



**THEME No 1.**

**OBJECTS, SITES AND  
MONUMENTS  
PROTECTION**

**CARD No 1.**

**GENERAL PROVISIONS FOR LAND USE  
REGULATION**

**PLANNING CODE - BOOK 1 – GENERAL PROVISIONS FOR  
LAND USE PLANNING REGULATION**

**FUNDAMENTAL PROVISIONS**

**SECTION 1 - SCOPE**

**Article D.100-1: Fields of intervention**

*(Ruling No 84-37 of 12 April 1984 ; Ruling No 95-5 AT of 19 January 1995)*

All issues relating to land use regulation in French Polynesia and especially the following areas, are ruled according to provisions of this code,

- general provisions for land use planning regulation;
- environment protection and improvement;
- construction work and subdivision;
- classified facilities;



- institutions opened to the public.

## **SECTION 2 – LAND USE PLANNING REGULATION COMMITTEE**

### **Article D.100-2: Land-use planning regulation committee**

*(Ruling No 84-37 of 12 April 1984; Ruling No 86-18 AT of 26 June 1986; Ruling No 92-220 AT of 22 December 1992)*

A land-use regulation committee is established to the council of ministers of French Polynesia. A ruling of the council of ministers sets up its composition and operational rules.

Consultation of this committee is requested for development plans and documents as well as those regulatory relating to issues listed in article D.100-1. It is also referred to for special files under the provisions of this code.

It submits to the council of ministers appointment of specialised committees required for implementation of these provisions. Members of those committees may not be members of the committee.

## **SECTION 3 – HARMONISED MANAGEMENT OF PLANNING AND DEVELOPMENT ACTIONS**

### **Article D.100-3:**

*(Ruling No 95-5 AT of 19 January 1995)*

Islands and lagoons of French Polynesia are part of its heritage. They are managed and guaranteed by local authorities for any issues that fall within their jurisdiction.

In order to improve environment, economically manage land, insure protection of natural environment and landscapes as well as community security and sanitation, and promote balance between current and future populations living in urban and rural areas, local authorities must harmonise their land-use planning and decisions.

## **TITLE 1- ESTABLISHMENT AND SETTING UP OF LAND USE PLANS**

### **Article D.110-1: Plans and documents**

*(Ruling No 84-37 of 12 April 1984)*

Development plans and documents established according to knowledge of natural areas, constructed, human and economic of the territory to which they are applied, aim to guide, coordinate and regulate private and public sectors developments based on trends, plans and recognised wills.

## **CHAPTER 1- LAND USE PLANS**



**Article D.111-1: Land use plans**  
(Ruling No 84-37 of 12 April 1984)

Development plans are:

- General Urban Development Scheme or S.A.G.E.;
- General Urban Development Plan or P.G.A.;
- Detailed Urban Development Plan or P.A.D.

**Article D.111-2: Scope**

(Ruling No 84-37 of 12 April 1984 ; Ruling No 86-18 AT of 26 June 1986 ; Ruling No 96-73 APF of 5 June 1996)

Land use plans apply to parts or groups of subdivisions, communes, associated communes.

Territorial entities without land use plans are regulated, for areas provided for in article D.100-1 by all general provisions of other books of the land use code.

**Article D.111-3: General Urban Development Scheme (S.A.G.E.)**

(Ruling No 84-37 of 12 April 1984)

The General Urban Development Scheme or S.A.G.E. draws the land use planning general framework, and sets essential elements according to economic and social development policy.

Specific schemes of specialised public equipment distribution or private investments of general interest and any necessary element of synthesis may be added to it.

The General Urban Development Scheme may indicate parts of the territory where to establish General Urban Development Plans or Detailed urban Development Plans.

**Article D.111-4: General Urban Development Plan (P.G.A.)**

(Ruling No 84-37 of 12 April 1984 ; Ruling No 92-220 AT of 22 December 1992 ; Ruling No 95-9 AT of 19 January 1995)

General Urban Development Plan or P.G.A. sets up elements requested for a territorial entity development. There are graphic documents, regulation together with a supporting report.

Graphic documents determine:

- land distribution in areas according to allocation, building density and easements of each area;
- layout of main roads to keep, modify or create, with their category, width and characteristics;



- appointed locations for equipments, main community facilities and public spaces;
- indication of natural spaces to maintain, develop or protect;
- eventually, preliminary drafts for water supply, power supply, sanitation and various other nets.

Regulation sets rules, building densities and easements according to land use, justified by the character of the area, site or agglomeration or general or local necessities. It may include prohibition of building and sets up priority in planned equipment and facilities building.

General urban development plan sets up parts of the land where detailed urban development plans are to be established and sets up limits within which these detailed urban development plans may give minor modifications. A schedule of planned operations defining their priority may be annexed just for information.

In order to ensure a formal coherence between different documents developed by communes, the council of ministers may with an order set up, a regulation framework with legend of elements and easements to transfer on graphic documents.

#### **Article D.111-5: Detailed Urban Development Plan (P.A.D.)**

*(Ruling No 84-37 of 12 April 1984 ; Ruling No 95-9 AT of 19 January 1995)*

The detailed urban development plan or P.A.D. sets up, according to necessities suitable to concerned sectors or area:

With the help of graphic documents:

- specific allocation types or areas, with their conditions of use of the land;
- layout of all transportation routes, with every required detail;
- appointed locations for equipments, main community facilities and public spaces;
- block plan of building volume, if required
- eventually, preliminary drafts for water supply, power supply, sanitation and various other nets.

With a regulation:

- regulations and easements of land use and construction;
- eventually, planning of operations planned for the plan, setting up their priority, for information.

Together with a supporting report.

#### **Article D.111-6: Provisions relating to environment protection**

*(Ruling No 84-37 of 12 April 1984 ; Ruling No 95-9 AT of 19 January 1995)*

Urban development plans must contain graphic and regulatory provisions relating to sites and monuments protection, and in general to environmental protection. These measures may lead to creation of total nature preserves.



Also:

- protection areas and their specific easements;
- rights of air;
- technical obligations regarding land shaping, road network, various networks, and sanitation.

The supporting report analyses, according to environment sensitivity, initial state of the site and of the environment and impact of implementation of the urban development plan on their evolution, and provisions taken for their preservation and improvement.

## **CHAPTER 2- PRESERVATION MEASURES PRIOR TO APPROVAL OF URBAN DEVELOPMENT PLANS**

### **Article D.112-1**

*(Ruling No 2000-85 APF of 8 August 2000)*

When establishment of an urban development plan is ordered or when review of an enforced plan has been ordered, the President of the government after notice of the mayor, may decide to direct a stay of execution of the decision relating to requests for building works or subdivisions that would endanger or increase the costs of accomplishment of the future plan.

### **Article D.112-2**

*(Ruling No 2000-85 APF of 8 August 2000)*

From publication of the order relating to establishment of the urban development plan to the order submitting the plan draft to public enquiry, the works of the local development committee must explain why the decision has to be directed a stay of execution.

From publication of the order submitting P.G.A. or P.A.D. draft to public enquiry, decisions directed provisions written in the said plan draft only may explain a stay of execution.

### **Article D.112-3**

*(Ruling No 2000-85 APF of 8 August 2000)*

The decision to differ the decision may not exceed 2 years. However, it may be renewed once for one year. At the end of this period and upon requisition, with registered letter, of the concerned, the authority in charge of delivering the authorisation must make a decision within the conditions and period required in the matter.



## **CHAPTER 3 - ESTABLISHMENT, URBAN DEVELOPMENT PLANS REVIEW**

### **Article D.113-1: General Urban Development Scheme (S.A.G.E.) development and approval**

*(Ruling No 84-37 of 12 April 1984 ; Ruling No 86-18 AT of 26 June 1986 ; Ruling No 95-175 AT of 26 October 1995)*

General Urban Development Scheme establishment or review is made by order of the council of ministers after notice of the land-use regulation committee (C.A.T.).

General Urban Development Scheme projects including all the administrative, economic, social, cultural, natural and artificial aspects of parts of the territory to which they apply are subjected to the approval of the land-use regulation committee, then, after order of the minister in charge of development planning, place open for public inspection for one month at the Service de l'urbanisme and its subdivisions, in city halls, and administrative divisions.

Decision sets up date from which general urban development scheme projects are placed open for public inspection and procedures for consulting. Publication of the decision is made through newspapers and radios at least fifteen (15) days prior to the planned date for the beginning of the consulting and for eight (8) calendar days.

Then they are submitted to advisory opinion of the concerned municipal council, who, if it has not given it opinion within three months is deemed to have given approval of the planned provisions.

Then the complete file is transmitted for deliberation at the Territorial Assembly.

### **Article D.113-2: Development (or review) and approval process of General Urban Development Plan and Detailed Urban Development Plan**

*(Ruling 84-37 of 12 April 1984 ; Ruling No 86-18 AT of 26 June 1986 ; Ruling No 92-220 AT of 22 December 1992 ; Ruling No 95-5 AT of 19 January 1995 ; Ruling No 2000-85 APF of 8 August 2000)*

§.1.- Either the Service de l'urbanisme, or a jurist or an institution qualified in development matter, develop or review urban development plans projects, under the joint supervision of the Service de l'urbanisme and of the commune or of the associated communes.

§.2.- On proposal by the minister in charge of urban planning and after request or approval of the concerned municipal council(s), establishment or review of the general urban development plan and of the detailed urban development plan is directed by order of the council of ministers.

This order also establishes a local land-use committee which composition is set up upon proposal of the concerned mayor(s).



It is presided by the mayor, if there is only one commune concerned by the study or by a mayor chosen by and amongst mayors of concerned communes.

This committee with the help of representatives of designated communes is in charge of insuring consultation between the populations, various socio-economics sectors of the community, concerned technical departments and technicians is charge of studies.

The local land-use committee sets up policies of the plan. It is updated for development of studies and is entitled to make any proposal on projects that are submitted, of which the scope of preservation measures.

It stops the project that must comply with the existing corresponding general urban development scheme, if any, or if not to the territorial interest options provided for by the council of ministers.

§.3.- Following examination, the municipal council submits the project to the opinion of the land-use committee. The president of the government submits it to the public enquiry. The municipal council(s) discusses it for approval. If they have not given their opinion within two months, they are deemed having given a favourable opinion to the planned dispositions. Following approval by the municipal council(s), the general urban development plan or detailed urban development plan is approved by order of the council of ministers within two months following receipt of the deliberation.

As soon as the plan is enforced, the communal administration is in charge of publishing it, so that the public is informed of these provisions.

§.4.- Development of general urban development plan and detailed urban development plan may not exceed three years. Following this period, approval process may continue only if the general urban development plan and detailed urban development plan have been submitted to public enquiry.

Otherwise, an order of the council of ministers may direct the development to stop or eventually to restart the process for three years.

#### **Article D.113-3: urban development plan carry out**

*(Ruling No 84-37 of 12 April 1984 ; Ruling No 95-5 AT of 19 January 1995)*

Order enforcing urban development plans constitutes public convenience declaration for carrying out all public infrastructures and equipment planned in urban development plans.

#### **Article D.113-4: Public investigation waiver**

*(Ruling No 84-37 of 12 April 1984)*

Order enforcing urban development plans waives prior public investigation to classifying and declassifying public roads and spaces subjected that they state category they must enter.

#### **Article D.113-5: Development plans review**



*(Ruling No 95-5 AT of 19 January 1995)*

§.1.- Without prejudice to rectification, update or compliance procedures provided for in articles D.113-6 to D113-8, and without necessity to implement general interest operations of urgency, review of a general urban development plan or detailed urban development plan may not intervene within 3 years from its approval or prior review.

§.2.- Prior to expiry of a period of 10 years from its approval or prior review, a statement of general urban development or detailed urban development statement will be given in order to review if the evolution has established needs or is not a review. This statement will be subjected to a proceeding of concerned municipal council(s) following opinion from the territory land use committee.

### **Article D.113-6: Urban development plans rectification**

*(Ruling No 95-5 AT of 19 January 1995)*

§.1.- Urban development plan rectification means some minor rectifications that do not call into question the general economy of the plan, such as adaptation of delimitation of areas subsequent to establishment of a renewed cadastre or cancellation or reduction, at its request, of a land reserved for public facilities, while the land is yet to be bought for that, or layout of some roads elements planned because of some land opportunities in accordance to concerned owners.

The concerned municipal council(s) may suggest directly or not these rectifications and submit them to the opinion of the land-use planning committee. Proceedings are made according to provisions of article D.113-2-§.3, public investigation being of urban development plan rectification.

§.2.- Urban development plan rectification means also setting up of areas for implementation of pre-emptive right or compliance to handicapped persons access regulations, according to respective provisions of chapters 1 and 2 of title 3 of this book.

Without prejudice of particular provisions of preparation falling within the competence of the concerned regulations, the concerned municipal council(s) may suggest directly or not these rectifications and submit them to the opinion of the land-use planning committee.

Proceeding is made in compliance with provisions of article D.113-2-§.3, investigation being both of establishment of the area and plan rectification.

§.3.- When after expiry of the period provided for in article D.114-1, the public institution or establishment has not bought the land reserved for public facilities, this reserve must be immediately and directly cancelled from the plan (following operation is subjected to a new public utility statement).

A municipal order from the mayor states cancellation of the reserve and requalification of the concerned land for plan zoning. This order, with copy of the rectified plan is then sent to the service de l'urbanisme.





### **Article D.113-7: urban development plan update**

*(Ruling No 95-5 AT of 19 January 1995)*

Urban development plan update is transfer of this plan of elements instituted or modified after approval:

- a- protected area boundary instituted around a listed site or monument in application of provisions of title 3 of this book;
- b- slum clearance;
- c- comprehensive planning area boundaries;
- d- various administrative easements, protection wireless easements and airspace easements included;
- e- water catchments, springs or boring protective areas, for water supply.

An order from the concerned mayor states in each case update of the plan. This order, with copy of the updated plan is sent to the service de l'urbanisme.

### **Article D.113-8: urban development plan compliance**

*(Ruling No 95-5 AT of 19 January 1995)*

When a general interest operation, falls within the competence of the territory or the State or one of their public institution does not comply with an approved urban development plan, it must be the subject of a prior consultation with municipal council(s) in order to determine developments to make to the said plan.

Following opinion of the municipal council(s), deemed favourable after a two months period from receipt of the application these developments are submitted to opinion of the land-use planning committee. Proceedings are made complying with provisions of article D.113-2-§.3.

However, public investigation must be both on common public interest and development plan compliance.

## **CHAPTER 4 – URBAN DEVELOPMENT PLANS ENFORCEMENT MEASURES**

### **SECTION 1 – GENERAL CONSIDERATIONS**

#### **Article D.114-1: Land or estate management interventions –lands, reserved for public facilities**

*(Ruling No 84-37 of 12 April 1984)*

Any land or estate intervention, public or private to undertake within an area covered by the urban development plan, may not be carried out if it does not comply with this plan.

The owner of the land reserved for public facilities may ask the public authority or institution, for which this land is reserved, to proceed to buy the said land before



expiry of a period of 3 years from the day of its application, eventually extended for one year.

Cost estimates and payments methods proceedings are those generally governing any lands acquisition and except for amicable agreement, the owner takes back free disposition of his land.

**Article D.114-2: Easements**

*(Ruling No 84-37 of 12 April 1984)*

Rights to indemnity are subjected to provisions regarding subdivisions, easements established under implementation of this code regarding road works, hygiene, aesthetics or for other matters and especially sites and monuments protection, land use, buildings height, built-up area and non built-up area proportion in each property, prohibition of building in some areas and next to some roads, buildings distribution between various areas and any other easements,

**Article D.114-3: Implementing measures**

*(Ruling No 84-37 of 12 April 1984)*

Development plans implementing measures are mainly:

- setting up of reserved areas;
- carrying out of public infrastructures and equipments;
- prior approval and building permits;
- jointly planned operations;
- owners associations and unions creations;
- permit to parcel up lands.

**Article D.114-4: Reserved areas**

*(Ruling No 84-37 of 12 April 1984 ; Ruling No 95-5 AT of 19 January 1995)*

it is the responsibility of relevant public institutions and corporations to set up reserved areas for implementation of development plans.

These areas may be set up:

- gifts and bequests;
- amicable purchase;
- land exchange;
- pre-emptive right;
- compulsory acquisition
- and any other mean complying with current legislation and regulation.

**Article D.114-5: - Carrying out of public infrastructures and equipments**

*(Ruling No 84-37 of 12 April 1984)*



Development plans must indicate public services infrastructures and equipments required to evolution of the concerned territory and their priority order.  
Long-term required equipments and infrastructures may be indicated and processed as reserved areas.

