

CITY OFFICE OF KRAKOW	Service sheet / external procedure no. AU-1
	DETERMINING DEVELOPMENT CONDITIONS
<p>1. Handle the matter electronically Not applicable.</p> <p>2. Appendices Application form for establishing development conditions.</p> <p>3. Sign language version Not applicable.</p> <p>4. Matter handled by Architecture and Urban Planning Department - 41 Mogilska, 31-545 Krakow.</p> <p>5. Documents from the Applicant (client)</p> <p>1. An application for a decision establishing development conditions should contain:</p> <ul style="list-style-type: none"> a) defining the boundaries of the area covered by the application, presented on a copy of the master map or, in the absence of it, on a copy of the cadastral map, covering the area to which the application relates and the area affected by the investment, on a scale of 1:500 or 1:1000, and in relation to linear investments also on a scale of 1:2000; b) investment characteristics including: <ul style="list-style-type: none"> – determining the demand for water, energy and the method of sewage disposal or treatment, as well as other needs in the field of technical infrastructure, and, if necessary, the manner of waste disposal - confirmed in appropriate establishments, – determining the planned way of land development as well as building and land development characteristics, including the purpose and dimensions of the designed building objects and the area undergoing transformation, presented in a descriptive and graphic form, – defining the characteristic technical parameters of the investment and data characterizing its impact on the environment; c) for the location of the landfill site: <ul style="list-style-type: none"> – the target ordinate of the waste landfill, – the annual and total amount of waste deposited and types of waste deposited, – way of collecting, treating and discharging sewage, – the method of collection, purification and use or disposal of landfill gas; d) determining the sales area in the case of planned construction of a commercial facility. <p>2. An extract from the land registry map illustrating the location of plots covered by the investment intention and neighbouring plots, and an extract from the situational-altitude map for the area as above.</p>	

3. Decision on environmental conditions with the last resort clause, if required by law.*
4. In the case of acting by a proxy or an attorney - a power of attorney to represent the applicant or a document confirming the granting of a power of attorney / ***original or its officially certified copy*** - *A lawyer, legal advisor, patent attorney, and a tax advisor can themselves authenticate a copy of the power of attorney granted to them and copies of other documents showing their authorization.* A document confirming the granting of a commercial power of attorney can also be a current excerpt from the National Court Register (issued in court or downloaded independently in accordance with Article 4 (4aa) from the Act on the National Court Register).
5. If the application is submitted by an entity not subject to the obligation to enter in the National Court Register - documents confirming the manner of representing the applicant
/ ***original or certified copy of the original*** by a notary public or by the party's attorney who is a lawyer, legal advisor, patent attorney or tax advisor /.

NOTE:

Documents submitted to the case file should be submitted in the original

(article 76 § 1 of the Code of Civil Procedure).

If the document required in a given case is in the files of another administrative body or entities which by virtue of law or agreement is authorized to deal with individual cases resolved by administrative decisions or issuing certificates, it is sufficient for a party to provide f an extract or excerpt from this document officially certified by that body or entity (art. 76a § 1 of the Code of Administrative Procedure).

Notaries, as well as legal representatives of the party who are lawyers, attorneys-at-law, patent attorneys, tax advisors and an authorized employee of the body conducting the proceedings to whom the document was presented are authorized to certify copies of documents (art. 76a § 2 and 2b of the Code of Civil Procedure).

6. Fees

Stamp duty:

1. For the decision on building conditions - **PLN 107** / **NOTE: *There is no stamp duty to carry out an official act, issue a certificate and permit in housing matters.***
2. For submitting a document confirming the granting of a power of attorney or proxy - **PLN 17** (does not apply to powers of attorney granted to a spouse, ascendant, descendant or sibling or when the principal is an entity exempt from stamp duty).

Stamp duty payments can be made to the bank account of the Krakow City Office (e.g. at the post office, bank transfer) or without additional fees at the branches of PKO Bank Polski SA in Krakow and at the Office's cash points. Original proof of payment of the stamp duty to be paid must be attached to the application.

ACCOUNT NUMBER - Stamp duty - 49 1020 2892 2276 3005 0000 0000

* Act of 3 October 2008 on sharing information on the environment and its protection, public participation in environmental protection and on environmental impact assessments (consolidated text: Journal of Laws of 2017, item 1405).

Regulation of the Council of Ministers of November 9, 2010 on projects that can have a significant impact on the environment (uniform text: Journal of Laws of 2016, item 71).

7. Form of consideration

Decision taken by the Mayor of the City of Krakow.

8. Time of consideration

Settlement of the case in accordance with Articles 35 and 36 of the Code of Administrative Procedure.

9. Documents obtained in the proceedings

1. Arrangements, depending on the conditions regarding the proposed investment, with:
 - a) the minister competent for health - in relation to investments located in health resorts, in accordance with separate provisions,
 - b) a competent monument preservation officer - in relation to areas and objects covered by forms of monument protection referred to in art. 7 of the Act of July 23, 2003 on the protection of monuments and the care of monuments and those included in the municipal records of monuments,
 - c) a competent mining supervision authority - in relation to mining areas,
 - d) a competent geological administration authority - in relation to documented mineral deposits and groundwater,
 - e) a staroste, as the competent body for environmental protection - in relation to areas threatened by landslides,
 - f) bodies competent for the protection of agricultural and forest land and land drainage - in relation to land used for agricultural and forestry purposes as defined in real estate management regulations,
 - g) a director of the national park - in relation to areas located within the park and its buffer zone,
 - h) the Regional Director for Environmental Protection - in relation to other areas protected under the provisions on nature protection than the mentioned in point g,
 - i) a competent road manager - in relation to areas adjacent to the road lane,
 - j) a voivode, regional marshal and staroste in terms of governmental or self-governmental tasks serving the implementation of public purpose investments referred to in art. 48 of the Act of 27 March 2003 on spatial planning and development - in relation to areas designated for this purpose in local plans, which have expired pursuant to Art. 67 of the Act of 7 July 1994 on spatial development (Journal of Laws of 1999 No. 15, item 139, as amended),
 - k) a voivode, regional marshal and staroste in terms of governmental or self-governmental tasks serving the implementation of public purpose investments referred to in art. 3, point 3 of the Act of 27 March 2003 on spatial planning and development - in relation to areas designated for this purpose in local plans, which have expired pursuant to Art. 67 of the Act of 7 July 1994 on spatial development (Journal of Laws of 1999 No. 15, item 139, as amended),
 - l) the Director of the Regional Water Management Board - in relation to:
 - projects requiring a water permit in the case of which the issuing authority is the Marshal of the Region or the Director of the Regional Water Management Board,
 - areas referred to in art. 88d par. 2 of the Act of July 18, 2001 - Water Law, regarding development conditions and land development,

- m) a competent authority of the State Fire Service and regional environmental protection inspector - in relation to:
 - any location of new plants within the meaning of art. 243a point 4 the Act of 27 April 2001 Environmental Protection Law,
 - changes referred to in art. 250 par. 5 and 7 the Act of 27 April 2001 - Environmental Protection Law, in the existing plants with increased risk or plants with a high risk of a serious industrial accident,
 - new investments in the vicinity of high-risk plants or plants with increased risk in the event of a major industrial accident where those investments increase the risk or the effects of a major accident.
- 2 Internal opinions - depending on conditions, among others:
 - Environmental Management Department (greenery, geology),
 - The Management of Municipal Infrastructure and Transport Board in Krakow (transport),
 - Security and Crisis Management Department,
 - Spatial Planning Offices,
 - a competent District Council,
 - Task Team for bicycle audits in the City of Krakow.

10. Appeal procedure

The decision can be appealed against to the Local Government Appeal Board in Krakow through the Mayor of the City of Krakow - the Architecture and Urban Planning Department of the City Office of Krakow within 14 days from the date of delivery of the decision.

11. Legal basis

1. Article 59 par. 1 and 2, art. 60 par. 1 and 1a, art. 61, art. 64 par. 2, and art. 52 and 53 par. 3-5 in connection with art. 64 par. 1 of the Act of 27 March 2003 on spatial planning and development (consolidated text: Journal of Laws of 2017 item 1073).
2. Ordinance of the Minister of Infrastructure of 26 August 2003 on the method of determining requirements for new buildings and land development in the absence of a local spatial development plan (Journal of Laws of 2003, no. 164, item 1588).
3. Ordinance of the Minister of Infrastructure of 26 August 2003 on signs and names used in the decision on determining the location of public purpose investments and in the decision on building conditions (Journal of Laws of 2003, no. 164, item 1589).
4. Art. 72 par. 3 of the Act of October 2008 on sharing information on the environment and its protection, public participation in environmental protection and on environmental impact assessments (consolidated text: Journal of Laws of 2017, item 1405).
5. Act of June 14, 1960 Code of Administrative Procedure (unified text: Journal of Laws of 2017, item 1257).
6. Act of 16 November 2006 on Stamp Duty (unified text: Journal of Laws of 2016, item 1827, as amended).

12. Additional information for the client

1. It is advisable to attach a map covering 3 times the width of the plot front in order to prepare an urban-architectural analysis to the application.
2. If the planned investment could have an impact on the bicycle transport system in the City of Krakow, the Architecture and Urban Planning Department will contact the Task Team for bicycle audits in the City of Krakow to perform a bicycle audit - in accordance with Service Order No. 2/2005 of the Mayor of Krakow of 26 January 2005.

3. Mediation can be conducted during the proceedings, if the nature of the case so allows. Mediation is voluntary.
The purpose of mediation is to clarify and consider the factual and legal circumstances of the case and to make arrangements for settling it within the limits of applicable law, including by issuing a decision. Mediation participants can include:
- 1) the authority conducting the proceedings and the party or parties to such proceedings, or
 - 2) parties to the proceedings.

Developed by:
Tomasz Libera
Date: 15.12.2017

Opinion presented by: Legal
Advisor Tomasz Dyrdycki-
Borowy Date: 15.12.2017

Approved by: Director
Jadwiga Warat-Hapońska
Date: 15.12.2017