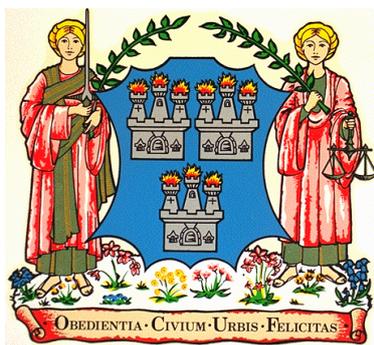


COMHAIRLE CATHRACH BHAILE ÁTHA CLIATH



Miontuairiscí Chruinniú Speisialta a tionóladh ar 13 Bealtaine 2013 i Seomra na Comhairle, Halla na Cathrach, Cnoc Chorcaí ag 6. i.n.

I Láthair an tArdmheara Naoise Ó Muirí sa chathaoir.

Comhairleoir:

Gerry Ashe
Kieran Binchy
Paddy Bourke
Tom Brabazon
Gerry Breen
Christy Burke
Aine Clancy
Anthony Connaghan
Pat Crimmins
Pat Dunne
Mary Fitzpatrick
Declan Flanagan
Mannix Flynn
Mary Freehill
John Gallagher

Comhairleoir:

Deirdre Heney
Jane Horgan-Jones
Vincent Jackson
Dermot Lacey
Mícheál Mac Donncha
Ray McAdam
Paddy McCartan
Brian McDowell
Ruairí McGinley
Séamas McGrattan
Padraig McLoughlin
Lucy McRoberts
Andrew Montague
Rebecca Moynihan

Comhairleoir

Críona Ní Dhálaigh
Jim O'Callaghan
Damian O'Farrell
Mary O'Shea
Larry O'Toole
Maria Parodi
Cieran Perry
Anna Quigley
Oisín Quinn
Nial Ring
Brid Smith
Henry Upton
Steve Wrenn
Edie Wynne

Oifigigh

Philip Maguire
Kathy Quinn
Michael Phillips
Brendan Kenny
Seamus Lyons

Terence O'Keeffe
Richard Brady
Mary Pyne
Eileen Quinlivan
Con Kehely
Jim Keogan

Vincent Norton
John O'Hara
Yvonne Kelly
Carmel Walsh
Jason Frehill
Tom Vaughan

1. It was proposed by Councillor R. McGinley and seconded by Councillor E. Wynne "That Dublin City Council considers (a) the Manager's Report (No. 145/2013) on Submissions Received on foot of the Public Display in relation to the Proposed Material Amendments of the Zoning Objective and Maps in relation to Unzoned (Former Z15) Lands (already circulated), (b) Manager's Report and Recommendations (No. 146/2013) on Motions Submitted (already circulated) and (c) consideration of the Manager's responses and recommendations on submissions received in relation to the Amendments on which no Motions were received."

2. **Motion No. 1**

Councillor: Ruairi McGinley. It was moved by Cllr R. McGinley and seconded by Cllr E. Wynne as follows;

Para. 4, line 2 – Delete the words “permissible and / or” and insert after para 5, “In the interest of clarity, the above requirements do not apply to development for “permissible” uses.”

Reason:

The Manager in his report of 15.4.13 has clarified that permissible uses, such as childcare, community facilities and cultural and recreational buildings etc., should be added to paragraph 4 to clarify that these can be carried out. This change is proposed to confirm that ‘permissible uses’ can be carried out, where the existing use is to be retained on site, without having to adhere to the various requirements which relate specifically to open for consideration uses.

The City Council agreed to accept the Manager’s Report

3. **Motion No. 2**

Councillor: Ruairi McGinley. It was moved by Cllr R. McGinley and seconded by Cllr E. Wynne as follows;

In paragraph 4, 8th line down – Delete the word “e.g.” and substitute the words “used as” so that the sentence reads “how it secures the retention of existing functional open space **used as** school playing fields”.

Reason:

A requirement is being sought on an applicant to demonstrate that school playing fields were going to be retained in any proposed development. The Proposed Amendment went beyond this by inserting a requirement to retain “open space e.g. school playing fields”. Open space can have many functions e.g. roadways, pathways etc.

In his report of 15.04.2013, the Manager notes that the term “open space,” as defined in the Development Plan, means **all** lands not built on. This leaves the requirement unworkable and subject to challenge. The Manager clarified that the intention is that the objective should be to retain playing pitches / active recreational uses, not all open space. The proposed wording is intended to deal specifically with protecting school playing pitches and achieves the intentions of the Manager.

The City Council agreed to accept the Manager’s Report

4. **Motion No. 3**

Councillor: Ruairi McGinley. It was moved by Cllr R. McGinley and seconded by Cllr E. Wynne as follows;

Para. 12, “Masterplan Requirements” 2nd line – substitute the words “*the entire landholding*” for the words “*the lands zoned Z15*” so that the sentence reads “*The Masterplan, shall set out a clear vision for the entire landholding...*”

Reason:

The proposed wording clarifies that the masterplan should set out a clear vision for an entire landholding which is in one ownership. The words “*lands zoned Z15*” could be interpreted as referring to lands in more than one ownership in a Z15 zoned block. A landowner cannot show proposals in a Masterplan which refer to another’s lands. The Manager’s report clarifies that the proposed wording reflects the Manager’s intention.

The City Council agreed to accept the Manager’s Report.

5. **Motion No. 4**

Councillor: Ruairi McGinley. It was moved by Cllr R. McGinley and seconded by Cllr E. Wynne as follows;

Para. 12 "Masterplan Requirements" 3rd line – substitute the word "identification" for "preservation" so that the phrase reads "to provide for the identification of 25% of the lands for open space and/or community facilities"

Reason:

The intention is that the Masterplan should *identify where* open space, in the amount of 25% of the entire landholding, (and/ or community facilities) should be provided, were the entire landholding to be developed. The Masterplan cannot "*preserve*" land for open space where no development is proposed. Any planning application for development of part of a Z15 landholding should deliver 25% of the development site as open space (and/or provide community facilities), such open space located as shown in the masterplan. Any planning application for total redevelopment of a Z15 landholding would be required to deliver 25% open space and/or community facilities in accordance with the Masterplan.

The City Council agreed to accept the Manager's Report.

6. **Motion No. 5**

Councillor: Mary Freehill. It was moved by Cllr M. Freehill and seconded by Cllr P. Bourke as follows;

This Council resolves to amend the Manager's Recommendation as stated at A(10) of Manager's Report 145/2013 (page 25) so that the Indicative Plot Ratio standard for the Z15 zoning designation read: "*Z15 Institutional Long Term 0.5 – 2.0*"

Reason:

Plot Ratio measures the volume of development on a site. Given that the proposed amendment includes residential use for these lands, it is desirable that any standards set out in the Dublin City Development Plan should be in line with Sec.5.10 of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' ('SRDUA Guidelines') issued by the Department of the Environment, Heritage and Local Government in May 2009.

In relation to Institutional Lands (Z15 in the Dublin City Development Plan) it is stated at Sec.5.10 (e) of SRDUA:

"Such lands are often characterised by large buildings set in substantial open lands which in some cases may offer a necessary recreational or amenity open space opportunity required by the wider community. In the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands, but this should be assessed in the context of the quality and provision of existing or proposed open space in the area generally. In the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70uph)"

In order to understand the implications of the proposed plot ratio of 2.5, as it relates to units per hectare ('uph'), it's worth looking at the An Bord Pleanala decision on the application for development of the Z15 Marianella site in Rathgar. The application proposed a plot ratio of 1.34 and site coverage of 29.8%. The number of units per hectare was 117. An Bord Pleanala, considered this density excessive and issued an Article 73 request seeking revised drawings to address the following:

“it might be considered that the proposed development, by reason of its excessive density, massing and layout, would result in a development that might seriously injure the amenities of future residents of the development, due to overshadowing of courtyards and individual residential units and the poor outlook of a number of units facing directly onto the gable ends of buildings with inadequate separation distances.”

The revised scheme submitted reduced the plot ratio to 1.14 and the site coverage to 27.51% with an overall reduction in units per hectare from 117 to 89 – this still exceeded the maximum of 70uph advised in the SRDUA Guidelines.

Given that An Bord Pleanála found a plot ratio of 1.34 and site coverage of 29.8% resulted in overdevelopment of a Z15 site, it follows that a plot ratio of up to 2.5 and site coverage of 50% could result in grossly excessive development.

Depending on the size of the residential unit, a plot ratio of up to 2.5 could result in residential densities in excess of 200uph – almost twice the density considered excessive on the Marianella site by An Bord Pleanála and nearly three times that deemed suitable for such sites in the Department Guidelines (SRDUA i.e. up to 70uph). The fact that this quantum of development would be confined to 75% of the site area (given the 25% open space requirement), further exacerbates the situation leading to gross overdevelopment of the developed area of the site (the plot ratio and site coverage calculation would be based on the entire site area).

The motion was defeated following a roll call vote (see **Appendix A** for the roll call vote). Consequently, the Manager’s Report was accepted.

7. **Motion No. 6**

Councillor: Mary Freehill. It was moved by Cllr M. Freehill and seconded by Cllr P. Bourke as follows;

This Council resolves to amend the Manager’s Recommendation as stated at A(10) of Manager’s Report 145/2013 (page 25) so that the Indicative Site Coverage standard for the Z15 zoning designation read: “Z15 – 45%”

Reason:

Plot Ratio measures the volume of development on a site. Given that the proposed amendment includes residential use for these lands, it is desirable that any standards set out in the Dublin City Development Plan should be in line with Sec.5.10 of the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (‘SRDUA Guidelines’) issued by the Department of the Environment, Heritage and Local Government in May 2009.

In relation to Institutional Lands (Z15 in the Dublin City Development Plan) it is stated at Sec.5.10 (e) of SRDUA:

“Such lands are often characterised by large buildings set in substantial open lands which in some cases may offer a necessary recreational or amenity open space opportunity required by the wider community. In the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands, but this should be assessed in the context of the quality and provision of existing or proposed open space in the area generally. In the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70uph)”

In order to understand the implications of the proposed plot ratio of 2.5, as it relates to units per hectare ('uph'), it's worth looking at the An Bord Pleanala decision on the application for development of the Z15 Marianella site in Rathgar. The application proposed a plot ratio of 1.34 and site coverage of 29.8%. The number of units per hectare was 117. An Bord Pleanala, considered this density excessive and issued an Article 73 request seeking revised drawings to address the following:

"it might be considered that the proposed development, by reason of its excessive density, massing and layout, would result in a development that might seriously injure the amenities of future residents of the development, due to overshadowing of courtyards and individual residential units and the poor outlook of a number of units facing directly onto the gable ends of buildings with inadequate separation distances."

The revised scheme submitted reduced the plot ratio to 1.14 and the site coverage to 27.51% with an overall reduction in units per hectare from 117 to 89 – this still exceeded the maximum of 70uph advised in the SRDUA Guidelines.

Given that An Bord Pleanala found a plot ratio of 1.34 and site coverage of 29.8% resulted in overdevelopment of a Z15 site, it follows that a plot ratio of up to 2.5 and site coverage of 50% could result in grossly excessive development.

Depending on the size of the residential unit, a plot ratio of up to 2.5 could result in residential densities in excess of 200uph – almost twice the density considered excessive on the Marianella site by An Bord Pleanala and nearly three times that deemed suitable for such sites in the Department Guidelines (SRDUA i.e. up to 70uph). The fact that this quantum of development would be confined to 75% of the site area (given the 25% open space requirement), further exacerbates the situation leading to gross overdevelopment of the developed area of the site (the plot ratio and site coverage calculation would be based on the entire site area).

The motion was defeated. Manager's Report was accepted.

8. **Motion No. 7**

Councillor: Naoise O'Muirí. It was moved by Cllr N. O Muirí and seconded by Cllr E. Wynne as follows;

Map Ref: B46

In relation to lands at Sybil Hill Road, Dublin 5 (St. Pauls College), that the zoning be retained at Z15.

Reason:

This zoning now permits development while optimizing the amenity protection of surrounding neighbourhoods and facilities.

The motion was put and carried.

9. **Motion No. 8**

Councillor: Gerry Breen.

Map Ref: F7

This Council agrees to combine both Z15 and Z12 zoning on the Roslyn Park site located on the corner of Newgrove Avenue and Beach Road in Sandymount, the property of the Rehab Group, to appropriately reflect the current uses of the site.

Reason:

Located on the corner of Newgrove Avenue and Beach Road in Sandymount, this site accommodates two distinct uses at present:

- Rehab Group's international head office, which delivers central services to the Rehab Group's 250 locations throughout Ireland, the UK, Poland and the Netherlands. One hundred staff work in this building making the Rehab Group one of Sandymount's largest employers.

Proposed zoning under this motion: Z12 to reflect the current usage and allow the flexibility to redevelop this old and deteriorating building.

- A training college run by National Learning Network (including the tennis court and the land behind it), a division of the Rehab Group, serves 275 students every year and employs nearly 50 people as instructors and ancillary staff. The description of the proposed Z15 zoning objective, "to protect and provide for institutional and community uses and to ensure that existing amenities are provided" makes it plain that the primary community/institutional use of the site is secure and therefore Z15 is considered an appropriate zoning for this portion of the site.

Proposed zoning under this motion: Z15 in line with the Manager's Report

The full site was previously zoned Z12 under both the 1999-2005 and 2005-2011 Development Plans. The Manager's Report recommends that the currently unzoned site be zoned Z15; however, this does not appropriately reflect the current and probable future use of the site. The Rehab Group Head Office has been located on the site for nearly 30 years. A significant proportion of its head office facilities are currently housed in an ad-hoc temporary building which has deteriorated, and which will require redevelopment in coming years. Z12 zoning for this portion of the site would provide the flexibility required to achieve this, while Z15 zoning could inhibit any future, necessary reconstruction and modernisation of these offices. In addition, these offices would be more appropriately zoned Z12 as staff accommodation is an explicitly recognised use under Z12.

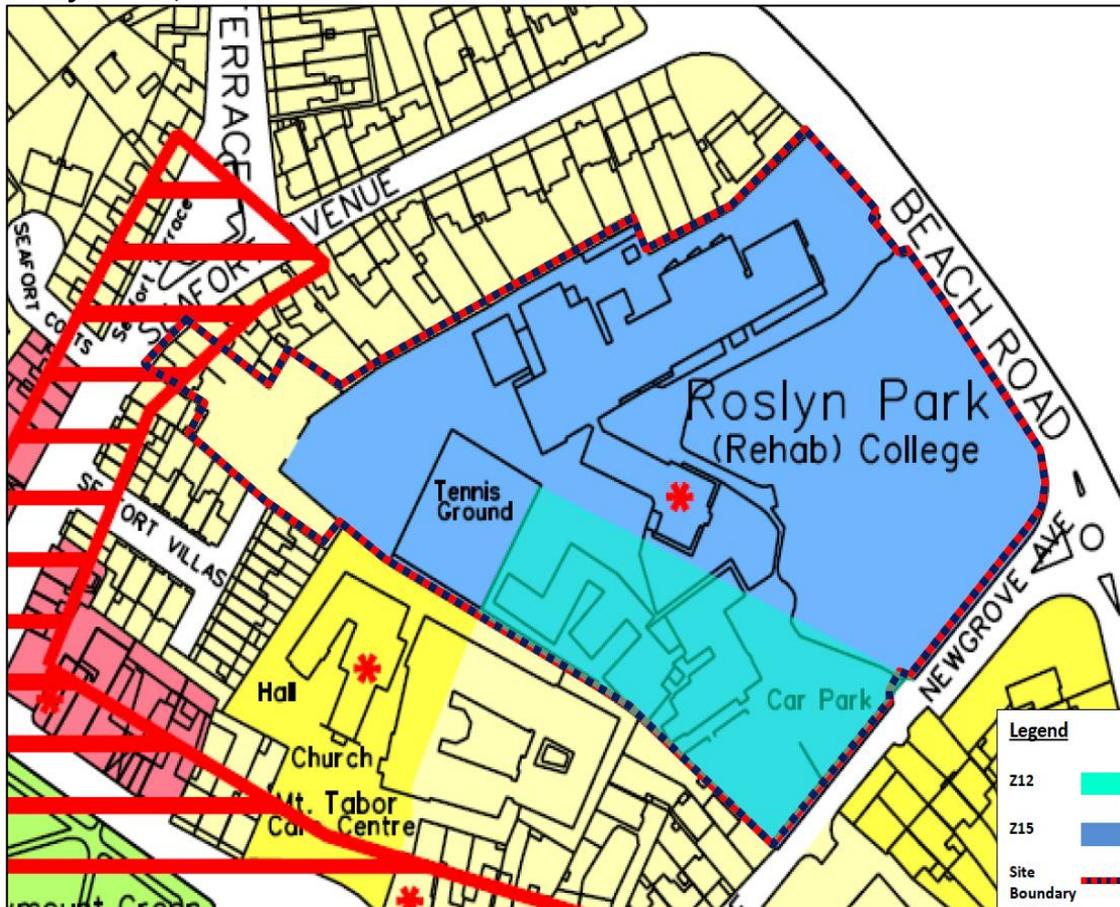
The Manager's report proposes Z15 zoning across the site having regard to the setting of the Protected Structure and the overall character of the area. However, the proposal to combine Z15 and Z12 is made in recognition of the need to protect the Protected Structure, its curtilage and its vista towards the sea. A Z12 zoning of the Head Office portion of the site would enable the construction of appropriate offices, which could provide an improved setting for the Protected Structure and could better reflect the overall character of the area. A planning application for the redevelopment of the part of the site proposed to be zoned Objective Z12 would be required to consider any potential impacts on the Protected Structure.

This would be a development management requirement regardless of any zoning objective of the land, arising from the Protected Structure status of the building.

The area for which Z12 zoning is sought is already developed for office use and does not comprise open space or a community facility. Therefore, the redevelopment of this part of the site will not reduce the community or educational facilities available in the Sandymount area. The Development Management process will properly control any future proposed development, including the use, design and scale of any proposed structures.

There are many examples of sites that accommodate both Z12 and Z15 Objectives on Institutional lands across the city, e.g. the Marino Institute of Education. Furthermore a precedent of split zoning already exists on the Roslyn Park site as part of the site is already zoned Z1.

Proposed zoning for Rehab's Roslyn Park site, Newgrove Avenue/Beach Road, Sandymount, Dublin 4



The City Council agreed to permit Councillor G. Breen to withdraw this motion.

10. Adoption of Proposal

Adoption of Proposal for inclusion in the Development Plan to replace those aspects of the Development Plan quashed for the purposes of zoning the former Z15 lands. The following motion was proposed by Cllr P. Bourke and seconded by Cllr V. Jackson;

"It is hereby resolved that the City Council, being the Planning Authority for the City of Dublin, in compliance with the Order of Mr. Justice Frank Clarke of the High Court dated 27th June 2012 in relation to the former Z15 Zoning in the City Development Plan 2011 – 2017 and having;

- Considered the Manager's Proposal in relation to unzoned lands that were formerly zoned Z15 in the City, and adopted the said proposal at a meeting of the City Council on 8th October 2012 and resolved at the said meeting that the Proposal be put out on public display.
- Considered the Report of the Manager on Submissions received on foot of the public display and the Manager's Report on Motions submitted,
- Resolved at Special Meeting of the Council held on 28th January 2013 that the Proposed Amendments of the Zoning Objective and Maps go out on public display,

Special City Council Meeting 13/05/2013

- Considered the Manager's Report on submissions received on foot of public display in relation to material amendments of the zoning objectives and maps and considered the Councillors Motions on the proposed amendments.
- Considered the Proposed Amendments of the Zoning Objective and Reports of the Manager at special meeting of Council held on 13th May, 2013.

- hereby adopts** for the purposes of zoning the former Z15 lands the documents titled;
- (Dublin City Development Plan 2011 – 2017) Z15 Zoning Objective - Proposed Text (October 2012)
 - (Dublin City Development Plan 2011 – 2017) Z15 Zoning Maps - Proposed Zoning Objective(s) (October 2012)
 - (Dublin City Development Plan 2011 – 2017) Z15 Objective - Proposed Amendments of the Zoning Objective and Maps (March 2013)
 - the Addendae to the Natura Impact Report and Appropriate Assessment of the Dublin City Development Plan 2011-2017 and Environmental Report and Natura Impact Report of the Proposed Amendments
 - the Report of the Manager on the Submissions Received in relation to Proposed Material Amendments of Zoning Objective and Maps in relation to unzoned (Former Z15) lands, together with the Manager's recommended changes, as further amended by the Members at the Special City Council Meeting on 13th May, 2013

and hereby adopts the Proposal for inclusion in the Dublin City Development Plan 2011 – 2017 to replace those aspects of the Development Plan quashed for the purposes of zoning the unzoned former Z15 lands and **it is further resolved** that the seal of the Council be affixed to the documents and maps incorporating the original draft and all agreed amendments and that the necessary notices of zoning the formerly unzoned lands be published.

The meeting concluded at 6.40pm.

Correct.

LORD MAYOR

MEETINGS ADMINISTRATOR

APPENDIX A

RECORD of DIVISION AT SPECIAL MEETING OF COUNCIL
HELD ON 13th MAY 2013 AT 6.00 PM

M07-15

COUNCILLORS	FOR	AGAINST	ABSTAIN	ABSENT	COUNCILLORS	FOR	AGAINST	ABSTAIN	ABSENT
Lord Mayor Cllr Naoise Ó Muiri		✓			Cllr Paddy McCartan	✓			
Cllr Gerry Ashe		✓			Cllr Brian McDowell		✓		
Cllr Kieran Binchy		✓			Cllr Ruairi McGinley		✓		
Cllr Paddy Bourke	✓				Cllr Séamas McGrattan	✓			
Cllr Tom Brabazon		✓			Cllr. Padraig McLoughlin	✓			
Cllr Gerry Breen		✓			Cllr. Lucy McRoberts		✓		
Cllr Christy Burke	✓				Cllr Louise Minihan				
Cllr Clare Byrne					Cllr Andrew Montague		✓		
Cllr Julia Carmichael					Cllr Rebecca Moynihan		✓		
Cllr Aine Clancy	✓				Cllr Criona Ní Dhálaigh	✓			
Cllr Anthony Connaghan					Cllr Jim O'Callaghan		✓		
Cllr Pat Crimmins		✓			Cllr Damian O'Farrell	✓			
Cllr Pat Dunne	✓				Cllr Mary O'Shea		✓		
Cllr Mary Fitzpatrick					Cllr Michael O'Sullivan				
Cllr Declan Flanagan		✓			Cllr Larry O'Toole	✓			
Cllr Mannix Flynn	✓				Cllr Maria Parodi		✓		
Cllr Mary Freehill	✓				Cllr Cieran Perry	✓			
Cllr John Gallagher	✓				Cllr Anna Quigley	✓			
Cllr Deirdre Heney		✓			Cllr Oisín Quinn		✓		
Cllr Jane Horgan-Jones		✓			Cllr John Redmond				
Cllr Sheila Howes					Cllr Nial Ring		✓		
Cllr Vincent Jackson					Cllr Brid Smith	✓			
Cllr Dermot Lacey	✓				Cllr Bill Tormey				
Cllr Micheál Mac Donncha	✓				Cllr Henry Upton		✓		
Cllr Ray McAdam		✓			Cllr Steve Wrenn				
Cllr Paul McAuliffe					Cllr Edie Wynne		✓		

FOR : _____
 AGAINST : _____
 ABSTAIN : _____
 ABSENT : _____

17 FOR
 22 AGAINST
 1 AB.

Mayor's Report
 Accepted
