12th/13th October, 2006 in the City Hotel, Derry.

13. **MOTIONS**

An Chomhairle referred the following motions to the relevant Committees:-

13.1 **LOCAL AREA DEVELOPMENT PLAN FOR TURNERS CROSS**

‘That Cork City Council prepare a local area development plan for Turners Cross and that it would consult with relevant bodies and organisations in the parish in order to formulate an integrated plan for its future development.’

(Proposer: Cllr. S. Martin 06/164)

Planning and Development Functional Committee

13.2 **LOCAL AREA DEVELOPMENT PLAN FOR SOUTH PARISH**

‘That Cork City Council prepare a local area development plan for South Parish and that it would consult with relevant bodies and organisations in the parish in order to formulate an integrated plan for its future development.’

(Proposer: Cllr. S. Martin 06/165)

Planning and Development Functional Committee

13.3 **PROVISION OF LIGHT AT ST. MARY’S ROAD**

‘That a light be put on St. Mary’s Road overlooking Farran Street to facilitate local residents especially during the wintertime.’

(Proposer: Cllr. P. Gosch 06/381)

Roads and Transportation Functional Committee

13.4 **RAMPS AT ST. ANNE’S ROAD, GURRANABRAHER**

‘That ramps would be located on St. Anne’s Road, Gurrabraher, in order to slow down traffic passing through the area which is a very narrow road.’

(Proposer: Cllr. P. Gosch 06/384)

Roads and Transportation Functional Committee

13.5 **CLOSURE OF LANEWAY BETWEEN 51/53 UPPER FAIR HILL AND 40/41 BANTRY PARK**

‘That Cork City Council close the Laneway between No 51/53 Upper Fair Hill and 40/41 Bantry Park.’

(Proposer: Cllr. C. Clancy 06/390)

Roads and Transportation Functional Committee

13.6 **WALL BETWEEN ASCENSION HEIGHTS AND NU FARM PITCH**

‘Wall be put in place between Ascension Heights and Nu Farm pitch.’

(Proposer: Cllr. D. McCarthy 06/396)

Housing & Community Functional Committee

13.7 **REPLACE FOOTPATHS IN FRONT OF 1 & 2 CUSHING RD., FARANREE**

‘That Cork City Council Roads Dept. replace the footpaths fronting numbers 1 and 2 Cushing Road Farranree.

(Proposer: Cllr. C. Clancy 06/411)

Roads and Transportation Functional Committee

13.8 **NOISE SURVEY – SOUTH LINK ROAD, WESTSIDE ESTATE**

‘That Cork City Council should conduct a noise survey on the South Link Road at the rear of Westside Estate to establish if the noise levels are within the set guidelines and if not, then appropriate action should be taken to alleviate the problem.

(Proposer: Cllr. F. Dennehy 06/423)

Environment Functional Committee

13.9 **FOOTPATHS ON SARAHVILLE PLACE**

‘That the footpaths on Sarahville Place be included in the 2007 Renewal Programme as they are in very poor condition.’

(Proposer: Cllr. T. O’Driscoll 06/425)

Roads and Transportation Functional Committee

13.10 **SIGNAL CONTROLS AT TRAMORE RD. JUNCTION**

‘That Cork City Council consider installing Signal Controls at the junction of Tramore Road and Lower Pouladuff Road in order to prevent lengthy tailbacks from forming in a North South direction.’

(Proposer: Cllr. T. O’Driscoll 06/426)

Roads and Transportation Functional Committee

13.11 **TIME ALLOWED FOR PARKING**

‘That this Council would change the time allowed for parking in the one hour zone to two hours on a Saturday to encourage shoppers into the City centre and thus allow for a more relaxed parking regime at the weekends.’

(Proposer: Cllr. D. Clune 06/427)

Roads and Transportation Strategic Policy Committee

13.12 **REVIEW POLICY OF CLAMPING**

‘That Cork City Council would in the interest of developing the City Centre and in promotion of Cork City as a place to stay, shop and socialise, review its policy of clamping with a view to ending the policy.’

(Proposers: Cllr. J. Buttimer, Cllr. P. Gosch, Cllr. C. Burke, Cllr. D. Murphy, Cllr. D. Cregan, Cllr. D. Clune, Cllr. J. Corr 06/428)

Roads and Transportation Strategic Policy Committee

13.13 **REPLACE TIMBER FENCE BETWEEN CHAPEL GATE AND KEMPTON PARK**

‘That the timber fence between Chapel Gate and Kempton Park, adjacent to no. 6 Kempton Park, would be replaced by a more permanent structure to improve safety and clean up what has become an eyesore in this area.’

(Proposer: Cllr. D. Wallace 06/429)

Planning and Development Functional Committee

13.14 **REMOVE SKATEBOARD PARK FROM TORY TOP PARK**

‘That the Skateboard Park be removed from Tory Top Park.’

(Proposer: Cllr. C. Lynch 06/431)

Recreation Amenity & Culture Functional Committee

13.15 **CURRAHEEN ESTATE IN BISHOPSTOWN**

‘That Cork City Council would carry out a renewal and regeneration plan of the Curraheen Estate in Bishopstown, and Leesdale in Model Farm Rd. The plan to include:

- (i) Landscaping of the green and open areas
- (ii) Erection of new street signs
- (iii) Enhancement of the public realm
- (iv) Road and path renewal
- (v) Laneway closures.’

(Proposer: Cllr. J. Buttimer 06/432)

Roads and Transportation Functional Committee

13.16 **ROAD SIGNAGE ON THE N25**

‘That Cork City Council, the NRA and/or Cork County Council would improve the road signage on the N25 from the Kinsale Road Interchange, highlighting the exits for Bishopstown and Wilton.’

(Proposer: Cllr. J. Buttimer 06/433)

Roads and Transportation Functional Committee

13.17 **THE GROVE, ORCHARD ROAD**

‘To facilitate residents who are the rightful owners of their area, I propose that Cork City Council abandon plans to locate a river walk through the Grove, Orchard Road, an estate that is in effect a Cul de Sac’.

(Proposer: Cllr. D. McCarthy 06/434)

Planning and Development Functional Committee

13.18 **REVIEW OF THE CURRENT PART 5 PROCESS**

‘That Cork City Council call on the Minister for the Environment to carry out a review of the current Part 5 process pertaining to new housing developments with a view to closing off many anomalies in the system which are causing difficulties to Local Authorities throughout the country and affecting the successful acquisition of Social Housing from this process.’

(Proposer: Cllr. M. O’Connell 06/435)

Referred to the next meeting of An Chomhairle

13.19 **LITTER WARDEN FOR KNOCKNAHEENY/ HOLLYHILL**

‘That a designated Litter Warden be appointed for the Knocknaheeny/ Hollyhill areas.’

(Proposer: Cllr. M. O’Connell 06/436)

Environment Functional Committee

13.20 **REINSTATE THE IRISH INSCRIPTIONS ON ST. PATRICKS BRIDGE AND PARLIAMENT BRIDGE**

‘That Cork City Council reinstate the Irish inscriptions on St. Patrick’s Bridge and Parliament Bridge and on the other city bridges where the Irish inscriptions have been allowed to deteriorate.’

(Proposer: Cllr. T. Brosnan 06/439)

Roads & Transportation Functional Committee

13.21 **WATER SUPPLY TO PRIMARY AND SECONDARY SCHOOLS**

‘That Cork City Council would not cut off the water supply to any Primary or Secondary School should they fail to pay Water Charges on the grounds that to do so would be to penalise school children and endanger their wellbeing because of the inability of Government, Dail and senior civil servants to between them resolve a dilemma created by their own ineptitude.’

(Proposer: Cllr. T. Brosnan 06/440)

Environment Functional Committee

13.22 **GREEN AMENITY AREA IN THE GROVE, ORCHARD ROAD**

On the proposal of Comhairleoir M. Shields, seconded by Comhairleoir T. Fitzgerald An Chomhairle agreed to amend the following motion to read as follows:-

‘In accordance with the wishes of the residents of the above estate and in the interest of Community Health Planning, that the proposed walkway and cycleway currently in the Cork City Development Plan 2004 – 2009 be altered to ensure that the proposed amenity walk would not encroach in any way on the green amenity area in The Grove. (Fig 3.8 Bishopstown and Wilton Area Action Plan)

That the existing trees which are part of The Grove Estate and form a boundary between The Grove and the many Victoria Cross apartments blocks, both existing

and proposed, would not be destroyed or damaged in any way to facilitate such a walkway and that the relevant portion of the proposed walkway be constructed on the northern side of the Curraheen river.

Under section 3.2.33 of The Draft Bishopstown and Wilton Area Action Plan and in the interest of proper planning and maintaining the value and ethos of the homes in The Grove, that the proposed vehicular access through the green amenity area and bridge over the Curraheen River be deleted from The Plan.’

(Proposers: Cllr. T. Fitzgerald, Cllr. M. Shields, Cllr. F. Dennehy, Cllr. T. Shannon 06/441)

Planning and Development Functional Committee

13.23 **HSE HOME HELPS**

‘Cork City Council opposes the new rules for calculating HSE home helps income when assessing eligibility for medical cards.’

(Proposer: Cllr. M. Barry 06/442)

Referred to the next meeting of An Chomhairle

13.24 **WATER CONNECTION IN SCHOOLS**

‘Cork City Council states its total and utter opposition to any attempt to disconnect water from schools over non-payment of water charges. Cork City Council also states its total and utter opposition to any threats of court action against schools over non-payment of water charges.’

(Proposer: Cllr. M. Barry 06/443)

Environment Functional Committee

14. **TENDERS**

The following tenders were opened:

- 4 no. Tenders for Banks of the Lee Public Lighting Project

The remaining items on the agenda were deferred to the next meeting of An Chomhairle.

This concluded the business of the meeting.

ARDMHÉARA
CATHAOIRLEACH