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MUNICIPALITY
HEAD
Sochaczew

Sochaczew, 20.02.2017

PP 6733.P.1.2017

DECISION No. 1.2017

ON DETERMINATION OF THE LOCATION OF THE PUBLIC PURPOSE INVESTMENT

Pursuant to Article 104 of the *Code of Administrative Procedure* (uniform text, Journal of Laws of 2016, Item 23, as amended) and Article 50(1) and (4), Article 51(1)(2), Article 53, Article 54, Article 56 and Article 65 of the Act of 27 March 2003 on *planning and spatial planning* (uniform text, Journal of Laws of 2016, Item 778) in conjunction with Article 6(6) of the Act of 21 August 1997 on *real property management* (uniform text, Journal of Laws of 2016, Item 2147), having considered the application of 30 December 2016, supplemented on 13 January 2017 submitted by the Fryderyk Chopin Institute, ul. Tamka 43, 00-355 Warsaw on determination of the location of a public purpose investment for the project including construction of a multifunctional service complex in the field of cultural services under the name of the “International Centre for Music in Żelazowa Wola”

I HEREBY DETERMINE

I. TYPE AND LOCATION OF THE INVESTMENT:

The investment project is a service improvement structure including construction of a multipurpose service complex in the field of culture under the name of the “International Centre for Music in Żelazowa Wola” including a concert hall with 650 seats with auxiliary facilities, conference rooms, a recording studio, office floors, underground garage, on-grade parking spaces, circulation roads, system of walkways, impermeable septic tank with a capacity of approx. 30 m³, transformer station 15kV/0.4kV, electricity generator, direct access point to an adjacent county road, and other necessary accompanying structures, construction equipment and accessory structures in plots No. 82/3, 82/4, 82/5, 83/1, 83/3, 87/1, 87/3 in Nowe Mostki in municipality Sochaczew.

II. CONDITIONS AND DETAILED RULES FOR THE MANAGEMENT OF THE SITE AND ITS IMPROVEMENT PURSUANT TO SPECIAL REGULATIONS:

- 1) Account should be taken of the conditions for improvement and development of the site pursuant to the following special regulations:
 - a) Act of 7 July 1994, the *Construction Law* (uniform text, Journal of Laws of 2016, Item 290, as amended).
 - b) the Regulation of the Minister of Infrastructure of 12 April 2002 on technical specifications for buildings and their locations (uniform text, Journal of Laws of 2015, Item 1422, as amended).
 - c) the Act of 27 April 2001, the *Law on environmental protection* (uniform text, Journal of Laws of 2013, Item 1232, as amended).
 - d) the Act of 16 April 2004, on the protection of environment (uniform text, Journal of Laws of 2015, Item 1651, as amended).
 - e) the Act of 18 July 2001, the *Law on water management* (uniform text, Journal of Laws of 2015, Item 469, as amended).
 - f) the Act of 21 March 1985 on *public roads* (uniform text, Journal of Laws of 2015, Item 460, as amended).
 - g) the Regulation of the Minister of Transport and Maritime Economy of 02 March 1999 on *the technical conditions to be met by public roads and their locations* (uniform text, Journal of Laws of 2016, Item 124).



h) the Act of 03 February 1995, the *Law on protection of arable land and forests* (uniform text, Journal of Laws of 2015, Item 909, as amended).

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- i) the Act of 7 June 2001 *on collective water supply and collective discharge of wastewater* (uniform text, Journal of Laws of 2015, Item 139, as amended).
- j) the Act of 10 April 1997, *Energy Law* (uniform text, Journal of Laws of 2012, Item 1059, as amended).
- k) the Regulation of the Minister of Economy of 04 May 2007 *on detailed terms of operation of the power system* (Journal of Laws No. 93, Item 623, as amended).
- l) the Act of 24 August 1991, *on fire protection* (uniform text, Journal of Laws of 2016, Item 191).
- m) the Regulation of the Minister of Interior and Administration of 07 June 2010 *on determination of fire protection of buildings, other civil structures and sites* (Journal of Laws No. 109, Item 719).
- n) the Act of 25 October 1991 on organisation and conduct of cultural activities (uniform text, Journal of Laws of 2012, Item 406).
- o) the Regulation of the Minister of Culture and National Heritage of 15 September 2010 on health and safety at work during organization and implementation of spectacles (uniform text, Journal of Laws of 2016, Item 1814).

2) The following conditions and requirements for spatial governance and its protection are hereby established:

- a) The construction of the service complex including, among other things, a concert hall with approx. 650 seats with auxiliary facilities, conference rooms, a recording studio, office floors, underground garage is to be executed with regard to the impassable building alignment indicated in the topographic map drawn to scale of **1:1,000** contained in **Appendix 1** to this Decision.
- b) The size of the footprint of the service complex under this Decision in relation to the total site area to which it relates shall be 14.8%-20.0%.
- c) The width of the front building façade of the service complex shall be approximately 37.0 m.
- d) The height of the upper verge of the front building façade of the service complex shall be approximately 20.0 m.
- e) The roof of the service complex shall be flat with a maximum height of the roof of approximately 20.00 m and furthermore the angle of inclination of the building's roof plane of shall be 2+5°.

3) The following conditions and requirements for the protection of the environment and human health, cultural heritage and historic monuments and contemporary culture are hereby established:

- a) The proposed development must reduce felling of the existing tall stands to the necessary minimum.
- b) The proposed development must not impede the rainfall runoff during high water events of the River Utrata, nor create an additional flood risk for people and property, and in particular the following outline planning permission conditions must be taken into account under the Decisions No. 892/D/TC-U/16 of 01 December 2016, issued by the Director of the Regional Water Management Board in Warsaw, exempting from the prohibition to conduct works and operations in the area of particular flood risk.
 - The underground part of the service complex under this Decision is to be built in the form of a tanked basement.
 - It is required to apply a tanked protection both horizontal and vertical up to the altitude of not less than 78.50 m a.s.l. Kr.
 - It is necessary, with the use of appropriate technical solutions to effectively



secure the underground part of the service complex against the risk of rainwater flooding.

- It is required to maintain the present terrain in the area of particular flood risk.
 - the gradeline of the walkways, footpaths, under this Decision are to be adapted to the altitudes of the surrounding area and their surface is to be built so as to allow infiltration.
 - The construction works for the civil structures under this Decision should be conducted in the period of favourable hydrological conditions.
 - The excavated material acquired in relation to the performance of the civil works under this Decision should be moved beyond the area of particular flood risk.
 - At the stage of the construction works, the area of particular flood risk and surface waters are to be effectively protected against pollution.
 - The construction site installations should be located outside the area of particular flood risk.
 - In the period of a high water event, people and equipment are to be removed beyond the area of particular flood risk.
- c) The minimum distance from the building, civil structures and accessory structures under this Decision, from the slope crest of the field drainage system channel coming in contact with the eastern boundary of the site under this Decision, shall be 5.0 m.
- d) The total area of the underground garage and on-grade car park under this Decision may not exceed 0.5 ha.
- e) In the case of polluted storm water discharged through the closed storm drainage system into the River Utrata or with the use of landscape drainage, it is required to obtain a decision - a consent for water engineering works issued by the Governor of county Sochaczewski under the Act of 18 July 2001 *Law on water management* (uniform text, Journal of Laws of 2015, Item 469, as amended).
- f) The service complex under this Decision shall be adapted for the needs of the disabled.

4) The following conditions and requirements are hereby established for the protection of technical infrastructure and transport:

- a) Water supply - from the water service pipe to the municipality water main, to be constructed under the terms and conditions determined by the Municipal Water and Sewer Company.
- b) Discharge of domestic waste water (sewage from service activities in a public building) - to be discharged to the sealed tank of waste water under this Decision and pursuant to the provisions of specific regulations, and emptied periodically by entities with an appropriate license issued by the Head of municipality Sochaczew.
- c) Drainage of rainwater and snowmelt, rainwater and snowmelt, observing special regulations and other conditions of this Decision, to be discharged with the use of landscape drainage within the area under this Decision, into the River Utrata flowing in the vicinity of the northern boundary of the area under this Decision or into the field drainage system channel adjacent to the eastern boundary of the area under this Decision.
- d) Energy supply - from the power transformer station 15 kV/0.4 kV under this Decision, under the terms and conditions determined by the local electricity system operator. An emergency source of electrical power is to be provided in the form of an automatic electricity generator under this Decision.
- e) Heating - based on the local heat source using high-methane natural gas as the heating medium, or based on non-conventional sources of energy.

- f) Solid waste - a collection and disposal system is to be organised with the use of individual, properly marked containers intended for:



1. mixed waste intended for landfill,
2. recyclable materials,
3. organic waste intended for composting,
4. substances dangerous for the environment,

Of these categories, waste hazardous to the environment is subject to recycling by specialist units operating pursuant to special regulations, and the other is disposed within the system of waste disposal of municipality Sochaczew.

- g) Transport service - access to the public road is to be ensured through a direct access point from the adjacent county road Kożuszki Parcel - Żelazowa Wola, constructed under the terms and conditions determined by the county road manager.
- h) Private car parking spaces for workers and partly for visitors of the service complex under this Decision are to be provided in the form of an underground garage under this Decision and on-grade parking spaces with parking spaces for vehicles with a parking card for people with disabilities in accordance with the special regulations. Other parking places for visitors of the service complex are to be provided outside the area under this Decision, in accordance with the agreement between the Investor and municipality Sochaczew.
- i) A bike parking facility is to be constructed.

5) The following conditions and requirements for the protection of the interests of third parties are hereby established:

- a) In order to protect the interests of third parties, structures and construction works may be built and carried out only under the conditions provided for in Article 5(1) of the Act of 7 July 1994 *Construction Law* (uniform text, Journal of Laws of 2016, Item 290, as amended).
- b) For the location of the exit of the county road Kożuszki Parcel - Żelazowa Wola, a decision by the County Road Administration in Sochaczew is to be obtained.
- c) It is prohibited to perform the works in the manner altering the existing surface water system, and in particular in the way reversing the stormwater runoff to the detriment of the adjacent land.
- d) Upon receiving the final decision on building permit, municipality Sochaczew is obliged to bear the costs of any claims referred to in Article 36 and Article 37 in conjunction with Article 58(2) of the Act of 27 March 2003 on *planning and spatial planning* (uniform text, Journal of Laws of 2016, Item 778), where these claims result from this Decision.

III. BOUNDARY LINES OF THE INVESTMENT SITE:

The boundary lines of the investment site are indicated with the letter ABCDEFGHIJ and in red in the topographic map in scale of 1:1,000 in **Appendix 1** to this Decision.

IV. PERIOD OF VALIDITY OF THIS DECISION:

This Decision shall be valid for an indefinite period of time.

V. CONDITIONS FOR THE EXPIRY OF THIS DECISION:

1) This Decision shall expire in the following cases:

- a) another applicant obtains a building permit for the area under this Decision or
- b) prior to issuing of a building permit under this Decision, a local development plan shall enter into force, whose provisions contradict those of the Decision.



- 2) The expiry of this decision in the above cases is to be determined by decision taken pursuant to Article 162(1)(1) of the *Administrative Procedure Code* by Head of municipality Sochaczew.

VI. AUTHOR OF THIS DRAFT DECISION:

This draft Decision is drawn up by an authorised urban planner - architect Jolanta Zasuwa, M.Sc., holder of urban planning licence No. 1352/94 of 7 June 1994 issued by the former Minister of Spatial Economy and Construction.

EXPLANATORY MEMORANDUM

The Fryderyk Chopin Institute, acting by its attorney, Mr. Juliusz Marcinowski, with an application of 30 December 2016, supplemented on 13 January 2017, for determination of the location of a public purpose investment including construction of a multifunctional service complex in the field of culture under the name of the "International Centre for Music in Żelazowa Wola" including a concert hall with 650 seats with auxiliary facilities, conference rooms, a recording studio, office floors, underground garage, on-grade parking spaces, circulation roads, system of walkways, impermeable septic tank with a capacity of approx. 30 m³, transformer station 15kV/0.4kV, electricity generator, direct access point to an adjacent county road, and other necessary accompanying structures, construction equipment and accessory structures in plots No. 82/3, 82/4, 82/5, 83/1, 83/3, 87/1, 87/3 in Nowe Mostki in municipality Sochaczew.

Upon notification of the parties of the initiation of administrative proceedings in this case by public notice through the Municipality Office's notice board and the Village Office's notice board on 06.01.2017, by way of written notice No. PP 6733.P.1-1.2017 of 18.01.2017 which on 27.01.2017 was sent to the owners of the land concerned and by notice in the Public Information Bulletin published on the website of municipality Sochaczew on 05.01.2017, no requests from the concerned parties were received.

In consideration of this matter, it is concluded that pursuant to Article 50 (1) and Article 54 of the Act of 27 March 2003 on *planning and spatial planning* (uniform text, Journal of Laws of 2016, Item 778) in conjunction with Article 6(6) of the Act of 21 August 1997 on *real property management* (uniform text, Journal of Law of 2016, Item 2147), such a decision is required, and its purpose is to establish the conditions and detailed rules for land development and improvement pursuant to the provisions of the aforementioned Act and to special regulations, as the area under the application is not included in the local development plan.

Then, analysing the existing special regulations, it should be noted that in the case of a proposed site, no provision of substantive law contradicts determination of the location of the public purpose investment, and therefore in accordance with Article 56 of the aforementioned Act of 27 March 2003 on *planning and spatial planning* (uniform text, Journal of Laws of 2016, Item 778), issuance of an appropriate Decision cannot be refused. In particular, it should be stressed that:

- The area under the application is situated far from the Special Protection Areas for Birds (SPA) and Habitats (SAC) within the network "Natura 2000", and the proposed project will have any impact on this kind of areas.
- The site under the application and this Decision does not lie within the limits of any other areas protected pursuant to the Act of 16 April 2004 on *the protection of nature* (uniform text, Journal of Laws of 2015, Item 1651, as amended), nor are there any structures protected under this Act.
- The site under the application and this Decision does not lie within the limits of any other protected established under the Act of 23 July 2003 on *the protection of cultural heritage and the care of cultural heritage* (uniform text, Journal of Laws of 2014, Item 1446).

- Part of the site under the application and this Decision is situated in the area of the so-called "special flood risk" in the meaning of the Act of 18 July 2001 *Law on water management* (uniform text, Journal of Laws of 2015, Item 469 as amended), which requires to take account of the land use permit conditions under the Decision No. 892/D/TC-U/16 of 01 December 2016 of the Director of the Regional Water Management Board in Warsaw, exempting from the prohibition to conduct works and operations in the area of particular flood risk.
- The implementation of the proposed project requires no greenfield conversion requiring prior



- approvals of competent authorities in matters of agricultural land.
- Within the limits of the area under this Decision, there are no woodlands that could be appropriate to be used for non-forest purposes solely under the local development plan.
- The project under this Decision is not included, under special regulations, and in particular under the Regulation of the Council of Ministers of 9 November 2010 *on projects likely to have significant effects on the environment*, in the so-called “likely to have significant effects on the environment” projects.
- In relation to the area under the application, no substantive law obliges municipality Sochaczew’s organs to draw up a local development plan.

Therefore, upon examination of the factual and legal circumstances of the site for the implementation of the investment, in the content of this Decision, conditions are determined arising directly from the Act of 27 March 2003 on *planning and spatial planning* (uniform text, Journal of Laws of 2016, Item 778), or special regulations relating to the area under this Decision or to the scope of its determination.

The draft of this decision was agreed with the organs referred to in Article 53(4)(6), (9), (10a) and (11) of the aforementioned Act, i.e. in this case: with the Marshal of voivodeship Mazowieckie (as the competent authority in matters of self-government tasks for public investments located in areas intended for specific objectives in the local development plan of municipality Sochaczew, which has lost its binding force under the repealed Act of 7 July 1994 *on spatial management*), by decision No. OTP-Z-PP-III.4501.05.2017.JW of 03.02.2017, and with the Voivodeship Board for Land Improvement and Water Installations in Warsaw acting under the authority of the Marshal of voivodeship Mazowieckie (as this decision concerns the vicinity of the River Utrata - relevant from the point of view of the land improvement and the vicinity of the field drainage system channel), by decision No. WZMiUW.IP/SO-0231.2/17 of 01.02.2017, with Governor of county Sochaczewski (as the organ for protection of agricultural land and forests), by decision No. GN.6123.11.2017 of 01.02.2017, with the County Road Management in Sochaczew (as the manager of the county road Kożuszki Parcel - Żelazowa Wola adjacent to the area under this decision), by decision No. PZD.D2.426.12.2017 of 01.02.2017, and with the Director of the Regional Water Management Board (as this decision concerns a project that is in part situated within the area of particular flood risk, by decision No. 892/D/TC-U/16 of 01 December 2016, by the Director of the Regional Water Management Board in Warsaw, exempting from the prohibition to execute works and operations in the area of particular flood risk, still requiring to obtain a decision - a consent for water engineering works for which the competent authority is the Marshall of voivodeship Mazowieckie), by decision No. NZW/0222/95/2017/JO of 02.02.2017.

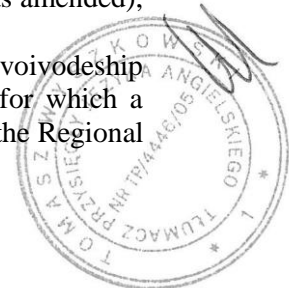
The Decision on the location of the public purpose investment is only of a preparatory character for the proceedings for issuance of a decision on a building permit and it does not authorize to start the works. Taking the foregoing into account, it has been adjudicated as in the above.

Notes

1. Pursuant to Article 28 and Article 33(2) and Article 34 of the Act of 7 July 1994 Construction Law (uniform text, Journal of Laws of 2016, Item 290, as amended) construction works in the designated area can be started pursuant to the final decision on a building permit.
2. This Decision is binding on the competent authority to issue a building permit.
3. The application for a building permit should be submitted to the Governor of county Sochaczewski together with:
 - 1) the Basic Construction Design together with opinions, arrangements and approvals by competent organizational units,
 - 2) a proof or a declaration of the right to dispose of the property for construction purposes,

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- 3) the decision of the Director of the Regional Water Management Board exempting from the prohibition referred to in Article 881(1) of the Act of 18 July 2001 *Law on water management* (uniform text, Journal of Laws of 2015, Item 469, as amended), confirmed in the extent of its binding power.
- 4) Decision - a consent for water engineering works by the Marshal of voivodeship Mazowieckie to perform works in the area of particular flood risk, for which a decision was issued exempting from the prohibition of the Director of the Regional Water Management Board, confirmed in relation to its binding force,



- 5) a possible decision - the consent for water engineering works from the Governor of county Sochaczewski (in the case of polluted storm water discharged through the closed storm drainage system into the River Utrata, into the field drainage system channel or with the use of landscape drainage),
 - 6) this Decision on determination of a public purpose investment, confirmed in the extent of its binding force.
4. This decision may be appealed by the parties through an application to the Municipal Body of Appeals in Warsaw, ul. Kielecka 44, through me within 14 days from the receipt of this Decision. An appeal against this Decision should (under pain of dismissal) contain the allegations relating to this Decision, specify the nature and scope of the appeal and indicate evidence to justify such an appeal.

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HEAD

[signature]

Mirosław Orliński, M.Sc.

Appendices:

- **Appendix 1** - the topographic map in scale of 1:1,000 with boundary lines separating the investment area and with the minimum setback
- **Appendix 2** - the urban analysis (the narrative and graphic part)

This is served:

1. Mr. Juliusz Marcinowski - the attorney of the investor-applicant,
ul. Gdańska 14 m. 15
01-691 Warszawa
2. FRYDERYK CHOPIN INSTITUTE,
ul. Tamka 43
00-355 Warszawa
3. The owners of the plots No. 82/3, 82/4, 82/5, 83/1, 83/3, 87/1 and 87/3 in Nowe Mostki in municipality Sochaczew
4. A/a.

[Reg. No.: 2017-0176; this day of 02 November 2017.

I, Tomasz Wyszowski, the undersigned sworn translator/interpreter of English, entered on the register of Minister of Justice of sworn translators/interpreters under number TP/4446/05, hereby certify that the foregoing translation complies with the **copy** of the presented **Polish** document.]

