

 **REPUBLIC OF CROATIA**

MINISTRY OF ENVIRONMENTAL PROTECTION,

PHYSICAL PLANNING AND CONSTRUCTION

 10000 Zagreb, Ulica Republike Austrije 20

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| **Physical Planning Directorate** CLASS: UP/I-350-05/09-01/133REG. NO.: 531-06-10-8Zagreb, 22 March 2010 | This location permit is effective as of 3 May 2010.In Zagreb, on 11 November 2010Senior Expert AdviserMina Plančić, B.S.Arch. |

 Pursuant to Article 115 of the Physical Planning and Building Act (Official Gazette 76/06, 38/09) and Article 2, point 3, indent 1 of the Regulation on identification of projects and structures for which the Ministry of Environmental Protection, Physical Planning and Construction issues location and/or building permits (Official Gazette 116/07), at a request submitted by the company Vodoprivredno-projektni biro d.d. Zagreb, Ulica grada Vukovara 271, acting as a proxy of Hrvatske vode Zagreb, Ulica grada Vukovara 220, the Ministry of Environmental Protection, Physical Planning and Construction hereby issues the following

**REVISED LOCATION PERMIT**

for the project: **Reconstruction of the right dike of the Sava River from the settlement of Graduša to the settlement of Selišće Sunjsko**, i.e. from app. km 16+000 to app. km 26+000, at cadastral plots of/within the cadastral municipalities of Graduša, Letina, Greda and Sunja in Sisak-Moslavina County.

The location permit Class: UP/I-350-05/06-01/0268, Reg. No.: 531-06-2-1-07-29, dated 25 April 2007, the validity of which was extended until 9 June 2011 by a Decision of this Ministry Class: UP/I-350-05/09-01/42, Reg. No.: 531-06-09-02, dated 4 May 2009, is revised as follows:

1. **In Section I, paragraph 9 is added**, which reads:

 **9. PHASED CONSTRUCTION**

The structure will be constructed in 4 phases. Separate building and use permits may be obtained for each phase. The four phases of construction works are the following:

PHASE 1 includes the section from km 0.000 to km 1+664.00 in the length of 1,664 km, and passes through land plots in the cadastral municipality of Graduša Posavska

 PHASE 2 includes the section from km 1+664.00 to km 5+876.56 in the length of 4,213 km, and passes through land plots in the cadastral municipalities of Graduša Posavska and Letina

PHASE 3 includes the section from km 5+876.56 to km 7+973.00 in the length of 2,096 km, and passes through land plots in the cadastral municipalities of Letina and Greda Sunjska

PHASE 4 includes the section from km 7+973.00 to km 10+50.80 in the length of 2,078 km, and passes through land plots in the cadastral municipalities of Greda Sunjska and Selište

1. An **INTEGRAL PART** of this revised Location Permit is the Preliminary Design “Reconstruction of the right dike of the Sava River from the settlement of Graduša to the settlement of Selišće Sunjsko”, Ref. VPB-TLD-09-0011, December 2009, prepared by Vodoprivredno-projektni biro d.d. Zagreb, Ulica grada Vukovara 271, Lead Design Engineer: Miroslav Bjelić, B.S.C.E.

**Other parts of the location permit are not revised.**

**Justification**

The applicant, Vodoprivredno-projektni biro d.d., Ulica grada Vukovara 271, Zagreb, acting as a proxy of employer Hrvatske vode, Ulica grada Vukovara 220, Zagreb, submitted/ to this Ministry an application for revising the location permit issued by this Ministry, Class: UP/I-350-05/06-01/268, Reg. No.: 531-06-2-1-07-29, dated 25 April 2007 for the project: Reconstruction of the right dike of the Sava River from the settlement of Graduša to the settlement of Selišće Sunjsko, i.e. from app. km 16+000 to app. km 26+000, at cadastral plots of/within the cadastral municipalities of Gradusa, Letina, Greda and Sunja in Sisak-Moslavina County.

**The application is justified.**

The application was supported by:

* Preliminary Design “Reconstruction of the right dike of the Sava River from the settlement of Graduša to the settlement of Selišće Sunjsko”, Ref. VPB-TLD-09-0011, December 2009, prepared by Vodoprivredno-projektni biro d.d. Zagreb, Ulica grada Vukovara 271, Lead Design Engineer: Miroslav Bjelić, B.S.C.E., which in its entirety makes integral part of this location permit;
* A proxy issued by employer Ulica grada Vukovara 220, Zagreb, Reg. No.: 352-01/06-01/678, Class: 374-1-01-06-1, dated 16 November 2006.

In the permitting procedure, the following has been identified:

1. The investor, Hrvatske vode, Ulica grada Vukovara 220, Zagreb has a legal interest in obtaining the revised location permit in accordance with the provisions of the Water Act (Official Gazette 107/95, 150/95).
2. The route of the dike or the project scope is not modified by this revised location permit.
3. This Ministry had issued the location permit Class: UP/I-350-05/06-01/268, Reg. No.: 531-06-2-1-07-29, dated 25 April 2007 for the project “Reconstruction of the right dike of the Sava River from the settlement of Graduša to the settlement of Selišće Sunjsko” on land plots in the cadastral municipalities of Graduša, Greda Sunjska and Selište in the Municipality of Sunja in Sisak-Moslavina, pursuant to Article 35, paragraph 2 of the Physical Planning Act (Official Gazette 30/94, 68/98, 61/00, 32/02 and 100/04) and provision of Articles 1 and 2, paragraph 2, sub-paragraphs 3.1.1, indent 1 of the Regulation on identification of structures of importance for the Republic of Croatia (Official Gazette 6/00, 68/03).
4. The validity of the location permit was extended until 9 June 2011 by a Decision of this Ministry Class: UP/I-350-05/09-01/42, Reg. No.: 531-06-09-02, dated 4 May 2009.
5. Pursuant to Article 115 of the Physical Planning and Building Act (Official Gazette 76/06, 38/09 – hereinafter: PPBA), the employer submitted an application for revising the location permit for the purpose of phased construction, i.e. to be able to plan the dynamics of construction phases.
6. The Preliminary Design contains a declaration by the design engineer that the design was prepared in accordance with the physical planning documents on the basis of which the location permit is issued, pursuant to Article 107, paragraph 1 of the PPBA.
7. In order to obtain the special conditions (requirements) referred to Article 106, paragraph 1, sub-paragraphs 7, 8 and 9 of the PPBA, in the permitting procedure, Hrvatske vode, Water Management Department for the Sava River Basin was given a chance to inspect the Preliminary Design in order for Hrvatske vode to give its feedback.

Having inspected the Preliminary Design, a Decision of Hrvatske vode, Water Management Department for the Sava River Basin, Class: UP/325-06/07-01/48, Reg. No.: 374-21-2-10-9, dated 22 March 2010, identifies that the water rights conditions that the project-related documents have to comply with, issued by Hrvatske vode, Water Management Department for the Sava River Basin, Class: UP/325-06/07-01/48, Reg. No.: 374-21-2-07-2, dated 15 January 2007, are applicable in their entirety.

1. Pursuant to Article 110, paragraphs 1 and 3 of the PPBA, the Municipality of Sunja was, as a party in the permitting procedure, given a chance to inspect the Preliminary Design and give its feedback.

This event took place on 5 February 2010 on the premises of this Ministry, Ulica Republike Austrije 20, Room 106/I, between 1 p.m. and 2 p.m.

A representative of the Municipality of Sunja responded to the invitation. He submitted his comments in writing, as specified in the Minutes prepared by this Ministry, Class: UP/I-350-05/09-01/133, Reg. No.: 531-06-10-5, 5 February 2010, which is attached to the file.

The comments state that the Preliminary Design for the location permit does not foresee a solution for the management of waters from the area behind the riverbank (pumping station, etc.), and that according to the words of the design engineer during the inspection, their management was not included in the Terms of Reference. It is also stated that if Hrvatske vode believes that such waters have no impact, the comment may be ignored. It is also stated that the Sunja Municipal Council will respond in writing to the Preliminary Design within the statutory deadline.

The comments also state that there are no objections to the revision of the Preliminary Design with which the phased implementation of the project is changed.

The Sunja Municipal Council did not respond in writing to this competent body within the statutory deadline.

The above objections do not refer to the scope of revision of this location permit, i.e. to phased construction.

1. The revised location permit does not change its compliance with the physical plan on the basis of which the original location permit was issued.

Based on the conducted procedure and based on the factual findings and conditions fulfilled for the application of Article 116 of the Physical Planning and Building Act, the decision as above was reached.

**Legal remedy**

 This decision is final in the administrative procedure and there may be no complaint against it. However, pursuant to Article 117, paragraph 2 of the Physical Planning and Building Act, an administrative dispute may be initiated before the Administrative Court of the Republic of Croatia in Zagreb. The administrative dispute is initiated by filing a claim within 30 days from the receipt of this decision and shall be submitted either in person or by registered post to the Administrative Court. A complaint to the minutes may also be submitted before a regular court competent for legal aid issues.

 Pursuant to Article 2, item 3.4 of the Regulation amending the rates of the Administrative Charges Act (Official Gazette 110/04), an administrative fee for this decision in the amount of HRK 2,225.00 has been paid into the State Budget account.

 HEAD

 Vlatka Đurković, B.S.Arch.

To be delivered to:

1. Vodoprivredno-projektni biro d.d. Zagreb, Ulica grada Vukovara 271 (incl. Preliminary Design)
2. Hrvatske vode, Zagreb, Ulica grada Vukovara 220 (incl. Preliminary Design)
3. Municipality of Sunja, Trg kralja Tomislava 3, 44210 Sunja (excl. Preliminary Design)
4. Files, here

Cc:

1. Urban Inspection, here (excl. Preliminary Design)
2. Administrative Department for Physical Planning and Construction of Sisak-Moslavina County, Stjepana i Antuna Radića 36, Sisak (excl. Preliminary Design)