

AGREEMENT made this day of February 2023,

BETWEEN THE CITY COUNCIL OF DUBLIN (hereinafter called Dublin City Council) having its principal offices at Civic Offices Wood Quay Dublin 8, D08 RF3F, Dublin of the One Part

AND THE COUNTY COUNCIL OF THE COUNTY OF SOUTH DUBLIN (hereinafter called South Dublin County Council) having its principal offices at County Hall Tallaght, Dublin D24, D24 YNN5 of the Other Part.

WHEREAS:

- (a) South Dublin County Council is desirous to carry out a social housing development via Public Private Partnership (PPP) at a site located in Kishogue North-East (subsector 4), Clonburris SDZ.
- (b) The PPP development located in Kishogue North-East, Clonburris SDZ as described in the Schedule hereto and is hereinafter called “the project”, in accordance with the provisions of the Planning and Development Acts 2000-2015, the Local Government Acts 2001-2016, and all other Acts thereby enabling:
- (c) The Minister for Housing, Local Government & Heritage, Darragh O’Brien T.D., has approved the project to be undertaken as part of 18 sites across the greater Dublin region for PPP Bundles 4 & 5. The project is included in bundle 5 which has ten sites across six local authorities. Dublin City Council has been appointed the lead local authority by DHLGH on behalf of Kildare, South Dublin, Dun Laoghaire, Louth, and Wicklow County Councils.
- (d) South Dublin County Council being of the opinion that, in relation to the design, construction and completion of the project, it would be more convenient if certain statutory powers, functions and duties which may be exercised and performed by it to this extent were exercised and performed by Dublin City Council on behalf of South Dublin County Council, and Dublin City Council being able and willing to exercise and perform the functions, powers and duties.
- (e) The parties hereto have agreed by resolution of each said Council and in accordance with the provisions of Section 85 of the Local Government Act 2001 (as amended) to enter into this agreement, as provided for by resolution.

NOW THEREFORE IT IS HEREBY AGREED by and between the parties hereto as follows: -

1. The parties hereto have agreed to enter into this Agreement under the provisions of Section 85 of the Local Government Act, 2001, and South Dublin County Council is of the opinion that it would be more convenient that the powers, functions and duties relating to the carrying out of certain relevant statutory procedures, procuring the necessary design work and construction work and any other powers, function and duties necessary for the design and construction of The Project within the functional area of South Dublin County Council should be exercised and performed by Dublin City Council, and Dublin City Council is able and willing so to exercise and perform the said powers, functions and duties.
2. South Dublin County Council will be responsible for obtaining the necessary planning approval in respect of the proposed PPP social housing development “The project” in its functional area and will undertake the necessary public consultation procedure in respect of the proposed development as required under the Planning and Development Acts and Regulations.
3. Subject to and in accordance with any necessary statutory consent/approval and/or authorisation as is required, South Dublin County Council hereby agrees to Dublin City Council exercising and performing on its behalf the functions, powers and duties of, South Dublin County Council, which are now, or may hereafter be vested in, South Dublin County Council, to the extent necessary to enable Dublin City Council to be the contracting party that will enter into the Project Agreement with the Project Company, in respect of the delivery and management of social housing Bundles 4 & 5.
4. Dublin City Council shall consult with and shall provide South Dublin County Council and its officers with all information currently available to it which South Dublin County Council may require from time to time in relation to the design, construction, and completion of the Project.
5. South Dublin County Council shall provide Dublin City Council and its officers with all information currently available to it which Dublin City Council may require in relation to the design, construction, and completion of the Project.
6. South Dublin County Council shall co-operate fully with Dublin City Council in all respects and where and when necessary, in relation to the exercise and performance by Dublin City Council of the Statutory powers, functions and duties to the extent undertaken by it under this agreement.
7. South Dublin County Council will retain the following functions in respect of the PPP social housing development in their administrative area,
 - Responsibility for the calculation of tenant rents, in accordance with the local authority’s differential rent scheme
 - 100% nomination rights for the PPP social housing homes.
 - The role of landlord under the respective local authorities’ tenancy agreement

8. In the event of a dispute arising between the parties hereto as to the effect or interpretation of this agreement or as to the respective rights or liabilities of the parties hereto same shall be referred to and decided by the Department of Housing Local Government and Heritage or by such other person as the said Authority may appoint and in that respect the decision of the said Authority or the person so appointed shall be final and binding on the parties hereto.
9. Reference to any statutory provision in this Agreement shall include reference to any amendment thereof and any regulation introduced in respect of any regulation or amendment to such statutory provision.

IN WITNESS whereof South Dublin County Council and Dublin City Council have caused their respective Seals to be affixed hereto on the day and year first hereinbefore WRITTEN

DRAFT

PRESENT when the Corporate Seal of the **CITY COUNCIL OF DUBLIN** was affixed hereto: -

(Nominated member)

(Chief Executive)

(Director of Services/County Secretary)

PRESENT when the Corporate Seal of the **COUNTY COUNCIL OF SOUTH DUBLIN** was affixed hereto: -

(Nominated member)

(Chief Executive)

(Director of Services/County Secretary)