

THE CROATIAN PARLIAMENT

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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE PHYSICAL PLANNING ACT

I hereby promulgate the Physical Planning Act passed by the Croatian Parliament at its session held on 6 December 2013.

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Reg. No: 71-05-03/1-13-2

Zagreb, 12 December 2013

The President
of the Republic of Croatia
Ivo Josipović, m.p.

PHYSICAL PLANNING ACT

1. GENERAL PROVISIONS

Subject-matter of the Act and the aim of the physical planning system

Article 1

This Act regulates the physical planning system: aims, principles and subjects of physical planning, spatial monitoring and physical planning area, planning requirements, adoption of the Spatial Development Strategy of the Republic of Croatia, spatial plans including the process of development and adoption thereof, implementation of spatial plans, building land development, property postulates of building land development and supervision.

Article 2

Physical planning provides the conditions for use (governance), protection and management of the space of the Republic of Croatia (hereinafter: the State), as a particularly valuable and limited national asset, and also creates the prerequisites for social and economic development, environment and nature protection, building excellence and rational use of natural and cultural goods.

Terms

Article 3

(1) For the purposes of this Act and regulations and official acts adopted on the basis thereof, the terms used in this Act have the following meanings:

1. *stage construction* means building of individual construction works which compose a complex construction work, as determined by the location permit, and for whose construction works separate building permits are issued;

2. *phase construction* means building of a construction work according to its parts determined in the location permit, and for whose parts separate building permits are issued;

3. *gross construction area of a building* means the sum of surface areas measured at the floor level of all parts (storeys) of the building (cellar, basement, ground floor, storey, attic), determined according to exterior measurements of lateral walls with panelling, that does not include the surface areas of attic and last floor of daylight with height less than 2 metres and does not include surface areas of loggias, external staircases, balconies, terraces, passages, and other open parts of the building;

4. *building plot* means in principle one cadastral parcel, whose shape, position in space and size is in accordance with the spatial plan, and which has access to open area pursuant to the spatial plan, unless otherwise prescribed by this Act;

5. *public and social construction works* mean construction works intended for performing activities in the field of social activities (pre-schooling, schooling, education, science, culture, sports, health and social welfare), operations of state bodies and organisations, local and regional self-government bodies and organisations, legal persons with public authorities and associations of citizens and religious communities;

6. *building land* means land which has been built-up, developed or for which the spatial plan envisages the building of construction works or the development of public purpose areas;

7. *building area* is an area defined by the spatial plan on which there is a built-up settlement and area planned for improvement, development, and expansion of a settlement, consisting of the building area of a settlement, detached part of the building area of a settlement and detached part of the building area outside a settlement;

8. *infrastructure* are municipal, transport, energy, water, maritime, communication, electronic communication and other construction works intended for managing other types of manufactured and natural goods;

9. *detached part of the building area outside a settlement* means an area defined by the spatial plan as a spatial unit outside the building area of a settlement planned for all purposes other than residential;

10. *detached part of the building area of a settlement* means a separated part of an existing building area of the same settlement, created through traditional, spatial and functional influences, and defined by the spatial plan;

11. *built-up part of the building area* means an area defined by the spatial plan which is built-up;

12. *public law bodies* are state administration bodies, other state authorities, administrative units or services of major cities, City of Zagreb and counties competent for carrying out activities in specific administrative areas, legal persons with public authorities and other persons defined by special laws, who participate in the physical planning system by issuing requirements or opinions in the process of development and adoption of spatial plans and/or determining special requirements, i.e. by certifying the design in the manner stipulated in this Act;

13. *cadastr* means the land cadastre, i.e. the property cadastre;

14. *cadastral office* means a regional office for cadastre of the State Geodetic Directorate or the City office for cadastral and geodesic activities of the City of Zagreb;

15. *utility infrastructure* means construction works intended for drinking water supply, sewage and waste water treatment, maintaining cleanliness of the settlement, collection and treatment of municipal waste, street lights, retail markets, cemeteries, crematoriums, and public purpose areas in a settlement;

16. *location requirements* means the quantitative and qualitative requirements and measures for the implementation of projects, defined by the location permit or building permit based on the spatial plan and special regulations;

17. *minister* is the head of the central state administration body competent for physical planning activities;

18. *Ministry* is the central state administration body competent for physical planning activities;

19. *purpose of spaces, areas, lands or construction works* means a planned system of use of spaces, areas, lands or use of construction works, defined or prescribed by the spatial plan;

20. *non-built-up part of the building area* means an area determined by the spatial plan for further development;

21. *undeveloped part of the building area* means a non-built-up part of the building area defined by the spatial plan, on which planned basic infrastructure has not been built;

22. *basic infrastructure* means an open area through which access is ensured to the building plot or a building, public parking, construction works for waste water sewage and low-voltage electrical network;

23. *shoreline* means the line a tidal wave reaches on the shore;

24. *scope of a spatial plan* means a spatially or administratively defined unit for which spatial plan is to be adopted or has already been adopted;

25. *spatial planning as an interdisciplinary activity* means an institutional and technical form of management of the spatial dimension of sustainability, which based on an assessment of development possibilities while retaining the identity of the space, requires spatial protection and preservation of quality of the environment and nature, and defines the purpose of spaces/areas, the requirements for development of activities and infrastructure, and their distribution in space, the requirements for urban transformation and urban remediation of built-up areas and the requirements for realising planned projects;

26. *special requirements* mean requirements for implementation of a project which are, in cases prescribed by a special regulation, prescribed by a public law body for the purpose of implementing that regulation in the manner prescribed in this Act, other than the requirements determined in the procedure of environmental impact assessment or appropriate assessment of the impact of a project on the ecological network;

27. *public area* means any surface which is intended to be used by everyone under the same conditions (public roads, unclassified roads, streets, cycling trails, pedestrian routes and passages, squares, market places, playgrounds, parking lots, cemeteries, parks and green surfaces in a settlement, recreational grounds, etc.);

28. *open area* means a public area, an area owned by the building plot owner or an area on which the right of passage has been established, which enables access to a building plot;

29. *space* means the physical framework structure situated on the surface, as well as above and below ground and sea, which is affected or could be affected by human activity;

30. *spatial standards* means a set of requirements of protection, development and use of space which is applied developing spatial plans;

31. *spatial plans* means the State plan for spatial development, spatial plans of areas with special features, urban development plan of state significance, spatial plan of a county, spatial plan of the City of Zagreb, urban development plan of county significance, spatial development plan of a city or municipality, general urban plan and urban development plan;

32. *professional administrative body* means an administrative department or service of a municipality, city, major city, City of Zagreb or of a county competent for performing professional physical planning activities;

33. *administrative body* means the administrative department or service of a major city, City of Zagreb or a county competent for carrying out administrative physical planning activities;

34. *urban transformation* means a set of planning measures and requirements which significantly change the features of built-up part of a building area by changing the urban network of public areas, purpose and shape of construction works and/or arrangement, shape and size of building plots;

35. *urban remediation* means a set of planning measures and requirements which would improve the character of built-up part of a building area and urban network of public areas devastated through illegal construction;

36. *major city* means a large city and a city which is the seat of the county, as determined pursuant to special law;

37. *excellence of built-up space* means a general interest which is ensured by implementation of a document “Architectural policies of the Republic of Croatia 2013–2020, Apolitika, National guidelines for building excellence and culture” during the development of spatial plans and projects pursuant to this Act and a special law governing building;

38. *project* means any building of a construction work, reconstruction of an existing construction work and any other temporary or permanent human activity in space which develops or alters the situation in space;

39. *applications for development of a spatial plan* means suggestions, data, planning guidelines, prescribed documents and other official acts with which public law bodies pursuant to special regulations participate in the development of the spatial plan or which are used in the procedure of developing a spatial plan pursuant to those regulations.

(2) The terms used in this Act have the meanings laid down in a special law governing building and other special laws which have an impact on physical planning, unless otherwise prescribed by this Act.

(3) The terms used in this Act in the masculine form are neutral and refer to persons of the masculine and feminine genders.

Implementation and adoption of special regulations

Article 4

(1) Provisions of regulations governing the right of access to information shall apply to the issues of right to access information and data in the procedures which are not regulated pursuant to this Act and regulations adopted on the basis of this Act.

(2) Provisions of the regulations on institutions shall apply to issues related to the Croatian Institute for Spatial Development, County institutes for physical planning or Institute for physical planning of the City of Zagreb, or institute for physical planning if a major city establishes them, which are not regulated pursuant to this Act.

(3) Provisions of special laws and regulations adopted on the basis of these laws, shall apply in the implementation of this Act and regulations adopted on the basis thereof, unless otherwise prescribed by this Act.

(4) Ordinances and technical regulations whose adoption is prescribed pursuant to special laws and which have an effect on prescribing requirements for construction of construction works and other projects, or for determining location requirements, shall be adopted with the Minister’s consent.

(5) Ordinances and technical regulations adopted contrary to paragraph 4 of this Article shall not apply in the implementation of this Act.

Authority of the Minister

Article 5

(1) The Minister shall prescribe, by means of an instruction, the working methods at the Ministry, administrative bodies, professional administrative bodies and legal persons with public authorities relating to the implementation of this Act, including the system of implementation of procedures and producing official acts to be adopted on the basis of this Act via electronic means.

(2) The Minister shall be authorised to govern the working methods of advisory working bodies (commissions, working groups, etc.) that he establishes pursuant to a special regulation defining the draft regulations to be adopted on the basis of this Act, and also to determine the compensation for work of members of these bodies if they are not civil servants.

Goals of physical planning

Article 6

(1) The goals of physical planning shall be:

1. even spatial development that is aligned with the economic, social and environmental aspects;
2. spatial sustainability in regards to the rational use and preservation of spatial capacities on land, sea and the seabed, with the objective of efficient space protection;
3. connecting the territory of the State with European systems of physical planning;
4. nurturing and developing regional spatial characteristics;
5. mutually aligned and complementary distribution of various human actions and activities in space in order to have functional and harmonised community development, while protecting the integral spatial values;
6. rational use and protection of natural goods, nature conservation, environmental protection and prevention from pollution risks;
7. protection of cultural assets and values;
8. well organised distribution and development of building land;
9. high-quality and humane development of urban and rural settlements, and safe, healthy, socially functional living and working environments;
10. integrity of the valuable coastal eco-systems and sea quality for bathing and recreation;
11. appropriate transport system, particularly public transport;

12. supply, functional accessibility and usability of services and construction works for meeting the needs of different groups of citizens, particularly children, elderly and people of reduced capability and mobility;

13. quality, culture and beauty of spatial and architectural forms;

14. creation of highly valuable built-up space while respecting the specificities of different units and respecting natural and urban landscapes and cultural heritage, particularly the development of hospitality and tourism areas in the coastal and continental areas, with protection of the coastal belt from building;

15. spatial requirements for economic development;

16. national security and defence of the State and protection of natural and other calamities.

(2) The goals of physical planning are to be achieved by applying the principles of physical planning during development and adoption of physical plans and their implementation.

Principles of physical planning

Article 7

Physical planning is based on the principles of:

1. an integrated approach to spatial planning;
2. respecting facts based on science and expertise;
3. spatial sustainability of development and building excellence;
4. achieving and protecting public and individual interests;
5. horizontal integration in the protection of space;
6. vertical integration;
7. public and free access to information and documents important for physical planning.

Principle of integrated approach in spatial planning

Article 8

(1) Spatial planning shall be based on a comprehensive approach to using and protecting space in relation to the planning of individual economic and administrative areas which can be seen in the fact that the spatial plans adopted pursuant to this Act plan the implementation of all projects, regardless of their location, purpose or type.

(2) Spatial planning shall be a permanent process which includes knowing, verifying, and assessing the possibilities for using, protecting and developing space, development and

adoption of spatial plans and monitoring implementation of spatial plans and situations in space.

Principle of respecting facts based on science and expertise

Article 9

Familiarisation with, verifying and assessing the possibilities of spatial use and development, and selection of plan solutions in the development, adoption and implementation of spatial plans shall be based on the application of modern scientific and professional achievements and norms and standards, while respecting or giving priority to:

1. economic development;
2. adjustment of plan solutions to spatial features and nurturing the regional characteristics of an area;
3. conservation of the integrity and qualitative features of an area, rational and prudent use of space for building while determining the acceptable burdening of space;
4. using, renewal and reconstruction of built-up compared to non-built-up space and using and modernising existing capacities for activities in space;
5. excluding or reducing adverse impacts on environment, nature, human health and space users to an acceptable level while planning and implementing projects;
6. energy efficiency of plan solutions, with an emphasis on purposeful and sustainable use of renewable energy sources.

Principle of spatial sustainability of development and building excellence

Article 10

(1) The State and local and regional self-government units shall stimulate the economic and social development of a society, with the objective of achieving sustainable development and building excellence while adopting premises, strategies, programmes, plans, regulations and other general acts and during their implementation, in order to meet the needs of today's generation while respecting equal opportunities and meeting the needs of future generations, and to prevent the prevailing interest of individual activities against harmonised development, nature, environmental protection, cultural goods and needs of other space users.

(2) Physical planning shall support sustainable development, on the basis of monitoring, analysis and evaluation of the development of individual activities and spatial sensitivity, in order to ensure the quality of the living and working environment, uniformity of standards for the development of each area, efficient management of energy, land and natural resources and to preserve the spatial identity and provide long-term protection of space, as the basis for common good.

Principle of achieving and protecting public and individual interests

Article 11

(1) The competent state administration bodies, bodies and persons designated by special regulations and bodies of local and regional self-government units shall, with the objective of achieving the goals of physical planning, evaluate and jointly align the public interest and individual interests which they shall respect when conducting physical planning activities, in which individual interests shall not endanger the public interest.

(2) Public interest shall be protected by the demarcation of public spaces through the application of the appropriate spatial norms and standards from other spaces, while taking into account that all users, to the greatest extent possible, equally share the burden of demarcation.

Principle of horizontal integration in the protection of space

Article 12

(1) It is necessary to respect the principle of an integrated approach in spatial planning and other physical planning principles when developing and adopting developmental documents (strategies, plans, programmes, etc.), regulations and other general acts which have an impact on space and which are adopted pursuant to special regulations, as well as during their implementation, and the related alignment of measures between different economic and administrative areas that impact spatial development and the use of space, especially for the purpose of achieving well balanced spatial sustainability in processes influencing the transformation of settlements, exploitation of natural assets, protection of nature and the environment, as well as on the development of activities and infrastructure and their distribution in space.

(2) Coordination with public law bodies designated pursuant to special regulations shall precede the adoption and implementation of official acts referred to in paragraph 1 of this Article.

(3) When developing and adopting the Spatial Development Strategy of the Republic of Croatia and spatial plans, the requirements contained in documents and official acts referred to in paragraph 1 of this Article shall be analysed, jointly evaluated and assessed through synthesis and harmonisation, while particularly taking into account spatial sensitivity, relation to non-renewable and renewable natural resources and cultural heritage and the totality of their mutual influences, as well as mutual influences of the existing and planned projects.

Principle of vertical integration

Article 13

The State and local and regional self-government units and other public law bodies shall be required to cooperate and respect the objectives and interests expressed in the higher-level documents, or broader scope documents when establishing the premises and adopting spatial plans and other development documents (strategies, plans, programmes, etc.), which are adopted pursuant to special regulations and which have an effect on spatial planning and spatial development.

Principle of public and free access to information and documents important for physical planning

Article 14

- (1) The public shall have the right to participate in the procedures for the development and adoption of spatial plans in accordance with this Act.
- (2) The State and bodies of local and regional self-government units shall be required to regularly inform the public of the situation in space, enable and promote public participation by developing social cohesion and strengthening awareness of the need for spatial protection and managing participation (collecting and organising proposals, obtaining expert opinions on public attitudes, media mediation, etc.).
- (3) The public shall have the right of access to spatial information and data held by the public law bodies and legal persons which hold data on behalf of those bodies, which are not confidential pursuant to special law.

2. ACTORS IN PHYSICAL PLANNING

Ensuring efficiency and expertise in physical planning

Article 15

- (1) The efficiency of physical planning shall be ensured by the Croatian Parliament and the Government of the Republic of Croatia (hereinafter: the Government) and the representative bodies of local and regional self-government units through adoption of spatial plans and through adoption or acceptance of other documents prescribed pursuant to this Act.
- (2) The state administration bodies, professional administrative bodies, institutes and other legal persons registered for performing professional physical planning activities, and approved architects who independently perform professional physical planning activities, shall ensure that the plans and document referred to in paragraph 1 of this Article are based on expertise.

Ensuring mutual alignment and implementation of spatial plans

Article 16

- (1) The mutual alignment of spatial plans shall be ensured, in addition by the bodies, institutes and persons referred to in Article 15, paragraph 2 of this Act, by the Ministry by virtue of its consent pursuant to this Act.
- (2) The implementation of spatial plans shall be ensured by the Ministry and administrative bodies.

Ensuring the interests and needs of special administrative areas and economy

Article 17

(1) For the purpose of ensuring the interests and needs of special administrative areas and economy in space through the physical planning system, public law bodies shall participate in the establishment and keeping of the physical planning information system and delivery of data for that system in the manner prescribed pursuant to this Act and regulations adopted on the basis of this Act. In the development of spatial plans, they shall also produce, at their own expense, the expert basis required for the development of spatial plans as prescribed pursuant to special laws, by issuing their requests and opinions in the process of development and adoption of spatial plans, and determining special requirements prior to or during the procedure of issuing the location permit in cases prescribed pursuant to special regulations, in the manner and procedure prescribed pursuant to this Act.

(2) The interests and needs of the economy and special administrative areas in space via the physical planning system shall also be ensured through the adoption of special regulations governing the planning and design of special types of construction works and areas, and through the adoption of sectoral strategies, plans, studies and other documents prescribed pursuant to special laws which, or in accordance with which, define the requirements for the development of spatial plans.

Croatian Institute for Spatial Development

Article 18

(1) The Croatian Institute for Spatial Development (hereinafter: the Institute) shall perform professional physical planning activities for the State.

(2) The founder of the Institute shall be the Republic of Croatia, while founder's rights shall be borne by the Government.

(3) The Institute shall have the capacity of a legal person enjoying the rights and responsibilities prescribed pursuant to this Act.

Article 19

The activities of the Institute shall include, in particular:

1. the development or coordination of development and monitoring of the State plan of spatial development and other spatial plans to be adopted by the Croatian Parliament or the Government;
2. the development or coordination of development and cooperation in development of other documents of significance for physical planning and spatial protection of the State;
3. keeping, developing and managing the physical planning information system;
4. preparation of the list of indicators of the situation in space;
5. the drafting or coordination of drafting of the reports on the situation in space in the State;
6. the performance of professional tasks for determining the content and methodology of physical planning in the development of spatial plans and spatial monitoring;

7. cooperation with persons, international bodies, institutions and associations on the development and implementation of projects and programmes in the field of physical planning;
8. participation in implementing international obligations of the Republic of Croatia in the field of physical planning;
9. ensuring the prerequisites for access to spatial data and information which it holds;
10. participation in the development of sectoral strategies, plans, studies and other documents at the national level as prescribed pursuant to special laws;
11. other activities in accordance with this Act, special regulations and the Institute's statute.

Article 20

The Institute shall be comprised of the Institute's Governing Board and the Institute Director.

Article 21

- (1) The Institute's Governing Board shall manage the Institute.
- (2) The Institute's Governing Board shall have a chairperson and four members.
- (3) The chairperson and the members of the Institute's Governing Board shall be appointed and relieved of duty by the Minister.
- (4) The chairperson of the Institute's Governing Board shall be a representative of the Ministry.
- (5) The chairperson and the members of the Institute's Governing Board shall be appointed for a four year term. Members of the Institute's Governing Board may be reappointed.

Article 22

- (1) The Institute's Governing Board shall have the following tasks:
 1. to adopt the Statute of the Institute with the consent of the Government;
 2. to adopt its Rules of Procedure;
 3. to adopt the annual work programme of the Institute, subject to the approval of the Minister and to monitor its execution;
 4. to adopt the financial plan of the Institute, subject to the approval of the Minister and an annual settlement of accounts;
 5. to adopt the general acts of the Institute;

6. to propose to the Minister the appointment of reference centres for spatial monitoring in individual economic sectors;

7. to adopt decisions on the acquisition, encumbrance and alienation of property in the ownership of the Institute or other assets, independently for values below the amount specified in the Statute and with the approval of the Government for values exceeding that amount;

8. to launch public tenders for selection of the Institute Director and to appoint the Director and relieve him of duty;

9. to make decisions on other issues provided for under this Act and the Institute's Statute as well as on other issues related to the management of the Institute which do not fall under the competence of the Director.

(2) The Institute's Governing Board shall deliver to the Ministry the report on realisation of Institute's annual working programme by 1 March of the current year for the previous calendar year.

Article 23

(1) The Director shall manage the operations of the Institute.

(2) The Institute Director shall be appointed for a four-year term. The same person may be reappointed to the position of Director.

(3) The Director shall represent the Institute and act on its behalf.

(4) The Institute Director shall be responsible to the Institute's Governing Board and to the Minister for his work.

(5) The requirements to be fulfilled by the Institute Director, the selection procedure and the tasks and authorities of the Institute Director shall be stipulated by the Statute of the Institute.

Article 24

The Statute of the Institute shall, in particular, establish the authorities and the decision making procedures of the Director, the basis of the internal organisation of the Institute, the manner of asset disposal, manner of achieving the public nature of its work, and other issues for which this Act and/or special regulations provide that they be regulated by the Statute.

Article 25

(1) The funds for the operation of the Institute, in accordance with the work programme and financial plan of the Institute, shall be secured from the State Budget and from other sources in accordance with this Act.

(2) If in the performance of its activities the Institute realises profits, the decision on the manner of utilising profits as well as covering losses, shall be made by the Institute's Governing Board, subject to the approval of the Minister.

(3) The Institute shall not be allowed to acquire, alienate or encumber property and other assets which it has at its disposal, the value of which exceeds the amount specified in the Statute of the Institute, without the approval of the Minister.

Physical planning institutes of counties and of the City of Zagreb

Article 26

(1) The physical planning institute of the county or of the City of Zagreb shall perform professional physical planning activities for the county or for the City of Zagreb.

(2) The founder of the county physical planning institute shall be the county, while founder's rights shall be borne by the county prefect pursuant to special law.

(3) The founder of the physical planning institute of the City of Zagreb shall be the City of Zagreb, while founder's rights shall be borne by the mayor pursuant to special law.

(4) The physical planning institute of the county or of the City of Zagreb shall be established as a public institute and shall have the character of a legal person with rights and responsibilities prescribed pursuant to this Act.

(5) The director of the physical planning institute of the county or of the City of Zagreb shall be appointed and relieved of duty by the founder with prior consent from the Ministry.

Article 27

(1) The activities of the physical planning institute of the county or of the City of Zagreb shall include in particular:

1. development or coordination of development and monitoring of implementation of spatial plans at the regional level or at the level of the City of Zagreb;
2. drafting reports on the situation in space;
3. keeping the physical planning information system and managing it within its competencies;
4. preparing the premises for the development or revocation of spatial plans for narrower areas;
5. providing professional advisory assistance in the development of spatial plans at the local level;
6. other tasks pursuant to this Act and Institute's Statute.

(2) County physical planning institute may also develop the spatial development plan of a city or municipality, urban development plan of state significance or of county significance, and perform expert analytical tasks in the field of physical planning, if so requested by the Ministry or the county prefect.

Physical planning institutes of a major city

Article 28

(1) A major city may establish a physical planning institute of a major city for its territory for the purpose of performing professional physical planning activities if there is a need to do so and if the funds for this can be provided from its city budget.

(2) The activities of the physical planning institute of a major city shall include in particular:

1. the development or coordination of development and monitoring of implementation of the city's spatial development plan and general urban plan;
2. monitoring of implementation of physical planning documents which are applied within the territory of this city;
3. drafting reports on the situation in space;
4. keeping the physical planning information system and managing it within its competencies;
5. preparing the premises for the development or revocation of spatial plans in its territory.

(3) The physical planning institute of a major city may develop an urban development plan for its territory and perform expert analytical tasks in the field of physical planning, if so requested by the mayor.

Commission for architectural evaluation

Article 29

The municipal council, city council or the assembly of the City of Zagreb may, for the purpose of ensuring excellence of built-up space in its territory, establish a commission for architectural evaluation if there is a need to do so and if the funds for this can be provided for from its budget.

Legal persons and authorised architects

Article 30

The draft proposals and draft final proposals of spatial plans and other expert activities in physical planning may be produced or performed by a legal person or authorised architect, if they fulfil the requirements for performing physical planning activities prescribed by a special law.

3. SPATIAL MONITORING AND MONITORING IN THE FIELD OF PHYSICAL PLANNING

Physical planning information system

Article 31

(1) The physical planning information system (hereinafter: the information system) shall be established and maintained for the purpose of developing, adopting, implementing and monitoring spatial plans and continuous spatial monitoring and monitoring in the field of physical planning, and for the purpose of drafting the reports on the situation in space, pursuant to this Act and other regulations.

(2) The information system shall be established and managed as an interoperable and multi-platform system that links information systems of individual public law bodies, which pursuant to this Act and special regulations produce and/or maintain spatial data and other data relevant for physical planning.

(3) The information system shall be established and managed in electronic form.

Article 32

The information system shall contain data on:

1. the existing state and use of space, including data on property and ownership;
2. spatial plans and spatial plans whose development and adoption is still in progress;
3. intended purpose of space/areas and other requirements for use and protection of space defined and prescribed pursuant to spatial plans and special regulations;
4. administrative and other official acts of bodies being issued or which were issued for the purpose of implementation of spatial plans, construction, use and removal of construction works, and
5. sectoral strategies, plans, studies and other documents prescribed pursuant to special laws relevant for physical planning.

Article 33

(1) The Ministry shall establish and develop the information system in cooperation with the Institute and physical planning institutes of counties or of the City of Zagreb.

(2) The information system shall be kept and managed by the Institute, physical planning institutes of counties or of the City of Zagreb, and institute of a major city if it was established, each within its own competencies.

Article 34

(1) The Ministry, institutes, administrative bodies and professional administrative bodies shall make available the data significant for physical planning which is at their disposal via the information system in a manner prescribed pursuant to this Act and regulations adopted on the basis of this Act.

(2) Public law bodies shall make available the data on the existing situation, method and requirements for use and protection of space, and other data significant for physical planning which is at their disposal via the information system:

1. by linking its own information system or part thereof to the information system, and/or
 2. delivering the data needed for establishment and maintenance of the information system to the Institute in the prescribed format.
- (3) The Ministry, administrative bodies and professional administrative bodies shall not have a right to compensation for delivered data nor for allowing the use of data referred to in paragraphs 1 and 2 of this Article.

Article 35

- (1) The data in the information system shall be public unless it is confidential pursuant to a special law.
- (2) Everyone has the right by law to view and obtain non-confidential data from the information system.
- (3) The competent development authority and expert developer of a spatial plan shall be entitled to use the data from the information system without compensation.

Location information

Article 36

- (1) At the request of an interested person to find out about the intended purpose of the space and requirements for project implementation from the spatial plans on certain lands, the administrative body on whose territory the land is located, shall issue the location information within eight days from the date of submission of the request.
- (2) The request for issuing the location information shall include the first name, last name and address or company name and seat of the requesting party, as well as the cadastral code for one or more land plots (number of cadastral parcel and cadastral municipality) for which the information is sought.
- (3) The location information is issued in written form for the land stated in the request, and shall contain information on:
 1. the spatial plans of all levels encompassing this land;
 2. the intended purpose of the space and all other requirements for the implementation of projects as defined or prescribed pursuant to spatial plans of all levels;
 3. areas in which there is a special regime for space use pursuant to special regulations (cultural goods registered in the Register of cultural goods of the Republic of Croatia, etc.) if the land is located in such an area;

4. the obligation of adopting the urban development plan if the land is located in an area for which such an obligation is prescribed pursuant to this Act;

5. the spatial plans and/or their amendments, whose adoption is in progress;

6. places where it is possible to view the spatial plans and the times to do so.

(4) The location information shall be delivered electronically following the party's request.

(5) The location information shall contain a remark that such information may not form the basis for the start implementation of a project or project design regulated pursuant to a special law.

(6) The location information shall not be an official administrative act.

Regulation on the information system

Article 37

The Government shall prescribe, by virtue of the Regulation on information system, the detailed structure, content, working method, form and electronic standard of the information system, authorities and obligations to keep and manage an information system of the Ministry, institute, administrative bodies and professional administrative bodies relating to the information system, and public law bodies which are obliged to make spatial and other data available via the information system, as well as the method for doing so.

Access to data on property and ownership

Article 38

(1) The Ministry, local and regional self-government units, institutes and persons performing professional physical planning activities are entitled to obtain insight and data (excerpts, etc.) from the cadastre and land register for the purpose of performing their activities pursuant to this Act without compensation and are also exempt from paying the related administrative and court fees.

(2) Accessing the data referred to in paragraph 1 of this Article shall be done in accordance with this Act and special regulations.

Report on the situation in space

Article 39

(1) The Croatian Parliament, i.e. the representative bodies of local and regional self-government units, each at its level, shall review the four-year report on the situation in space.

(2) The report on the situation in space at the local self-government level shall be produced by the local self-government body, unless otherwise prescribed by this Act.

(3) The public law bodies performing the activities that have an impact on the content of the report shall participate in the drafting of the report on the situation in space following the request of the institute or of the professional administrative body which is drafting the report.

(4) The draft report or its part, besides the institute, may also be compiled by a legal person or authorised architect if they meet the requirements for performing physical planning activities prescribed pursuant to special law.

Article 40

(1) The report on the situation in space shall contain the premises, analysis and evaluation of the situation and trends of spatial development, analysis of implementation of spatial plans and other documents that have an impact on space, as well as the proposals for improvement of the spatial development with basic recommendation of measures for the forthcoming period.

(2) The Minister shall prescribe by means of an ordinance the detailed content of the report, mandatory spatial indicators, method of participation of public law bodies in the drafting of the report and other requirements relating to monitoring in the field of physical planning.

Article 41

(1) The report on the situation in space shall be published in the Official Gazette or in the official bulletin of the local and regional self-government units.

(2) The local and regional self-government units shall deliver the report on the situation in space in electronic form to the Ministry and to the Institute within fifteen days from the day of its publication in the official bulletin.

4. REQUIREMENTS FOR SPATIAL PLANNING

4.1. BUILDING AREA AND PLANNING OUTSIDE OF THE BUILDING AREA

Article 42

(1) The building area shall be determined by the spatial development plan of a city or municipality and by the Spatial plan of the City of Zagreb for demarcation of built-up parts of these settlements and areas foreseen for their development from other areas intended for development of agriculture and forestry, as well as other activities which, given their intended purpose, could be planned outside of building areas.

(2) The building area of a settlement and detached part of building area of a settlement in a national park or nature park shall be determined by the spatial plan of the national park or spatial plan of the nature park.

(3) A detached building area outside of settlement may also be defined with the State plan for spatial development and county spatial plan with the purpose of implementing a project which is of significance to the State or the county.

(4) Settlements may only be planned in a building area.

(5) It is not permitted to plan building or expansion of existing construction works for waste management of state significance and county significance in the building area of a settlement, detached building area outside the settlement and area of special water protection.

Article 43

(1) The county spatial plan, Spatial plan of the City of Zagreb, and spatial development plan of a city or municipality may not determine (plan or expand) a building area or determine its intended purpose on the land with the intended purpose of agriculture, forest and forest land, as well as detached building area outside the settlement, as defined by the State plan for spatial development.

(2) The spatial development plan of a city or municipality may not determine (plan or expand) a building area or determine another intended purpose for a detached building area outside the settlement as defined by the county spatial plan.

(3) New detached building areas outside the settlement shall be determined by a spatial plan of a city or municipality or Spatial plan of the City of Zagreb, only if the existing detached building areas outside the settlement are built-up on 50% or more of its surface.

(4) The building areas of a settlement shall expand only if the existing area is built-up on 50% or more of its surface.

(5) If the requirement referred to in paragraphs 3 or 4 of this Article is met, the building areas outside the settlement or building areas of a settlement may be increased by up to 30% of their surface.

(6) A detached building area outside the settlement for which the urban development plan has not been adopted or for which the basic infrastructure has not been built within five years from the day of its determination, shall cease to be a building area.

Article 44

(1) Building may be planned outside the building area if it is:

1. infrastructure;
2. defence construction work;
3. construction works intended for agriculture;
4. construction works intended for management of forestry and hunting;
5. areas of economic use of maritime domain and beach development;
6. exploration and exploitation of mineral raw materials;

7. asphalt base, cement factories and other construction works serving the function of processing mineral raw materials within certain exploitation fields;
8. camps, golf courses and other sport and recreation playing fields in open air with accompanying buildings;
9. housing and assisting construction works for personal needs on building plots larger than 20 ha and for the purpose of rural tourism on building plots greater than 2 ha;
10. reconstruction of existing construction works.

(2) The exploration of hydrocarbons and geothermal waters may be planned in all areas for which there are no obstacles to do so according to spatial plans.

4.2. PROTECTED COASTAL AREA

Article 45

- (1) The protected coastal area (hereinafter: PCA) shall be an area of special state interest.
- (2) The PCA shall encompass the area of coastal self-government units.
- (3) Planning and use of PCA space shall be performed with limitations in the continental belt and islands 1000 m in width from the shoreline and the sea belt 300 m in width from the shoreline (hereinafter: the restricted area) for the purpose of protection, and achieving objectives of sustainable, purposeful and economically efficient development.
- (4) The boundaries and territory of the restricted area are shown on the Basic Map of Croatia (BMC), supplemented by orthophoto maps.

Planning in the PCA

Article 46

Spatial planning in the PCA shall:

1. preserve and restore endangered areas of natural, cultural, historical and traditional values of the coastal landscape and adjoining landscape and stimulate natural regeneration of forests and indigenous vegetation;
2. establish environmental protection measures on land and at sea and especially to protect drinking water resources;
3. ensure free access to the coast, passage along the coast and to ensure public interest in use of the maritime domain;
4. conserve uninhabited islands and islets primarily for agricultural use, recreation, organised visits and exploration without forming building areas;

5. condition the development of public infrastructure upon the protection and conservation of landscape values;
6. restrict the interconnection and expansion of existing building areas along the coast and to plan new building areas outside forested areas;
7. restore abandoned mineral raw material exploitation fields and manufacturing areas, primarily through landscape recultivation or use for hospitality, tourism, sports and recreational purposes.

Determining building areas in the restricted area

Article 47

- (1) The building area may be determined within the restricted area in such a way that it may be expanded up to a maximum of 20% of the surface area of its built-up part, if that part exceeds 80% of the surface area of the building area in question.
- (2) By way of derogation from paragraph 1 of this Article, it shall not be permitted to expand detached parts of the building area of a settlement situated within the 100 m wide belt from the shoreline or to plan such new parts.
- (3) A new detached building area outside the settlement, which is intended to be used for manufacturing purposes, may be planned only outside the 1000 m wide belt from the shoreline, except for those activities which by nature require to be situated on the coast (shipyards, ports etc.).
- (4) Exceptionally, if more than half of the surface of the building area is located outside the restricted area, the provisions of paragraph 1 of this Article need not apply to the planning and development of that part of the area.

Projects in a restricted area

Article 48

- (1) It shall not be permitted to plan construction works within the restricted area which are intended for:
 1. the exploration and exploitation of mineral raw materials;
 2. the exploitation of wind power for the generation of electricity;
 3. waste treatment;
 4. oily fish farming;
 5. personal economic needs (tool shed, machinery, agricultural equipment, etc.);
 6. mooring and nautical tourism ports and earthwork on the shore and/or the sea outside the building area;

7. projects which would result in physical division of an island.

(2) The provisions of paragraph 1 of this Article shall not apply to:

1. zones of traditional settlements and/or construction works, determined by the spatial plan of a national park, spatial plan of a nature park or by some other spatial plans of areas with special features;

2. exploitation of sea salt, exploration of mineral and geothermal waters and exploitation of architectural-building stone for the purpose of continuing traditional activities on the islands of Brač and Korčula, and the Pelješac Peninsula;

3. exploitation of sand from the sea bed for the purpose of developing beaches in the building area;

4. expansion of existing waste landfills until the establishment of an integrated waste management system and building of recycling yards and reloading stations, if needed due to the natural conditions and terrain configuration;

5. waste treatment in existing industrial zones;

6. recycling yards or waste storage in ports in accordance with obligations related to waste management in ports as prescribed pursuant to the Maritime Code;

7. building of a gross construction area of up to 30 m² for the needs of registered trade or legal person registered for mariculture in maritime domain holding the concession on the maritime domain for use of the sea surface of at least 10,000 m²;

8. structure for the needs of a registered family agricultural farm and for providing hospitality and tourism services in a rural household, trade registered for agriculture or legal person registered for agriculture if located on a building plot with a surface area of at least 3 ha and at a distance of at least 100 m from the shoreline, with a ground floor up to 400 m² of gross construction area and height up to 5 m, and/or fully dug in basement up to 1000 m² of gross construction area;

9. construction works intended for the mooring of vessels for the purpose of mariculture;

10. construction works intended for the mooring of vessels transporting tourists to uninhabited islands and islets.

(3) In a detached building area outside a settlement and non-built-up part of the detached building area outside a settlement within a belt at least 100 m from the shoreline, new construction works may not be planned or built, except for construction works for utility infrastructure which by its nature must be located on the coast and underground infrastructure, accompanying facilities used for hospitality and tourism purposes, construction works which by nature must be located on the coast (shipyards, ports, etc.) and for development of public areas.

Planning hospitality, tourism and sports facilities

Article 49

(1) In the restricted area, detached building areas outside the settlements intended for hospitality and tourism purposes, whose main purpose (accommodation, sports) is achieved in built-up structures, may be planned in areas of lesser natural and landscape value so that:

1. the accommodation facilities and accompanying facilities (sports, recreational, hospitality, catering, entertainment etc.) are categorised as higher category facilities, subject to measures for improving the utility infrastructure and environmental protection, while their location, size and especially height must be in harmony with the natural landscape features and measures for protection of cultural goods;
2. the accommodation facilities, organised as a tourist village, must by design be harmonised with the original urban and architectural features;
3. the type and capacity of accompanying facilities and public areas is specified proportionally to each phase of construction of the accommodation facilities;
4. not more than 30% of an individual building plot is built-up and the usability coefficient is not greater than 0.8;
5. at least 40% of the surface of each building plot is developed as a park and natural greenery;
6. collected waste water is discharged through a closed sewage system with purification mechanisms;
7. the number of berths of one or more vessel moorings amounts to a maximum of 20% of the total number of accommodation units.

(2) By way of derogation from paragraph 1 subparagraphs 1 and 2 of this Article, the reconstruction of existing construction works for hospitality and tourism purposes is planned in such a way as not to increase the existing density of use, built-up share of the building plot and usability coefficient, if these values are greater than those defined in paragraph 1 of this Article.

(3) In a building area of a settlement within the PCA, hospitality and tourism facilities shall be planned in such a way that:

1. the total surface area intended for such purposes does not exceed 20% of the building area of the settlement,
2. the accommodation facility with accompanying land is situated outside existing public areas along the shore.

(4) Space outside building areas where it is planned to build a camp, golf course or some other outdoor sport and recreational playing field may be planned in areas of lesser natural and landscape value such that:

1. the level of build-up in terms of buildings of the project scope of the camp is not greater than 10%;
 2. the level of build-up in terms of buildings of the project scope of the golf course and other playing field is not greater than 4%;
 3. at least 30% of the project scope is developed as a park and natural greenery;
 4. accommodation units and accompanying facilities in camps are at least 25 m from the shoreline;
 5. the golf course is at least 25 m from the shoreline.
- (5) The project scope and building plots of buildings within the project scope are planned for the building of camps and golf courses.
- (6) Paragraphs 4 and 5 of this Article shall apply appropriately to the planning of a camp or golf course outside the restricted area.

5. SPATIAL DEVELOPMENT STRATEGY OF THE REPUBLIC OF CROATIA

Significance of the Strategy

Article 50

- (1) The Spatial Development Strategy of the Republic of Croatia (hereinafter: the Strategy) shall be the fundamental national document for directing spatial development.
- (2) The Strategy sets out long-term spatial development tasks, strategic directions for developing activities in space and the premises for coordinating spatial development measures with the objective of achieving the physical planning objectives in accordance with the general economic, social and cultural development, needs and possibilities, expressed in the fundamental state development documents (strategies, plans, programmes, etc.) adopted pursuant to special regulations in accordance with the physical planning principles.
- (3) Spatial plans, sectoral strategies, plans and other developmental documents of different economic and administrative areas and activities shall not be contrary to the Strategy.

Contents of the Strategy

Article 51

The Strategy shall contain in particular:

1. spatial development premises based on natural, economic, social, cultural and environmental conditions;

2. basis and organisation of spatial development, with guidelines and priorities for achieving spatial development goals, for the purpose of spatial protection, preservation and advancement of the environment;
3. development of spatial systems with guidelines for spatial development at the regional and local levels, especially for the development of settlements, public infrastructure and protection of landscape values and cultural goods;
4. environmental protection measures defined in accordance with the Strategy for sustainable development of the Republic of Croatia.

Development, adoption and publication of the Strategy

Article 52

- (1) The Ministry shall be responsible for the development of the Strategy.
- (2) The Strategy shall be adopted by the Croatian Parliament.
- (3) The amendments to the Strategy or the new Strategy shall be adopted on the basis of an efficiency analysis of the measures taken as well as situation in space as determined in the Report on the situation in space at the state level, when so established by the Ministry.
- (4) The Strategy shall be published in the Official Gazette.

6. SPATIAL PLANS

6.1. GENERAL PROVISIONS

Scope of spatial plans

Article 53

- (1) Spatial plans, in accordance with physical planning principles and with the objective of achieving physical planning goals, shall establish the purposeful organisation, use and intended purpose of space as well as the requirements for spatial development, improvement and protection of the State, counties, cities and municipalities.
- (2) Spatial plans shall prescribe the requirements for building construction works and for implementation of other projects at a certain level and/or location in accordance with which an official act for implementation of a physical plan (hereinafter: the requirements for project implementation) is issued, guidelines for developing spatial plans of narrower areas where prescribed pursuant to this Act, and measures for urban remediation if they are needed.
- (3) The requirements for implementation of projects shall be prescribed pursuant to the provisions for implementation of a spatial plan and/or its graphic part.
- (4) The measures for urban remediation shall be prescribed pursuant to a spatial plan for an area for which this plan prescribes the requirements for project implementation.

(5) Measures for urban remediation shall be prescribed pursuant to a spatial plan for an area dominated by buildings legalised pursuant to special law.

(6) The areas referred to in paragraph 4 of this Article shall be planned as special zones of urban remediation in which the requirements for implementation of projects are prescribed depending on the prevailing current situation.

Contents of spatial plans

Article 54

(1) A spatial plan shall contain a textual part (provisions for implementation of the plan) and graphic part.

(2) Provisions for the implementation of the spatial plan shall contain provisions in the form of a legal norm regulating the requirements for implementation of projects from the guidelines for the development of spatial plans for narrower areas in cases prescribed pursuant to this Act and from measures for urban remediation if such measures are needed.

(3) The graphic part of the spatial plan shall consist of cartographic presentations referred to in the provisions for implementation of the spatial plan.

Article 55

(1) Provisions for the implementation of a spatial plan at the local level shall prescribe, when necessary, the obligation to implement a public architectural tender for selection of the project design for buildings and other projects in public and social space, and for projects on lands owned by the local self-government unit.

(2) The conditions and method of implementation of the public tender referred to in paragraph 1 of this Article shall be prescribed by the representative body of the local self-government unit by means of special decision.

Article 56

(1) Spatial plans, depending on their level and scope, shall contain or prescribe spatial indicators, spatial standards, cartographic presentations of intended purpose of space, surfaces or lands, infrastructural corridors, requirements important for implementation of a spatial plan, level of development of a settlement, environmental protection measures, requirements for the protection of nature, cultural heritage and other protected values, with the objective of prescribing the requirements for implementation of projects, as well as other necessary textual and graphic parts which prescribe the requirements for implementation of projects, conditions and rules in accordance with which location requirements are defined for project implementation.

(2) The Government shall regulate, by virtue of a regulation, projects and surfaces of state significance and regional significance which are not considered to be construction, construction works of state significance and construction works of regional significance according to special regulations governing building.

(3) The Minister shall prescribe or regulate, by virtue of an ordinance, the detailed content of spatial plans, projects for which spatial plans at the local level have to prescribe the requirements for implementation of projects, method of prescribing requirements for implementation of projects, content of intended purposes of certain zones and corridors which are planned in spatial plans and the intended purpose of construction works that may be built therein, mandatory spatial indicators, spatial standards, physical planning glossary, scale of cartographic presentations of spatial plans, the standard for the spatial plan studies and electronic standard for spatial plans.

Mitigation measures

Article 57

The mitigation measures for building construction works in an area defined pursuant to the special regulation governing nature protection as an ecological network, whose location is planned pursuant to the State plan for spatial development, shall be defined on the basis of special regulations in the process of development of that plan.

Legal nature of spatial plans

Article 58

- (1) Spatial plans shall have the legal force and nature of subordinate regulations.
- (2) It shall not be possible to acquire copyrights over spatial plans, their drafts or plan solutions.

Form of spatial plans

Article 59

- (1) Spatial plans shall be produced in electronic format, and shall be adopted in the analogue format.
- (2) The analogue format of a spatial plan means a print-out of a spatial plan in electronic format on paper.
- (3) The electronic format of a spatial plan shall have the same legal force as the analogue format of the spatial plan, if it was developed in accordance with the electronic standard for spatial plans prescribed pursuant to the ordinance referred to in Article 56 paragraph 3 of this Act.

Levels of spatial plans

Article 60

- (1) Spatial plans shall be adopted at the state, regional and local level.
- (2) Spatial plans at the state level are the State plan for spatial development, spatial plan of a national park, spatial plan of a nature park, and other spatial plans of areas with special

features the adoption of which is prescribed pursuant to the State plan for spatial development and urban development plan of a detached building area outside the settlement for economic and/or public purposes of state significance (hereinafter: the urban development plan of state significance).

(3) Regional level spatial plans are county spatial plans, Spatial plan of the City of Zagreb and urban development plan of a detached building area outside the settlement for economic and/or public purposes of county significance (hereinafter: the urban development plan of county significance).

(4) Local level spatial plans are spatial development plans of a city or municipality, general urban plan and urban development plan, with the exemption of the urban development plans referred to in paragraphs 2 and 3 of this Article.

Alignment of spatial plans

Article 61

(1) The spatial plan shall be in accordance with this Act and regulations adopted on the basis thereof.

(2) A lower level spatial plan shall be aligned with the higher level spatial plan.

(3) The spatial plan of a narrower area shall be aligned with the same level spatial plan of the broader area.

(4) Same level spatial plans shall be mutually aligned.

Article 62

The local level spatial plan of a narrower area may prescribe stricter quantitative and qualitative requirements and measures for the implementation of projects, or higher spatial standards than those prescribed pursuant to the local level spatial plan of a wider area, and it does not need to plan all the intended purposes of the space as defined by the spatial plan of a wider area as a possibility, if those exist.

Financing the development of spatial plans

Article 63

(1) Funds for the development of the expert basis specified in the Report and of spatial plans adopted by the Croatian Parliament shall be secured from the State Budget of the Republic of Croatia, and the spatial plan adopted by the Government shall be funded from the State Budget of the Republic of Croatia and from other sources in accordance with the law.

(2) Funds for the development of spatial plans adopted by the representative body of local or regional self-government unit shall be secured from the State Budget and budget of the local or regional self-government unit and from other sources in accordance with the law.

Availability of spatial plans

Article 64

Spatial plans shall be available for public review during their development and adoption and validity, except for those contents which are confidential in nature pursuant to special law.

Article 65

(1) Public availability of the spatial plan in electronic format during its development, adoption and validity shall be ensured by means of an information system.

(2) Public availability of the spatial plan in analogue format during its development, adoption and validity shall be ensured by the competent development authority at its headquarters.

(3) Public availability of the spatial plan adopted at the state level in analogue format shall be ensured by the Ministry and Institute at their respective headquarters.

(4) Public availability of the spatial plan adopted at the regional and local level in analogue format shall be ensured by the administrative body at its headquarters.

6.2. STATE LEVEL SPATIAL PLANS

State plan for spatial development

Article 66

The State plan for spatial development is adopted for the territory of the State.

Article 67

(1) The State plan for spatial development shall determine:

1. particularly valuable land intended for agriculture;
2. land intended for forest and forest lands of state significance;
3. infrastructure corridors of state significance;
4. zones intended for the exploration and exploitation of mineral raw materials;
5. special purpose areas;
6. boundaries of areas for which the spatial plan of areas with special features is adopted, whose adoption is prescribed pursuant to that plan;
7. detached building areas outside a settlement for economic and public use of state significance;
8. surfaces of other intended purposes of state significance as regulated pursuant to regulation referred to in Article 56 paragraph 2 of this Act.

(2) The State plan for spatial development shall prescribe:

1. the requirements for implementation of projects for construction works of state significance;
2. the requirements for implementation of projects in space of state significance, which according to special regulations governing building are not considered as construction;
3. the obligation to adopt a spatial plan of an area with special features, if there is a need to do so;
4. the guidelines for developing urban development plans on detached building areas outside a settlement for economic use of state significance.

Spatial plan of areas with special features

Article 68

(1) The spatial plan of an area with special features shall be adopted for the area of a national park and nature park pursuant to special law, and for areas defined pursuant to the State plan for spatial development.

(2) The spatial plan of an area with special features shall be developed and adopted depending on specificities of natural, cultural, historical, economic and/or other features or requirements of a certain area.

Article 69

(1) The spatial plan of an area with special features shall determine the obligation of adopting the urban development plan of state significance and its scope.

(2) The spatial plan of an area with special features shall prescribe:

1. the measures for developing and protecting nature, environment, cultural goods and other values of an area;
2. the requirements for implementation of all projects planned in the area for which an urban development plan is not adopted;
3. the guidelines for developing urban development plans.

(3) The spatial plan of an area with special features shall contain:

1. the basic organisation and demarcation of the space of areas according to intended purpose, including building area of a settlement and detached part of building area of a settlement, if such exists;
2. the distribution of functions which are important for managing an area;
3. the system of infrastructure and construction works of public and social intended purpose;

4. the measures for use, development and protection of that area with priority activities.

Urban development plan of state significance

Article 70

(1) An urban development plan of state significance shall be adopted for an area determined by the State plan for spatial development.

(2) An urban development plan of state significance shall prescribe the requirements for implementation of all projects within its scope and requirements for implementation of infrastructure outside the area for which the urban development plan is adopted for the needs of that area.

(3) An urban development plan of state significance, with the objective of prescribing the requirements referred to in paragraph 2 of this Article, shall include, in addition to other prescribed content:

1. the detailed distribution of the area into special spatial units given their intended purpose,
2. presentation of building plots intended for building or for developing areas of public purpose, and
3. other detailed requirements of use and development of space and building of construction works.

6.3. REGIONAL LEVEL SPATIAL PLANS

County spatial plan and Spatial plan of the City of Zagreb

Article 71

The county spatial plan and spatial plan of the City of Zagreb shall be adopted for the area of the county or of the City of Zagreb.

Article 72

(1) The county spatial plan shall determine:

1. the valuable arable agricultural land,
2. the infrastructure corridors of county significance,
3. the detached building areas outside settlements intended for economic purpose of county significance,
4. the surfaces of other intended purposes of county significance defined pursuant to the regulation referred to in Article 56 paragraph 2 of this Act.

(2) The county spatial plan shall prescribe:

1. the requirements for implementation of projects in areas for public, social and other construction works of regional significance,
2. the requirements for implementation of projects in areas of regional significance, which according to special regulations governing building are not considered as construction,
3. the guidelines for developing urban development plans for detached building areas outside settlements for economic and public use of regional significance.

Article 73

(1) The spatial plan of the City of Zagreb shall determine:

1. the land intended for forest and forest land of City significance;
2. the infrastructure corridors of City significance;
3. the building area of a settlement, detached building area outside a settlement, and detached part of building area of a settlement;
4. the non-built-up part of the building area of a settlement, detached building area outside a settlement, and detached part of building area of a settlement for which general urban plan is not adopted, and the undeveloped part of those areas;
5. the part of building area of a settlement, detached building area outside a settlement, and detached part of building area of a settlement for which general urban plan is not adopted but which is planned for urban transformation and urban remediation;
6. the scope of general urban plan;
7. the scope of urban development plans which according to this Act are adopted for the building area of a settlement and detached building area outside a settlement, for which the general urban plan is not adopted.

(2) The spatial plan of the City of Zagreb shall prescribe:

1. the requirements for implementation of projects for public, social and other construction works of regional significance;
2. the requirements for implementation of projects in area of regional significance which is not considered to be construction according to special regulations that regulate building;
3. the requirements for implementation of all projects outside the building area, except those of state significance;
4. the requirements for implementation of all projects in the part of building area of a settlement and in the part of detached building area outside a settlement, which is determined by the City of Zagreb, and for which general urban plan or urban development plan is not adopted according to this Act, as well as in the detached part of the building area of a settlement;

5. the guidelines for development of urban development plans which are adopted in the building area of a settlement and detached building area outside of settlement according to this Act, and for which general urban plan is not adopted.

Urban development plan of county significance

Article 74

(1) The urban development plan of county significance shall be adopted for an area defined pursuant to the county spatial plan.

(2) The urban development plan of county significance shall prescribe the requirements for implementation of all projects within its scope and requirements for implementation of infrastructure outside of the area for which the urban development plan is adopted for the needs of that area.

(3) The urban development plan of county significance, with the objective of prescribing the requirements referred to in paragraph 2 of this Article, shall include besides other prescribed parts:

1. the detailed distribution of the area into special spatial units given their intended purpose,
2. the presentation of building plots intended for building or for developing areas of public purpose,
3. other detailed requirements of use and development of space and building of construction works.

6.4. LOCAL LEVEL SPATIAL PLANS

Spatial development plan of a city or municipality

Article 75

A spatial development plan of a city or municipality shall be adopted for the area of a city or municipality.

Article 76

(1) The spatial development plan of a city or municipality shall govern:

1. the building area of a settlement, detached building area outside a settlement and detached part of building area of a settlement;
2. the non-built-up part of a building area of a settlement, detached building area outside a settlement and detached part of building area of a settlement for which general urban plan is not adopted, as well as undeveloped part of these areas;

3. the part of building area of a settlement, detached building area outside a settlement and detached part of building area of a settlement for which a general urban plan is not adopted, which is planned for urban transformation and urban remediation;

4. the scope of general urban plan;

5. the scope of urban development plans which are adopted in the building area of a settlement and detached building area outside a settlement determined by the city or municipality, for which a general urban plan is not to be adopted pursuant to this Act;

6. the infrastructure corridors significant for the city or municipality.

(2) The spatial development plan of a city or municipality shall prescribe:

1. the requirements for implementation of all projects outside building areas, except for the projects of state and county significance;

2. the requirements for implementation of all projects in the part of building area of a settlement and part of the detached building area outside a settlement determined by the city or municipality, for which a general urban plan or urban development plan is not to be adopted pursuant to this Act, as well as in the detached part of the building area of a settlement;

3. the guidelines for development of urban development plans which are adopted in the building area of a settlement and detached building area outside a settlement pursuant to this Act, and for which a general urban plan is not adopted.

(3) The spatial development plan of a city or municipality may prescribe requirements for implementation of projects with the level of detail prescribed for the urban development plan for parts of a building area for which it is mandatory to adopt urban development plan pursuant to this Act.

General urban plan

Article 77

A general urban plan shall be adopted for a building area of a settlement and detached building area outside a settlement of a central settlement of a major city.

Article 78

(1) The general urban plan shall prescribe:

1. non-built-up part of a building area and detached building area outside a settlement for which the general urban plan is adopted, as well as undeveloped part of these areas;

2. part of building area of a settlement and detached building area outside a settlement, planned for urban transformation and urban remediation;

3. scope of urban development plans adopted for a building area of a settlement and detached building area outside a settlement determined by the city or municipality, pursuant to this Act.

(2) The general urban plan shall prescribe:

1. the requirements for implementation of all projects within its scope for which the urban development plan is not adopted;

2. the guidelines for development of urban development plans whose scope is determined by the general urban plan.

(3) The general urban plan may prescribe requirements for the implementation of projects with the level of detail prescribed for the urban development plan for the parts of building areas for which it is mandatory to adopt urban development plan pursuant to this Act.

Urban development plan

Article 79

(1) An urban development plan shall be adopted for undeveloped parts of building area and for built-up parts of these areas planned for urban transformation or urban remediation.

(2) The adoption of the urban development plan is not mandatory for an area referred to in paragraph 1 of this Article for which a spatial development plan or general urban plan prescribes the requirements for implementation of projects with the level of detail prescribed for the urban development plan.

(3) An official act for building new construction works shall not be issued until an urban development plan is adopted in areas referred to in paragraph 1, or until the requirements for the implementation of projects referred to in paragraph 2 of this Article are prescribed.

(4) By way of derogation from paragraph 3 of this Article, an official act for building may be issued for the reconstruction of an existing construction work and for building a new construction work at the site or in immediate vicinity of the site of previously removed existing construction work within the same building plot, which would not significantly alter the purpose, appearance, size and impact on the environment compared to the previous construction work.

Article 80

(1) The urban development plan shall prescribe the requirements for the implementation of all projects in the area within its scope.

(2) The urban development plan, with the objective of prescribing the requirements referred to in paragraph 1 of this Article shall, in addition to other prescribed parts, include:

1. the detailed distribution of the area into distinctive spatial units given their intended purpose,

2. the presentation of building plots intended for building or for developing areas of public purpose, and
3. other detailed requirements of use and development of space and building of construction works.

6.5. PROCEDURE FOR THE DEVELOPMENT AND ADOPTION OF SPATIAL PLANS

Spatial plan competent development authority and coordination of spatial plan development

Article 81

- (1) Professional activities relating to the development of the draft proposal and draft final proposal of the spatial plan, in addition to the development of these drafts, and administrative tasks related to the development and adoption of the spatial plan, unless otherwise prescribed by this Act, shall be performed by the spatial plan competent development authority (hereinafter: the competent development authority).
- (2) The competent development authority for a spatial plan at the state level shall be the Ministry, for a spatial plan at the regional level shall be the administrative body of a county or of the City of Zagreb, and for a spatial plan at the local level shall be the professional administrative body of the local self-government unit.
- (3) Coordination of spatial plan development means performing one or more tasks referred to in paragraph 1 of this Article that the competent development authority entrusts to the Institute, physical planning institute of a county or of the City of Zagreb, or of a major city.
- (4) Coordination of the spatial plan development shall not be entrusted to the Institute or institute referred to in paragraph 3 of this Article if it is the expert developer of the spatial plan.

Responsible development manager of the spatial plan draft proposal

Article 82

- (1) The Institute, institute for physical planning of a county or City of Zagreb, institute for physical planning of a major city, or a legal person developing the draft proposal or final proposal of the spatial plan (hereinafter: the expert developer) shall appoint the responsible development manager for draft proposal of the spatial plan (hereinafter: the responsible manager) prior to the beginning of its development.
- (2) The employee of the institute or of the legal person who has the vocational title of authorised architect or authorised urban architect shall be appointed as the responsible manager.
- (3) The authorised architect who independently performs expert activities of physical planning shall be the responsible development manager for the draft proposal of the spatial plan that he is developing.

Article 83

(1) The responsible manager shall be responsible for the draft proposal of the spatial plan or for the draft of the final proposal of the spatial plan to be developed in accordance with this Act, regulations adopted pursuant thereto and special regulations, and that certain parts or content of this plan were produced by experts of the appropriate professions.

(2) Experts of the appropriate professions shall be persons who, pursuant to special regulation, may perform physical planning activities in the capacity of an associate.

(3) A person participating in issuing requests for development of spatial plan, opinions or consent for the proposal or final proposal of that document, shall not participate in the development of the draft proposal and draft final proposal of that document in the capacity of an expert of the appropriate profession.

Article 84

(1) The responsible manager shall be obliged to warn the expert developer of the spatial plan and the Ministry in writing about the request, claims or proposal of the competent development authority of a spatial plan posed during development of a spatial plan which is contrary to this Act or some other regulation, and shall interrupt the development of the plan until the Ministry's decision is obtained.

(2) It shall not be possible to issue an opinion or consent pursuant to this Act prior to removing all illegalities in the development of the spatial plan that were ascertained in the Ministry's decision.

Initiating the development of a spatial plan

Article 85

(1) Anyone may initiate the development of a spatial plan at the local level, and its amendments.

(2) The mayor or head of the municipality shall be obliged to report to the representative body of a local self-government unit at least once in a calendar year on the conclusions of expert analysis of received initiatives, with the objective of determining if they are sufficiently well-founded to initiate a procedure for development and adoption of the spatial plan or its amendments.

(3) The initiative referred to in paragraph 1 of this Article may also include a proposal on the manner of financing the development of the spatial plan.

Decision on spatial plan development

Article 86

(1) The development of a spatial plan shall be initiated on the basis of a decision on spatial plan development.

(2) The decision on the development of the spatial plan at the state level shall be made by the Government following Ministry's proposal subject to prior opinion in accordance with special laws governing environmental and nature protection.

(3) The decision on development of the spatial plan at the level of regional or local self-government shall be made by the representative body of the regional or local self-government unit, subject to prior opinion in accordance with special laws governing environmental and nature protection.

(4) The decision on spatial plan development shall be published in the Official Gazette or in the official bulletin of the local or regional self-government unit making the decision.

(5) The decision on spatial plan development shall be delivered to the Institute.

Article 87

(1) The decision on spatial plan development may be amended or revoked.

(2) When a new decision on spatial plan development is made, the previous decision on spatial plan development pursuant to which the spatial plan was not adopted, shall cease to be valid.

(3) The decision on spatial plan development shall cease to be valid if, within two years from the day of its publication, public discussion was not held on the proposal of the spatial plan and if the development and adoption of the physical plan is suspended.

Article 88

(1) Following publication of the decision on spatial plan development, the competent development authority shall inform the public about the development of the spatial plan via the website of the local and regional self-government unit and via the Institute's information system.

(2) Neighbouring cities and municipalities shall also be notified in writing about the development of a spatial development plan of a city or municipality.

Article 89

(1) The decision on spatial plan development, depending on the type of spatial plan and procedure for its development (if it is development of a new plan, amendments to the plan, or revocation of the plan) shall contain in particular:

1. legal basis for the development and adoption of the spatial plan;
2. reasons for developing the spatial plan;
3. scope of the spatial plan;
4. summarised evaluation of the situation within the scope of the spatial plan;

5. goals and platform premises for the spatial plan;
 6. list of sectoral strategies, plans, studies and other documents prescribed pursuant to special laws which, or in accordance with which, determine the requirements for development of spatial plans;
 7. method of obtaining expert solutions for the spatial plan;
 8. list of public law bodies designated by special regulations, which provide requirements for the development of the spatial plan and other participants, users of space, who should participate in the development of the spatial plan;
 9. planned deadline for development of the spatial plan, i.e. for development of each individual phase and the deadline for the preparation of requirements for spatial plan development by the bodies and persons designated by special regulations, if the latter, depending on the complexity of the area in question, is longer than thirty days;
 10. sources of funding for the development of the spatial plan;
 11. decision on other issues relevant for development of the draft spatial plan.
- (2) The decision on development of the urban development plan may define a narrower or wider scope of the plan than the scope defined by the local level spatial plan of the wider area, and may define the scope of that plan also for the area for which the scope was not defined by the local level spatial plan of the wider area.
- (3) The development and adoption of the urban development plan and related amendments to the spatial plan of the wider area may be carried out in an integrated procedure, in which a joint decision on the development of amendments to the spatial plan of the wider area and the development of the urban development plan shall be issued.

Requirements for spatial plan development

Article 90

- (1) The competent development authority shall deliver the decision on spatial plan development to the public law body inviting it to deliver the requirements for the development of the spatial plan which are not contained in the information system, within thirty days, i.e. within the deadline specified in the decision.
- (2) If the public law body does not deliver the requirements for the development of the spatial plan by the specified deadline, it shall be considered that there are no requirements. In that case, the requirements which have an impact on the spatial plan pursuant to special regulation and/or documents shall be taken into account during the development and adoption of the spatial plan.
- (3) The public law body shall not have the right to compensation for delivered requirements for the development of the spatial plan.

(4) The requirements for the development of the spatial plan shall include provisions of regulations, sectoral strategies, plans, studies and other documents prescribed pursuant to special laws, which set the basis for these requirements. If this has not been done, the competent development authority is not obliged to take these requirements into account; however this should be justified in detail.

Article 91

(1) The public law body shall not be permitted to lay down the requirements for the development of the spatial plan which would alter the goals and/or platform premises for the development of the spatial plan, as determined in the decision on the development of the spatial plan.

(2) The public law body shall not request from competent development authority or expert developer to draft and submit documents or obtain data from its administrative area for the purpose of issuing requirements for the development of the spatial plan.

(3) If the spatial plan is made for an area in which there is an overlap of competencies of several organisational units of the competent public law body, the requirements for development of the spatial plan shall be delivered in an integrated form.

Article 92

(1) The public law body shall also be obliged to deliver to the competent development authority, at its request, all available data and other documents from its scope of work that are required for the development of the spatial plan and which are not contained in the information system.

(2) The public law body shall not have a right to compensation for delivered data and other documents referred to in paragraph 1 of this Article.

Expert solutions for the spatial plan

Article 93

(1) Expert solutions for the local level spatial plan may be obtained by developing several variations of solutions, which may be prepared by one or several different expert developers, in such a way that they may be mutually compared.

(2) The competent development authority may conduct a public tender for expert solutions for the urban development plan, based on which the selected expert solution shall serve as the basis for the development of the plan.

(3) The requirements and method of implementation of the public tender referred to in paragraph 2 of this Article shall be prescribed by the representative body of the local self-government unit by means of special decision.

Obligation to hold a public debate

Article 94

(1) A public debate shall be held on the proposal of the spatial plan and everyone may participate in it.

(2) The participants in a public debate shall give opinions, proposals and remarks on the proposal of the spatial plan within the deadline and in the manner prescribed pursuant to this Act.

(3) By way of derogation from paragraph 1 of this Article, a public debate procedure shall not be held in the case of alignment of the spatial plan with this Act, physical planning documents of a higher level or of a wider area, other regulations adopted on the basis thereof or special regulation, and also in the case of removing illegalities and/or irregularities as ordered by the Ministry's decision in performing supervision over the implementation of this Act.

(4) The provision of paragraph 3 of this Article shall not pertain to the case of alignment of the spatial plan if this would alter the intended purpose of space, except in the case of alignment of the local level spatial plan with the regional level spatial plan and/or regional level spatial plan with the state level spatial plan.

Proposal of the spatial plan

Article 95

(1) The proposal of the spatial plan defined for the public debate shall contain a textual and graphic part of the plan, its explanation and summary for the public.

(2) The proposal of the local level spatial plan shall be defined by the mayor or head of municipality.

(3) The proposal of the regional level spatial plan shall be defined by the county prefect or the mayor of the City of Zagreb.

(4) The proposal of the state level spatial plan shall be defined by the Government.

Notification on the public debate

Article 96

(1) The public debate on the proposal of the state level spatial plan shall be published in the *Official Gazette* and on the Ministry's website.

(2) The public debate on the proposal of the regional level spatial plan shall be published in the official bulletin of the regional self-government unit and on the websites of the Ministry and of the regional self-government unit.

(3) The public debate on the proposal of the regional level spatial plan shall be published in the daily press and on the websites of the Ministry and of the local self-government unit.

(4) Notification on the public debate referred to in paragraphs 1, 2 and 3 of this Article shall contain the place, commencement date and duration of the public review of the proposal of the spatial plan, the place and date when one or more public presentations will be held,

invitation to interested stakeholders to participate in the public debate and the deadline by which written opinions, suggestions and remarks on the proposal of the spatial plan must be delivered to the competent development authority, and the notification shall be published at least eight days prior to the commencement of the public debate.

Special notification on the public debate

Article 97

The competent development authority shall, in addition to the notification referred to in Article 96 paragraph 1 of this Act, also deliver special written notification on public debate to:

1. the public law bodies designated pursuant to special regulations that gave or were supposed to give the requirements for development of the spatial plan, and
2. the local committees, or city neighbourhoods, for the area under the scope of the proposal of the urban development plan.

Public review

Article 98

- (1) Simultaneously with the publication of the notification on public debate, the proposal of the spatial plan is displayed for public review on the bulletin board and website of the competent development authority and in the information system.
- (2) The period public review of the proposal of the State plan for spatial development shall be sixty days, while the period for public review of proposals of other spatial plans shall be thirty days.
- (3) The public review of proposals for amending or revoking spatial plans shall last at least eight days, but not longer than fifteen days.

Public presentation

Article 99

- (1) During the public review period, the competent development authority shall organise, depending on the complexity of the solution for the spatial plan, one or more public presentations for the purpose of explaining the proposed solution, guidelines and measures or the reasons for revoking the spatial plan, which will be held by the competent development authority, the responsible development manager and if needed, by other experts participating in the development of the spatial plan.
- (2) The competent development authority shall draw up minutes on the public presentation which will be signed by the responsible person of the competent development authority.
- (3) The minutes referred to in paragraph 2 of this Article shall contain the questions, opinions, suggestions and remarks of the public debate participants made during the public presentation,

as well as the answers to the questions provided by the persons referred to in paragraph 1 of this Article.

Participation in the public debate

Article 100

(1) Participants shall participate in a public debate in such a way that they:

1. have the right of access to the public review of the proposal of the spatial plan,
2. ask questions during the public presentation of proposed solutions which receive a verbal response from the persons moderating the public presentation,
3. give suggestions and remarks which are entered into the minutes of public presentation,
4. send their written suggestions and remarks to the competent development authority by the deadline defined in the notification on the public debate.

(2) The suggestions and remarks referred to in paragraph 1 of this Article which were not delivered by the defined deadline, or which are not clearly legible, do not have to be taken into consideration when preparing the report on the public debate.

Article 101

(1) The public law body which gave, or was supposed to give the requirements for the development of the spatial plan shall participate in the public debate by giving an opinion on acceptance of these requirements, or by giving an opinion on the implementation of special regulations and/or document having an impact on the spatial plan.

(2) The opinion referred to in paragraph 1 of this Article shall not include new or different requirements than those given in the requirements for the development of the draft spatial plan.

(3) The opinion referred to in paragraph 1 of this Article stating that the part of the proposal of the spatial plan is not in accordance with the requirements of the public law body, shall be justified. If not, the competent development authority shall not be obliged to consider such an opinion.

(4) If the public law body does not deliver the opinion referred to in paragraph 1 of this Article by the given deadline, it shall be deemed that the opinion was given and that the proposal of the spatial plan was developed in accordance with the given requirements or with the special regulation and/or document having an impact on the spatial plan.

(5) Opinions, consents, approvals and other official acts of public law bodies, which according to special regulations are to be obtained in the process of development and adoption of the spatial plan, shall be considered to be the opinion referred to in paragraph 1 of this Article for the purpose of this Act.

Report on the public debate

Article 102

(1) The responsible development manager, in cooperation with the competent development authority, shall process all the opinions, suggestions and comments expressed during the public debate and shall prepare a report on the public debate.

(2) The deadline for preparing the report on the public debate shall be a maximum of thirty days for a new spatial plan and a maximum of fifteen days for amending and for revoking a spatial plan, beginning from the last day of the deadline for the submission of written opinions, suggestions and comments.

(3) The report on the public debate shall be published on the bulletin board and website of the competent development authority and in the information system.

Article 103

(1) The report on the public debate on the proposal of the local level spatial plan shall contain in particular:

1. data from notification on the public debate;
2. list of participants in the public debate invited with a special notification on the public debate;
3. list of participants in public debate whose opinions, suggestions and remarks on the proposal of the spatial plan were accepted;
4. opinions, suggestions and remarks of participants in public debate which were not accepted or were only partially accepted, together with reasons for their rejection;
5. the list of participants in the public debate whose opinions, suggestions and remarks were not considered for the reasons prescribed pursuant to this Act.

(2) The report on the public debate on the proposal of the regional and state level spatial plan shall contain in particular:

1. data from notification on the public debate;
2. list of participants in the public debate invited with a special notification on public debate;
3. opinions of public law bodies which were not accepted or were only partially accepted with the reasons for their denial;
4. summarised overview of most frequent and/or most significant suggestions and remarks on the proposal of the spatial plan which were not accepted with the reasons for their denial;
5. the list of public law bodies that participated in the public debate whose opinions were not considered for the reasons prescribed pursuant to this Act.

(3) The official acts and other proofs of notification of public debate, special written notifications on the public debate, minutes on public presentations, opinions of public law bodies, and evidence on participation in the public presentation of invited participants in the public debate, shall all be constituent parts of the report on the public debate.

(4) The report on the public debate shall be used for developing and defining the final proposal of the spatial plan.

Repeated public debate

Article 104

(1) A public debate shall be repeated if, due to the accepted opinions, suggestions and remarks in public debate or for some other reason, the proposal of the spatial plan is altered in such a way that the new solutions are not in accordance with the platform premises from the decision on the development of the spatial plan, if the boundary of the building area is changed or if these alterations affect ownership relations.

(2) Public review in the repeated public debate shall last a minimum of eight days and maximum of fifteen days.

(3) New opinions, suggestions and remarks on the altered proposal of the spatial plan may be given only in relation to those parts of the proposal of the spatial plan that have been altered in comparison to the initial proposal.

(4) The repeated public debate shall be announced in the manner prescribed for notification of the public debate, and is held by the appropriate application of the provisions of this Act governing the implementation of the public debate.

(5) The repeated public debate may be held a maximum of three times, after which a new decision on spatial plan development shall be issued and a new development procedure shall be carried out.

Final proposal of the spatial plan

Article 105

(1) The draft final proposal of the spatial plan shall be developed by the expert developer in cooperation with the competent development authority following the public debate and following compilation of the report on the public debate.

(2) The draft final proposal of the spatial plan and the final proposal of the spatial plan shall contain both the textual and graphic part of the plan.

(3) The draft final proposal of the spatial plan shall be delivered together with the report on the public debate to the body which has defined the proposal of the spatial plan, which also defines the final proposal of the spatial plan.

Notification to public debate participants

Article 106

Prior to submitting the final proposal of the local level spatial plan to the representative body for adoption, the competent development authority shall deliver to written notification to the public debate participants, containing an explanation of the reasons for the rejection or partially acceptance of their suggestions and remarks.

Institute opinion

Article 107

(1) Prior to adopting the spatial development plan of a city or municipality, it is necessary to obtain the opinion of the county physical planning institute in regards to the alignment of that plan with the county spatial plan.

(2) The county physical planning institute is obliged to issue the opinion referred to in paragraph 1 of this Article and deliver it to the competent development authority no later than thirty days from the date of receipt of the request from the competent development authority.

(3) If the institute does not deliver the opinion referred to in paragraph 1 of this Article within the prescribed deadline, it shall be deemed that the institute has given its opinion and that there are no remarks.

(4) The opinion referred to in paragraph 1 of this Article shall not be obtained for the spatial plan whose expert developer or coordinator is the county physical planning institute.

Ministry approval

Article 108

(1) Prior to adopting the spatial development plan of a county or of the City of Zagreb, the general urban plan of the City of Zagreb, spatial development plan of a city or municipality within the PCA and urban development plan which is partially or fully contained within the 1000 m belt from the shoreline, it is necessary to obtain the Ministry's approval in regards to alignment of that plan with this Act and regulations adopted on the basis thereof.

(2) If the Ministry refuses to give its approval, the competent development authority may correct the final proposal of the spatial plan in accordance with the Ministry's reason for refusing to give its approval within ninety days, and again request the Ministry's approval.

(3) If the competent development authority does not act in the manner prescribed pursuant to paragraph 2 of this Article or the Ministry again refuses to give its approval, the procedure of development and adoption of the spatial plan shall be suspended.

(4) If during the adoption of the spatial plan referred to in paragraph 1 of this Article, the final proposal of the spatial plans is amended by the representative body's amendments, the adoption of that spatial plan will continue after the competent development authority obtains the Ministry's approval.

Competence for adoption of spatial plans

Article 109

- (1) The State plan for spatial development, spatial plan of a national park, spatial plan of a nature park and spatial plan of areas with special features whose adoption is prescribed pursuant to the State plan for spatial development shall be adopted by the Croatian Parliament.
- (2) The urban development plan of state significance shall be adopted by the Government.
- (3) The spatial plan of a county or of the City of Zagreb, and urban development plan of county significance shall be adopted by the county assembly or by the city assembly of the City of Zagreb.
- (4) The spatial development plan of a city or municipality shall be adopted by the city council or municipal council.
- (5) The general urban plan shall be adopted by the city assembly of the City of Zagreb, or by the city council.
- (6) The urban development plan shall be adopted by the city assembly of the City of Zagreb, city council or municipal council.

Publication and contents of the decision on the adoption of the spatial plan

Article 110

- (1) The decision on the adoption of the spatial plan which is adopted by the Croatian Parliament shall be published in the *Official Gazette*.
- (2) The decision on the adoption of the spatial plan which is adopted by the county assembly or the city assembly of the City of Zagreb shall be published in the official bulletin of the regional self-government unit issuing the decision.
- (3) The decision on the adoption of the spatial plan which is adopted by the city council or municipal council shall be published in the official bulletin of the local self-government unit issuing the decision, and if there is no such bulletin, then it shall be published in the official bulletin of the regional self-government unit.

Article 111

- (1) The decision on the adoption of the spatial plan shall contain:
 1. statement on the adoption of the spatial plan including the name of the plan,
 2. provisions for implementation of the spatial plan,
 3. list of cartographic presentations constituting the graphic part of the spatial plan,
 4. name, company name, or the name of the competent development authority,

5. provision on the termination of validity or on the validity of the spatial plan which was in force until the adoption of the new spatial plan, if such plan exists,

6. provision on the entry into force of the spatial plan.

(2) The decision on the adoption of the spatial plan shall consist of articles and paragraphs, as well as subparagraphs and items if necessary, and the articles, paragraphs within an article, subparagraphs within a paragraph and items within a subparagraph shall be numbered in a continuous sequence from the first to the last.

(3) In case the amendments to the decision on the adoption of the spatial plan add a new article, the new article shall carry the number of the article after which it was added, and the number shall be accompanied with a small letter "a", and in case of adding several articles in a row, the next letter of the alphabet would be added.

Delivery of physical planning documents

Article 112

(1) Counties, cities and municipalities shall deliver the spatial plan together with the decision on its adoption to the Ministry and institute for physical planning of the county in whose territory they are located, not later than fifteen days from the day of publishing its decision in its official bulletin.

(2) The City of Zagreb shall deliver the spatial plan together with the decision on its adoption to the Ministry and to the physical planning institute of the City of Zagreb, not later than fifteen days from the day of publishing its decision in its official bulletin.

(3) The analogue form of the spatial plan and its electronic form in the standard and on the medium prescribed pursuant to the Regulation on the information system shall be delivered in the sense of paragraphs 1 and 2 of this Article

Amendments and separate revocation of spatial plans

Article 113

(1) The provisions of this Act governing the development and adoption of spatial plans shall apply appropriately to the development and adoption of amendments to spatial plans and separate revocation of spatial plans, unless otherwise prescribed by this Act.

(2) Amendments to spatial plans of different scope and/or level may be developed and adopted simultaneously.

(3) The representative body that adopted the spatial plan shall publish the consolidated text of the provisions for implementation of the spatial plan and graphic part of the spatial plan in electronic and analogue format after each amendment to the spatial plan, within thirty days from the date of entry into force of the decision on amendments to the spatial plan.

(4) The consolidated text of the spatial plan shall be published in a manner prescribed for the decision on the adoption of the spatial plan.

7. IMPLEMENTATION OF SPATIAL PLANS

7.1. JOINT PROVISIONS

Implementation of a project

Article 114

(1) Every implementation of a project shall be done in accordance with the spatial plan or with the official act for the implementation of the spatial plan and special regulations, unless otherwise prescribed by this Act.

(2) Spatial plans shall be implemented through issuance of the location permit, permit for altering the intended purpose and use of the construction work, decision on defining building plots, plotting study certificates (hereinafter: the official acts for implementation of spatial plans) and of the building permit pursuant to special law.

Competence for issuing official acts for the implementation of spatial plans

Article 115

(1) The official acts for implementation of spatial plans shall be issued by the Ministry and administrative body.

(2) The Ministry or the administrative body which adopted the official act for implementation shall adopt the decision on amendments, extension of validity, annulment and repeal of the official act for implementation of spatial plans in cases when it is so prescribed pursuant to this Act.

Article 116

(1) The Ministry shall issue the official acts for implementation of spatial plans for projects planned:

1. by the state level spatial plan, except in a national park or nature park,
2. by the regional level spatial plan in the territory of two or more counties or the City of Zagreb.

(2) In case of implementation of an individual project referred to in paragraph 1 of this Article, the Ministry may transfer the authority for issuing individual official acts for implementation of a spatial plan to an administrative body.

Article 117

(1) The county administrative body shall, unless otherwise prescribed by this Act, issue in its area the official acts for implementation of spatial plans for projects planned by:

1. the state level spatial plan in a national park and nature park,

2. the regional level spatial plan,
3. the local level spatial plan outside of the area of a major city,
4. the local level spatial plans in the area of a major city and other city or municipality.

(2) The administrative body of the City of Zagreb shall issue official acts for implementation of projects planned pursuant to the state level spatial plan in a nature park, spatial plan of the City of Zagreb and local level spatial plan in its area, unless otherwise prescribed by this Act.

(3) The administrative body of the major city shall issue official acts for implementation of projects planned pursuant to the local level spatial plan in its area, unless otherwise prescribed by this Act.

Legal remedies, professional misconduct and misconduct of duty of an authorised architect and authorised engineer

Article 118

(1) An appeal may be filed against the administrative official act for implementation of a spatial plan and decision on amending, repealing, annulling and/or extending the validity of this official act, decision on denying or rejecting the request for issuance of this official act, or the decision on the suspension of the procedure, all adopted by the administrative body, which will be decided by the Ministry.

(2) An administrative procedure may be initiated against the Ministry's decision on appeal referred to in paragraph 1 of this Article.

(3) An appeal may not be filed against the Ministry's official act for implementation of a spatial plan and decision on amending, repealing, annulling and/or extending the validity of this official act, decision on denying or rejecting the request for issuance of this official act, or the decision on the suspension of the procedure, however an administrative procedure may be initiated against it.

Article 119

(1) If the Ministry, following an appeal, annuls the official act referred to in Article 118 paragraph 1 of this Act and returns the case for repeated procedure, the administrative body shall act according to the Ministry's decision on all counts.

(2) Failing to act according to the decision referred to in paragraph 1 of this Article for unjustified reason shall be a gross professional misconduct of a person authorised for adoption of the official act referred to in Article 118 paragraph 1 of this Act.

(3) Failing to act according to the Ministry's decision determining a new deadline for the adoption of the decision issued following an appeal for not resolving the request by the original deadline, shall be a gross professional misconduct of the head of an administrative body.

Article 120

If the administrative body fails to act upon the decision referred to in Article 119 paragraph 1 or paragraph 3 of this Act, it shall be forced to do so by means of a fine which shall be imposed on the local or regional self-government unit of this administrative body.

Article 121

(1) The development of a conceptual design which is clearly against the requirements for implementation of a project as prescribed by the spatial plan in terms of intended purpose and size of a building or shape and size of the building plot or position of the building on the building plot shall be a gross professional misconduct of duty and reputation of the authorised architect and/or authorised engineer of geodesy who produced the conceptual design in the capacity of designers.

(2) Issuance of a location permit which is clearly contrary to the requirements for implementation of a project as prescribed by the spatial plan in terms of intended purpose and size of a building or shape and size of the building plot or position of the building on the building plot shall be a gross professional misconduct of the official person who issued the permit.

(3) Adopting a decision rejecting the request for issuance of the location permit for construction of a building for a reason that the building would be contrary to the requirements for constructing buildings as prescribed by the spatial plan in terms of intended purpose or size of a building, shape and size of the building plot or position of the building on the building plot, although it is obvious that the building would be in accordance with the listed requirements, shall be a gross professional misconduct of the official person who adopted the decision.

(4) Request for initiation of a procedure for a misconduct of duty and reputation as referred to in paragraph 1 of this Article and professional misconduct referred to in paragraphs 2 and 3 of this Article, shall be filed after the facts from the mentioned paragraphs were established pursuant to the decision issued on account of the appeal.

Enforcement of regulations in the process of issuing official acts for implementation of a spatial plan

Article 122

(1) The official act for implementation of a spatial plan shall be issued in accordance with this Act, spatial plan and other regulations adopted on the basis of this Act and special regulations, unless otherwise prescribed by this Act.

(2) In case a provision of the spatial plan is contrary to the provision of this Act, the provisions of this Act shall apply when issuing the official act for implementation of the spatial plan.

(3) In case a provision of the spatial plan adopted pursuant to this Act is contrary to the provision of the regulation adopted pursuant to this Act, the provision of the regulation adopted pursuant to this Act shall apply when issuing the official act for implementation of the spatial plan.

(4) The official act for implementation of a spatial plan shall be issued in accordance with the spatial plan which was in force on the day of submission of the request for the issuance of the official act.

Article 123

(1) In case a lower level spatial plan is contrary to the higher level spatial plan, the higher level spatial plan shall apply when issuing the official act for implementation of the spatial plan.

(2) In case a provision or part of the local level spatial plan of the narrower area is contrary to the part of the local level spatial plan of the wider area, the provision or the part of the spatial plan of the wider area shall apply when issuing the official act for implementation of the spatial plan.

Decision on concession pursuant to special regulations

Article 124

(1) The decision on concession which is adopted pursuant to special regulation encompassing implementation of projects may be adopted if this project was planned in the spatial plan, which is to be determined by the body preparing the issuance of the concession through inspection of location information or in some other way prescribed by special regulation.

(2) By way of derogation from paragraph 1 of this Article, the decision on implementation of a public tender for selection of the best bidder for exploration of hydrocarbons, geothermal waters whose accumulated heat can be used for energy purposes or hydrocarbon storage and permanent disposal of gases, for the purpose of issuing concessions for exploitation, may be adopted for all areas in which there are no obstacles in physical planning documents for exploring these mineral raw materials.

7.2. LOCATION PERMIT

Projects requiring issuance of the location permit

Article 125

The location permit shall be issued for:

1. an exploitation field, construction of mining facilities and installations which are used for performing mining activities, hydrocarbon storage and permanent disposal of gases in geological structures,
2. determining new military locations and military construction works,
3. projects which are not considered to be construction pursuant to special regulations on building,
4. stage construction and/or phase construction of a construction work,

5. construction on land or building for which the investor has not regulated legal property relations or for which it is necessary to implement the expropriation procedure.

Implementation of projects which are not construction

Article 126

(1) Implementation of projects which are considered to be mining facilities or installations pursuant to special regulations shall be governed on the basis of an official act defined pursuant to those regulations, and this official act shall be issued on the basis of a final and effective location permit.

(2) The official act referred to in paragraph 1 of this Article may be issued on the basis of the final and effective location permit upon the investor's request and upon investor's responsibility and risk.

(3) Implementation of a project which is not considered to be construction pursuant to special regulations governing building shall be initiated on the basis of a final and effective location permit and shall be carried out in accordance with this permit.

(4) An investor may, at his own responsibility and risk, initiate the implementation of a project referred to in paragraph 3 of this Article on the basis of a final and effective location permit.

Application for issuing the location permit

Article 127

(1) The procedure for issuing the location permit is initiated on the basis of the application of the interested party.

(2) The applicant shall submit the following with the application for issuing the location permit:

1. three copies of the conceptual design,
2. statement of the designer that the conceptual design was developed in accordance with the spatial plan,
3. special requirements and/or evidence that the applicant has submitted the request for determining special requirements, if they were not determined by the deadline prescribed pursuant to this Act,
4. decision on the environmental acceptability of the project if it is a project which requires an environmental impact assessment and/or appropriate assessment of the impact of a project on the ecological network, pursuant to special regulations,
5. certificate on validation of the conceptual design if the project was developed according to foreign regulations.

(3) In addition to the documents from paragraph 2 of this Article, the applicant shall also append evidence of the legal interest for issuance of the building permit pursuant to special regulations governing building, or evidence that the project may be implemented if this is a project for which special law prescribes who may implement it, to the application for issuance of the location permit for implementation of a project not considered to be mining construction works or construction pursuant to special regulations governing mining and building

Conceptual design

Article 128

(1) The conceptual design is a set of mutually aligned drawings and documents of different professions that participate in the design depending on the type of the project, and which:

1. provides the fundamental form-based functional and technical solutions for the project (conceptual and technical solution),
2. presents the location of one or more construction works on the building plot and/or within the project scope
3. defines the fundamental premises relevant for achieving the essential requirements for construction work and other requirements for construction work.

(2) The conceptual design shall in a direct and appropriate manner include all data necessary for issuance of the location permit (location requirements) and shall be developed in such a way whereby it is evident that the designed conceptual and technical solutions are in accordance with the regulations and official acts according to which the location permit is issued and in accordance with the special regulations governing environmental and nature protection.

(3) The position of the construction work within the scope of the project shall be shown in the conceptual design, depending on the type and size of the project, on a cadastral plan copy, Basic Map of Croatia (scale 1:5000), on an orthophoto map of appropriate scale or in appropriate coordinates.

(4) The conceptual design shall also include technical solution of the temporary construction work if a temporary construction work is required for the organisation of a construction site on which the project, for which the conceptual design is developed, will be implemented.

Article 129

(1) In addition to the drafts and documents referred to in Article 128 paragraph 1 of this Act, the surveying design shall be an integral part of the conceptual design for a location permit, which establishes the forming of a building plot or position of one or more construction works on the building plot .

(2) The surveying design shall show the position of one or more construction works on the building plot and the shape and size of the building plot, as determined by the location permit.

(3) The surveying design shall be developed as a separate part of the conceptual design.

(4) Based on the surveying design, which is an integral part of the conceptual design which is an integral part of the location permit, the status in the cadastre, land registry and, where appropriate, in reality, shall be mutually aligned and the forming of the building plot in the cadastre, setting-out of the construction work and entry of the construction work in the cadastre shall be carried out, without developing additional drawings and studies or issuing certificates prescribed by special regulations governing state surveying and cadastre.

(5) Within the meaning of special regulations governing state survey and the property cadastre, the surveying design shall be the plotting study or some other surveying study on the basis of which the registration and changing of data in regards to cadastral parcels of buildings and other construction works is carried out.

Article 130

(1) The conceptual design shall be produced by the designer. The designer is a natural person who pursuant to special law is entitled to use the professional title of authorised architect or authorised engineer.

(2) The designer shall be responsible for developing the conceptual design in accordance with this Act, requirements for implementation of projects prescribed by the spatial plan, special regulations and special requirements, and for its individual parts to be mutually aligned.

(3) The designer who has developed the amendments to the conceptual design shall be responsible for the entire conceptual design.

Article 131

(1) The conceptual design or the parts thereof shall be clearly marked as regards the project for which they were developed (the name of the designer, the corporate name of the person registered for designing, the name of the project, the name or corporate name of the investor, the date of development, etc.).

(2) The conceptual design or parts thereof shall be developed on paper, on any other appropriate material for writing or drawing, or as an electronic record in such a manner so as to prevent any modification of their contents or any replacement of the constituent parts thereof, except in the prescribed case.

Article 132

Any copyrights on the project designed by the conceptual design and on the implemented project in accordance with that design shall be acquired pursuant to a special law, unless it agreed differently in the project development contract.

Article 133

(1) The Minister shall prescribe by means of an ordinance the detailed content and components of the conceptual design, format, conditions in respect of modification of content, marking of the design and the manner of certification of the design by the responsible persons,

as well as the construction works for which building plot is defined and/or scope of the project and the manner of its definition.

(2) The Director of State Geodetic Directorate shall prescribe by means of an ordinance the detailed content and form of the components of the surveying design, as well as the manner of their development, inspection, confirmation and implementation in the cadastre, subject to the approval of the Minister.

Notification on special requirements

Article 134

(1) An interested party may request the administrative body or the Ministry to provide notification regarding from which public law bodies he should obtain special requirements for a certain project on a certain location, and on the manner of implementation of certain provisions of this Act and/or spatial plan.

(2) The request referred to in paragraph 1 of this Article shall be accompanied by a cadastral plan copy and the description and presentation of the project planned to be implemented.

(3) The administrative body or the Ministry shall reply to the request referred to in paragraph 1 of this Article within eight days from its receipt.

(4) The administrative body and the Ministry shall on their websites publish and update the list of public law bodies, and their addresses, which determine special requirements for implementation of the project for which the administrative body or the Ministry issues the location permit.

Article 135

(1) Special requirements shall be determined prior to initiating the procedure, or during the procedure, for issuing the location permit following the application of the interested party.

(2) The public law body shall, subject to the interested party's application, determine special requirements for implementation of the project shown in the conceptual design, or reject the application for their determination by means of a decision within fifteen days from receipt of an orderly application.

(3) If the special requirements cannot be determined, the public law body shall reject the application of the interested party by means of a decision.

(4) The public law body may not require from the interested party, for the purpose of determining special requirements, the development or submission of other documents or the development of the conceptual design with the level of detail of the main project, other than the study which under a special law precedes the development of the conceptual design.

Article 136

(1) The administrative body or the Ministry shall, for the purpose of determining special requirements that following interested party's application were not determined before the

initiation of the procedure for issuing the location permit, invite the public law body to determine those special requirements within eight days from receipt of the application for issuing the location permit.

(2) The public law body shall determine the special requirements referred to in paragraph 1 of this Article or reject their determination by means of a decision, and shall deliver the requirements or the decision to the interested party and the administrative body or the Ministry within fifteen days from receipt of the invitation by the administrative body or the Ministry.

(3) It shall be considered that no special requirements exist and that the construction work may be connected to infrastructure, if the public law body, within the period referred to in paragraph 2 of this Article, fails to deliver to the administrative body or the Ministry the special requirements or the decision on rejecting the determination of special requirements.

(4) Paragraphs 1, 2 and 3 of this Article shall not apply in the event of ongoing proceedings resulting from the interested party's appeal against the decision on rejecting the application for determining special requirements, or proceedings resulting from the interested party's complaint against the determined special requirements, in which case the application for issuing the location permit shall be rejected.

Article 137

(1) The administrative body or the Ministry shall invite the interested party to align the conceptual design with the special requirements by an appropriate deadline, if so necessary.

(2) Issuance of the location permit shall be rejected if the interested party fails to align the conceptual design by the deadline referred to in paragraph 1 of this Article.

Article 138

(1) The interested party shall have the right to file an appeal against the decision of the public law body on rejecting the determination of special requirements, i.e., shall have the right to initiate an administrative dispute if the decision was issued by the central state administration body.

(2) The decision on the appeal against the decision referred to in paragraph 1 of this Article shall be issued by the body competent for the appeal within thirty days from the submission of the appeal.

Article 139

(1) The interested party shall deliver evidence of lodging an appeal or initiating an administrative dispute against the decision on rejecting the determination of special requirements in the course of procedure for issuing the location permit, within ten days from lodging the appeal or initiating an administrative dispute, to the administrative body or the Ministry which shall, in that case, suspend the procedure for issuing the location permit until a decision on the appeal is made.

(2) The body competent for the appeal shall, for information purposes, deliver the decision on the appeal against the decision on rejecting the determination of special requirements to the administrative body or the Ministry.

(3) If the interested party fails to comply with paragraph 1 of this Article or fails to lodge an appeal or initiate an administrative dispute against the decision on rejecting the determination of special requirements, the application for issuing the location permit shall be rejected.

Location requirements

Article 140

(1) The location permit shall define the following location requirements, depending on the type of project and type of works:

1. type of works (construction of a new construction work, reconstruction of an existing construction work, etc.),
2. location of the project,
3. intended purpose of the construction work with the number of separate sections of the property which are independent units for use (apartment, business premises, garage, etc.) and or functional units (hotel room, suite, etc.),
4. size of the construction work (external dimensions of the aboveground and underground parts of the construction work, and the number and type of storeys, if there are any),
5. requirements for shaping the construction work,
6. shape and size of the building plot and/or scope of the project,
7. position of one or more construction works on the building plot and/or within the project scope,
8. requirements for developing the building plot, especially green areas and parking areas,
9. requirements for undisturbed access, movement, residence and work of persons with reduced mobility,
10. the method and requirements for connecting the building plot, i.e., the construction work, to open areas and other infrastructure,
11. measures (method) for preventing unfavourable impacts on the environment and nature determined in accordance with the spatial plan,
12. other requirements from the physical planning document which impact the project,
13. parts of a complex construction work for which building permits are issued in case of stage construction and/or parts of the construction work for which building permits are issued in case of phase construction of a construction work,

14. special requirements,

15. requirements relevant for the implementation of the project (obligation of removal existing construction works, restoration of the building plot terrain, obligation of soil testing, compensation requirements, etc.).

(2) Location requirements shall be determined in accordance with the regulations and official acts according to which the location permit is issued.

(3) The scope of the project in which a construction work is constructed shall, depending on the type of construction work, be specified as a line, corridor, or surface of cadastral plots and/or parts thereof specified appropriately.

(4) The conceptual design is an integral part of the location permit.

Parties in the procedure for issuing a location permit

Article 141

(1) The party in the procedure for issuing a location permit is the applicant, the owner of the property for which the location permit is being issued and a holder of other real rights on that property, an owner or holder of other real rights on the property which directly borders the property for which the location permit is being issued.

(2) By way of derogation from paragraph 1 of this Article, the parties in the procedure for issuing the location permit for projects in the area of significance for the Republic of Croatia, or which shall be issued by the Ministry, shall be the applicant, the owner of the property for which the location permit is being issued and a holder of other real rights on that property.

(3) The administrative body or the Ministry shall provide the party with the opportunity to access the case file in order to provide an opinion (hereinafter: access to case file) prior to issuing the location permit.

Accessing the case file

Article 142

(1) When the location permit is issued for a project which directly borders on more than ten properties, the administrative body shall invite the parties by a public invitation displayed on the bulletin board of the administrative body or the Ministry and on its website, while the administrative body shall also display the invitation on the property for which the location permit is to be issued.

(2) When the location permit is issued for a project which directly borders on ten or fewer properties, the invitation for accessing the case file shall be personally delivered to the parties.

(3) The public invitation shall be deemed delivered after eight days from displaying the invitation on the bulletin board of the administrative body or the Ministry, thus fulfilling the obligation referred to in Article 141 paragraph 3 of this Act.

(4) The party failing to respond to the public invitation shall not be permitted to request a renewal of the procedure for issuing the location permit on those grounds.

Article 143

(1) A public invitation shall contain the following information:

1. name of the administrative body or the Ministry,
2. name, or corporate name, and address of the applicant,
3. indication that the invitation pertains to the issuing of the location permit,
4. name, type and location of the project for which the location permit is being issued,
5. venue and time where an interested party can access the case file and provide an opinion,
6. notification that the party may respond to the invitation in person or through an authorised legal representative,
7. notification that the location permit may be issued even if the party fails to respond to the invitation.

(2) The public invitation shall be published, that is, displayed for at least ten days before the date specified for accessing the case file.

(3) The public invitation shall be displayed on the building plot or on the construction work in a prominent and accessible place in such a manner as to protect it from weather conditions, of which the administrative body officer shall make a note in the file.

Article 144

(1) The person responding to the invitation for accessing the case file must demonstrate that he is a party to the procedure.

(2) The person failing to prove that he is a party to the procedure shall be denied access to the file by means of a decision. An appeal against this decision shall not suspend the procedure.

Article 145

(1) The administrative body or the Ministry may, at the request of the party responding to the invitation for accessing the case file, prescribe a period not longer than eight days in order for the party to provide a written opinion on the intended project.

(2) If the party fails to provide an opinion within the period referred to in paragraph 1 of this Article, it shall be deemed that the party was given the opportunity to access the case file and has no objections.

(3) If the party has failed to respond to the invitation for accessing the case file for justified reasons, he may access the case file at a later time, but not later than eight days from the last

date set out in the invitation for accessing the case file, in which case the party must demonstrate justification of the reasons that prevented him from responding to the invitation.

Requirements for issuing the location permit

Article 146

(1) The location permit shall be issued after it is established in the implemented procedure that:

1. the application for issuing the location permit was accompanied with the prescribed documents,
2. all special requirements were determined, and
3. the urban development plan has been adopted, provided that the permit is issued in the area where this Act prescribes the obligation of its adoption.

(2) Paragraph 1 subparagraph 3 of this Article shall not apply to the issuing of the location permit for the construction of replacement construction works and the reconstruction of existing construction works.

(3) Within the meaning of paragraph 2 of this Article, a replacement construction work shall mean a new construction work built at the same location or in the close vicinity of the location where the previously removed existing construction work stood within the same building plot, or the scope of the project, which does not significantly change the intended purpose, size or environmental impact of the earlier construction work.

(4) The location permit for the construction of the new building shall be issued after it is established in the implemented procedure that:

1. the requirements referred to in paragraph 1 of this Article have been met,
2. it is possible to connect the building plot or the building to open areas, or the building permit for the construction of open areas has been issued,
3. it is possible to connect the building to the public waste water drainage system, if the spatial plan does not allow the connection to its own drainage system, and
4. it is possible to connect the building to a low-voltage electrical network or, in the case of buildings in which the use of such a system is designed, the building has an autonomous electricity supply system.

Article 147

(1) The location permit or the decision on rejecting the application for issuing a location permit shall be delivered to:

1. the applicant with the conceptual design,

2. parties who accessed the case file or contacted the administrative body or the Ministry,
3. parties who did not access the case file or contact the administrative body or the Ministry, by displaying the invitation on the bulletin board of the administrative body or the Ministry for a period of eight days.

(2) In the case of delivery referred to in paragraph 1 subparagraph 3 of this Article, the location permit or the decision shall be deemed delivered after eight days from displaying the invitation on the bulletin board.

(3) A location permit for the project, which was subject to environmental impact assessment, evaluation of the need for environmental impact assessment or appropriate assessment of the impact of a project on the ecological network pursuant to special regulations, shall be published, for the purpose of informing the public and public concerned, on the website of the administrative body or the Ministry which issued that permit for at least thirty days.

Amendments to the location permit

Article 148

(1) The executable or final and effective location permit may be amended, repealed and/or annulled upon request of the applicant or investor.

(2) Decision on amendments to the location permit shall be adopted in accordance with the spatial plan in accordance with which the location permit was issued or in accordance with the spatial plan which is in force at the time of adopting the decision if it is so requested by the applicant or the investor.

Article 149

(1) Only those special requirements which may be affected by the amendments shall be obtained in the procedure for adopting the decision on the amendments to the location permit.

(2) Article 141 paragraph 1 of this Act shall apply in the procedure for adopting the decision on the amendments to the location permit provided that the amendments pertain to the external size of the construction works, size and shape of the building plot or location of the construction works on the building parcel.

Validity of the location permit

Article 150

(1) The location permit shall cease to be valid if within two years from the day the location permit became final and effective:

1. the application for issuing the concession was not submitted,
2. the application for adoption of the decision on expropriation was not submitted,

3. the proposal for adopting the decision on servitudes or the right to construction on land owned by the Republic of Croatia was not submitted,

4. the application for issuance of the building permit was not submitted, or

5. the implementation of the project for which the official act for construction is not issued, has not started.

(2) Validity of the location permit shall be extended once upon the request of the applicant or investor for two additional years, provided that the requirements have not changed which were determined in accordance with the provisions of this Act and other requirements in accordance with which the location permit was issued.

(3) The time period referred to in paragraph 1 of this Article shall not include the duration of the procedure for issuing the concession, expropriation, issuance of the building permit, deciding on the proposal for adopting the decision on servitudes or the right to construction on land owned by the Republic of Croatia, or during the implementation of a project for which the official act for construction was not issued, and shall expire on the day of adoption of the decision on expropriation, issuance of the building permit, rejecting the proposal for adopting the abovementioned decision on servitudes or right to construction, or with the implementation of the project.

(4) If several building permits are issued for the construction of construction works for which only one location permit was issued, the time period referred to in paragraph 1 of this Article shall expire with the issuance of the first building permit.

7.3. PERMIT FOR CHANGING THE INTENDED PURPOSE AND USE OF THE CONSTRUCTION WORK

Article 151

(1) Changing the intended purpose of the existing construction work and/or other location requirement, or its independent units for use for which it is not necessary to perform construction works for which an official act is required in order to start the construction, shall be approved by means of a permit for changing the intended purpose and use of the construction work.

(2) The permit referred to in paragraph 1 of this Article shall not be issued for changing the shape or size of the building plot, or the scope of project.

(3) The existing construction work, or its independent unit for use for which the permit referred to in paragraph 1 of this Article was issued, can be used for the new intended purpose on the basis of this permit, and it is possible to issue a decision pursuant to a special law for performing the activity in that same construction work.

Article 152

The permit for changing the intended purpose and use of the construction work shall be adopted following the application from the owner of the existing construction work or its independent unit for use, which is to be accompanied by:

1. the proof of ownership over the construction work or its independent unit for use,
2. the proof that it is an existing construction work, including the main design according to which the construction work was built, the diagram of the as-built state or the diagram of the current state,
3. the official act for use of the construction work or some other proof that the construction work may be used,
4. consent from the competent authority in case what is being requested is a change of the intended purpose of an immovable cultural good registered in the Register of cultural goods of the Republic of Croatia, or its part, and
5. decision on the environmental acceptability of the project if it is a project for which it is required to do the environmental impact assessment and/or appropriate assessment of the impact of a project on the ecological network, pursuant to special regulations.

Article 153

(1) The permit for changing the intended purpose and use of the construction work shall be issued if the applicant accompanies the application with the prescribed documents, and if it is established in the procedure that the new intended purpose of the construction work or its independent unit for use and/or location requirement which is intended to change, are in accordance with the spatial plan and that they meet the requirements prescribed pursuant to special regulations for new intended purpose and/or another location requirement.

(2) The permit for changing the intended purpose and use of the construction work for whose change of intended purpose it is required to do the environmental impact assessment or appropriate assessment of the impact of a project on the ecological network pursuant to special regulations, shall be issued if the requirements referred to in paragraph 1 of this Article were met and if the public law body which implemented that procedure issued the certificate that the change of intended purpose is in accordance with the decision adopted in that procedure.

Article 154

The parties in the procedure for issuing the permit for changing the intended purpose and use of the construction work shall be the applicant, the owner of the property for which the permit is being issued and the holder of other real rights on that property.

Article 155

(1) For the purpose of establishing if the construction work or its independent unit for use meets the requirements prescribed pursuant to special regulations for new intended purpose and/or new location requirement, the administrative body or the Ministry shall conduct a review for the purpose of issuing the related certificate (hereinafter: the certificate) to which it shall invite the public law bodies which pursuant to special regulations in the process of issuing the location permit determine special requirements, and the public law body which implemented the environmental impact assessment or appropriate assessment of the impact of a project on the ecological network, if such assessments were carried out.

(2) The public law body shall issue its confirmation in verbal form into the minutes of the review, and if that is not possible, the administrative body or the Ministry shall set the fifteen-day deadline for issuing the certificate in writing, or for rejecting the issuance thereof.

(3) The public law body shall deliver the decision on rejecting the issuance of the certificate to the administrative body or the Ministry and to the applicant who has the right to appeal or to initiate an administrative dispute.

(4) It shall be considered that the construction work or its independent unit for use meet the requirements prescribed pursuant to special regulations for new intended purpose and/or other location requirement, and that the certificate was issued if the public law body fails to act upon the invitation for review, or if it fails to deliver the certificate or the decision rejecting the issuance of the certificate to the administrative body or the Ministry by the deadline referred to in paragraph 2 of this Article.

Article 156

(1) Evidence of lodging an appeal or initiating an administrative dispute against the decision on rejecting the issuance of the certificate shall be delivered by the applicant, within ten days from lodging an appeal or initiating an administrative dispute, to the administrative body or the Ministry which shall in that case suspend the procedure for issuing the permit for changing the intended purpose and use of the construction work until a decision on the appeal is made.

(2) The body competent for the appeal shall, for information purposes, deliver to the administrative body or the Ministry the decision on the appeal against the decision on rejecting the issuance of the certificate.

(3) If the applicant fails to comply with paragraph 1 of this Article or fails to lodge an appeal or initiate an administrative dispute against the decision on rejecting the issuance of the certificate, the application for issuing the permit for changing the intended purpose and use of the construction work shall be rejected.

7.4. DECISION ON DEFINING THE BUILDING PLOT

Article 157

(1) When a building plot or land necessary for regular use of the construction work has not been defined for an existing construction work, when the obligation to define that land or plot is prescribed pursuant to special law, or when the owner of the construction work intends to change the shape and size of the building plot on which there is an existing building in accordance with the physical planning documents, the plotting of the building land is carried out in accordance with the decision on defining the building plot.

(2) It shall be considered that for the existing construction work the building plot or land necessary for regular use of that construction work has not been defined:

1. if on the same cadastral plot two or more construction works have been built which do not represent a unit in a building, functional or technical and technological sense,

2. if the construction work has been built on two or more cadastral plots,
3. if the construction work has been built on a cadastral plot with a surface area smaller or greater than the surface area prescribed pursuant to the spatial plan,
4. if the existing cadastral plot on which the construction work was built is such that it cannot be considered as land necessary for regular use of that construction work,
5. if it is a building legalised pursuant to a special law.

Article 158

(1) The request for adoption of the decision on defining the building plot shall be accompanied by the copy of the cadastral plan which defines the shape and size of the building plot, and proof of existence of the construction work for which the building parcel is being defined.

(2) The decision on defining the building plot shall be adopted at the request of the party or in the line of duty.

Article 159

(1) A building plot shall be defined in accordance with the spatial plan, and if it is not possible to do so then it will be defined according to the rules of the profession while taking into account that the building plot should be defined in such a way that its shape and size allow for regular use of that construction work.

(2) By way of derogation from paragraph 1 of this Article, the building plot of a building which has several independent units for use (apartments, business premises, garages, etc.) and/or functional units (hotel rooms, suites, etc.), and which is planned, designed and/or built in such a way that it borders with the public area on several of its sides, shall be defined as the land which is below that building.

7.5. PLOTTING OF THE BUILDING LAND

Plotting requirements

Article 160

(1) Plotting of the building land shall be performed only in accordance with:

1. the location permit,
2. the decision on defining the building plot,
3. the building permit or some other official act on the basis of which the construction work was built,

4. the urban development plan or spatial plans of areas with special features, which in their graphic parts prescribe the shape and size of the building plot, or the zone of a certain intended purpose in the scale 1:1000 or 1:2000,

5. the spatial development plan of a city or municipality and general urban plan for the purpose of defining the land which the owner is obliged to transfer into the ownership of the local self-government unit pursuant to Article 171 paragraph 1 of this Act, or

6. the boundary of the building area defined by the valid, or previously valid, spatial plan for the purpose of defining the ownership over land pursuant to special laws on agricultural land and forests.

(2) Plotting of the land outside the borders of the building area in order to increase the building plot within the borders of the building area shall not be permitted.

Article 161

(1) Plotting of non-built-up building land may, besides in accordance with the official acts and plans referred to in Article 160 paragraph 1 of this Act, also be implemented in accordance with:

1. every spatial plan if the land is located in the area for which this Act does not prescribe the obligation to adopt an urban development plan,

2. the decision on the restitution of land adopted pursuant to the Act on Compensation for Property Confiscated during the Yugoslav Communist Regime,

3. court ruling on determining the right of ownership over land.

(2) Plotting of built-up building land may, besides in accordance with the official acts and plans referred to in Article 160 paragraph 1 of this Act, also be implemented for the purpose of merging entire cadastral plots on which an existing building is built.

(3) Article 160 paragraph 1 of this Act shall not apply to the plotting of building land which aligns the status in the cadastre, land registry and in reality during the process of development of the surveying design.

Plotting study certificate

Article 162

(1) The official act on plotting of the building land developed in accordance with the official acts or plans referred to in Article 160 paragraph 1 and Article 161 paragraph 1 subparagraph 1 of this Act shall be implemented in the cadastre on the basis of the plotting study for which the administrative body or the Ministry issues a certificate on its alignment with the official act or plan according to which it was produced.

(2) The official act on plotting of the building land developed in accordance with the decision or the court ruling referred to in Article 161 of this Act, shall be implemented in the cadastre pursuant to special regulation after it is implemented in the land registry, provided it was

developed in accordance with this decision or court ruling, as shall be determined by the cadastral office.

(3) Paragraph 1 of this Article shall not apply to forming of the building plot in the cadastre in accordance with the location permit or the building permit for which the surveying design is an integral part thereof.

8. DEVELOPMENT OF BUILDING LAND

Aim and contents of building land development

Article 163

(1) Building land shall be developed so as to prepare it for construction, reconstruction and use of buildings in accordance with the spatial plan and to improve living and working conditions in settlements.

(2) Development of building land shall include the following activities and works:

1. obtaining designs and other documents, resolving ownership rights in accordance with this Act and a special law and obtaining the official acts necessary for performing works aimed at development of building land,
2. construction of infrastructure and construction works of public and social purpose or their reconstruction in accordance with special laws, unless otherwise prescribed by this Act,
3. terrain remediation (drainage, levelling, securing the land etc.).

Obligation to develop the building land and infrastructure investor

Article 164

(1) Development of building land is an obligation of the local self-government unit and public law bodies, which pursuant to special regulations build and/or manage infrastructure.

(2) Stimulating and organising the construction and reconstruction of infrastructure and construction works of public and social purpose, coordinating public law bodies in regards to this, and terrain remediation in the settlement shall be the obligation of the local self-government unit.

Article 165

(1) The investor in utility infrastructure and terrain remediation in a settlement shall be the local self-government unit or the company performing the appropriate utility activity, and the investor in other infrastructure shall be the public law body or other person who is authorised to build this infrastructure pursuant to a special regulation.

(2) The investor in utility or other infrastructure can also be one or more persons whose land will use the infrastructure if they have the consent to do so from the local self-government unit or the person referred to in paragraph 1 of this Article.

(3) The consent referred to in paragraph 2 of this Article can be given only to the person or persons who contractually oblige to build the utility or other infrastructure planned by the spatial plan with their own funds by the prescribed deadline and then transfer the ownership over it to the local self-government unit or the person designated pursuant to special regulation. This consent can be issued for construction of utility or other infrastructure whose route and capacity exceeds the needs of the land or of the construction work of the investor.

(4) The local self-government unit, or the company or person referred to in paragraph 1 of this Article and the investor in utility or other infrastructure shall regulate mutual rights and obligations in regards to construction requirements for utility or other infrastructure, by means of the contract referred to in paragraph 3 of this Article.

(5) The contract referred to in paragraph 3 of this Article may regulate the return of part of funds spent for building the utility or other infrastructure or for partial offsetting with the obligation to pay utility charges in case of building the utility infrastructure construction work.

Order of performing building land development activities

Article 166

(1) When developing individual parts of the building land or constructing individual infrastructure construction works, account must be taken of the order in which the development activities are performed, so that the immediate and finalised harmony and functional unity of the individual parts may be achieved.

(2) New infrastructure construction works or new parts thereof cannot be connected to existing infrastructure construction works or to other infrastructure construction works which by their capacity or by other characteristics do not comply with the new construction works and devices or parts thereof.

9. PROPERTY INSTITUTES IN THE DEVELOPMENT OF BUILDING LAND

Contract on financing the development of building land

Article 167

(1) Expenses or part of the expenses necessary for the development of the urban development plan or for the construction of the utility infrastructure, may be borne by the owner of the land benefiting from the development in question, or by another interested party that concludes a contract on financing the development of the building land with the local self-government unit.

(2) The contract on financing the development of the building land shall be concluded in written form, and depending on its subject, shall contain in particular:

1. the name and address of the parties,
2. the name and scope of the urban development plan the development of which is being financed and the basic guidelines for its development which are of importance to both parties,

3. the obligation of the local self-government unit to adopt the urban development plan, as well as the deadline for its adoption,

4. the type and scope of activities and works to be carried out for the development of the land which the local self-government unit has undertaken and the deadline for their execution,

5. the type, method and deadline for payment of the expenses of land development which the land owner or interested party is obligated to execute.

(3) Funds obtained through the conclusion of the contract on financing the development of the building land shall be the revenue of the local self-government unit budget.

(4) The conclusion of the contract on financing the development of the building land does not exclude the application of special regulations on public procurement.

(5) The contract on the financing of the development of the building land shall be published in the official bulletin of the local self-government unit.

Article 168

(1) By way of derogation from Article 167 paragraphs 3 and 4 of this Act, if the urban development plan is adopted for a land owned by one or more persons who are entirely financing the development of the plan, the contract on the financing of the development of the building land may be regulated in such a way that the developer of the plan is directly selected and paid by those persons.

(2) In the case referred to in paragraph 1 of this Article, the competent development authority shall be the administrative body of a municipality, city, major city or the City of Zagreb.

Article 169

A person concluding the contract on the financing of the development of the building land with the local self-government unit in terms of financing the construction of the facility or of the device for utility infrastructure which, pursuant to special regulation, is financed from the utility charges, shall not pay the utility charges until reaching the full amount of costs of the development of the building land which he is paying on the basis of the contract.

Transfer of land into the ownership of the local self-government unit

Article 170

(1) The owner of non-built-up and unencumbered land for which the urban development plan has planned the construction of infrastructure or other construction works intended for public use of which he cannot be the owner, may transfer such land into the ownership of the local self-government unit.

(2) The owner of non-built-up land on which he cannot build due to the fact that a building plot cannot be formed in accordance with the detailed development plan, may also perform the transfer referred to in paragraph 1 of this Article.

Article 171

(1) The owner of building land within the boundaries of the building area shall, prior to obtaining the location permit, transfer to the local self-government unit the part of that land which the spatial plan has designated for the construction of utility infrastructure devices which serves for the needs of his building plot, or for the needs of the construction work which will be built on that plot.

(2) The owner of building land within the boundaries of the building area shall, prior to obtaining the location permit, conclude with the local self-government unit or another authorised person, a contract on the establishment of rights-of-way or other rights of servitude on his building plot or on the construction work which will be built on the plot for the needs of the utility infrastructure, when necessary according to the spatial plan.

Article 172

(1) For the transferred land referred to in Article 170 and Article 171 paragraph 1 of this Act and the established servitudes referred to in Article 171 paragraph 2 of this Act, the owner shall receive compensation in the amount of the market value of the transferred land at the time of transfer, that is, in the amount for which the value of the property has been reduced due to the establishment of servitude at the time of its establishment.

(2) The owner of the transferred land referred to in Article 170 and Article 171 paragraph 1 of this Act shall have the right to compensation of expenses for developing the plotting study if such a study was necessary for transfer of land.

(3) The compensation referred to in paragraph 1 of this Article shall be paid by the local self-government unit or the person with whom the contract was concluded, within a maximum of two years from the day the land transfer was made or the contract was concluded.

Article 173

(1) The land referred to in Article 170 and Article 171 paragraph 1 of this Act shall be transferred by the owner's statement on the transfer of land, which is taken down in the minutes of the state administration office in the county or in the City of Zagreb. An official act shall not be adopted on the land transfer.

(2) The state administration office in the county shall invite the local self-government unit to attend the giving of the statement referred to in paragraph 1 of this Article, at least fourteen days before the statement will be given.

(3) The consent or opposition of the local self-government unit to the land transfer shall not have an impact on the transfer, or on acquiring the ownership rights over the transferred land.

Article 174

(1) The state administration office in the county or the City of Zagreb shall deliver the minutes on the land transfer and the plotting study reviewed and certified in accordance with

this Act and special law governing state survey and property cadastre, if it was necessary for land transfer, to the representative of the local self-government unit or without delay to the local self-government unit to which the ownership over land was transferred, and shall deliver the same documents to the cadastral office and land registry court for implementation in the line of duty.

(2) The minutes on the transfer of land which were signed by the land owner and by the authorised person, and which were certified with the stamp of the state administration office in the county or the City of Zagreb, shall form the legal basis for the local self-government unit to acquire ownership over the transferred land.

Article 175

(1) At the proposal of the owner, the state administration office or the City of Zagreb shall set a date for a consultation to be held for the purpose of reaching an agreement on the amount of the compensation for the land in question.

(2) If the owner and the local self-government unit does not reach an agreement on the compensation for transferred land, the competent court shall determine the amount of compensation at the request of the owner, in an extrajudicial procedure.

Obligation of land sale

Article 176

The State and the local and regional self-government unit shall, at the request of the owner of the land or of the construction work, sell at the market price and without carrying out a public tender:

1. a part of the non-built-up land needed for forming the non-built-up building plot in accordance with the detailed development plan, if that part does not exceed 50% of the surface area of the planned building plot,
2. a part of the land needed for forming the built-up building plot in accordance with the detailed development plan,
3. land which constitutes a building plot of a building for which a decision was brought on the as-built state pursuant to special law governing the legalisation of illegitimate buildings.

Pre-emption rights

Article 177

(1) The Government, assembly of a county or of the City of Zagreb, city council and municipal council (hereinafter: holder of pre-emption rights) may by virtue of a decision define the area in which he has pre-emption rights for purchasing property necessary for building infrastructure or construction works of a public and social purpose.

(2) The Government, assembly of a county or of the City of Zagreb, city council and municipal council may by virtue of a decision define the area in which the legal person with public authority has pre-emption rights for the purchase of property necessary for building infrastructure for which it is competent pursuant to special regulation.

(3) The area referred to in paragraph 1 or 2 of this Article shall be defined on the cadastral or other appropriate base map, so as to indisputably determine to which property the pre-emption rights refer.

(4) The decision referred to in paragraph 1 or 2 of this Article shall be published in the information system and *Official Gazette* or in the official bulletin of the county, the City of Zagreb, major city, city and municipality, and on their respective websites.

(5) The decision referred to in paragraph 1 or 2 of this Article shall be delivered to the competent land registry court and competent cadastral office.

Article 178

(1) The owner of the property in the area where the pre-emption right exists, who intends to sell that property shall, via a notary public or in some other appropriate manner, offer the property for sale to the holder of the pre-emption rights and notify him of the price and sale conditions.

(2) If the holder of the pre-emption right who has received the offer does not declare that he accepts the offer within sixty days from the day he was notified of the offer, the property owner may sell the property to another party, but only under the same conditions or for a higher price.

(3) When the conditions of sale state that the price has to be paid out in cash in entirety or in part, the declaration on the acceptance of the offer may become effective only if the holder of the pre-emption right who has received the offer, deposits the entire amount which the offer states must be paid out in cash to the property owner or via the notary public or the competent court.

Article 179

(1) The conclusion of the sale-purchase contract for the property contrary to Article 177 of this Act, shall be grounds for annulment of that contract.

(2) A complaint for the annulment of the contract referred to in paragraph 1 of this Article cannot be submitted after three years have expired from the day of its conclusion.

10. SUPERVISION

Article 180

(1) The Ministry shall perform supervision over implementation of this Act and regulations adopted on the basis thereof, and over the legality of work of administrative bodies, professional administrative bodies, the Institute, institutes, legal persons with public authority,

persons performing expert activities of physical planning and authorised architects and authorised engineers, pertaining to this issue.

(2) The supervision referred to in paragraph 1 of this Article that pertains to general acts, shall be performed in accordance with the supervision plan, which is adopted by the Minister pursuant to a special decision, and following the request of judicial authorities.

Article 181

(1) Administrative bodies, professional administrative bodies, the Institute, institutes, legal persons with public authority, persons performing expert activities of physical planning and authorised architects and authorised engineers are obliged to allow the Ministry access to their official premises and to deliver all requested data, documents and reports by the requested deadline.

(2) If an administrative body, professional administrative body, the Institute, institutes, legal person with public authority, person performing expert activities of physical planning or authorised architect or authorised engineer does not act as requested by the Ministry as referred to in paragraph 1 of this Article, he shall be requested to do so by means of a decision.

Article 182

(1) The Ministry issues a decision to order an administrative body, professional administrative body, the Institute, institutes, legal person with public authority, person performing expert activities of physical planning or authorised architect or authorised engineer to remove illegalities which were found during supervision, with a deadline to do so.

(2) Non-abidance of the decision referred to in paragraph 1 of this Article without justified reason represents a gross professional misconduct of the head of administrative body, head of professional administrative body, director of the Institute, director of the institute, responsible person within the legal person with public authority, or a gross professional misconduct of duty and reputation of an authorised architect or authorised engineer.

Article 183

(1) If the local and regional self-government body, administrative body, professional administrative body, institute, legal person with public authority, person performing expert activities of physical planning or authorised architect or authorised engineer do not act upon the Ministry's decision referred to in Article 181 paragraph 2 or Article 182 paragraph 1 of this Act, they will be forced to do so by means of a fine.

(2) For the purpose of forcing the local and regional self-government body, administrative body and professional administrative body to implement the decision, their local or regional self-government unit will be fined as referred to in paragraph 1 of this Article.

Article 184

(1) The procedure for the gross violation of official duty of a civil servant, administrative body, professional administrative body, institute, legal person with public authority, and for

severe gross professional misconduct of duty and reputation of an authorised architect or authorised engineer as prescribed pursuant to this Act or special regulation, which were found during supervision over implementation of this Act, shall be instigated at the Minister's request.

(2) If it is ascertained during supervision that this Act and/or regulation adopted on the basis of this Act have been violated, the Ministry has the right and obligation to file an indictment or criminal charges.

Article 185

In case an administrative dispute was initiated against the Ministry's decision, the Ministry may annul or amend its decision for those same reasons for which the court could annul such a decision.

11. PENAL PROVISIONS

Misdemeanour of a person implementing a project

Article 186

(1) A legal person that starts the implementation of a project which pursuant to special regulations governing building are not considered as construction without a valid or executive location permit or if a project is not performed in accordance with that permit (Article 126 paragraphs 3 and 4) shall be fined for misdemeanour in the amount of HRK 10 000 to 100 000.

(2) A natural person shall be fined in the amount of HRK 5 000 to 30 000 for misdemeanour referred to in paragraph 1 of this Article.

Misdemeanour of a designer

Article 187

A natural person in the role of a designer who produces the conceptual design against the requirements for implementation of a project as prescribed pursuant to spatial plan, special regulations or special requirements (Article 130 paragraph 2) shall be fined for a misdemeanour in the amount of HRK 10 000 to 50 000.

12. TRANSITIONAL AND FINAL PROVISIONS

Procedures in progress

Article 188

(1) Procedures of developing and adopting physical planning documents that were initiated according to the provisions of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) prior to the entry of this Act into force, shall be

completed pursuant to the provisions of that Act and regulations adopted on the basis thereof, unless otherwise prescribed by this Act.

(2) Procedures initiated in the line of duty and procedures initiated pursuant to parties' applications submitted pursuant to the provisions of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) prior to the entry of this Act into force, and which pertain to physical planning, shall be completed pursuant to the provisions of that Act and regulations adopted pursuant to that Act.

(3) By way of derogation from paragraph 2 of this Article, Article 122 paragraph 4 of this Act shall apply to procedures which are being completed according to provisions of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12).

Article 189

(1) The urban land redistribution procedure shall be considered initiated pursuant to Article 188 paragraph 2 of this Act, if a decision was published in the official gazette on the development of the detailed development plan for urban land redistribution before the date of entry of this Act into force, under the condition that local self-government unit submits the application for initiation of the procedure pursuant to Article 154 paragraph 1 of the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) within two years from the day this Act enters into force.

(2) The representative body of the county, City of Zagreb or a major city shall be authorised to establish a land redistribution commission for the purpose of completing the procedure referred to in paragraph 1 of this Article, within two years from the day this Act enters into force.

(3) The Government shall be authorised to establish a State land redistribution commission for the purpose of completing the procedure referred to in paragraph 1 of this Article and to adopt a decision on compensation for working in the land redistribution commission and decision on compensation for working in the State land redistribution commission within two years from the day this Act enters into force.

Location permit and Ministry decisions

Article 190

(1) A location permit issued pursuant to the Physical Planning Act (Official Gazette 30/94, 68/98, 61/00, 32/02 and 100/04) or pursuant to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) may be changed, amended, terminated and/or annulled under the same conditions as the location permit issued pursuant to this Act.

(2) In case an administrative dispute was initiated against the Ministry decision passed pursuant to the Physical Planning Act (Official Gazette 30/94, 68/98, 61/00, 32/02 and 100/04) or pursuant to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) or adopted on the basis thereof, the Ministry may annul or amend its decision before the completion of the procedure for those same reasons for which the court would annul such a decision.

Enforcement of special regulations

Article 191

(1) Special requirements, opinions, certificates, consents, approvals, decisions and other official acts of public law bodies that pursuant to special regulations adopted before this Act entered into force had to be provided in the procedure for issuing the location permit or the decision on construction requirements, shall be defined as special requirements pursuant to this Act prior to submission of the application for issuance of the location permit or during the issuance of that permit.

(2) Paragraph 1 of this Article shall not pertain to special requirements defined in the environmental impact assessment procedure and procedure of appropriate assessment of the impact of a project on the ecological network

Performing administrative and expert activities

Article 192

Until the State plan for spatial development enters into force, the Ministry shall issue official acts for implementation of spatial plans for projects in the area of state significance defined pursuant to the regulation referred to in Article 56 paragraph 2 of this Act and for projects in an area planned on the territory of two or more counties or the City of Zagreb.

Article 193

(1) The Croatian Institute for Spatial Development established pursuant to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall continue its operations as an Institute pursuant to this Act.

(2) The Director and Administrative Council of the Institute shall be obliged to align the Statute of the Croatian Institute for Spatial Development established pursuant to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) with this Act within three months from the day this Act enters into force.

Article 194

(1) The county institute for physical planning, institute for physical planning of the City of Zagreb, or institute for physical planning of a major city established pursuant to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall continue its operations as an institute for physical planning of a county, institute for physical planning of the City of Zagreb, or the institute for physical planning of a major city pursuant to this Act.

(2) Counties and the City of Zagreb are obliged to align the founding acts and statutes of the institutes for physical planning of a county, or City of Zagreb, pursuant to this Act within three months from the day this Act enters into force.

Article 195

(1) Administrative bodies of counties and major cities competent for expert and administrative activities of physical planning established pursuant to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) prior to the day this Act entered into force shall continue their operations as administrative bodies or expert administrative bodies of counties and major cities pursuant to this Act

(2) City administrative bodies to which the county has transferred the competencies for performing administrative activities of physical planning pursuant to special law by the day this Act entered into force, shall continue their operations and shall have the scope of work and authorities of administrative bodies of a major city defined pursuant to this Act.

State plan for spatial development, regulations and ordinances

Article 196

(1) The State plan for spatial development shall be adopted within two years from the day this Act enters into force.

(2) The Government shall adopt the regulation referred to in Article 37 and Article 56 paragraph 2 of this Act within ninety days from the day this Act enters into force.

(3) The Minister shall adopt the ordinances referred to in Article 40 paragraph 2, Article 56 paragraph and Article 133 paragraph 1 of this Act within ninety days from the day this Act enters into force, and the instruction referred to in Article 5 paragraph 1 of this Act prescribing the implementation system for procedures and development of the official acts to be adopted pursuant to this Act electronically within twelve months from the day this Act enters into force.

(4) The director of State Geodetic Directorate shall pass the ordinance referred to in Article 133 paragraph 2 of this Act within ninety days from the day this Act enters into force.

(5) The State Geodetic Directorate shall enter the borders and space of border areas into the Basic Map of Croatia (BMC) amended by orthophoto maps within ninety days from the day this Act enters into force. Until this obligation is fulfilled, the borders and Protected Coastal Area of the sea shown on the Basic Map of Croatia (BMC) amended by orthophoto maps shall be deemed as borders and space of border areas.

(6) The Government is authorised to adopt a regulation that shall, for the purpose of implementation of this Act and other official acts, regulate the method for assessing the value of property, method for collecting and evaluating data, and the Minister is authorised to adopt an ordinance governing the methods for assessing property and other related issues.

Article 197

(1) Until the entry into force of ordinances and regulation which will be passed based on the authorities conferred by virtue of this Act, the following legislation shall remain in force, in the part in which it is not in contravention of the provisions of this Act:

1. Ordinance on the content, proportions of cartographic presentations, obligatory spatial indicators and standard physical plan studies (Official Gazette 106/98, 39/04, 45/04 –

corrigendum and 163/04) in the part prescribing the legal rules pertaining to the content, scales of cartographic presentations, obligatory spatial indicators and standard physical plan studies, and

2. Ordinance on measures for protection against natural disasters and war threats in physical and spatial planning (Official Gazette 29/83, 36/85 and 42/86).

(2) By way of derogation from paragraph 1 of this Article, the ordinances referred to in that paragraph, in the part in which they are not in contravention of the provisions of this Act regarding the physical planning documents adopted pursuant to regulations in force prior to the day this Act entered into force and their amendments thereof adopted after this Act entered into force, shall remain in force until the date of expiry of validity of these documents, unless otherwise prescribed by this Act.

Physical planning documents

Article 198

(1) Physical planning documents adopted pursuant to regulations which were in force prior to the day this Act entered into force, shall remain in force until new spatial plans are adopted pursuant to this Act, or until they are no longer in force pursuant to this Act.

(2) The Spatial Development Strategy of the Republic of Croatia adopted by the Croatian Parliament at its session held on 27 June 1997 shall remain in force until the Spatial Development Strategy of the Republic of Croatia is adopted pursuant to this Act.

(3) Physical planning documents referred to in paragraphs 1 and 2 of this Article may be amended or revoked even before the adoption of physical planning documents pursuant to this Act within five years from the day this Act enters into force.

(4) Physical planning documents referred to in paragraphs 1 and 2 of this Article shall be amended or revoked in the procedure prescribed pursuant to this Act for amending or revoking spatial plans.

(5) Amendments of physical planning documents referred to in paragraph 1 of this Article must be in accordance with the physical planning document for the wider area or with the higher ranking spatial plan.

(6) Amendments of physical planning documents referred to in paragraph 1 of this Article do not need to be drafted pursuant to regulations adopted on the basis of this Act, however, their amendments may be adopted with the aim of their alignment with these regulations.

Article 199

(1) A spatial plan of a county or of the City of Zagreb which is adopted pursuant to this Act may not be adopted before the State plan for spatial development enters into force.

(2) A spatial development plan of a city or municipality which is adopted pursuant to this Act may not be adopted before the spatial plan of a county, to be adopted pursuant to this Act, enters into force.

(3) The general urban plan which is adopted pursuant to this Act may not be adopted before the spatial development plan of a city or spatial plan of the City of Zagreb, to be adopted pursuant to this Act, enter into force.

Article 200

(1) Article 43 paragraph 6 of this Act shall pertain to detached building area outside the settlement established prior to the day this Act entered into force.

(2) The time period referred to in Article 43 paragraph 6 of this Act for building area outside the settlement established prior to the day this Act entered into force shall begin as of the day this Act enters into force.

(3) Implementation urban development plans and detailed development plans adopted pursuant to regulations in force prior to the day this Act entered into force, shall be deemed as urban development plans for the purpose of this Act.

Article 201

(1) Local self-government units shall amend spatial development plans of major cities, cities or municipalities, or the Spatial plan of the City of Zagreb in a way that they define in them the undeveloped parts of building areas and built-up parts of these areas planned for urban transformation pursuant to this Act within twelve months from the date of entry into force of the ordinance referred to in Article 56 paragraph 3 of this Act.

(2) Until the obligation referred to in paragraph 1 of this Article is met, the undeveloped part of a building area shall be deemed to be undeveloped parts of a building area defined pursuant to spatial plans of major cities, cities and municipalities, or Spatial plan of the City of Zagreb, which were in force on the day this Act entered into force.

(3) Until the obligation referred to in paragraph 1 of this Article is met, the built-up parts of building areas planned for urban transformation for the purpose of this Act shall be deemed to be the parts of building area planned for urban reconstruction pursuant to spatial plans which were in force on the day this Act entered into force.

Decision on spatial plan development

Article 202

The Decision on Spatial Plan Development adopted pursuant to the Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall cease to be valid within two years from the day this Act enters into force, if by that time a public debate has not been held, and the development and adoption of the spatial plan initiated pursuant to this decision shall be suspended.

Report on the situation in space

Article 203

The Institute, institutes and other expert administrative bodies of counties, cities and major cities are obliged to produce or ensure the drafting of the report on the situation in space and to submit it for consideration to the competent authority within four years from the date of entry into force of the ordinance referred to in Article 40 paragraph 2 of this Act.

Expiry of validity of regulations

Article 204

The Physical Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12 and 55/12) shall cease to be valid in its part pertaining to physical planning on the day this Act enters into force.

Entry into force of this Act

Article 205

This Act shall be published in the *Official Gazette*, and shall enter into force on 1 January 2014.

Class: 022-03/13-01/206
Zagreb, 6 December 2013

CROATIAN PARLIAMENT

President of the Croatian Parliament
Josip Leko, m.p.