



Regional development studies

The EU compendium of spatial planning systems and policies **Austria**

Belgium
Denmark
Germany
Greece
Spain
France
Ireland
Italy
Luxembourg
The Netherlands
Austria
Portugal
Finland
Sweden
United Kingdom



European Union

Regional policy

Regional development studies

**The EU compendium
of spatial planning
systems and policies
Austria**

European Commission

Already published in the series 'Regional development studies'

- 01 — Demographic evolution through time in European regions (Demeter 2015)
- 02 — Socioeconomic situation and development of the regions in the neighbouring countries of the Community in central and eastern Europe
- 03 — Les politiques régionales dans l'opinion publique
- 04 — Urbanisation and the functions of cities in the European Community
- 05 — The economic and social impact of reductions in defence spending and military forces on the regions of the Community
- 06 — New location factors for mobile investment in Europe — Final report
- 07 — Trade and foreign investment in the Community's regions: the impact of economic reform in central and eastern Europe
- 08 — Estudio prospectivo de las regiones atlánticas — Europa 2000
Study of prospects in the Atlantic regions — Europe 2000
Étude prospective des régions atlantiques — Europe 2000
Estudo prospectivo das regiões atlânticas — Europa 2000
- 09 — Financial engineering techniques in regions covered by Objectives 1, 2 and 5b of the Community regional policies
- 10 — Interregional and cross-border cooperation in Europe
- 11 — Estudio prospectivo de las regiones del Mediterráneo Oeste
Évolution prospective des régions de la Méditerranée-Ouest
Evoluzione delle prospettive delle regioni del Mediterraneo occidentale
- 12 — Valeur ajoutée et ingénierie du développement local
- 13 — The Nordic countries — What impact on planning and development in the Union?
- 14 — Development prospects of the central Mediterranean regions (Mezzogiorno-Greece)
- 15 — The spatial consequences of the integration of the new German *Länder* into the Community
- 16 — The impact of the development of the countries of central and eastern Europe on the Community territory
- 17 — Étude prospective des régions de l'arc alpin et périalpin
Studio delle prospettive delle regioni dell'arco alpino e perialpino
- 18 — The prospective development of the northern seaboard
- 19 — L'impact sur le développement régional et l'aménagement de l'espace communautaire des pays du sud et de l'est méditerranéen (PSEM)
- 20 — Evolución prospectiva de las regiones interiores (y de los espacios rurales de baja densidad de población en la Comunidad)
Évolution prospective des régions intérieures (et des espaces ruraux de faible densité de population de la Communauté)
- 21 — The regional impact of the Channel Tunnel throughout the Community
- 22 — Prospects for the development of the central and capital cities and regions
- 23 — La notoriété des politiques régionales en Europe
- 24 — Cohesion and the development challenge facing the lagging regions
- 25 — In den Regionen für die Regionen Europas — Über die Aneignung eines neuen gewerkschaftlichen Arbeitsfeldes
At regional level on behalf of Europe's regions — Developing a new field of trade union activity
Agir dans les régions pour l'Europe des régions — Un nouveau champ d'activités syndicales
- 26 — The impact of structural policies on economic and social cohesion in the Union 1989–1999
Die Auswirkungen der Strukturpolitik auf die wirtschaftliche und soziale Kohäsion in der Union 1989–1999
L'impact des politiques structurelles sur la cohésion économique et sociale de l'Union — 1989-1999
- 27 — Community involvement in urban regeneration: added value and changing values
- 28 — The EU compendium of spatial planning systems and policies
- 29 — Economic and social cohesion in the European Union: the impact of Member States' own policies

A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (<http://europa.eu.int>) and the Inforegio website (<http://inforegio.cec.eu.int>).

Cataloguing data can be found at the end of this publication.

Luxembourg: Office for Official Publications of the European Communities, 2000

ISBN 92-828-2686-4

© European Communities, 2000

Reproduction is authorised provided the source is acknowledged.

Cover photos: Parliament, Vienna — Hallstatt village, Dachstein Mountains, Austria

Printed in Italy

Preface

Each year, the Directorate-General for Regional Policy of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicising research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinions of those responsible for carrying out the study.

Contents

COMPENDIUM'S OBJECTIVES	11
A. OVERVIEW OF PLANNING SYSTEMS	15
Summary	15
Context and principles	18
Constitution, legislation and judicial system	18
Development process and market circumstances	20
Economic development	21
Environmental policy	22
European Union	23
Flexibility	23
Government structure and powers	24
Land policy and land quality/building quality	26
Plan led/development led	28
Political priorities	28
Political system, administrative system and public participation	30
Administrative system/technical system	31
Population and statistics	32
Sectoral policy	32
Trends	33
Central power/local power	33
Flexibility/certainty	34
Government structure	34
Policy	34
B. MAKING AND REVIEWING PLANS AND POLICIES	35
Summary	35
Policy institutions	37
Federal government (national government)	37
State government	41
Local government (municipality)	43
Other organisations	43
Policy instruments	44
Federal (national) level	44
State level	47
Local level	56
Development rights	62
C. REGULATIONS AND PERMITS	65
Summary	65

Main permit	66
Application for the permit	68
Processing a permit	68
Conditions relating to the permit	70
Rights of appeal	71
Other permits	71
Exceptions	73
Departure from plan/changes to plan	74
Enforcement procedures	74
Area of regulation	74
Unauthorised use and development	74
Regulation and development illustrations	74
Commercial development proposal: shopping centre in St Pölten, Lower Austria	74
Housing development proposal: town house complex in Wels, Upper Austria	77
Industrial development proposal: technology centre in Wiener Neustadt, Lower Austria	78
Major infrastructure proposal: Kreuzberg-Mauth power station, Salzburg (<i>Land</i>)	79
D. AGENCIES AND MECHANISMS FOR DEVELOPMENT AND CONSERVATION	85
Summary	85
Development	87
Regional economic development	87
Local economic development	93
Urban regeneration	94
Public sector development policies	95
Major infrastructure	96
Partnerships	97
Tourism development	97
Rural development	98
Special agencies	98
Protection of the environment/conservation	99
Countryside conservation	99
Environmental conservation	99
Alpine planning	100
Urban conservation	100
Preservation and conservation of historic buildings	101
Resource planning	101
E. OVERVIEW OF SPATIAL PLANNING IN PRACTICE	103
National level	104
<i>Land</i> level	105
Regional level	105
Municipality level	106
F. POLICIES AND ISSUES	109
Agriculture	109
Commercial development	110
Economic development	111
Environmental management	113
Heritage	114
Housing	115
Industrial development	116
Leisure and tourism	117
Natural resources	119
Transport	119
Waste management and pollution	120
APPENDICES	
Appendix I. Glossary	123
Appendix II. Acronyms and abbreviations	139
Appendix III. Addresses	143
Appendix IV. Sources	147

List of Tables

Table A1	Population, area, number of districts and municipalities in the <i>Länder</i> (States), 1991	32
Table A2	Size of districts and municipalities by population in the <i>Länder</i> (States), 1991	33
Table B3	The Austrian system of spatial planning	36
Table B4	Planning instruments of the <i>Länder</i> (States)	48
Table B5	<i>Landesraumordnungsprogramme</i> (State development plans)	49
Table B6	<i>Regionale Raumordnungsprogramme</i> (regional development plans) of the <i>Länder</i> (States) (valid at present)	51
Table B7	State-wide sectoral planning	53
Table B8	Measures with territorial reference and with spatial impact at the State level	55
Table B9	Minimum content of <i>Räumliche Entwicklungskonzepte</i> (local development schemes)	57
Table B10	Zoning categories for building land in the <i>Länder</i> (States) (excluding Vienna)	59
Table B11	Minimum content of <i>Bebauungsplan</i> (building regulation plans) (excluding Vienna)	61
Table D12	Innovation centres, transfer centres and economic assistance agencies	90
Table D13	Subsidies with reference to regional policy goals, 1990 to 1992	93
Table F14	Components of incomes in agriculture, 1993	110
Table F15	Regional development 1961-86 in Austria	112
Table F16	Distribution and increase of types of dwellings in Austria	115

List of Figures

Figure A1	System of concepts used	15
Figure A2	Administrative structure of Austria	18
Figure A4	Levels of government	25
Figure B6	Instruments of planning with territorial reference (overview)	37
Figure B10	Planning instruments of the municipalities in their autonomous competence	57
Figure C13	Building permit procedure	69
Figure C14	Appeal procedures	72
Figure C15	Requirements for a building permit	73
Figure D16	Innovation centres, transfer centres and economic assistance agencies	89
Figure D17	Organisation of the tourist industry in Austria	97
The following figures are at the end of this document:		
Figure A3	The main elements of the spatial structure	149
Figure A5	Population change 1981-91	150
Figure B7	Assisted areas	151
Figure B8	Section out of the <i>Regionales Raumordnungsprogramm Niederösterreich-Zentralraum</i> (regional development plan for the central region of Lower Austria)	152
Figure B9	Section out of the <i>Landesverkehrskonzept (State transportation scheme) of Lower Austria</i>	153
Figure B11	Section out of a <i>Flächenwidmungsplan</i> (zoning plan)	154
Figure B12	Section out of a <i>Bebauungsplan</i> (building regulation plan)	155
Figure F18	Growth of the number of dwellings between 1971 and 1991 (as % of 1971 figure)	156
Figure F19	Locations of industrial employment in Austria	157



Compendium's objectives

The compendium is made up of numerous documents. The main volume is the *Comparative review of systems and policies (Regional development studies — Study 28)* which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by sub-contractors in each Member State, which is also published in individual country volumes (*Regional development studies — Study 28A to Study 28P*). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU.

The Informal Council of Ministers for Regional Policy and Planning confirmed in 1992 the need for a compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the compendium is to provide information in order to improve understanding of the variety of approaches.

Form and content

The principles that have guided the preparation of the compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross reference one section with similar material in other volumes;
- respond to the different needs of the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;

- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer format.

Level of detail

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with unnecessary detail. The panel of experts has been most helpful in determining where more or less (or clearer) explanation is required. The compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the compendium for Member States will vary.

The compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

Regional variations

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases, to avoid unnecessary complexity and research, the approach agreed with the sub-contractors and Commission was to provide a full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than for others. Inevitably some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

Structure

The compendium is published in two parts. The first comprises a country volume for each Member State on systems and policies. The second part comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The country volumes of the compendium, covering systems and policies, include four main sections.

A: Overview

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at trans-national, national, regional and local levels.

B: Making and reviewing plans and policies

This is an explanation of the instruments which are used to guide spatial planning at national, regional and local levels, and the procedures which are used in their formulation.

C: Regulations and permits

This section provides an explanation of the types of regulation and permit systems predominantly used to control land use change, and the procedures by which they are sought, granted and enforced.

D: Agencies and mechanisms for development and conservation

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulations, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage.

Each volume on systems and policies for the Member States follows the same format. Each Member State's volume also includes other sub-headings which help to structure the content relevant to that particular country.

Language and terminology

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are printed in italics. When first used these terms should be accompanied by a very brief explanation of the meaning of the term (if this isn't evident from the text). The explanation is repeated if necessary at the first mention in later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translations of terms have been avoided because this gives rise to considerable ambiguity. For example the Danish term *lokalplaner* can be literally translated into English as 'local plan', but the UK local plan is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

Scope and content

The content of the compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land use and development issues which have spatial implications'. In the words of the brief, the compendium is concerned with

'spatial planning and development in the widest sense (strategic, regional and physical land use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national, regional and local levels of government. Other

closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the [land use] planning system.'

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable variation in what is considered as part of the spatial planning system in different Member States. One benefit of the compendium is that it helps us to understand these differences.

Benchmark date

Because of the need for the compendium to provide comparative information in a rapidly changing world, a benchmark date was set of 1 January 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent changes. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas. In cases where there has been significant change since the benchmark date, this is noted in the text. Future updating and revisions of the compendium will address these points.

Authors

The Austrian volume of the compendium on spatial planning systems and policies has been prepared by Mr Friedrich Schindegger (project management) and Mrs Petra Winkler, Austrian Institute for Regional Studies and Spatial Planning, A-1010 Vienna, Franz-Josefs-Kai 27, Tel. (43-1) 533 87 47. The translation into English was done by Mrs Edith Vanghelof, A-1140 Vienna, Beckmannngasse 13/5, Tel. (43-1) 290 01 73.

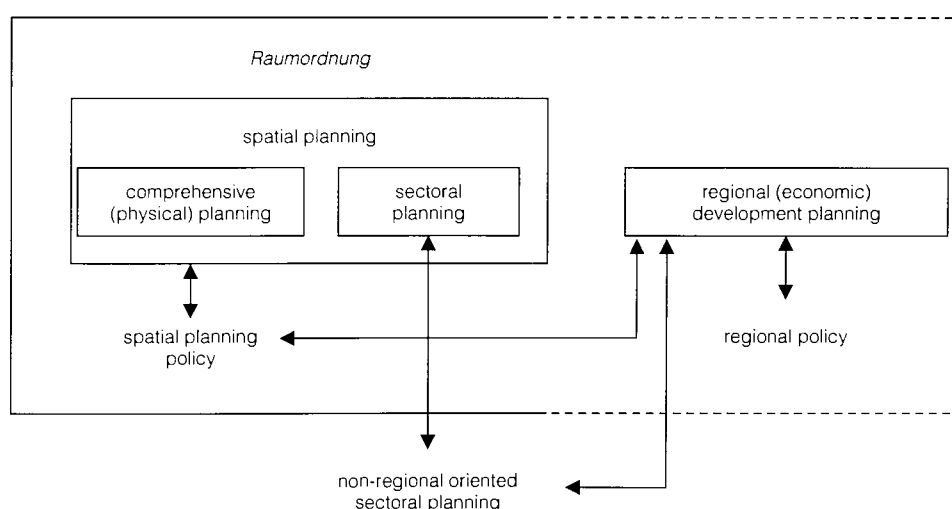
A — Overview of planning systems

Summary

A1. Austria is a federation of nine states (including Vienna) and has roughly 2 300 municipalities. Political representation and policy-making take place on three levels: *Bund* (federal government), *Land* (state) and *Gemeinde* (municipality). This also applies to spatial planning. Spatial planning is a national task which is performed in coordination by the federal government, states and municipalities together, although this is not explicitly regulated in the constitution (of 1929). The present legal situation is based essentially on the distribution of powers laid down by the *Verfassungsgerichtshof* (Constitutional Court) in 1954, which has the ranking of constitutional law.

A2. Initially, it is appropriate to give an explanation of the concept *Raumordnung* (approximating to spatial planning or regional planning) because even within the German-speaking world it has different meanings. *Raumordnung* as used here means the entirety of measures by public territorial authorities of both regulatory measures and public expenditures (see A4), which are aimed at forming the common territory according to certain political goals. This refers in particular to economic, social, cultural and environmental conditions. *Raumordnung* comprises thus not only the planning of land use but also the execution of all those measures with territorial and spatial impact that influence the nature of the spatial development of a territory.

Figure A1: System of concepts used



A3. According to the decision of the Constitutional Court, comprehensive (or physical) spatial planning in legislation and execution is the autonomous responsibility of the states, with the significant restriction that the express powers of the federal government regarding important sectoral measures and planning activities with territorial reference remain intact. Among the latter are, for example, railways, the supra-regional road network, forestry and laws relating to water. The consequence in practice is that the federal government and the states both carry out parallel activities related to spatial planning. Local spatial planning is mentioned in the constitution (since 1962) under the tasks that are the autonomous sphere of competence of the municipalities. There is no political representative body responsible for the region, the functional spatial level between state and municipality, since the *politische Bezirke* (districts) are purely administrative entities. Responsibility for spatial planning at the regional level lies with the states.

A4. A factor of great significance for spatial planning policies is the fact that all territorial authorities i.e. *Bund* (federal government), *Länder* (states) and *Gemeinden* (municipalities) also have, in addition to the tasks of sovereign territorial administration mentioned above, the power to implement measures in the sphere of public business administration for which there are no competence limits. Measures of the regulatory branch of public administration are binding ordinances issued by authorities in executing public law (e.g. decrees that define protected zones). Measures of public business administration cover economic activities of territorial authorities acting within the scope of private law (e.g. land purchases, investment incentives). This is especially important in the sphere of regional economic promotion. The federal government and the states (in part also the municipalities) both carry on parallel promotional activities to encourage private investment with the support of diverse programmes and, since the 1980s, have been partially coordinated.

A5. In this situation it is usually not only the existence of plans and programmes for spatial planning and development that is relevant for the attainment of certain spatial planning policy goals, but also the power of the competent planning body to accomplish goals or the acceptance of these by sectoral policy-making institutions responsible for implementation (e.g. one of the guidelines of the *Regionales Raumordnungsprogramm* (regional development plan) is improvement of linkages to transportation networks, but the ministry responsible for building national roads is not bound by this guideline). Therefore, legally binding plans and programmes of spatial planning can only be implemented in practice if a political consensus (also between the levels) is achieved. Often legally binding programmes are replaced by discretionary schemes which are intended as frameworks for ad hoc solutions to be sought in individual cases.

A6. Spatial planning and regional policy belong together in Austria, at least that is the intention. The close correlation of both concepts can be explained by the spatial structure of Austria. In this small country with a high percentage of mountainous areas, a diverse economic structure compressed into a very small geographical area, and dependency on conditions beyond its borders (46 of 99 districts are at the country's borders) it is difficult to clearly separate tasks related to regional and development policy by territory or sectors. This close connection of spatial planning and regional policy is only sometimes taken into consideration in practice. Both fields of responsibility have a trans-sectoral dimension (i.e. they refer to several sector areas), but are at the same time weak in comparison with established specialised fields of responsibility.

A7. In summary the basis for spatial planning policy may be characterised as follows: in spite of the formal competence for comprehensive spatial planning of the states, these must rely on the cooperation of the federal government because several federal ministries have powers over important areas of spatial planning measures. The coordina-

tion of these measures within the federal government is weak and no sufficient statutory basis exists to support it. The spatial planning activities of states are implemented mainly through building regulations connected to these activities. Responsibilities for building regulations rest with the *Bürgermeister* (mayors) of the municipalities. The range of spatial planning measures which are available to the states that extend beyond building legislation, are meagre in comparison. Due to their extensive autonomy the municipalities are in competition with each other in the field of spatial planning rather than seeing each other as partners. Inter-communal cooperation in spatial planning matters is not the custom.

A8. Spatial planning and regional policy have developed in Austria over the past 40 years out of pragmatic demands. It grew out of political necessity and is not based on national aims set out by the federal government. The main outcome of the spatial planning laws of the states was first and foremost the obligation of the municipalities to set up zoning plans. The states themselves give laws relating to the implementation of supra-local spatial planning extensive freedom — there are no implementation obligations. On the one hand this made it possible to adapt flexibly to changing demands and, on the other, it led to the situation in which no spatial planning on a supra-local level exists for large parts of the country's territory. For the important areas of planning measures with territorial implications for railways and national roads (competence of the federal government) there is no statutory planning obligation (at federal level).

A9. In a country organised as a federation which has such a fragmented and sensitive power structure, it would in practice only be possible to make changes to the distribution of competence based on a political consensus at all levels. Several attempts to iron out the competence situation in the area of spatial planning have failed. In order to meet the need for closer cooperation among the three levels of territorial authorities in spite of this and to create a platform for spatial planning

at a national level, the *Österreichische Raumordnungskonferenz*, (*ÖROK*) (Austrian Conference on Regional Planning) was established. It is based on a voluntary political agreement between the partners: federal government, states and municipalities. Its main responsibilities lie in the production of a national scheme for spatial planning as well as a mutual basis for planning work. These range from small scale population forecasts to definitions of common regional assisted areas. The coordination of individual planning work or projects is not carried out within the framework of the *ÖROK*. The *ÖROK* is also the platform for the domestic coordination of schemes and programmes for European spatial planning and development policies.

A10. Since the federal government does not have the competence for comprehensive (physical) planning, no ministry for *Raumordnung* (spatial planning) exists at the federal level. The diverse sectoral planning activities with territorial implications are the competence of the corresponding federal ministries, whereby individual tasks are delegated in part to the states. The *Bundeskanzleramt* (Federal Chancellery) is responsible for coordinating *Raumordnung* at the federal level (planning activities and measures with territorial implications of federal ministries), for coordinating *Raumordnung* with the states as well as for its own tasks in fields that extend beyond only one sector. This affects the regional policy (of the federal government) and regional planning research on a national level in particular.

A11. Comprehensive spatial planning is the competence of the states. This is the level at which *Raumordnungsgesetze* (spatial planning laws) are passed (no federal law on *Raumordnung* exists). Based on these laws the state governments implement *Landesraumordnungsprogramme* (state development plans) and *Landesfachplanungen* (sectoral state plans) as well as *Regionale Raumordnungsprogramme* (regional development plans) and *Regionale Fachplanungen* (sectoral regional plans) in varying numbers and of differing natures. In addition.

Figure A2: Administrative structure of Austria



Source: Austrian Institute for Regional Studies and Spatial Planning, Vienna

states also have a duty to supervise communal planning and to assist municipalities in their work.

Please see Figure A3 'The main elements of the spatial structure' at the end of this document.

A12. Essentially the municipalities are the bodies that control permissible land use through the instrument of the *Flächenwidmungsplan* (zoning plan). In some states a *Räumliches Entwicklungskonzept* (local development scheme) must be produced before a zoning plan is laid down, which contains guidelines for the future development of the municipality's territory. Finally the municipalities have the *Bebauungsplan* (building regulation plan) that determines the use of building land. This *örtliche Raumplanung* (spatial planning of the municipality at the local level) according to the constitution is one of the autonomous tasks of municipalities. The state is the supervisory authority and approves spatial planning at the municipal level according to the criterion of conformity with the spatial planning laws as well as with the *überörtliche Raumplanung* (spatial planning at the supra-local level) of the state (i.e. state or regional development plans). The implementation of the *Flächenwidmungsplan* (zon-

ing plan) and the *Bebauungsplan* (building regulation plan) is accomplished by *Bauewilligung* (building permit) proceedings.

Context and principles

Constitution, legislation and judicial system

A13. The Austrian constitution expressly stipulates that Austria is a decentralised nation. Legislative and executive powers are divided between the federal government and the states, but the municipalities also have executive powers. Pursuant to the constitution the municipalities also have the right to autonomy. Political representative authorities are elected at the levels of federal government, states and municipalities. The relationship between federal government and states set out in the constitution is characterised by the fact that the states are responsible for all areas for which the federal government is not responsible, as expressly stated in the constitution. The powers of the federal government as laid down in the constitution, however, are so extensive that there are hardly any areas of competence left for the states.

A14. This allocation of powers only applies to sovereign administration (as private law entities within the scope of the so-called public business administration (see A4) these territorial authorities are not bound by any restrictions). Essentially, the separation of powers has priority over cooperation. The cooperation between territorial authorities is not legally defined in many fields and must, therefore, rely on the voluntary initiation of activities or on compromises. An important instrument for cooperation between federal government and the states is the agreement under public law which was incorporated into the country's constitution in 1974 (modelled on treaties based on international law). It makes it possible for the federal government to reach agreements with one or more states as well as between states with regard to regulatory affairs of the relevant spheres of responsibility.

A15. The concept of *Raumordnung* is not to be found in the constitution among the responsibilities of the federal government. Thus *Raumordnung* first of all falls into the jurisdiction of the states according to the principle that public issues not mentioned in the federal constitution are the responsibility of the states. This responsibility is restricted, however, by a decision of the Constitutional Court (1954) defining areas of responsibility that makes an exception of those planning measures which are the express competence of the federal government. This refers especially to railways, the national roads, mining, forestry, water laws and the preservation of historical monuments. This results in the situation that the *Bund* (federal government) and the *Länder* (states) both carry out parallel spatial planning activities.

A16. Based on the decision of 1954 by the Constitutional Court, which has the ranking of a constitutional provision, the states (except for Vienna) have passed spatial planning laws that have subsequently been amended or revised several times to meet the demands of spatial planning policy. These laws regulate the content, procedures for setting up and the legal effect of the instruments of supra-local spatial planning of the states (re-

gional and sectoral plans) and of local spatial planning of the municipalities. For the measures with territorial implications for the federal government, plans are carried out only at the project planning level (e.g. for certain new railway lines). No legal obligation exists for sectoral plans that go beyond the spatial and temporal scope of project planning level (e.g. long term development of railway network). Among the tasks (to be carried out independently and not bound by directives within the legal framework at federal and state level) of the municipalities is (since 1962) *örtliche Raumplanung* (spatial planning at the local level). It is carried out within the scope of supra-local spatial planning of the states and takes account of planning measures with territorial reference of the federal government.

A17. The competences of the federal government with territorial implications include issuing and executing laws. Thus this competence is excluded from the planning responsibility of the states and municipalities, and directly affects the land owners concerned (in the case of railway and road routes it includes for example the right of expropriation). The rights of the states and municipalities to bring forth statements on drafts and the rights of land owners to appeal are regulated in the pertinent sectoral laws. The binding stipulations of the federal government must be clearly indicated by the municipalities in the zoning plans. Legally effective supra-local spatial planning activities of the states are binding for the pertinent state administration as well as for the municipalities. The federal government, neighbouring states and municipalities (and if applicable also neighbouring foreign countries) are invited to voice their opinions within the scope of a procedure of putting forth statements on drafts. The zoning plans of the municipalities are subject to approval by the state as supervisory authority and are binding for the municipal building authority and the land owners. Neighbouring municipalities and land owners have the opportunity of putting forth statements on the draft within the scope of a public inspection procedure. State spatial planning legislation does not contain any fur-

ther obligations for citizen participation (as exist in the latest effective *Bundesgesetz über die Umweltverträglichkeit und die Bürgerbeteiligung* (Federal Law on Environmental Impact Assessment and Citizen Participation) for industrial plants that might affect the environment).

A18. Land owners do not have the right to raise objections to regulations of spatial planning legislation — except if these are against the law. The interaction of the decisions by the federal government related to land use, the spatial planning laws of the states and of other state legislation with territorial reference (especially with reference to nature conservation) and its adaptation to changing demands can be quite complicated in individual cases. This situation has led to numerous appeals brought before higher courts (in this context only the *Verfassungsgerichtshof* (Constitutional Court) and the *Verwaltungsgerichtshof* (Administrative Court) are of relevance). Not only the municipalities, but also land owners and private planning bodies are involved repeatedly in filing complaints on the grounds of *Verordnungen* (decrees) being unlawful or provisions of *Raumordnungsgesetze* (spatial planning laws) being unconstitutional. A relatively high number of repeals and ensuing corrections to spatial planning laws were caused, for example, in recent years by shopping centre projects.

Development process and market circumstances

A19. The development of built-up areas is steered mainly by the demand for dwellings in certain locations. The price of land and the accessibility of employment centres are the main factors influencing location preferences. In rural areas which are attractive for tourism, demand for holiday homes also exists, however, this is now subject to stricter restrictions in spatial planning legislation. Almost all municipalities are interested in attracting companies to invest in their areas. In this field, there is a trend towards concentration in industrial parks or something similar that offer functions other than just zoning for

production. This is supported by the economic promotion measures of the states and the federal government. Areas with the strongest demand for development are, therefore, urban hinterlands and tourist regions.

A20. The entire development process of built-up areas takes place with the strong involvement of the public sector, not so much through planning directives but rather through financial assistance. In the area of subsidised housing construction, which makes up a large part of total housing construction (in the 1980s 70% of new dwellings were financed through housing subsidies), the granting of financial assistance is guided partly by the qualification for financial assistance (tied to income) of the household applying and partly by the type of dwelling (preference given to multi-story dwellings over single family homes), but not location criteria. In the case of investment incentives for the establishment of new firms the criteria refer mainly to the business itself. Within the relatively generous definitions of regional assisted areas, it is only in a few cases that a differentiation is made according to location through the instrument of planning requirements.

A21. In the future, however, restrictions to the expansion of built-up areas are to be considered. On the one hand, in a large number of municipalities it is no longer possible for financial reasons to develop the entire area of building land, as defined in the zoning plan, properly i.e. with connection to the sewage system. On the other hand, the states are beginning to lay down settlement boundaries in supra-local plans that may not be surpassed by municipalities. In the area of housing construction subsidies, several states specifically promote the restoration and creation of additional dwellings in existing buildings (for example attic expansions). This results in a higher density in existing residential areas, especially in the larger municipalities and cities. Stricter regulation of settlement development through spatial planning measures can be observed in the western states where demand is high due to

demographic and socioeconomic factors and where there is also little space to build up areas due to their alpine location. Under these circumstances, the comparably higher building land prices play an important role too.

A22. The construction of multi-story dwellings is mainly done by non-profit building cooperatives (in the 1980s they erected 41 % of new dwellings in multi-story housing constructions). Social housing projects of the municipalities (until now especially in larger cities) are becoming less significant. However, municipalities are acquiring more and more — depending on their financial power — building land which they sell to building cooperatives at inexpensive prices. In some states this is promoted through new provisions in state planning laws which help the municipality to acquire building land for constructing social housing projects.

A23. Although trade and industrial enterprises only take up a small part of the total built-up area, their locations are widely dispersed throughout the entire country. The wide dispersal of locations can be traced back to when industrial processes used local raw materials locally (e.g. iron ore, timber and water). On the other hand, the fiscal system has contributed to this situation. The municipalities' high dependency on their own income from local businesses has turned them into competitors in the market for businesses willing to (re)locate, despite revenue equalisation. There are hardly any municipalities which do not zone for industrial areas. Neither can municipalities afford to ignore the wishes of enterprises regarding the precise location of a plant. Thus often the question of industrial area zoning is driven by the location preferences of enterprises (and not the other way around).

A24. An increasing number of larger municipalities now also offer industrial parks with additional enterprise-oriented services. Even these services were initially relatively spontaneous activities of the land owners and municipalities — sometimes with the support of the state — and were hardly ever the subject

of long-term location planning such as in supra-local spatial plans. In the past few years more steering of development has become apparent. Establishment of new plants, locations, expansion and modernisation of enterprises, usually with additional space requirements and/or location selection, are supported in the assisted areas with funds from the corresponding states' regional subsidies from the federal government.

A25. At a certain size, *Raumordnungs-gesetze* (spatial planning laws) make shopping centres subject to a special permit by the state government. The provisions of the law were redrafted again and again over a period of several years, especially because project applicants kept devising new manoeuvres to by-pass the procedures for special permits. Stricter spatial planning regulations, and of course to a certain degree market saturation, have resolved this problem in many regions. The latest trend in commerce is to develop shopping centres at central locations.

Economic development

A26. After Austria reached full sovereignty in the mid 1950s a phase of economic growth set in which lasted until the oil price crisis in the mid 1970s. Regional economic development was characterised by the fact that the eastern part of Austria, which had been the Soviet occupied zone, lagged 10 years behind in investment in comparison to the western parts, and in addition also had to bear the burden of the disadvantages of its adverse location near to the closed borders of the neighbouring countries. The concept of *Ost-Grenzgebiet* (eastern border region) was thus predominant in regional policy until recently (under the new circumstances this view of eastern Austria as a European region at the eastern-most outer boundary of the EU and its internal market is now topical again and may be seen in a new light). The economic prosperity of the 1960s and 1970s nevertheless showed considerable regional disparities. This led to ambitious goals in regional policy with regard to the reduction of regional disparities in standards of living.

Large investments in the social and technical infrastructure and the successful establishment of industrial plants in rural areas led to the belief that it was possible to achieve a reduction of regional disparities. The slowdown in economic growth since the mid 1970s has shown that in reality the regional disparities were hardly reduced, on the contrary in some respects they even increased. A polarisation between the centre and the peripheral disadvantaged regions, which increased during the economic slump, together with the newly emerging problems of old industrial areas with weak economic structures, was characteristic of the situation at the beginning of the 1980s. During this period a philosophy of regional policy evolved that is still in place today. It follows the idea of mobilising the endogenous potential of regions, of innovation-oriented promotion measures and of the inclusion of non-material investments in promotion. In contrast to investments in buildings and machinery (material investments), non-material investment means management planning, staff training, quality assurance, product design, etc.

A27. The main foundation of regional promotion in Austria has until now been special regional programmes subsidised by the ERP (European recovery programme) fund as well as mutual regional promotion by the federal government and states in the form of a special grant (*Regionale Innovationsprämie*) for strengthening existing enterprises and assistance in creating new enterprises and selected industrial plant locations. The main focus of promotion in old industrial areas lies in restructuring and, in the case of peripheral areas, in the selected expansion of business. The definition of the corresponding assisted areas is carried out jointly by the federal government and the states within the scope of the *Österreichische Raumordnungskonferenz (ÖROK)*. A clear sign of the innovation orientation of regional policy since the late 1980s is seen in the founding of *Technologie- und Gründerzentren* (technology and incubation centres). In addition a (federal) programme exists for promoting endogenous regional development which has its main focus on the promotion of consultancy services for

innovative projects by small agricultural enterprises, in trade and commerce, tourism and energy.

Environmental policy

A28. The political 'boom' in environmental protection in the 1980s has now found its way into new political goals for all policy fields concerned, and in stricter provisions pertaining to environmental protection in existing laws as well as in new laws. This also applies in principle to spatial planning policy. In view of the development problems since the mid 1970s the tasks of spatial planning related to regional policy became less important. At the beginning of the 1990s they once again gained importance and became predominant in spatial planning policies. The continually increasing demand for space and the strain on it, the perceptible limitation of reserve space and the capacity limits of the ecosystem, in particular in Alpine regions, have led to the strong focus on environmental aspects in the spatial planning laws and programmes over the past few years. This is clearest in the limitation to expansion of built-up areas when defining regional 'green' zones (prohibition of zoning as building land), and in the limitation to land development for tourism.

A29. Even clearer is the consideration given to environmental issues in sectoral fields of action. This is particularly true for transport policy in which emphasis is being placed on the expansion of public means of transportation, especially in urban agglomerations, and the encouragement of shifting freight traffic from roads to railways. The transit agreement between Austria and the EU is a clear signal of this new orientation. New standards have also been set in the area of waste disposal management and new planning duties have been laid down. While the states are responsible for the disposal of 'harmless' waste and for the required site and organisation planning, the federal government is responsible for the disposal of 'hazardous' waste and must follow a federal waste disposal plan. This plan includes legally binding demarca-

tion of the sites for the necessary waste treatment plants. Water laws have stricter limits for ground water contamination which is significant for settlement development because it limits construction in locations without connection to the sewerage system. Air pollution control laws have been reorganised and the weight of the responsibility has been shifted to the federal government.

A30. A clear environmental signal has also been sent out by the introduction of the *Umweltverträglichkeitsprüfung* (environmental impact assessment) which has been passed by federal law after years of discussions and is binding for certain activities and industrial plants. The law follows EU directives and has provisions for a concentration of environmentally relevant permit procedures (according to the air pollution laws, water laws and trade laws, among others) as well as far-reaching participation of citizens. Due to the short period of time it has been in force there is, as yet, no experience of its application and effectiveness.

A31. Another important element in environmental legislation is the setting up of *Umweltanwälte* (environment ombudpersons). They have the status of parties representing environmental interests in official proceedings. The *Bundes-Volksanwaltschaft* and the *Landes-Volksanwälte* (federal and state people's attorneys) who may be called upon by citizens to enforce their interests against authorities in general are being involved in environmental conflicts more and more often.

A32. Nature and landscape conservation have a long tradition in Austria and have different legal structures in the competent states. In recent years this field has also seen the stricter application of pertinent state laws as well as more severe provisions of some laws. *Natur- und Landschaftsschutzgesetze* (nature and landscape conservation laws) make it possible for the states to define nature conservation areas with strict protection standards for landscapes in their original state as well as landscape conservation areas with additional permit obligations es-

pecially in the case of building projects. National parks (based on nature conservation laws) exist in Alpine regions (national parks Hohe Tauern and Carinthian Nockberge) as well as on the border with Hungary (cross-border national park Neusiedler See-Seewinkel). Further parks are in preparation (the most prominent one being the national park Donau-March-Thaya-Auen, east of Vienna).

European Union

A33. This report refers to the status as at 1 January 1994. Austria became a member of the European Union on 1 January 1995. For this reason the influence of the EU on the Austrian spatial planning system at the time was limited to the following two instruments:

- environmental impact assessment (EIA) in accordance with EC Directive (1985) (based on the EEA Agreement) (see Section B, Policy instruments, Federal level)
- *Regionalwirtschaftliche Entwicklungskonzepte* (regional economic development schemes) for the proposed Objective 1, 2 and 5b areas (in preparation for the Community support framework (see Section B, Policy instruments, State level)).

Flexibility

A34. The problem of adapting spatial planning to current demands is solved in many different ways. The procedures vary with regard to the different levels of spatial planning and in the different states. At a local level, modifications of zoning plans are often made for current building projects if no building land is for sale. This almost constant adaptation to demands of the zoning plan transforms its plan character into a sort of cartographic record of the current status of building land. Based on the spatial planning laws, however, a new generation of zoning plans is expected which will not be as 'flexible' as they are now. The *Bebauungsplan* (building regulation plan) which is hardly used outside

cities and is subordinate to the *Flächenwidmungsplan* (zoning plan), is often drawn up only when new constructions on 'green field sites' are planned, based on the drawings for the specific project (housing project, industrial plants, utilities).

A35. The new generation of supra-local spatial planning programmes and plans with a comprehensive (referring to all spatial planning measures) content has shown that the preparation of a programme usually takes several years. This is due to the extensive expert planning work on the one hand and on the other, to the lengthy procedures. In order for a programme to be issued as a *Verordnung* (legally binding decree) of the state government these programmes must pass through the same lengthy appraisal procedure as laws do. This problem is now being solved in two ways, but differently in the individual states. On the one hand, the content is restricted to urgent fields of application of the measures (e.g. for the limitation of settlement areas or for shopping centres) in the form of so-called sectoral programmes. On the other, the lengthy appraisal procedures are by-passed by not having the plan content take the legally binding form of decrees but of being passed as *Regierungsbeschluss* (government resolution) usually under the *Konzept* (scheme) which only has a politically binding character. A resolution, however, only binds the state administration and not the municipalities.

Government structure and powers

A36. In the federal constitution the responsibilities of public administration are laid down for all three levels of territorial authorities: *Bund* (federal government), *Länder* (states), *Gemeinden* (municipalities). Essentially the separation of powers has priority over co-operation. Since *Raumordnung* as a trans-sectoral discipline must be implemented in practice on all three levels, but the constitution restricts the comprehensive planning competence of the states by giving the federal government important planning and implementation competence, it is necessary to

cooperate and achieve political compromises.

A37. The regulatory power of a territorial authority (e.g. definition of conservation areas) might be sufficient for restrictive policy measures. In order to implement development policy measures (e.g. access to the transnational transportation network for a region) it is necessary to have the political power to distribute funds and to actually make these available. Therefore, the availability of financial means is an essential condition for carrying out spatial planning policies at the different levels, in addition to having the formal competence.

A38. The amount of the funds available, which is important for the political distribution of power, is characterised by the fact that roughly 70 % of total public expenditure comes from the federal government, 14 % from the states and 16 % from the municipalities. The taxation system which is responsible for the income consists basically of federal taxes (roughly 24 %), so-called mutual federal taxes (roughly 69 %) and municipal taxes (roughly 7 % of total tax revenue). The financing of the state budgets is carried out in practice through shares in the mutual federal expenditures accorded by law, of which parts also flow to the municipalities. The financial power of the municipalities varies considerably in spite of revenue equalisation: municipalities with a high number of businesses and tourism communes are advantaged.

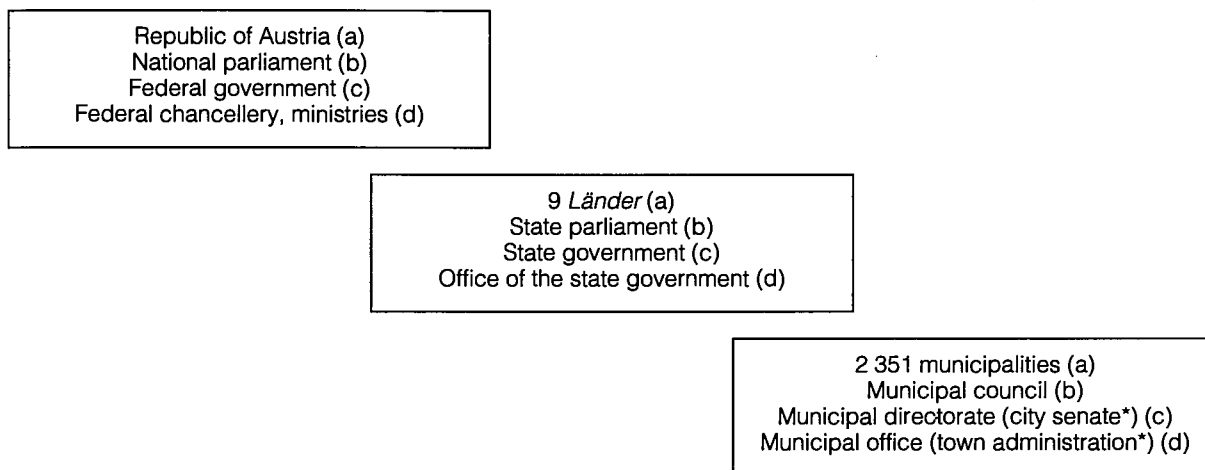
A39. Every territorial authority, *Bund*, *Land*, *Gemeinde*, has its own administrative apparatus. The federal level is characterised by strict separation of fields of responsibility. The ministers carry out administrative duties on their own responsibility. The *Bundeskanzler* (federal chancellor) as head of the *Bundesregierung* (federal government) does not have the power to issue directives to ministers; resolutions of the federal government are reached unanimously.

A40. The situation is different at the state level. The *Landesregierungen* (state gov-

ernments) are collegiate organs under the chairmanship of the *Landeshauptmann* (state governor). The *Landesregierung* (state government) is elected by the *Landtag* (state parliament). The members of the state governments are responsible for tasks defined in the rules of procedure within the single state administration of the *Amt der Landesregierung* (office of the state govern-

ment). Resolutions are reached by majority vote. The state governor and the state authorities are delegated the competence to act in certain sovereign territorial matters on behalf of the federal government at the same time as the *mittelbare Bundesverwaltung* (delegated federal administration). The territories of the states are the NUTS-2 regions.

Figure A4: Levels of government



- (a) *Gebietskörperschaft* (territorial authority)
- (b) Legislative body
- (c) Executive body
- (d) Administrative body
- * City with its own statute

A41. Municipalities are independent territorial authorities with autonomous rights. Their autonomous spheres of activities are laid down in the constitution. The body that passes resolutions is the *Gemeinderat* (municipal council) and the executive body is the *Gemeindevorstand* (municipal directorate) and in cities the *Stadtsenat* (city senate), which divides the tasks of municipal administration among its members. The appointment of the mayor is carried out in accordance with the provisions of state laws, which presently are very different because some states have introduced direct election of the mayor by citizens, and in others the mayor is elected by the municipal council. The municipal administration not only takes care of administrative tasks in its own sphere of activity as an autonomous body (among these local spatial planning), but also those tasks which result from the parallel function of the municipality as *Verwaltungssprengel* (administra-

tive entity) and as a business entity (public business administration). The municipality as an administrative entity exercises in the person of the mayor the administrative functions transferred to it by the state and federal government. Cities with their own statutes do not have any special rights, relevant in this context, but their *Magistrat* (town administration) acts simultaneously as *Bezirksverwaltungsbehörde* (district authority).

A42. The district authorities act as regional common external offices both of the federal and state administration. They are headed by the *Bezirkshauptmann* (district governor). The corresponding administrative entity is called *politischer Bezirk* (district) in Austria which is misleading because the district has no political representative body despite the adjective in German 'politischer', but is merely an administrative unit. The districts are in many cases the same as the regions,

from the point of view of spatial functions. For this reason regional planning is organised by districts in some states. On average three to four districts together make up a NUTS-3-region.

Land policy and land quality/building quality

A43. Zoning as building land gives land, that until then usually had been agricultural, an enormous increase in value. The zoning as building land permits the owner to use the land for construction based on the building permit (for either housing or commercial use) but does not oblige him or her to build. From the point of view of the municipality, the land use in conformity with the zoning plan is by no means guaranteed. Even if the building land is fully serviced and ready for building the owner cannot be forced to build and thus ensure it is used as planned. The betterment effect of the zoning as building land in connection with the lack of an obligation to build, leads to the situation that a large part of freshly zoned building land is not built on and is saved as an asset. In sum this promotes despoliation of the landscape and in most municipalities reserves of building land are usually much greater than demand and yet only a few properties are actually available.

A44. In the newer spatial planning laws an attempt has been made to remedy this fault in zoning plans by attaching a condition to properties zoned as building land that the owner must enter into a contract under private law with the municipality to develop the land within a certain period of time. Since these provisions are still very new, no experience has yet been gathered as to their effectiveness.

A45. In order to reduce the surplus of building land it would be legally possible to re-zone building land back into agricultural land. Compensation claims (based on state laws) arise only if the land owner had acquired the land as building land or made investments for the future building use of the land. Nevertheless, the option of re-zoning

building land has only been used in a few cases. The reason for this is political: the act of re-zoning is called 'cold expropriation' even if it only incurs a fictitious loss of property.

A46. The compulsory purchase of land is practically impossible in Austria even for the purpose of building social housing projects. Even where it would be legally possible for urban planning reasons, e.g. in the Viennese *Bauordnung* (building code) it is not applied for political reasons. However, expropriation is common for securing land for transport routes.

A47. In some cases the outline of the plots (originally agricultural land) could be a hindrance for building in accordance with the building code. Some states have special procedures carried out by the authorities for re-drawing the outline of the building land in which a new division of unbuilt land is made without a reduction in land for the relevant land owner. This instrument has been seldom used until now.

A48. The taxation of land ownership has no effect on land policy. It is regulated by federal laws and is collected on the basis of the *Einheitswert* (standard value) which is fixed by the financial administration of the federal government (most recently in 1988). Property tax was designed as a wealth tax and was not intended to influence land development policy. The assessment orients itself on the actual use i.e. built-up land is valued more highly than land zoned as building land but not developed. Property taxes go to the municipality. The municipalities are given a certain degree of freedom to fix tax rates. If it is used up to its full extent then the annual property tax may be at the most 1 % of the so-called standard value. A land value tax for unbuilt land zoned as building land exists, but the way it is construed does not make this tax an instrument to enforce conformity with zoning plans. In conclusion it is clear that taxation of ownership of building land that is not used does not result in a perceptible financial burden.

A49. The servicing of building land with the required infrastructure is the duty of the municipality. The municipalities are supported in the financing of infrastructure investments in several ways. The most important role is played by subsidies from the *Wasserwirtschaftsfonds* (water management fund) followed by state funds and by a separate fund for municipalities which is administrated by the state (granted according to need). The land owners must pay fees for the provision of the connections (to roads, sewerage system and water supply) to the municipality. In part these connection fees are collected even if the owner does not use the connection by not building. It is envisaged that the financial strain caused by this will create pressure to give up the practice of letting 'building land lie fallow'. It remains to be seen whether this pressure is enough to bring about conformity of land use with the zoning plans where land owners do not wish to build. This depends, above all, on the ratio of cost burden to land price and to the expected increase in value of the land. The effect of these fees, which are maintained at socially acceptable levels through subsidies on land policy, is generally considered to be quite low.

A50. Active land policy of municipalities (i.e. communal reserves of land through land acquisition) has been carried out only by a few municipalities, but is gaining importance. The City of Vienna had already set up the *Wiener Bodenbereitstellungs- und Stadterneuerungsfonds* (Viennese Land Appropriation and Urban Renewal Fund) for housing construction and the *Wiener Wirtschaftsförderungsfonds* (Viennese Business Promotion Fund) for business location. In the states of Salzburg and Tyrol separate instruments were set up recently — in connection with the new spatial planning laws — the *Baulandsicherungsgesellschaft* (Building Land Acquisition Company) and *Bodenbeschaffungsfonds* (Land Acquisition Fund) that actively support the municipalities' land policies.

A51. Agricultural production areas and forests are generally placed under special pro-

tection. The private sale or purchase of land for agricultural or forestry use is subject to the consent of the property transactions authority and is — with the exception of those properties that are already zoned as building land — only permissible under the condition that its continued use is guaranteed. The use of forests for other purposes is moreover subject to clearing permission by forestry authorities. Building activity on agricultural and forestry land is usually only permitted in so far as it is necessary for these uses. According to the spatial planning laws of some states, supra-local spatial planning zones may be defined that may not be zoned as building land by the municipality in consideration of agricultural production, the ecological balance of the landscape or its appearance.

A52. Even for those constructions permitted according to spatial planning laws and building laws, diverse additional restrictions, such as *Landschaftsschutz* (protection of the landscape) and *Ortsbildschutz* (protection of townscape) may be made. In landscape protection areas (state laws) additional provisions may be made regarding the appearance of buildings. In historical core areas of towns and villages, some states may have provisions for buildings based on (state) laws for the maintenance of historical centres and the appearance of townscapes which may extend beyond building codes and stipulate special design regulations. In addition there is the law (federal) for the protection of historical monuments, which is normally used to restructure historically valuable buildings.

A53. Based on the strong demand for second homes and holiday homes in attractive landscapes, especially in Alpine regions in areas with very limited total space suitable for settlement purposes (in Tyrol only 13 % of the state territory), several states have set up special provisions in the spatial planning laws regarding the construction of second homes. The provisions vary from state to state and range from making the building subject to special zoning in the zoning plan, through its prohibition in certain municipalities that already have a high number of dwell-

ings not used permanently, to the state-wide prohibition of new construction of dwellings for this purpose (Tyrol).

A54. The spatial planning laws of some states provide for the possibility of, on the one hand, allocating certain facilities to certain locations and, on the other of securing certain locations for certain facilities. For example, *überörtliche Landes-Raumordnungsprogramme* (supra-local spatial planning programmes of states — which are legally binding for municipalities) may restrict the construction of shopping centres or large hotels to certain municipalities and moreover submit these to certain detailed location criteria. On the other hand locations may be secured that are especially qualified for special uses, which may be the only ones possible (e.g. a freight terminal). In some states the municipalities also have the possibility of reserving certain parts of building land in zoning plans for public buildings. However, they must buy these areas after a certain period of time expires.

Plan led/development led

A55. The entire process of settlement development is influenced mainly at the local level, i.e. by (cumulative) individual demand and not by locations or quantities set in supra-local plans. Demand for building land is guided mainly by land prices and accessibility. The key role in the planning system is played by the zoning plan of the municipality. The zoned building land laid down in the zoning plan is a prerequisite for the application and the granting of a building permit. In practice, however, this plan hardly fulfils its purpose of a medium- to long-range planning instrument for future development since for every new occurrence of subsidised or non-subsidised housing construction, new enterprises or public and private utilities for which no land can be acquired out of existing building land, a modification of the zoning plan has to be carried out.

A56. *Überörtliche Landes-Raumordnungsprogramme* (supra-local spatial planning

programmes of the states) may affect development in two ways. If guided by development policy then this usually finds expression in the corresponding goal formulations and recommendations for measures to be taken for the promotion of regional economies. If the programmes have the function of regulation policy then this is expressed in restrictive stipulations especially on settlement development areas as well as on tourist land development. At this point it must be pointed out that supra-local programmes only exist for a small part of Austria's territory and that among these only one part contains stipulations with guidance for development or restrictions. However, the tendency to make such stipulations is increasing.

A57. In this context attention should be drawn to the fact that in Austria national spatial planning until now has not met a planning-minded milieu in general, and for historical reasons there are many old prejudices to be overcome. The former is related to the high appreciation in value that land ownership enjoys. The possession of land is widely considered the highest form of ownership by the average citizen. Privately-owned large estates only exist for forests (26 % of the total forest area), and even here, apart from the state-owned forests (federal forests: 16 %) the highest percentage is held by small owners (39 %, mainly farmers' forests). Historically, the prejudices against state planning have two very different roots: on the one hand the notion of *Raumordnung* was created in the Third Reich; and on the other, planning was connected for a long time with the former planned economies of the late eastern bloc. Only in recent history has a change occurred in the basic attitude towards spatial planning which has grown out of the recognition that the availability of settlement space is limited and because the strain on the ecosystem has also become apparent. Clear regional differences can also be observed which find their way into the spatial planning laws and their application.

Political priorities

A58. The most important goals set for spatial planning policies in the *Österreichische*

Raumordnungskonzept 1991 (Austrian Spatial Planning Concept 1991) which was adopted by the federal government, the state governors and the representatives of the Union of Cities and Municipalities within the scope of the *Österreichische Raumordnungskonferenz* (Austrian Conference on Spatial Planning) containing mutual political recommendations are as follows.

A59. For settlement policy:

- avoidance of traffic generating settlement patterns (dispersed structures);
- curbing the despoliation of the landscape;
- space-saving land development (higher density);
- better utilisation of reserve building land.

The significance of these goals must be seen against the background of the great backlog of demand for dwellings, which is less a result of population growth, but much more of demographic and socioeconomic structural changes such as the strong growth of the number of households.

A60. For environmental policy with spatial implications:

- maintenance of functioning capacity of the ecosystem and the multi-functionality of the cultural landscape;
- conservation of certain natural landscapes and valuable natural resources;
- improved protection from natural risks through the care of the cultural landscape;
- limitation of use of undeveloped zones.

The significance of these goals must be seen against the background of the economic importance of tourism for Austria which places high demands on the quality of

the environment on the one hand but tends to spoil it if it is not controlled.

A61. For regional economic policy:

- actively securing existing businesses through increased innovative capacity and competitiveness of enterprises;
- encouragement of structural changes in old industrial areas;
- support of additional growth impetus in regions with weak economies;
- strengthening regional function in large metropolitan centres;
- gradual reduction of production structures that can no longer be maintained while at the same time creating alternatives for gainful employment;
- securing of subsistence of economically disadvantaged persons and municipalities affected by structural changes.

The significance of these goals must be seen against the background of the location of Austria on the eastern external borders of the western European internal market and in connection with the new opportunities open to Austria through its participation in the regional policies of the EU.

A62. For transportation policy:

- shift of traffic loads to energy and space saving, as well as environmentally friendly means of transportation;
- reduction of gaps in accessibility ratios on regional and national level;
- better cooperation between bodies responsible for transportation and with foreign countries.

The significance of these goals must be seen against the background of an increasing number of commuters and of greater distances within regions as well as in connec-

tion with the incorporation of Austria into the transnational European transport network.

Political system, administrative system and public participation

A63. Austria is a democratic republic organised as a federation. It consists of nine states one of which is the capital city, seat of the federal government. Vienna is simultaneously one of 2 300 municipalities. Political representation and policy-making are carried out at three levels: *Bund* (federal government), *Länder* (states) and *Gemeinden* (municipalities). Legislative organs are the *Nationalrat* (national parliament) at federal level and the *Landtage* (state parliaments) at state level. The decision-making organ of the autonomy in the municipalities is the *Gemeinderat* (municipal council). The municipal council of the city of Vienna is at the same time the state parliament. State representatives form the second house at the federal level, the *Bundesrat* (federal council). The territorial authorities of all three levels carry out tasks assigned to them by the federal constitution of sovereign administration as well as tasks of public business administration for which the constitution has not stipulated standards.

A64. The federal administration is organised according to fields of responsibility i.e. the execution of the administrative tasks of the *Bundesregierung* (federal government) are carried out by *Bundesminister* (federal ministers) who may have a *Staatssekretär* (under secretary) assigned to them. Together these form the federal government under the chairmanship of the *Bundeskanzler* (federal chancellor). The highest ranking executive body of the states is the *Landesregierung* (state government) elected by the *Landtag* (state parliament) and headed by the *Landeshauptmann* (state governor). In contrast to the federal government the state governments are collegiate bodies (their members are called *Landesrat*). While on the federal level decisions must be reached unanimously, on the state level they are reached by majority vote. The executive body on the

municipal level is the *Gemeindevorstand* (municipal directorate) elected by the *Gemeinderat* (municipal council) under the chairmanship of the *Bürgermeister* (mayor) (in some states the mayor is now elected directly by the citizens).

A65. At all three levels the political representatives are elected from lists of candidates of political parties, at the municipal level also from non-partisan lists. The composition of the federal government may be made up of representatives of one or more parties, and it must only be supported by a majority in the national parliament. In most states, the state constitutions stipulate the composition of the state governments that follow the proportional distribution of mandates in the state parliament. In 1996 the following parties were represented in the national parliament: *Sozialdemokratische Partei Österreichs* (SPÖ) (Social Democratic Party of Austria); *Österreichische Volkspartei* (ÖVP) (Austrian People's Party); *Freiheitliche Partei Österreichs* (FPÖ) (Freedom Party of Austria); *Die Grünen* (The Greens); *Liberales Forum* (Liberal Forum). The government was a coalition government made up of representatives of the SPÖ (that delegated the Federal Chancellor) and the ÖVP.

A66. The federal administration consists of the *Bundesministerien* (federal ministries) headed by the *Bundesminister* (federal ministers). This includes the *Bundeskanzler* (Federal Chancellor) and the *Bundeskanzleramt* (Federal Chancellery). The state administration is carried out by the *Amt der Landesregierung* (Office of the State Government) headed by the *Landeshauptmann* (State Governor). The municipal administration is carried out by the *Gemeindeamt* (municipal office), and in cities with their own statutes, by the *Magistrat* (town administration) headed by the *Bürgermeister* (mayor).

The federal administration has delegated parts of its administrative duties to the states through the so-called *mittelbare Bundesverwaltung* (delegated federal administration). The municipalities not only take care of administrative tasks in their own sphere of

responsibility as autonomous bodies, but also of those tasks which result from their function as *Verwaltungssprengel* (administrative entities) which have been delegated to them by law by the federal and state governments. Supervision of administrative activities is carried out by the *Verwaltungsgerichtshof* (Administrative Court) and by the *Rechnungshof* (Audit Office) (the Constitutional Court examines the conformity of laws to the constitution).

A67. Direct political participation rights of citizens have been expanded greatly since the 1980s. On the federal level these are:

— the *Volksabstimmung* (plebiscite)

This is mandatory for major changes to the federal constitution (as for example Austria's recent membership to the EU). In the case of partial changes to the constitution and to individual laws passed by the national parliament, a plebiscite may be held on the basis of fixed quotas. The only case of the latter type was the plebiscite held on the question of the Zwentendorf nuclear plant which never went into operation.

— the *Volksbegehren* (petition)

This is an application by at least 100 000 voters (or one sixth of the voters of each of three states) to the national parliament to reach a resolution on a matter that can be decided by issuing a federal law.

— the *Volksbefragung* (referendum)

This may be used to find out the opinion of the population in matters of fundamental significance for the whole of Austria. It is decided by majority vote of the national parliament.

A68. The state constitutions also have similar public participation procedures and they also partially exist at municipal level.

A69. The participation of citizens in decisions on certain local projects is provided for in the *Bundesgesetz über die Prüfung der*

Umweltverträglichkeit und die Bürgerbeteiligung (law on environmental impact assessment and citizens' participation) which only recently took effect. It gives every citizen the right to submit a written statement. Citizens' action groups, having statements with at least 200 signatures and one person named as representative, may participate in proceedings as a party. Further parties are the municipality in which the project is located and the directly adjacent municipalities as well as the environment ombudsperson.

Administrative system/technical system

A70. Spatial planning is carried out at all three levels of administration. The preparation of drafts (plans, programmes) for resolution are produced by the relevant competent administrative officers. The actual drawing up and preparation of the plans and programmes varies.

A71. In small municipalities the plans are usually drawn up by *Ziviltechniker* (legally licensed civil engineers) on behalf of the municipality. Larger municipalities usually have their own building authority which also takes care of local spatial planning matters. Only cities have separate planning agencies or planning departments within the *Magistrat* (town administration). However, in the latter case civil engineers are often called upon to draw up plans. This procedure of using external independent experts may make it more acceptable because of their independence.

A72. The states usually have spatial planning departments within their *Amt der Landesregierung* (office of the state government) which work up plans and programmes and prepare these for resolution by the state government. In this case civil engineers or other external experts may also be called upon if there are not enough internal resources.

A73. On the federal level planning work related to spatial planning in essence only takes place in the areas of forestry (forestry spatial planning) and water authorities (water

management planning). In the spheres of competence of the federal government of great importance for spatial development, planning of railways and national roads is only carried out, to date, at project level. This planning is carried out in the case of the railways by the planning staff of the *Österreichische Bundesbahnen (ÖBB)* (Austrian Federal Railways) or by the state-owned *Hochleistungsstrecken-AG* (High Speed Rail Link Company) which was founded especially for the planning and erection of the new high-speed transit routes. Project planning and construction of *Bundesstraßen* (national roads) are carried out by the state administration bodies on behalf of the federal government (who is the sole financier). In this case the assistance of civil engineers as external experts is used. The transfer of com-

petence from the federal government to the states has been discussed for some time. However, this would also entail a change in revenue equalisation.

A74. The determination of assisted areas for industry and trade, an activity important for the federal government's regional policy, is carried out within the scope of the *Österreichische Raumordnungskonferenz (ÖROK)* (Austrian Conference on Spatial Planning), i.e. in cooperation with the states. The ÖROK has also worked out the *Österreichisches Raumordnungskonzept (ÖRK)* (Austrian Spatial Planning Concept) which acts as a guideline for mutual spatial planning policies addressed to all public authorities responsible for planning, and produces basic materials for planning at the national level.

Population and statistics

Table A1: Population, area, number of districts and municipalities in the *Länder* (states), 1991

	Population	Area (km ²)	No of districts	No of municipalities
Burgenland	270 880	3 966	9 (2) ⁽¹⁾	153
Carinthia	547 798	9 533	10 (2)	128
Lower Austria	1 473 813	19 174	25 (4)	569
Upper Austria	1 333 480	11 980	18 (3)	445
Salzburg	482 365	7 154	6 (1)	119
Styria	1 184 720	16 388	17 (1)	544
Tyrol	631 410	12 648	9 (1)	278
Vorarlberg	331 472	2 601	4	96
Vienna	1 539 848	415	1 (1)	1
Austria	7 795 786	83 859	99 (15)	2 333

⁽¹⁾ Figures in brackets give the number of cities with their own statutes.
Source: ÖSTAT, census 1991

Please see Figure A5 'Population change 1981—91' at the end of this document.

Sectoral policy

A75. Sectoral policies with spatial implications were, until recently, only marginally influenced by spatial planning policy. At the federal level the legal mandate was also lacking until now. The increasing obligations in recent sectoral laws to take account of

spatial planning (e.g. in the waste disposal laws) and to introduce planning-related procedures (the environmental impact assessment) gives rise to hopes that the coordination efforts between spatial planning and sectoral planning will be strengthened by the federal government. In the area of regional economic development promotion it is expected that, through the linkage to EU regional promotion, the integration of sectoral promotion into regional policy schemes that until now was only partially successful will

Table A2: Size of districts and municipalities by population in the *Länder* (states), 1991

	Districts ⁽¹⁾ Population in thousands	Numbers of municipalities by population size				
		over 50 000	20 000 to 50 000	10 000 to 20 000	2 500 to 10 000	less than 2 500
Burgenland	18 to 54	—	—	1	26	126
Carinthia	20 to 81	2	1	5	47	73
Lower Austria	27 to 116	1	6	12	130	420
Upper Austria	28 to 121	2	3	8	118	314
Salzburg	20 to 119	1	—	3	52	63
Styria	22 to 119	1	2	5	71	465
Tyrol	29 to 142	1	—	6	50	221
Vorarlberg	56 to 116	—	3	5	21	67
Austria	18 to 142	8	15	45	515	1 749

(¹) excluding cities with their own statutes

occur at a faster pace. This may also be expected in the area of national transport policy in connection with the encouragement of an EU transportation policy that will increasingly be motivated by spatial planning aspects. At the state level the integration of sectoral policies into spatial planning policies has not been as successful until now as could have been expected based on the distribution of competence. Positive examples are supplied by some states, in particular, in the areas of location planning of educational and health institutions, transportation, landscape conservation, waste disposal management as well as regional economic promotion. Important stimuli for spatial planning awareness at both levels have been provided by the mutual work of the federal and state representatives within the scope of the *Österreichische Raumordnungskonferenz* (ÖROK) (Austrian Conference on Spatial Planning).

Trends

Central power/local power

A76. In the relationships between different administrative levels regarding spatial planning policy roles, centralised as well as decentralised tendencies are discernible in Austria. Regional economic policy has displayed an increasing willingness to cooperate between federal government and states

with the growing participation of the regions since the 1980s. This tendency has grown considerably in the course of work on drawing up *Regionalwirtschaftliche Entwicklungskonzepte* (RWK) (regional economic development schemes) for the expected Objective 1, Objective 2 and Objective 5b areas, and will continue. The transfer of competence to the states from the federal government for the tasks covering social housing subsidies and land transactions could be seen as a sign of decentralisation in the relationship between federal government and states. On the other hand, the federal government has taken over more responsibility in the fields of environmental laws and waste disposal management laws.

A77. Contrary tendencies were also observed in the relationship between states and municipalities concerning spatial planning. On the one hand the most recent spatial planning laws enable supra-local stipulations to influence local spatial planning with regard to the further development of settlement areas in general as well as individual location uses in the form of so-called special zonings. On the other hand, the possibilities of autonomous decision-making have been increased for municipalities not only in regard to the new planning instruments such as *Räumliche Entwicklungskonzepte* (local development schemes) as a strategic framework for a zoning plan, but also for the increased involvement of the municipalities in

the regional planning of the states (in the case of the state of Salzburg this responsibility has now been transferred). Here, however, great differences exist as far as the existing situation and the trends in individual states are concerned.

Flexibility/certainty

A78. With regard to zoning plans which have been decisive for settlement development and building activities to date, the flexibility in adapting to current needs is very high so as to give the zoning plan, which had been intended as guidance, the character of a record of events. In particular the new provisions of recent spatial planning legislation indicate that, in the future, planning will be much better founded in content and fewer modifications will be possible to plans. Several decisions of the administrative court have also shown this trend recently.

Government structure

A79. In a country organised as a federation which has such a fragmented and sensitive power structure, it would in practice only be possible to make changes to the distribution of competence based on a political consensus at all levels. For this reason it is improbable that great changes will occur even if the

distribution of competence is deficient from a political and legal point of view, and the efficiency of spatial planning is hindered. Discussion on this subject is restricted to a small circle of experts. How small the room for manoeuvre is, has been illustrated in the recent efforts made to carry out a reform of the federal division of tasks (between *Bund* and *Länder*) and in the often failed attempts to create a new constitution regarding order in the distribution of spatial planning competences. Even fewer changes to territorial boundaries are to be expected. A few exceptions to this might take place at municipal level. The separation of municipalities that took place over the past few years (which revoked unifications that had been made in the 1970s), based on local request, may continue, however, only in small numbers.

Policy

A80. From a spatial planning policy point of view it is expected that more effort will be invested in the areas of housing construction, transportation policy and environmental policy with a new emphasis most likely being placed on the field of regional policy as well as on agricultural policy in the medium-term future. In the last two political fields mentioned, involvement in the EU policies will also play an important role.

B — Making and reviewing plans and policies

Summary

B1. Spatial planning is carried out in Austria at all three levels of government: by the *Bund* (federal government) (sectoral planning with territorial reference), the *Länder* (states) and the *Gemeinden* (municipalities). Planning on a regional level is the competence of the states.

B2. Since the federal government does not have the competence for comprehensive planning in the sense of physical, spatial planning, no ministry for *Raumordnung* (spatial planning) exists at the federal level. The diverse sectoral planning activities with spatial implications are the competence of the corresponding federal ministries, whereby individual tasks are delegated in part to the states. The *Bundeskanzleramt* (Federal Chancellery) is responsible for coordinating *Raumordnung* on a federal level (planning activities and measures with territorial reference of federal ministries), for coordinating *Raumordnung* with the states, as well as for its own tasks in fields that extend beyond only one sector. This affects regional policy (of the federal government) and regional planning research on a national level in particular. Because the federal government has no competence for comprehensive spatial planning on a national level, a regional development plan does not exist that covers the entire territory of Austria. The *Österreichische Raumordnungskonzept 1991 (ÖRK '91)*

(Austrian Spatial Planning Concept 1991) produced by the *ÖROK* is based on a political agreement at all three levels.

B3. Comprehensive spatial planning is the competence of the states. This is the level at which spatial planning laws are passed (no federal law on *Raumordnung* exists). Based on these laws the state governments implement *Landesraumordnungsprogramme* (state development plans) and *Landesfachplanungen* (sectoral state plans) as well as *Regionale Raumordnungsprogramme* (regional development plans) and *regionale Fachplanungen* (sectoral regional plans) in varying numbers and of differing natures. These contain objectives and the determination of locations for the corresponding state or parts of it. These plans function as the supra-local framework for the local spatial planning of the municipalities. The *Raumordnungsgesetze* (spatial planning laws) also lay down the planning instruments of the municipalities. In addition, states have the duty to supervise municipal planning and to assist municipalities in their work.

B4. Essentially the municipalities are the bodies that control permissible land use through the *Flächenwidmungsplan* (zoning plan). The zoning plan determines the permissible use of the land, but it does not contain any obligation to actually implement this use (e.g. housing). In some states a *Räumliches Entwicklungskonzept* (local development scheme) must be produced before a zoning plan is laid down which contains

Table B3: The Austrian system of spatial planning

Level	Population	Planning Authority	Planning Type	Content	Effect
<i>Bund</i> (federal government)	7.8 million	<i>ÖROK</i>	<i>ÖRK '91</i>	Guidelines for planning and measures with territorial reference of the federal government, states and municipalities (text)	Recommendation
		Federal ministries ⁽¹⁾	<i>Fachplanungen</i> (sectoral plans)	Sectoral subject fields (text and/or plan)	Binding also for planning on state, regional and municipal levels
<i>Land</i> (state)	9 states 1.5 million to 270 000	State government	<i>Landesraumordnungsprogramm</i> (state development plan)	Comprehensive development (text, optional plan) sectoral subject fields (text and/or plan)	Binding for regional and local planning
			<i>Landesfachplanungen</i> (sectoral state plans)	Sectoral subject fields (text and/or plan)	
Region		State government	<i>Regionales Raumordnungsprogramm</i> (regional development plan)	Comprehensive development	Binding for local planning
			<i>Regionale Fachplanungen</i> (sectoral regional plans)	Sectoral subject fields (text and/or plan)	
<i>Gemeinde</i> (municipality) (excluding Vienna)	8	Municipal council	<i>Räumliches Entwicklungskonzept</i> (local development scheme)	Overall development (text, optional plan)	Framework for the zoning plans
	15				
	45				
	515				
	1 749				
			<i>Flächenwidmungsplan</i> (zoning plan)	Designates permissible land use (plan and text)	Binding for land owners
			<i>Bebauungsplan</i> (building regulation plan)	Building regulations guidelines (plan, optional text)	

(¹) Federal Ministry for Economic Affairs: roads; Federal Ministry for Public Economy and Transport: railways; Federal Ministry of Environment: (hazardous) waste; Federal Ministry of Agriculture and Forestry: spatial planning related to forestry and laws relating to water.

NB: *ÖROK* Austrian Conference on Spatial Planning, not an authority but an advisory council (collegial organ).

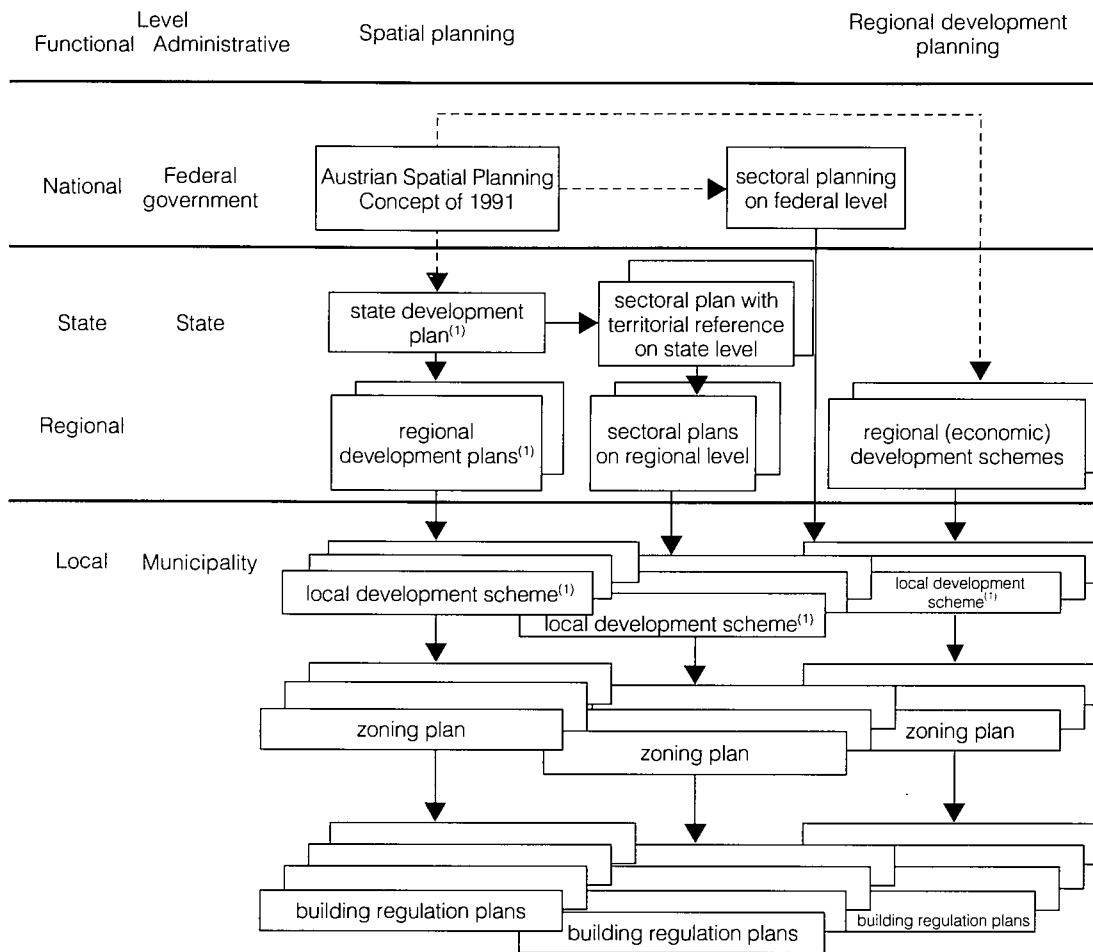
ÖRK Austrian Spatial Planning Concept 1991.

Source: *ÖSTAT* (Austrian Central Statistical Office), census 1991.

guidelines for the future development of the municipal territory. Finally the municipalities have a *Bebauungsplan* (building regulation plan) that determines the use of building land. The smaller municipalities, however, hardly ever apply the building regulation plan. Local spatial planning is one of the autonomous tasks of municipalities. The state is

the supervisory authority and approves spatial planning on a municipal level according to the criteria of conformity with the spatial planning laws as well as with the supra-local plans of the state. The actual instruments of implementation of the objectives of spatial planning are contained in building laws: the building permit must comply with the zoning,

Figure B6: Instruments of planning with territorial reference (overview)



(¹) State development plans, regional development plans and local development schemes have different names in the states.

NB: Austrian Spatial Planning Concept of 1991 — *Österreichisches Raumordnungskonzept 1991 (ÖRK '91)*

sectoral planning — *Fachplanung*

state development plan — *Landesraumordnungsprogramm*

regional development plan — *Regionales Raumordnungsprogramm*

regional (economic) development scheme — *Regionalwirtschaftliches Entwicklungskonzept*

local development scheme — *Räumliches Entwicklungskonzept*

zoning plan — *Flächenwidmungsplan*

building regulation plan — *Bebauungsplan*.

Policy institutions

Federal government (national government)

B5. At the federal level, planning and measures with territorial reference are the competence of various federal ministries depending on the sector (Federal Ministry of Economic Affairs, Ministry of Public Economy and Transport, Ministry of Environment, Youth and Family, Ministry of Agriculture and

Forestry) as well as the competence of the Federal Chancellery. No ministry for *Raumordnung* exists.

Bundeskanzleramt (Federal Chancellery)

B6. The *Bundeskanzler* (Federal Chancellor) is the head of the federal government. However he does not have the power to issue directives to ministers. The ministers are directly responsible to parliament. The Federal Chancellery is responsible for coordinating

matters related to spatial planning and regional policy, on the federal level and between the federal government and states and is also active in international spatial planning matters. Other significant activities include the task of coordinating subsidies to regions granted by the federal government, coordinating its work in regional policy promotion measures, in regional policy advisory and guidance institutions, and in regional development agencies. The Federal Chancellery is also substantially involved in regional research work on a national level.

Österreichische Raumordnungskonferenz (ÖROK) (Austrian Conference on Regional Planning)

B7. The *ÖROK* is the national council on spatial planning. It is a joint organisation of the federal government and the states which has been set up in the Federal Chancellery with the purpose of coordinating spatial planning policies at the national level. The body empowered to make resolutions is chaired by the Federal Chancellor and includes all federal ministers and the *Landeshauptmänner* (state governors) as well as the presidents of the *Österreichischer Städtebund* and *Gemeindebund* (Austrian Unions of Towns and Municipalities). Advisory powers are held by the presidents of the chambers representing interest groups.

B8. The *ÖROK* sets out the *Österreichische Raumordnungskonzept (ÖRK)* (Austrian Spatial Planning Concept) and makes recommendations on sectoral subjects. It also provides the fundamental planning data for the whole territory of Austria (forecasts, analyses, planning models) and publishes regular reports on the activities of the federal government, state and municipalities related to spatial planning. Political resolutions are reached by consensus.

B9. The *ÖROK* was established in 1971. It was not founded on any particular public or civil law basis but was created as a result of a political agreement. In addition to the council of politicians it comprises several working

committees to which officials have been appointed for special tasks. The staff is limited to one administrative office. Research and planning work is contracted out and provided by external experts. The results of this work (*ÖRK*, recommendations and fundamental planning data) are published in a document series. The funds for *ÖROK* are provided in equal parts by the federal government and the states.

Österreichisches Statistisches Zentralamt, ÖSTAT (Austrian Central Statistical Office)

B10. Although the Austrian Central Statistical Office belongs to the Federal Chancellery it works completely independently. It is responsible for the entire statistical data for Austria and on an international level. It carries out large-scale counts every 10 years such as population censuses, workplace censuses, building and apartment censuses (the most recent was in 1991).

Bundesministerium für wirtschaftliche Angelegenheiten (Ministry of Economic Affairs)

B11. The Ministry of Economic Affairs is responsible for spatial planning tasks related to the federal road network. In Austria roads are classified according to their function and importance for transit traffic. This is also the main criterion for the distribution of responsibilities in the area of road transport. According to the *Bundesstraßengesetz 1971* (Federal Road Act 1971) the federal government is responsible for federal roads, expressways and motorways (the rest are more or less the responsibility of the municipalities or states). The route of a federal road is laid down by ministerial decree and the detailed planning and administration of the federal roads is carried out by the states on behalf of the federal government.

B12. The planning of federal roads is carried out by special companies which are established by law. These are *Österreichische Autobahnen- und Schnellstraßen AG* (Aus-

trian Motorway and Expressway Company) for eastern Austria, Alpine Roadways Company for western Austria (*Alpenstraßen AG*) or by the corresponding office of the state government (on behalf of the federal government).

B13. The *Gewerbebehörde* (Commercial Regulations Authority) also belongs to this Ministry. It is mentioned in this context because any industrial plant established requires a permit granted by the Commercial Regulations Authority. The *Gewerbeordnung* (Commercial Regulations Code 1973), states its aims to be the protection of trades and business, of persons who carry on a trade or business and their employees. This does not define any competence for location planning for commercial and industrial enterprises. However, it does provide the possibility of rejecting an application on grounds pertaining to the trade or business. Since the Amendment of 1992 the Commercial Regulations Code no longer requires coordination with spatial planning legislation. The Commercial Regulations Code is enforced by the district authority.

B14. The Federal Ministry for Economy is also the highest *Bergbehörde* (Mining Authority). Mining is regulated in the *Berggesetz* (Mining Act) 1975 and is also considered to be related to spatial planning measures because the extraction and exploitation of mineral resources in mining areas requires the issuing of an official order. They must be indicated in the zoning plans (of the municipalities). Any construction projects on land located within a mining area must have a permit issued by one of the mining authorities (there are five district mining authorities in Austria). The Mining Act does mention that spatial planning should be taken into consideration but since the Amendment of 1990 it is possible to issue mining permits for projects that contradict spatial planning goals.

B15. The number of judicial districts on 1 January 1994 in Austria was 187 (judicial districts are continuously being dissolved due to rationalisation). Each judicial district has a surveying office that provides information

about the names and addresses of land owners, the properties' size and use as well as further land information contained in the land register (e.g. purchase price, mortgages etc.) which is available to the general public.

Bundesministerium für Umwelt, Jugend und Familie (Ministry of the Environment, Youth and Family)

(since 1994 *Bundesministerium für Umwelt* (Ministry of the Environment))

B16. The *Umweltverträglichkeitsprüfungsgesetz* (Environmental Impact Assessment Act) (pursuant to EU directives) came into force in mid 1994 (see Policy instruments, below). According to this Act any construction project that is expected to have considerable effects on the environment must pass an environmental impact assessment.

B17. In accordance with the *Bundes-Abfallwirtschaftsgesetz* (Waste Management Act) 1990 the federal government is responsible for the disposal and treatment of hazardous waste and thus also for determining the location of waste treatment plants. The Ministry of the Environment has the duty of issuing a *Bundes-Abfallwirtschaftsplan* (federal waste disposal plan) with the aim of ensuring an adequate number of locations for hazardous waste treatment plants.

B18. Nature conservation and the planning of national parks is the responsibility of the states. However, in the case of projects with national or international significance, interests of the republic exist which are safeguarded through financial support.

Umweltbundesamt (Federal Bureau of the Environment)

B19. The Federal Bureau of the Environment is a subordinate department of the Ministry of the Environment. It is a specialised institution set up by the Minister that is actively involved in the implementation of environmental laws. This is especially true for measures related to environmental controls (measurements) as

well as to environmental data (environment databases).

Bundesministerium für Land- und Forstwirtschaft (Ministry of Agriculture and Forestry)

B20. In Austria, forestry (46 % of total area, 1991) is rigorously supervised by the authorities. According to the Forestry Act 1975 the federal government is responsible for regulating spatial planning with reference to forests. This includes the determination of conservation forests and protective forests and the long-range planning of forestry in a *Waldentwicklungsplan* (forestry development plan) (see also Policy Instruments, below). The enforcement of forestry laws is the task of the regional and local forest authorities.

B21. *Gefahrenzonenpläne* (danger zone plans) are the responsibility of the *Forsttechnischer Dienst der Wildbach- und Lawinerverbauung* (Department for Protection against Torrents and Avalanches in Forests). It is not an authority but a department of public business administration, directly subordinate to the Minister, that administers the construction and maintenance of protective structures against torrents and avalanches in mountainous regions.

B22. The responsibilities of the Ministry of Agriculture and Forestry cover water resources management and water engineering. The *Wasserrechtsgesetz* 1959 (Water Rights Act) (last amendment 1990) gave the federal government responsibility for the protection of surface and underground waters and the safeguarding of future water supplies. This is executed by the states. The scope of application of the Water Rights Act extends to all surface and underground waters (including ground water) in Austria.

Bundesministerium für öffentliche Wirtschaft und Verkehr (Ministry of Public Economy and Transport)

B23. The responsibilities of the Ministry of Public Economy and Transport with territorial

reference are the fields of transport policy with the exception of federal roads, as well as affairs related to the public economy. The federal government responsible for supra-regional transport infrastructure has thus one of the most potent instruments for spatial policy at its disposal. The Ministry of Public Economy and Transport has worked out a *Österreichisches Gesamtverkehrskonzept* (transportation policy scheme for Austria) and a *Bundesverkehrswegeplan* (federal transport routes plan) is in the making.

B24. The area of responsibility of the Ministry of Transport covers the construction of public railway lines according to the *Eisenbahngesetz* 1957 (Railway Act). This task is fulfilled by the *Österreichische Bundesbahnen (ÖBB)* (Austrian Federal Railways). A significant improvement of the services offered by the ÖBB was achieved with the introduction of new timetables and routes in the year 1993. The resolution to implement the programme *Neue Bahn* includes extensive enlargement of railway network. A separate state-owned company *Hochleistungsstrecken-AG (HL-AG)* (High Speed Rail Link Company) was established for the construction of the high speed routes.

B25. States and municipalities only have a certain degree of power to influence the routes the railway lines will take by stating their position on regulation drafts. Restrictions — beyond the actual route itself — for local spatial planning are based on the prohibition to erect buildings not belonging to the railway up to 12 meters on both sides of railway lines and a danger zone subject to restrictions based on railway line laws.

B26. Pursuant to the Shipping Act 1990 and the Aviation Act 1975 the planning of ports on the Danube, Neusiedlersee and Lake Constance as well as airports is the responsibility of the Ministry of Public Economy and Transport.

B27. In addition to transport policy the Ministry of Public Economy and Transport is also responsible, together with the Federal Chancellery, for very important areas of regional

economic policy. Within the scope of industrial policy, promotion programmes are worked out and implemented for industry and business. In particular, measures are taken to improve the infrastructure in industrial problem areas, and special partnership companies are founded for operating business parks and technology transfer centers. The promotion of industry and business is mainly the task of the ERP Fund (see Section A, Economic development) whose managing director is under the authority of the Ministry of Public Economy and Transport and also serves as the Officer for Special Promotional Measures and for the Innovation and Technology Fund.

Bundesministerium für Wissenschaft und Forschung (Ministry of Science and Research)

(since 1995 *Bundesministerium für Wissenschaft und kulturelle Angelegenheiten* (Ministry of Science and Cultural Affairs))

Bundesministerium für Unterricht und Kunst (Ministry of Education and Arts)

(since 1995 *Bundesministerium für Unterricht* (Ministry of Education))

B28. An important area of spatial planning within the scope of competence of the federal government is the universities, institutions of higher education, specialised institutions of higher education, comprehensive and vocational colleges. The federal government determines the locations, acquires the land and establishes the institution within the scope of its own public business administration based on a development programme. The municipalities do not have the formal right to be heard. However, the planning and construction of a federal institution is of great importance for a municipality with regard to both its function for the region and the municipality itself. While the expansion of universities and institutions of higher education took place mainly during the 1970s and 1980s, today the main focus is on the establishment of new types of specialised institutions of higher education.

Bundesdenkmalamt (National Office for Historical Monuments)

B29. The National Office for Historical Monuments is under the authority of the Ministry of Education and Arts. The Historical Monuments Act 1990 places the responsibility for the maintenance of special cultural heritage in the hands of the federal government. This task is carried out by the National Office for Historical Monuments directly at the federal administrative level and by its external departments in the states *Landeskonservator* (State Conservation Officer). Protection of buildings and building groups in historic town centres restricts the activities of public spatial planning on a local level and the range of possible uses, although on a local level an interest in preservation usually does exist.

Bundesministerium für Arbeit und Soziales (Ministry of Labour and Social Affairs)

B30. The Ministry of Labour and Social Affairs subsidises job-creating projects of territorial authorities (states, municipalities, municipalities' unions) or private non-profit institutions (associations) which offer services that benefit the public in general. Since 1988 laws exist for the creation of *Arbeitsstiftungen* (employment foundations). These help carry out re-training programmes for employees affected by large-scale redundancies.

State government

Landesregierung (state government) and *Amt der Landesregierung* (office of state government)

B31. In contrast to the federal level, which works according to the principle of separate spheres of responsibility (federal ministries are independent), the state governments are collegiate bodies. As a consequence the offices of the state governments are administrative units. The head of government at the state level is the *Landeshauptmann* (state governor). However, he or she also has a

second function. For tasks delegated to the states by the federal government the governor acts as the representative of the federal administration. The individual departments in the offices of the state governments are grouped and named differently and the areas of responsibility are also sometimes organised differently. The tasks pertaining to spatial planning on a local and supra-local level are fulfilled by the spatial planning departments. In addition the departments for the promotion of trade, agriculture, forestry, environment, transport and the economy also play an important role for measures and planning with territorial reference.

B32. By giving the states the competence for the legislation and execution of comprehensive spatial planning, the autonomous production of supra-local spatial planning and the function of being the supervisory body for spatial planning become tasks of the state governments. Therefore, nine state governments are the main bodies responsible for spatial planning in Austria.

B33. The departments responsible for spatial planning of the corresponding *Amt der Landesregierung* (office of the state government) have responsibility for drawing up draft programmes and plans, and, in the case of drafts, for decrees carrying out a procedure of putting forward statements and, last of all, of presenting these to the state government for resolution. The competent member of government is responsible for managing the administration. The resolutions are reached by the collegiate body of the *Landesregierung* (state government). The state government also approves the *Flächenwidmungsplan* (zoning plan) drawn up and adopted by a municipal council.

B34. The 'external' coordination with the federal government and municipality varies in matters related to spatial planning. Usually no obligation exists for the state governments to provide information to the federal government or ask its opinion. The latter, however, is common practice today. Thus for example, drafts of *Raumordnungsprogramme* (regional development plans) are

presented to the Federal Chancellery for its opinion. Municipalities must be included in the procedure of putting forward statements in any case. In some states where *Regionale Planungsbeiräte* (regional planning advisory councils) have been set up, the municipalities have an opportunity of participating in the creation of programmes beforehand (see paragraph B76).

B35. The 'internal coordination' between those departments responsible for spatial planning and the other parts of the state's administration responsible for measures with territorial reference (e.g. state roads, nature conservation) or with territorial impact (e.g. economic subsidies), varies greatly with regard to type and intensity. Each group of measures usually has its separate legal basis. Usually no reference is made to *Raumordnungsgesetze* (spatial planning laws) (and for this reason the only area in which the implementation of spatial planning objectives is 'secured', is the area of building laws over which the municipalities have jurisdiction). Coordination between spatial planning and sectoral tasks of the state takes place within the office of the state government in various ways, and is quite often strongly influenced by the fields of responsibility for which the member of government competent for spatial planning is also responsible.

B36. The *Landeshauptmann* (state governor) has a relatively strong position with regard to spatial planning policies, even if the task of spatial planning is given to another member of government within the state government. The strong position results from her/his threefold role as:

- chairperson of the collegiate body of state government;
- head of the *Amt der Landesregierung* (office of the state government);
- head of the authority within the scope of *mittelbare Bundesverwaltung* (delegated federal administration).

Bezirksverwaltung (District Administration)

B37. District authorities have been set up in the district capitals to fulfill the duties of the federal government within the scope of the direct federal administration and also as a branch office of the state administration. Austria has 98 districts (excluding Vienna). Of these 14 are cities with their own statutes whose *Magistrat* (town administration) takes over the role of district authority. The district authority is, for example, the office responsible for matters related to trade regulations or water legislation. From a spatial planning point of view the districts in most cases correspond to a level between municipality and state and usually also play a role in the regional planning of a state. On this level, however, no political representation exists. It would be possible according to the constitution, but no provisions exist. Approximately three to four districts on average together make up a NUTS-3 region.

Local government (municipality)

B38. In addition to Vienna, 14 cities with their own statutes exist (with 1 700 to 240 000 inhabitants) and 2 318 further municipalities with 50 to 40 000 inhabitants (i.e. in total 4.7 million inhabitants). Municipalities are autonomous territorial authorities with a right of self-government. Their rights are independent of size and equal for all. Local spatial planning is an essential element of their sphere of action (see also paragraph A36 ff.). Spatial planning on a local level is an independent task of the municipality. The responsibility for the building regulation plan gives the municipality a key role in the overall planning system. The *Flächenwidmungsplan* (zoning plan) is subject to the approval of the state government, but the state government only has the power to reject it on the grounds of violations of the *Raumordnungsgesetz* (spatial planning law) or if it conflicts with supra-local *Raumordnungsprogramme* (regional development plans) of the state. Regarding the contents of the overall development policy pursued, the municipalities have a relatively strong position, especially if their

finances are also strong due to high tax revenues. Municipalities may apply completely independent measures from the sphere of private business administration (investments, investment incentives) in order to achieve their spatial planning goals. If one takes into consideration that the mayor is the building authority and that the appeals authority is the *Gemeinderat* (municipal council), it may be concluded that decisions on the development of settlements in Austria are made mainly at the lower tiers of the planning system.

Other organisations

Regionale Planungsverbände (Regional Planning Associations)

B39. Municipalities may unite to form communal associations under public law or under civil law for the joint performance of certain tasks. Intercommunal cooperation in the form of associations for tasks related to spatial planning has been the exception until now. The new Salzburg Raumordnung Act requires the establishment of associations of municipalities' (for the task of regional planning) according to regional divisions that are determined by the state. An exception is the socioeconomic entity of the region of Vienna. The *Planungsgemeinschaft Ost* (Planning Union East) was founded for the region of Vienna in the year 1978 by the states of Vienna, Lower Austria and Burgenland. It prepares and coordinates spatial planning activities that affect the entire region. Its legal basis is a treaty between the three states (foreseen in the constitution since 1974).

Transport (tariff) unions

B40. Municipalities, states and the federal government have formed several tariff unions for the mutual organisation of regional public local passenger transportation and its funding (loss coverage). Some are organised as stock corporations.

Policy instruments

Federal (national) level

Österreichisches Raumordnungskonzept 1991 (ÖRK '91) (Austrian Spatial Planning Concept)

B41. The *ÖRK '91* was created by resolution of the *Österreichische Raumordnungskonferenz* (Austrian Conference on Regional Planning) as a follow-up product to *ÖRK '81*. It is addressed to federal departments, state governments and municipalities as bodies responsible for spatial planning. It serves as a guideline for all planning, but is not legally binding, but a resolution unanimously adopted by all planning bodies, and has the character of a politically self-imposed obligation (comparable to a charter). The *ÖRK '91* contains descriptions of the most important spatial problems of Austria from a national perspective for selected sectors (settlement trends, open space, regional economy, social infrastructure and technical infrastructure) as well as goals for action in the medium-term and a catalogue of measures. In addition to its function in providing guidelines for public planning bodies, the *ÖRK '91* also fulfils an important informative function at national level.

Sectoral planning of some federal ministries

Bundeskanzleramt (Federal Chancellery)

B42. We have placed the Federal Chancellery at the beginning of the list of federal agencies because, in addition to its coordinating tasks in the area of *Raumordnung*, it also has significant instruments at its disposal in the area of regional innovation incentives.

B43. The *Förderungsprogramm für eigenständige Regionalentwicklung* (scheme for the promotion of endogenous regional development) supports the use of consultancy services to overcome the lack of know-how

and difficulties in accessing appropriate information which is a factor that may lead to bottlenecks in the economic development of disadvantaged areas. Special attention is given to projects that include regional cooperation. Since the first half of the 1980s *Regionalbeauftragte* (regional advisors) of the federal government have been employed in the individual problem regions (see Section D, Regional economic development).

Bundesministerium für öffentliche Wirtschaft und Verkehr (Ministry for Public Economy and Transport)

B44. The most important instrument of innovation-oriented regional policy is the subsidy scheme *Regionale Innovationsprämie* (regional innovation bonus) which is mutually funded by the federal government and seven states (excluding Vienna and Vorarlberg). Its goal is to subsidise economic renewal in old industrial areas and economic growth in peripheral rural areas. Preference is given to investments in product and process innovation. The promotion scheme continued until the end of 1995. For the two programmes mentioned, the assisted areas are defined by the *ÖROK* (demarcation for industrial and trades regional assisted areas). The subsidy scheme offers subsidies to enterprises; it is not related to *Raumordnungsprogramme* (regional development plans).

Please see Figure B7: 'Assisted areas', at the end of this document.

B45. The *Österreichisches Gesamtverkehrskonzept 1991* (Austrian transportation policy scheme) contains goals for avoiding unnecessary traffic, for promoting means of transportation not harmful to the environment as well as measures aimed at revealing the true costs, and at increasing transparency, in the area of transportation.

B46. The comprehensive modernisation plan for the *Österreichische Bundesbahnen (ÖBB)* (Austrian Federal Railways) entitled *Neue Bahn* includes many new measures for the railway network, partly by laying new

routes for high speed lines (to this end a separate planning company has been created, the *Hochleistungsstrecken AG*). The main projects presently being worked on are: the adaptation of the western railway route between Vienna and Linz into a high speed railway route; on the southern route, the Semmering tunnel; and a feasibility study on the laying of new lines at Inntal, Tyrol, in connection with the planned tunnel through the Brenner Pass (*Brennerbasistunnel*), in Salzburg, and on the southern railway line from Vienna to Carinthia.

B47. The *Bundesverkehrswegeplan* (federal transportation routes plan) deals with the medium- and long-range plans for expanding the railway and road networks, waterways and airports in concert with each other, in keeping with transportation policy. The plan is to set priorities at the national level for new constructions and extensions of transport routes. It should be completed in 1996.

Bundesministerium für wirtschaftliche Angelegenheiten (Ministry of Economic Affairs)

B48. The Ministry of Economic Affairs is responsible for all federal roads: motorways, expressways and national roads. The expansion of the *Autobahn* (motorway) network concentrates on filling in missing routes in the existing network. Plans either already exist or there is work going on for access roads to the transit route *Pyhrn Autobahn* (A9) in Upper Austria, the *Südautobahn* (A2) east of Klagenfurt, as well as to the south of Vienna the connection of *Burgenland Autobahn* (A3) to the *Südautobahn* (A2). Planning is limited to short term project planning of sections of routes. Medium and long range perspectives are incorporated in the *Bundesverkehrswegeplan* (federal transportation routes plan).

Bundesministerium für Land- und Forstwirtschaft (Ministry of Agriculture and Forestry)

B49. The goal of spatial planning related to forestry is the maintenance of forests and

their four functions: forestry (economic function), protection against flooding, avalanches and wind (protective function), the balancing effect on climate and waters (welfare function), and in particularly densely populated areas its important recreational function. A large proportion of forests are owned by the *Österreichische Bundesforste* (Austrian Federal Forests), but privately owned forests are also open to the public. The clearing of forests requires permits issued by the forest authorities.

B50. The *Waldentwicklungsplan* (forest development plan) describes the functions of forests and improvement measures that can be taken (e.g. definition of cultivation of forestry, agriculture and Alpine meadows). It serves as a basis for decisions on forestry. The database (the plan is available in digital form for the entire territory of Austria) is managed by the *Forstliche Bundesversuchsanstalt Wien* (Federal Testing Institute for Forestry in Vienna). The forest development plan, produced by the forest authority, is presented to the competent federal minister for approval and is available for public inspection at the district authority's offices. It is considered as binding for the spatial planning of the states and municipalities.

B51. The district authority may declare certain forest areas to be of special importance by issuing an official order. *Schutzwälder* (conservation forests) are areas that are particularly endangered by wind and water and where the soil needs special protection; *Bannwälder* (protective forests) are for the prevention of certain risks (such as avalanches) or for settlements. The definition as a conservation or protective forest restricts the forest's use or function.

B52. The *Gefahrenzonenplan* (danger zone plan) produced by the *Forsttechnischer Dienst der Wildbach- und Lawinenverbauung* (Department for Protection against Torrents and Avalanches in Forests) demarcates areas endangered by torrents or avalanches and to what degree these are endangered, and also shows the zones required for protective measures. Although

the danger zone plan does not have any legally binding effect on local spatial planning, it is always taken into consideration in zoning plans and building regulation plans, partially by being made obligatory in supra-local spatial plans.

B53. The main aim of the *Wasserrecht* (law relating to water) is to keep waters clean. A state governor has the power, for example, to define water quality standards and the measures required to maintain these (e.g. sewerage system) by issuing an official decree. In addition it is also possible to set limits for effluents. The extensive promotion measures taken during the 1970s have led to a significant improvement of the water quality of Austrian lakes. Presently the main focus is on measures in the area of water management for keeping rivers clean, and in returning formerly regulated rivers to their natural course as far as possible.

B54. *Wasserwirtschaftliche Rahmenpläne* (strategic water plans) contain comprehensive planning regarding the regulation of water management (refers to water economy, water supply, waste water disposal, flood protection, hydraulic power exploitation and fishing) without any special reference to spatial planning. These are issued by official order of the federal ministry and serve as internal guidelines. *Wasserwirtschaftliche Rahmenverfügungen* (executive water plans) are issued by the Ministry by decree and are binding for municipalities and land owners or persons with water rights. They may contain:

- zoning for certain water management purposes i.e. determination of land use referring to waters;
- restrictions on licences related to water rights;
- guidelines for the municipal use of water or for the use of surface water or ground water, and the maintenance of a certain standard.

B55. Through official decrees or orders the Water Authority may define *Wasserschutzgebiete* (water conservation areas) or *Wasserschongebiete* (water preservation areas), *Quellschutz-* (mineral spring areas) and *Brunnenschutzgebiete* (well conservation areas) as well as *Überschwemmungsgebiete* (flooding areas). Protective waters, water bank protection areas and conservation areas for mineral springs and medicinal moors may also be defined. Each of these protective regulations restricts use and introduces declaration duties to the *Wasserrechtsbehörde* (Water Authority) and licensing requirements. The municipalities are obliged to mark conservation areas in the zoning plan.

B56. In addition to comprehensive agricultural promotion based on sectoral policy, regional agricultural promotion exists in Austria in the form of special programmes for mountain farming areas and other disadvantaged areas (e.g. peripheral border regions). Production-independent subsidies for mountain farmers have been expanded in the past decade. Agricultural subsidies comprise above all investment subsidies for individual farms in the form of cheap loans.

Bundesministerium für Umwelt, Jugend und Familie (Ministry of the Environment, Youth and Family)

(since 1995 *Bundesministerium für Umwelt* (Ministry of the Environment))

B57. The *Umweltverträglichkeitsprüfungs-Gesetz* (Environmental Assessment Impact Act) was passed in 1993 and came into force in July 1994. According to this Act any construction project that is expected to have considerable effects on the environment must pass an environmental impact assessment. The minimum conditions required of the environmental impact assessment statements do not make any references to spatial planning. The assessment procedure is carried out by the state governor who acts as executive officer of the federal administration in this field (as in other fields). The results of

the assessment must be taken into consideration when granting permission.

B58. According to the *Bundes-Abfallwirtschaftsgesetz* (Federal Waste Disposal Act), the *Bundes-Abfallwirtschaftsplan* (federal waste disposal plan) lays out the required regional capacity and locations for the treatment of hazardous waste. The latter has not yet been fixed. Urgent action is needed in both cases, for hazardous waste incinerating plants as well as for hazardous waste dumps. Presently there is only one plant in Austria for burning hazardous waste: the *Entsorgungsbetriebe Simmering (EBS)* (Waste Disposal Facilities Simmering, Vienna). There are two site proposals being discussed, one in Upper Austria and one in Styria.

State level

Raumordnungsgesetze (spatial planning laws) of the *Länder* (states)

B59. Most spatial planning laws of Austria's states were passed in the 1950s and 1960s. Since then these laws have been amended and revised many times. In the past two years in almost all states far-reaching modifications have been made, triggered only in part by the impending Austrian membership of the EU and expectations regarding increased settlement area demand. Three states (Salzburg 1993, Upper Austria and Tyrol 1994) already have fully revised laws; two further states (Carinthia and Styria 1994) have just adopted amendments.

B60. The spatial planning laws of Austria's states are more similar in content to each other than their application has been in planning practice. First of all, they contain standards on the general and specific goals of spatial planning. In the new versions these goals have been expanded to include the space-saving utilisation of land, restrictions on second homes and measures for attracting building land to the market. The heart of spatial planning laws is the determination of the planning instruments and their forms for

the supra-local planning work carried out by the states (comprehensive and sectoral planning for the state territory and for regions) and for the planning work of municipalities (local development schemes, zoning plans, building regulation plans) as well as the regulation of obligations and procedures.

B61. In general in Austria the term 'region' is understood to be a spatial formation on a level between the state and the municipality. Political representative bodies do not exist on this level. So-called *politische Bezirke* (districts) serve as purely administrative entities (see Policy institutions, below, and Glossary). In some states spatial planning at the regional level is organised according to these districts (Lower Austria, Upper Austria, Styria), in others the *Raumordnungsgesetz* (spatial planning law) defines separate aggregates of municipalities as regions (Tyrol, Salzburg). Finally some states do not define regions in advance (Vorarlberg, Carinthia, Burgenland), but regional development plans or schemes define ad hoc their own region to which they belong.

B62. The planning instruments provided for in spatial planning laws are listed in Table B4. These plans are issued as decrees by the state governments and are thus also binding for municipalities. In individual cases spatial planning for special fields also exists in the form of government resolutions which are binding only for the state administration.

Landesraumordnungsprogramme (state development plans)

Status

B63. The plans envisaged in spatial planning laws for the entire state territory are comprehensive in content and are issued by the state governments as official decrees. These are binding for the authorities themselves in implementing sectoral and regional planning, for carrying out their supervisory functions over municipalities, and finally also for the municipalities' local spatial planning

Table B4: Planning instruments of the *Länder* (states)

State/legal basis	Planning at the state level	Planning at the regional level
Spatial planning law of the state	Comprehensive and sectoral development plans for the state territory	Comprehensive and sectoral development plans for regions
Burgenland <i>RPG</i> 1969 (last amendment 1994)	<i>Landesentwicklungsprogramm</i> <i>Landesraumordnungsplan</i> ⁽¹⁾	<i>Entwicklungsprogramme</i>
Carinthia <i>ROG</i> 1969 (last amendment 1994)	<i>Entwicklungsprogramme</i> <i>Sachprogramme</i>	<i>Regionale Entwicklungsprogramme</i> <i>Sachgebietsprogramme</i>
Lower Austria <i>ROG</i> 1976 (last amendment 1994)	<i>Raumordnungsprogramme</i> <i>Sachprogramme</i>	<i>Raumordnungsprogramme für Regionen</i> <i>oder Zonen</i> <i>Sachprogramme</i>
Upper Austria <i>ROG</i> 1994	<i>Landesraumordnungsprogramme</i> <i>Sachprogramme</i>	<i>Regionale Raumordnungsprogramme</i> <i>Sachprogramme</i>
Salzburg <i>ROG</i> 1992	<i>Landesentwicklungsprogramm</i> <i>Sachprogramme</i>	<i>Regionalprogramme</i>
Styria <i>ROG</i> 1974 (last amendment 1994)	<i>Landesentwicklungsprogramm</i> <i>Entwicklungsprogramme</i> <i>für Sachbereiche</i>	<i>Regionale Entwicklungsprogramme</i>
Tyrol <i>ROG</i> 1994	<i>Raumordnungsprogramme</i> <i>Raumordnungsprogr. für bestimmte</i> <i>Sachbereiche</i> ⁽²⁾	<i>Raumordnungsprogramme</i> <i>Raumordnungsprogramme für</i> <i>bestimmte Sachbereiche</i>
Vorarlberg <i>RPG</i> 1973 (last amendment 1994)	<i>Landesraumplan</i> <i>Landesraumplan für Sachbereiche</i>	<i>Regionalplan</i> <i>Regionalplan für Sachbereiche</i>
Vienna ⁽³⁾ <i>Wr. Bauordnung</i>	<i>Stadtentwicklungsplan</i> ⁽³⁾	<i>Bezirksentwicklungspläne</i> ⁽³⁾

⁽¹⁾ For measures that are expected to have massive adverse effects on the environment.

⁽²⁾ For an orderly development of tourism, for large accommodation enterprises and for shopping centres.

⁽³⁾ The state of Vienna is an exception as it is at the same time a municipality; the legal basis for spatial planning in this case is the Viennese building code. The planning instruments listed here exist but are not mentioned in the Viennese building code.

NB: *ROG Raumordnungsgesetz* (spatial planning law)
RPG Raumplanungsgesetz.

activities. The plans have different names in the different states. In the following we will use the name 'state development plan' for all plans.

Geographic coverage and duration

B64. The state development plans cover the entire territory of the states. Their validity is not limited.

Objectives

B65. The contents of the actual state development plans vary considerably from state to state and are listed in Table B5.

Use

B66. *Landesraumordnungsprogramme* (state development plans) are the level above *Regionale Raumordnungsprogramme* (regional development plans) and sectoral plans. They define in part the regions for regional planning as well as the subject fields for the sectoral plans and lay down the minimum content requirements. For these reasons state development plans are usually a mixture of concrete goals to be achieved, determination of plans with territorial reference and general guidelines for further planning work (regional and sectoral planning) of the planning offices of the states and the municipalities.

Table B5: Landesraumordnungsprogramme (state development plans)

State	Instrument	Main content
Burgenland	<i>Landesentwicklungsprogramm LGBl 48/1994</i>	The definition of goals for various sectors. Definition of tourism locations and zones. Locations for trades and industries, and central places.
Upper Austria	<i>Landesraumordnungsprogramm LGBl 30/1978</i>	General goals for state development. Definition and setting of goals for agglomerations and development areas, and for rural regions. Definition of planning regions. Determination of central places.
Salzburg	<i>Landesentwicklungsprogramm LGBl 80/1994</i>	Goals and measures (settlement development, economy, infrastructure, spatial network structures) for planning the state's structure. Definition of regional unions' zones. Specific goals and measures for central regions and rural areas. Requirement that sectoral plans be produced. Goals and measures for different sectors (housing, social and technical infrastructure, transport, economy, nature and environment).
Styria	<i>Landesentwicklungsprogramm LGBl 53/1977</i>	Principles and goals. Determination of planning regions with the obligation to set up regional development plans. Obligation to set up development plans for certain sectors with minimum content requirements. Definition of central places.

NB: *LGBl Landesgesetzblatt* (Legal Gazette, promulgation of acts and decrees)

Policy production

B67. The setting up of state development plans is the task of the planning departments at the offices of the state governments. The drafts for decrees are subjected to a procedure of putting forward statements similar to the one for drafting laws. The pertinent federal ministries, other relevant departments of state governments, interest group representatives, neighbouring states, regional planning associations (of municipalities) and municipalities have the opportunity to present their opinions. The decree is then issued by resolution of the state parliament.

B69. The previous state development plans also displayed effects of varying quality. For example, there is no binding spatial planning plan at the regional level for Upper Austria in spite of the definition of planning regions in the state development plan. In Styria on the other hand, there are relatively uniform regional development plans for almost the entire state territory as defined by the state development plan. Periodical reviews and modifications of the state development plan are not envisaged.

B70. State development plans are set up on the basis of spatial planning laws. They are guidelines for the regional and sectoral planning of the states. The same body is thus responsible for setting up and implementing subsequent planning activities.

Practice

B68. The plans envisaged in the spatial planning laws have only been realised in part (see Table B6). The newer plans (in Burgenland and in Salzburg) contain, in comparison to some of the older ones, concrete goals formulated for some fields, which are expected to have consequences for regional and local planning. However, as they are new there is no experience of their effectiveness.

Regionale Raumordnungsprogramme (regional development plans)

Status

B71. Regional development plans are set up in the form of decrees issued by the state

governments. They are binding for spatial planning at local level by municipalities.

Geographic coverage and duration

B72. The regions are defined differently by the individual states. The regional development plans usually refer to individual districts or to several districts, they may also only be set up for parts of districts. The plans have different names in the different states. In the following we will use the name 'regional development plan' for all plans.

B73. Regional development plans do not have a limited duration. If new conditions or demands arise then they are amended. Only the plans of the state of Tyrol had until now a limit of validity of 10 years. Most of them have now lost their validity (see Table B6).

Objectives

B74. Regional development plans usually contain goals for at least several sectors of a region. These are general goals depending on the state and plan, but may sometimes be formulated quite specifically. Usually reserved areas are demarcated such as, for example, for agriculture, for raw material exploitation, and for tourist or industrial uses, in order to ensure that these areas are used for such purposes. Sometimes, maximum settlement limits are set that may not be surpassed by the municipality when zoning building land. The degree of exactness is also illustrated in the scales used. The range is from 1:25 000 to 1:200 000. The most important contents are listed per plan in Table B6.

Use

B75. Regional development plans contain more or less specific supra-local goals for local spatial planning. The local development scheme and the zoning plan of the

municipalities are not permitted to contradict supra-local planning.

Policy production

B76. Responsibility for regional development plans lies with the spatial planning departments of the state governments. The actual planning work is often contracted out to private planning bureaus. In some states the municipalities may participate in the setting up of regional development plans through *Planungsbeiräte* (regional planning councils). This participation has the goal of achieving a high degree of approval and identification with the plan on the part of the municipality. The approval procedure follows the one for state development plans.

B77. The Spatial Planning Act of the state of Salzburg provides for the complete transferral of the work of drawing up regional development plans to municipal unions (their composition is laid down in the state development plan). The plans worked out by the municipal unions are then adopted by the states by decree and thus become binding.

Practice

B78. Even the instrument of regional development plans provided for in spatial planning laws, which usually contain the main spatial planning goals with supra-local reference to be adhered to by local plans, has not been achieved for the entire territory. Only a part of the territory of Austria has such plans at its disposal. Depending on the contents and on how detailed they are, these plans may serve as an orientation or a limitation for spatial planning on a local level: regional development plans also mention specific measures such as new infrastructure.

Table B6: Regionale Raumordnungsprogramme (regional development plans) of the Länder (states) (valid at present)

State	Instrument and title	Main objectives
Carinthia	<i>EP Kärntner Zentralraum</i> LGBI 39/1977	Very general definition of goals for different subject fields
	<i>EP Raum Villach</i> LGBI 40/1977	s. a., demarcation of agricultural zones
	<i>EP Nockgebiet</i> LGBI 41/1977 (Nov. 5/90, 119/91)	s. a., definition of main and secondary tourism centres
	<i>EP Mirnock-Verditz</i> LGBI 2/1978	s. a.
	<i>EP Raum Klagenfurt</i> LGBI 19/1981	s. a., demarcation of agricultural zones and centre structure
Lower Austria	<i>EP Politischer Bezirk St. Veit/Glan</i> LGBI 37/1983	s. a.
	<i>EP Raum Weißensee</i> LGBI 59/1987	s. a., demarcation of ecological areas of significance for the landscape
	<i>Reg. RP Wr. Neustadt-Neunkirchen</i> LGBI 8000/75-0 (115/1982)	Definition of reserve zones (especially for raw material exploitation, agriculture), Conservation areas and settlement boundaries. Measures on population, transport and economic. Scale: 1:50 000
Salzburg	<i>Zonales RP Unteres Ennstal</i> LGBI 8000/35-0 (114/1984)	s.a.
	<i>Regionales RP Wien-Umland</i> 8000/77-0 (LGBI 38/1990)	s.a.
	<i>Regionales RP NÖ Zentralraum</i> LGBI 71/1984	s.a.
Styria	<i>EPL Wallersee</i> LGBI 51/1965	Green zone. Scale 1:10 000
	<i>EPL Die Stadt Sbg und ihr Umland</i> LGBI 25/1970 (Nov. 87/93)	Recreation area, landscape conservation area, emission-free zone, spa district. Scale: 1:50 000
	<i>EPL Pinzgau</i> LGBI 137/1973	Green zone, peripheral tourism region. Scale: 1:200 000
	<i>EPL Lungau</i> LGBI 50/1976	Intensive agricultural zone, reserve zones for landscape and nature conservation areas. Scale: 1:100 000
Tyrol	<i>EP Pongau</i> LGBI 48/1986 (Nov. 68/91)	Settlement boundaries, goals and measures for nature and environment conservation, intensive agricultural cultivation areas, reserve space for landscape preservation areas, local spatial planning bound by danger zone plan
	<i>EP Predlitz-Turracher Höhe</i> LGBI 34/1968	Determination of tourism areas, town areas and nature conservation. Scale: 1:50 000
	<i>EP Mitterndorfer Becken</i> LGBI 25/1972	Areas for winter sports, town areas, spa areas, landscape and nature conservation areas. Scale: 1:100 000
	<i>EP Nördliches Leibnitzerfeld</i> LGBI 8/1988	Demarcation of mining zones, green land and industry within a pre-utilisation and post-utilisation plan. Scale: 1:50 000
	<i>EP Planungsregion Bruck/Mur</i> LGBI 54/1989	Goals formulated for sectors (e.g. population, settlement development). Scale: 1:50 000
	<i>EP Planungsregion Judenburg</i> LGBI 55/90	s. a.
	<i>EP Planungsregion Murau</i> LGBI 56/1989	s. a.
	<i>EP Planungsreg. Deutschlandsberg</i> LGBI 33/1991	s. a.
	<i>EP Planungsregion Fürstenfeld</i> LGBI 34/1991	s. a.
	<i>EP Planungsregion Weiz</i> LGBI 35/1991	s. a.
	<i>EP Planungsreg. Liezen</i> LGBI 83/1991 (Nov 2/92)	s. a.
<i>EP Planungsregion Leoben</i> LGBI 84/1991	s. a.	
<i>EP Planungsregion Müzzzuschlag</i> LGBI 112/1993	s. a.	
<i>EP Planungsregion Feldbach</i> LGBI 7/1994	s. a.	
<i>EP Planungsregion Radkersburg</i> LGBI 8/1994	s. a.	
Tyrol	<i>EP Kleinregionen Brixental und Wildschönau</i> LGBI 31/1985	Very concrete measures for infrastructure expansion, stream regulation, conservation forests restoration, nature conservation, among others. Scale: 1:50 000 Period of application 10 years
	<i>EP Kleinregion Telfs und Umgebung</i> LGBI 18/1986 (Nov 57/87, 35/94)	s. a.
	<i>EP Kleinregion Wipptal</i> LGBI 23/88	s. a.
Vienna	(Wiener Stadtentwicklungsplan) (urban development plan)	

NB: s.a. (in force until a new Regionale Raumordnungsprogramme is adopted).

EP, EPL, RPL, RP — regional development plans.

LGBI Landesgesetzblatt — Legal Gazette, promulgation of acts and decrees.

B79. The realisation of specific measures is partly the task of different federal and state departments. The latter applies to, for example, road construction, the granting of subsidies or the regulation of torrents that are the responsibility of the federal government. Federal government agencies may not be bound by the regional development plans of the states. The implementation of regional development plans is partly in the hands of the spatial planning department of the office of the state government itself, if, as supervisory authority, it examines local development schemes and zoning plans of municipalities. It is adapted to changed economic conditions through amendments or through the repeal of decrees.

Linkages

B80. Regional development plans are either derived from state development plans, or these are set up alone on the basis of spatial planning laws. This planning ranks above local development schemes and zoning plans of municipalities.

Please see Figure B8: 'Section out of the *Regionales Raumordnungsprogramm Niederösterreich-Zentralraum* (regional development plan for the central region of Lower Austria)', at the end of this document.

Sector planning of the states

Status

B81. Spatial planning at the supra-local level by the state is established either by decree pursuant to spatial planning laws or by government resolutions. These deal with spatial planning measures in a limited sector (for example shopping centres). They have different designations in the different states. As decrees these are binding for the state administration and municipality, as government resolutions they are only binding for the state administration. In the latter case they are usually called *Konzept* (scheme). Almost all

states have this type of scheme for the areas of waste disposal management and transportation (see Table B7).

Geographic coverage and duration

B82. The states may set up sectoral plans based on spatial planning laws for both the entire state as well as for individual regions. Sectoral plans are usually only valid for a certain period of time. They may be renewed or revoked as required.

Objectives

B83. Several states draw up sectoral plans pursuant to spatial planning laws especially for tourism, waste disposal, housing and industry, for different infrastructure facilities, shopping centres, for securing raw material resources or for nature conservation. These deal either specifically with the demarcation of locations or reserved areas for individual uses, or with keeping certain zones free of use and with use restrictions in the interest of supra-local needs.

B84. State-wide sectoral planning in the form of schemes (i.e. not legally binding for the municipality) for example, is usually undertaken in the western states for tourism development. The content is usually made up of principles, goals and recommendations for measures to be taken.

B85. Sectoral plans at the regional level (i.e. sectoral plans for only one region) are more specific than state-wide sectoral plans and regional plans due to their limitation to certain sectors or areas. The main focus in this planning category is the demarcation of open space on a supra-local level or of settlement boundaries and the definition of agricultural priority areas (Tyrol and Vorarlberg).

Table B7: State-wide sectoral planning

State	Instrument	Main Contents
Burgenland	<i>Landesraumordnungsplan für Maßnahmen, die in erheblichem Ausmaß nachteilige Auswirkungen auf die Umwelt erwarten lassen</i> LGBl 25/1992 <i>Gesamtverkehrskonzept Burgenland 1995</i>	Establishment of reservation and prohibition areas for hazardous waste treatment plants
Carinthia	<i>EP Sportstättenplan</i> LGBl 1/1978 <i>Wintererschließungskonzept (1988)</i> <i>EP Abfallbeseitigung</i> LGBl 70/1991 (Nov 126/92) <i>EP 'Inertstoffdeponien'</i> LGBl 63/1992 <i>Gesamtverkehrskonzept Kärnten 1994</i>	Determination of locations for sports facilities Recommendations for development projects in 27 areas Determination of locations and catchment areas for waste disposal plants Determination of locations and catchment areas of waste dumps
Lower Austria	<i>Verkehrs-RP</i> LGBl 146/1975 <i>Fremdenverkehrs-RP</i> LGBl 181/1975 <i>Kindergarten-RP</i> LGBl 60/1976 <i>Freizeit- und Erholungs-RP</i> LGBl 39/1978 <i>Sozialhilfe-RP</i> LGBl 223/1978 (Neuaufgabe 85/1991) <i>Schul-RP</i> LGBl 110/76 (Nov 104/1981) <i>RP für das Gesundheitswesen</i> LGBl 123/1981 (Nov 107/84, 74/88, 99/91) <i>Niederösterreich. Landesverkehrskonzept 1991</i> <i>Zentrale-Orte-RP</i> LGBl 142/1973 (Nov 62/92) <i>NÖ Gewerbe- u. Industrie-RP</i> LGBl 108/1992	Goals and measures for the transportation network plan, for passenger and freight traffic Determination of general tourism municipalities, of reserve locations and expansion locations, use restrictions and promotion measures in this context Determination of needs according to urgency levels Determination of need for cultural and sports facilities by central places, definition of recreation space Determination of locations for retirees and care homes Determination of locations for individual types of schools Locations for hospitals, general physicians, specialised physicians and dentists Definition of central places and their resources according to six levels Determination of industrial locations and zones as well as assisted areas
Upper Austria	<i>OÖ Musikschulplan</i> LGBl 6/1988 <i>Oberösterreichisches Nahverkehrskonzept 1990</i>	Determination of location for music schools (state transport scheme)
Salzburg	<i>Sachbereichsprogramm Energie (1988) Regierungsbeschluß</i> <i>Landesverkehrskonzept Salzburg 1992</i>	Goals for integrated energy supply with regional reference, limitation of energy demand, definition of regions for integrated energy supply schemes
Styria	<i>EP für Rohstoff- u. Energieversorgung</i> LGBl 29/1984 <i>EP für Land- und Forstwirtschaft</i> LGBl 5/1985	Drawing up of general goals and measures. Principles, goals and measures in a general form for raw materials, energy and recycling policy. Development assistance, improvement of spatial prerequisites, securing markets, protection of valuable soil

State	Instrument	Main Contents
	<i>EP für Natur- u. Landschaftspflege LGBl 15/1985</i>	Securing high Alpine areas, lowland forests, moors and dry locations through measures in the form of landscape planning, subsidies and defining conservation areas
	<i>EP für das Wohnungswesen LGBl 61/1987</i>	Sufficient supply of housing, socially oriented subsidies, town renewal, environmentally-safe location choices
	<i>EP zur Versorgungsinfrastruktur LGBl 35/1988</i>	Determination of permissible sizes for specific shopping centres grouped by regional centres
	<i>EP für Wasserwirtschaft LGBl 85/1988</i>	Measures for securing the water supply, maintenance of clean waters, danger protection and for environmentally-safe energy utilisation
	<i>EP für Freizeit, Erholung und Fremdenverkehr LGBl 53/1990</i>	Economic goals affecting nature and environment, and social goals in the area of tourism
	<i>EP für das Sportwesen LGBl 66/1991</i>	Guidance for future demand for sports. No location set for sports facilities
	<i>EP für die Reinhaltung der Luft LGBl 58/93</i>	Definition of preference zones for restoration measures for clean air, measures for reducing emissions of domestic heating, spatial planning measures regarding air quality monitoring
	<i>Steirisches Gesamtverkehrskonzept 1991</i>	
Tyrol	<i>Erholungsraumkonzept (1981) Regierungsbeschuß</i>	Principles and goals for the sustainable maintenance, care and development of Tyrolean recreational area
	<i>Tiroler Seilbahn- und Pistenkonzept (1981) Regierungsbeschuß</i>	Goals and recommendations for measures for the conservation of nature and protection of the environment as well as principles and requirements for the construction of new funiculars and slopes
	<i>Tiroler Fremdenverkehrskonzept II (1982) Regierungsbeschuß</i>	Environmental strategies in relation to tourism
	<i>EP für Einkaufszentren LGBl 22/1992</i>	Determination of locations for shopping centres, differentiated by type of plants I to VI.
	<i>Verkehrskonzept für Tirol 1986</i>	
Vorarlberg	<i>Vorarlberger Fremdenverkehrskonzept (1978) Regierungsbeschuß</i>	Drawing up of goals. Among other things, in the case of conflicts, priority is given to native population, keeping areas as large as possible free of intensive development. Limitation of second home tourism
	<i>Vorarlberger Abfallkonzept (1979) Regierungsbeschuß</i>	Goals and principles for waste avoidance, waste processing, de-toxification and disposal
	<i>Sicherung von Standorten für Abfallbeseitigungsanlagen LGBl 46/1988</i>	Determination in exact lots for dump locations
	<i>Abfallbeseitigungsplan LGBl 47/1988</i>	Determination of catchment areas for waste treatment plants
	<i>Vorarlberger Energiekonzept (1989) Bodenschutzkonzept Vorarlberg 1992 Verkehrsplanung Vorarlberg 1992</i>	Principles and goals for economising, substituting and ensuring energy supply
Vienna	<i>Verkehrskonzept Wien 1993</i>	

NB: *EP, RP* — regional development plans

LGBl Landesgesetzblatt — Legal Gazette, promulgation of acts and decrees

Use

B86. Sectoral development plans of the states are standards set for the local spatial planning of municipalities the same as comprehensive development plans. The actual influence on the local development scheme and the zoning plan depends on the extent to which the sectoral plans are specific.

Please see Figure B9: 'Section out of the *Landesverkehrskonzept* (state transportation scheme) of Lower Austria', at the end of this document.

Other state planning activities with spatial impact

Policy production and linkages

B87. The same statements apply here as for regional development plans.

B89. In this section measures with territorial reference and spatial impact that are within the competence of the states are listed. These are not necessarily subordinate to spatial planning but are nevertheless of great influence for the development of spatial structures. To what extent they can be used as instruments for spatial planning depends mainly on the importance given to the aims of spatial planning by the state government and how much influence the planning department has within the offices of the state government. In particular with regard to the integration of the state's sectoral measures in spatial planning policies, the conditions prevailing in the states are very different.

Practice

B88. The state-wide sectoral plans in Lower Austria (mainly for social infrastructure institutions) and in Carinthia (waste disposal and sports) are very definite. In these plans specific municipalities and dump sites are identified. Other state-wide plans containing statements of general nature are limited to the definition of goals.

Table B8: Measures with territorial reference and with spatial impact at the state level

Areas of application of measures	Instruments
Nature and landscape conservation	Definition of conservation areas Permit issuing procedures (including prior examination similar to spatial planning procedures) Landscape preservation plans and landscape (structure) plans National parks
Agricultural and forestry property rights	Re-allocation of land, development, improvement of plant structures, real estate transactions
Housing construction subsidies	Regionalisation and location differentiation of subsidies
Transportation	Federal road planning
Waste disposal	Organisation of waste disposal (except for hazardous waste) Determination of dump sites and their catchment areas Permit procedures for dump sites
Waste water disposal	Regulation referring to adjoining property charges
Compulsory schools	Determination of locations, school types, district division
Distribution of administration competence	Determination of locations and limitation of sphere of competence of the district authorities (with the approval of the federal government) Modification of municipality divisions
Regional agricultural subsidies	Bonuses for cultivation in adverse locations Grants for Alpine cost subsidies Together with federal government: mountain farming subsidies Bonuses for cultivation, regional agricultural subsidies
Regional subsidies	Regionalised economic promotion (trades and commerce, tourism), partially with the federal government (regional innovation bonus), regional advisors (Lower Austria), state and development companies

B90. The states have the option of determining *Naturschutzgebiete* (nature conservation areas) and *Landschaftsschutzgebiete* (landscape conservation areas) by issuing decrees for the protection of valuable landscapes. In the former all interference is prohibited, however, it is possible to make exceptions. In the latter a permit is required for certain measures (e.g. construction projects). Moreover, according to some state laws, conservation is stipulated for certain parts of the landscape such as wetlands, lakes and their shores, flowing waters, glaciers, Alpine areas). Furthermore, in almost all nature conservation areas of the states, a permit from the nature conservation authorities is required for certain projects in green zones such as gravel and stone quarries or refuse disposal sites.

B91. The setting up of national parks is also legally the competence of the states. Often cooperation between several states is necessary. The following national parks have legal status at the moment: Hohe Tauern (in the border region between the states of Salzburg, Carinthia and Tyrol); Nockberge (Carinthia); and Neusiedler See-Seewinkel (Burgenland/Hungary). The national parks of Donauauen (Lower Austria, Vienna), Kalkalpen (Upper Austria), Kalkhochalpen (Salzburg) and Thayatal (Upper Austria/Czech Republic) are still in the project stage.

B92. In addition to the federal government, most states also grant their own economic promotion. A real regional differentiation according to prescribed criteria is only given in Lower Austria: the *Gewerbe- und Industrie-Raumordnungsprogramm* (sectoral development plan for trade, commerce and industry) defines industrial locations and zones and divides the state territory into assisted areas with different promotion conditions.

B93. A new approach for regional development planning was made in the course of preparations for EU membership. Under the project leadership of the individual states so-called *Regionalwirtschaftliche Konzepte* (regional economic development schemes) for the probable Objective 1, 2 and 5b areas

have been set up in programme groups since the end of 1993. These are the foundations for programme planning of the different target regions submitted to the Structural Funds. In the programme groups various federal and state departments as well as representatives of the social partners cooperate. It is funded mutually with the federal government. *Regionale Raumordnungsprogramme* (regional development plans) exist only in part for these areas. Some are already outdated, their main focus being on objectives and frameworks determined for the zoning planning of the municipalities. *Regionalwirtschaftliche Konzepte* (regional economic development schemes) are the basis on which the Community support frameworks are produced. The main focus is thus on investments and investment subsidies. To what extent these new impulses generated by Austria's accession to the EU will lead to a revision of the current *Regionale Raumordnungsprogramme* (regional development plans) or to an increased integration (again) of measures to promote economic development, is something that cannot be forecast at the time of writing.

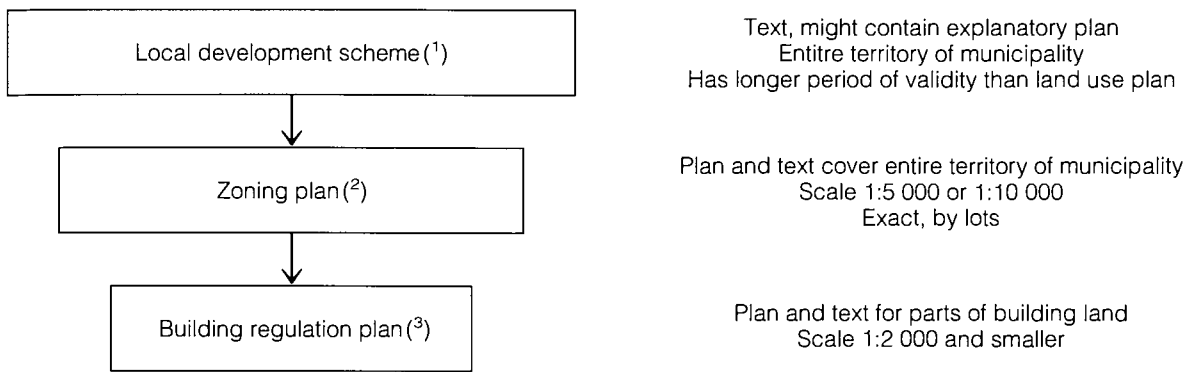
Local level

B94. The planning instruments of the municipalities are regulated in the spatial planning laws. It follows that their forms and designations vary from state to state. The latest legislation from the 1990s shows a strong tendency towards diversification. The different problems of spatial planning policy play a role.

Räumliches Entwicklungskonzept (REK) (local development scheme)

B95. The spatial planning laws of five states provide for a planning instrument that serves as a preparatory stage before a zoning plan is drawn up that lays down the long-term development of the municipality. It has different names in the different states and is structured in part very differently. The local development scheme has gained importance in

Figure B10: Planning instruments of the municipalities in their autonomous competence



(1) Has different names in different states.

(2) In Lower Austria part of the local development scheme.

(3) General and supplementary building regulation plans in Tyrol, basic and further stage in Salzburg.

the course of the amendments passed over the past few years (in particular in Salzburg, Tyrol and Upper Austria). In Salzburg it was supplemented and made more precise, in Tyrol and Upper Austria it has been recently introduced. Spatial planning laws define the minimum requirements for regional development schemes. The timescale of the local development scheme is 10 years in Tyrol and Upper Austria.

B96. In the older spatial planning laws of the 1970s (Styria and Lower Austria) the objectives described are less precise (determination of long-term local development goals). In Lower Austria the zoning plan is part of the local development scheme. In Burgenland the local development scheme is not mentioned in the law but is laid down in the regional economic development plans.

Table B9: Minimum content of *Räumliche Entwicklungskonzepte* (local development schemes)

Minimum content of local development scheme	State
Projected demographic and economic development	Salzburg, Tyrol
Space, agricultural reserve zones and the location of other green areas	Salzburg, Upper Austria
Zones to be kept free of development	Tyrol
Organisation and function grouping of building land	Salzburg, Tyrol, Upper Austria
Settlement forms and densities, townscape planning and sequence of development	Salzburg, Tyrol
Extent of building land	Tyrol, Upper Austria
Land development for transportation	Salzburg, Tyrol, Upper Austria
Technical and social infrastructure	Salzburg, Tyrol, Upper Austria
Town sections worth preserving and restoring	Tyrol

Flächenwidmungsplan (zoning plan)

B97. Zoning plans determine the possible uses of properties. The contents and the procedures for their setting up and approval are laid down in the corresponding spatial planning laws. The binding decree comprises the

plan and the written explanations. The symbols and signs that must be used in the plan are regulated in a decree on the drawing of plans. In Lower Austria the zoning plan is part of the local development scheme, in Vienna the zoning plan and the building regulation plan are combined into one planning document.

Status

B98. The zoning plan is drawn up by the municipality within its autonomous responsibility and issued as a decree. The zoning plan is binding for land owners. The state government acts as supervisory authority and approves the zoning plan. This must follow supra-local objectives and goals set by supra-local spatial planning of the state and, if given, it must adopt planning goals set by the federal government. The municipalities usually contract out the drawing up of zoning plans to civil engineers; only in larger cities do the municipalities have their own planning departments.

Geographic coverage

B99. The *Flächenwidmungsplan* is drawn up for the entire territory of the municipality. It divides the territory of the municipality into different land use categories, mainly into building land, transportation zones and green land.

Duration

B100. The periods of validity of the *Flächenwidmungsplan* are not expressly stipulated, however, they should be reviewed every 5 to 10 years depending on the provisions of the corresponding spatial planning laws. Until now practice has been, on the one hand, to make continuous modifications regarding location, and, on the other, to exceed the statutory time limits for redrafting the entire plan. The latest laws have set shorter periods for revisions.

Objectives

B101. The *Flächenwidmungsplan* lays down the possible uses of properties in a municipality. The spatial planning laws differentiate between building land, transportation areas and green land. Within these rough categories the zoning categories vary from state to state, in part in content, in part only in the

designations. The different building land categories are illustrated in Table B10.

B102. In order to determine the time sequence for building, in some states further reserve development areas for building land may be defined. In part it is also possible to define development density in the zoning plan.

B103. In addition to building land, in all states transportation zones and green land are to be defined in the *Flächenwidmungsplan*. The latter is categorised differently e.g. rural areas, allotment garden areas, recreational areas, camping areas, areas for sports facilities, skiing slopes, material extraction plants, cemeteries, waters, wasteland, conservation green land.

B104. Binding objectives with territorial reference set by the federal government (e.g. water conservation and preservation areas, federal roads) and by the states (e.g. nature and landscape conservation areas, state roads) are shown in the zoning plan.

B105. Each state has a plan-drawing decree which determines all symbols and colours used for the cartographic illustration of the land use plan. Zoning plans are usually drawn at a scales of 1:5 000 although a scale of 1:10 000 is sometimes used (except for building land).

Use

B106. The *Flächenwidmungsplan* is kept in every municipality and made available to the public for examination. It helps the municipality to ensure acquisition of further areas needed for development; it also informs the public about the development plans of the municipality and offers property owners and interested parties information on the possible uses of properties.

Table B10: Zoning categories for building land in the *Länder* (states) (excluding Vienna)

Zoning for building land	State	Permissible use
1. Residential zones	B, C, UA, T, V	dwelling, buildings that predominantly serve the needs of inhabitants
general residential zone	St	
exclusive residential zone	S	housing, public buildings, emission-free enterprises
residential zone	LA	
mixed residential zone	T	housing, buildings for everyday use
exclusive residential zone	UA, St	
2. Agricultural zones	LA	as in 1
town zone	B, K, C, UA,	including agricultural and forestry buildings
agricultural mixed zone	St	
	T	
3. Spa zones	C, UA	spa and tourism enterprises
recreational zone	St	
tourism zone	T	
zone for recreation and tourism facilities	B	
spa zone	St	
4. Core zones	UA, LA, S, T,	in particular for buildings used for commerce and trades
commercial zone	V	
core/office/commercial zone	B, C	
	St	
5. Rural core zone	S	as in 4, including buildings for tourism and agricultural structures
6. Mixed building zones	B, C, UA	as in 1 and 4, including small and medium-sized enterprises that do not disturb surroundings
extended residential zone	S	
general mixed zone	T	
mixed zone	V	
7. Enterprise zones	LA	mainly for enterprises with low emissions, administrative buildings
enterprise building zone	UA	
trades and industries zone	S	
light industries zone	C	
industry and trades zone I	St	
8. Industrial zones	B, LA, UA, S	including plants with emissions
trades and industries zone	T	
enterprise zones	V	
heavy industries zone	K	
industry and trades zone II	St	
industry and trades zone III	St	
9. Second home zones	UA, S	apartment houses, holiday villages, residential buildings, service enterprises (e.g. swimming pools)
special zones for holiday villages,	C	
holiday residential zones	St	holiday homes
zone for holiday homes	V	
10. Zones for shopping centres	LA, S, V	shopping centres
special zones for shopping centres	C, T	
zones for commercial buildings	UA	permission of the federal government is required but it is not a separate zoning category
zones for shopping centres I	St	
zones for shopping centres II	St	
	B	
11. Special zones for large accommodation enterprises	T	large accommodation enterprises including auxiliary facilities (swimming pools, tennis courts, etc.)
12. Special zones	LA, UA	other buildings (e.g. barracks, hospitals, spas, petrol stations, ski lift stations)
	S	
13. Embankment zones	UA	zones on waterways for traffic crossing
14. Reserve zones	B, C, LA, UA,	building land reserved for public buildings
special zones for communal use	S, St, T, V	
15. Special zones for public use	C	

NB: B Burgenland
 C Carinthia
 LA Lower Austria
 UA Upper Austria
 S Salzburg
 St Styria
 T Tyrol
 V Vorarlberg

Policy production

B107. The procedures for drawing up plans and the time limits for informing and setting conditions are regulated in the spatial planning laws. There are hardly any notable differences from state to state. The population must be informed during a certain period of the intention to draw up a *Flächenwidmungsplan* and the plan is made available for public inspection before it is formally adopted in order to give every citizen the opportunity to comment on it. No statutory requirement exists for any further citizen participation. Neither do rules of procedure exist for the treatment of objections contained in the statements.

Practice

B108. In practice there is very little construction activity not on building land nor are there any constructions not in line with the zoning plan. However, applications are constantly being made for changes to the *Flächenwidmungsplan* in order to be able to realise certain projects, and these usually receive consent. For this reason the prevailing opinion is that changes to the zoning plan are merely a preliminary step required by law prior to receiving a building permit. In this sense, the *Flächenwidmungsplan* is not so much an instrument for controlling development but rather a cartographic record of the current status of building land zoning.

B109. Zoning as building land is connected with a considerable increase in the value of the land. Practice until now has been only to grant the right to build when defining building land in the zoning plan, but not to prescribe any further obligations to actually implement the use it is zoned for. This has led to the situation that land owners wait until they can sell their land at great profits at a later date in expectation of betterment (due to infrastructure development around the land location), and thus can afford not to make use of the land. In this manner the partial availability of building land area leads to renewed demand for more building land. In many municipalities with high development pressure a

paradoxical situation has been created: large reserves of unused building land exist and at the same time properties are not readily available.

B110. This experience is one of the main reasons for the legal reforms of the past two years. The attempt is now being made through diverse means to avoid having building land remain unused. One instrument is a fee for unused building land that becomes due after a certain period of time expires. Another instrument is the contingency of building land zoning with a private law contract between municipality and land owner in which the land owner enters the obligation to build on the land within a certain time limit. These new approaches are being discussed or have been introduced only recently. No experience as to their effectiveness yet exists.

Sources

B111. In the offices of the state governments a computerised *Raumordnungskataster* (spatial planning register) is available to the public for inspection. It serves as an overview of all objectives and stipulations relevant for spatial planning. The register is not yet available for the entire territory of Austria. The *Flächenwidmungsplan* is drawn up on the basis of the maps in the surveying departments of the district courts.

Linkages

B112. The *Flächenwidmungsplan* (zoning plan) may not contradict any demarcations laid down by the federal government (e.g. water conservation areas) or by the state (e.g. nature conservation areas), nor the supra-local planning on state level. On the municipality level it is above the *Bebauungsplan* (building regulation plan). In some states it must follow the *Räumliches Entwicklungskonzept* (local development scheme) which is also drawn up by the municipality. The coordination of the zoning plan with the neighbouring municipalities is carried out at least

through the reporting duties of the planning municipality and through the participation of the neighbouring municipalities in the procedure for drawing up the plan.

Please see Figure B11: 'Section out of a *Flächenwidmungsplan* (zoning plan)', at the end of this document.

Bebauungsplan (building regulation plan)

Status

B113. The *Bebauungsplan* is subordinate to the *Flächenwidmungsplan*. It is drawn up for building land shown in the *Flächenwidmungsplan* or for parts of it. It is also a decree issued by the *Gemeinderat* (municipal council) and is binding for the building authority (the mayor) and land owners. In the case of smaller municipalities (that do not have their own building authority) it is drawn up by civil engineers.

B114. The matter of whether the *Bebauungsplan* is also subject to the approval of the state differs from state to state. In the example of Lower Austria it requires the consent of the supervisory authority if it affects supra-local interests.

Geographic coverage and duration

B115. The *Bebauungsplan* is drawn up only for selected areas of building land. The *Bebauungsplan* does not have an expiry date; it is drawn up as the need arises, and it is possible to make changes to it.

Objectives

B116. In the spatial planning laws of the states, the minimum content of building regulation plans are laid down.

Table B11: Minimum content of *Bebauungsplan* (building regulation plans) (excluding Vienna)

Most important minimum statutory contents	State	Explanation
Course, width, height of all transportation zones	B	In the form of regulation profiles
Road alignment line	B, C, LA, UA, S, St, T	Outermost limits of roads
Building (alignment) line	B, C, LA, UA, S, (T)	Outermost limits of buildings
Use for building purposes	B, C, LA, S, St, T	Density
Type of building	B, C, LA, St, (T)	Building distance to property line
Maximum building height	B, C, LA, UA, S, (T)	Indication of number of stories or of eaves' height.
Minimum size of building land	C	
Largest size of construction site	(T)	
General provisions on outer appearance of buildings	B, LA	
Green areas	B, St	Water and energy supply, waste water disposal
Utilities and disposal infrastructure	B, UA, S	
Requirement of further building option	S	A building regulation plan for the basic phase and a building regulation plan for further construction exist (no minimum content)
Public spaces and facilities	St	

Figures in parentheses indicate the second phase of the building regulation plan — the supplementary building regulation plan. Salzburg and Tyrol are the only states with a two phase building regulation plan; in Tyrol it is obligatory to draw up a building regulation plan that covers the entire area; in Salzburg the building regulation plan is a prerequisite of the building site assessment.

NB: B Burgenland
 C Carinthia
 LA Lower Austria
 UA Upper Austria
 S Salzburg
 St Styria
 T Tyrol

B117. In addition to the minimum content of the building regulation plan, many further stipulations may be included regarding the design of the building, such as the shape of the roof and its colour, direction of ridge, obligatory lines for additions, maintenance and demolition duties, maintenance and creation of green spaces or fences.

B118. In Vorarlberg only objectives are listed and not the minimum content. In Lower Austria the provisions of the building regulation plan are not defined in the spatial planning act but in the building code. In Vienna the building code is also the legal foundation for the building regulation plan which is at the same time a zoning plan. In Vienna this plan is also the only legally binding planning instrument.

B119. *Bebauungsplan* (building regulation plans) are drawn up in a scale of 1:2 000 and smaller.

Use

B120. The *Bebauungsplan* is available for public inspection in every municipality.

Policy production

B121. The procedures for drawing up the plan and the information and inspection time limits are regulated in the *Raumordnungsgesetze* (spatial planning laws); in Lower Austria and Vienna in the *Bauordnung* (building code). The production process is similar to the one for the *Flächenwidmungsplan* (zoning plan). In most states no supervision of the *Bebauungsplan* is required but it must be reported to the state.

Practice

B122. The agreement of a planned construction with the *Bebauungsplan* is a prerequisite for a *Baubewilligung* (building permit). Outside cities, however, little use is made of this planning instrument. In this case the options open for building are often

derived from the provisions of the *Bauordnung* (building code) and the outline of the land unless the *Flächenwidmungsplan* already contains limits for density, for example.

Monitoring

B123. Compliance of the construction project is examined when the utilisation permit is issued (cf. Part C).

Sources

B124. The maps for *Bebauungspläne* are usually based on the land register (as for *Flächenwidmungsplan*, zoning plan) of the surveying offices (see paragraph B111).

Linkages

B125. The building regulation plan can only be drawn up after the zoning plan has been drawn up.

Please see Figure B12: 'Section out of a *Bebauungsplan* (building regulation plan)', at the end of this document.

Development rights

B126. By the definition of a land property as building land in the *Flächenwidmungsplan* (zoning plan), the basic right to build on the land is conferred (e.g. housing or industrial use). In order to actually make use of this right, a series of permits are required which are granted by the mayor on the basis of applications or project submissions (see Section C). The building permit specifies the permissible use for the land in detail. Certain general conditions may be determined beforehand (e.g. permissible number of storeys) in the *Bebauungsplan* (building regulation plan). The development of the land is decided upon in principle by the land owner. According to a recent law, however, private land owners may also pass on this right (formerly restricted only to territorial authorities). This 'right to build' may thus only be trans-

ferred by the land owner and is limited in time (usually 100 years).

B127. The procedure for implementing the basic right to use land for construction may be blocked in the following cases (with a right to compensation):

— a limited construction moratorium (decrees issued by resolution of the *Gemeinderat* (municipal council) e.g. in connection with an ongoing revision of the *Flächenwidmungsplan*);

— by linking it to other permits that are missing, e.g. pursuant to the *Gewerberecht* (commercial regulations code), nature protection laws, water laws or laws on the protection of historic sites;

— the negative assessment of an advisory body of the building authority with regard to architectural and townscaping standards (several cities in Austria have such *Gestaltungsbeiräte* (advisory councils on urban appearance)).

C — Regulations and permits

Summary

C1. Building laws contain the most important procedures for implementing spatial planning goals. The most important authority for construction projects in Austria is the municipality. The *Bürgermeister* (mayor) is the *Baubehörde* (building authority) and the *Gemeinderat* (municipal council) is the first instance of appeal. The construction of a building requires a *Baubewilligung* (building permit) granted by the municipality, whereby the main part of the procedure is the *Bauverhandlung* (building project hearing). A permit must be obtained for the *Grundstücksteilung* (subdivision of land) as well as a *Bauplatzerklärung* (building site assessment) of the municipality before, or at the latest at the same time as, a building permit is granted.

C2. The legal framework for all three procedures stated above is provided by the *Bauordnung* (building codes) of Austria's nine *Länder* (states) that differ in content from state to state. These differences are, however, not very significant. The following sections describe the procedures in more detail based on the building code of Lower Austria.

C3. The *Baubewilligung* (building permit) is required for all new constructions, additions and conversions of buildings as well as for numerous other measures related to real estate that could concern neighbours or public

interests. If work is done without a building permit, the structure may be demolished and the builder fined.

C4. The building project may not contradict the *Flächenwidmungsplan* (zoning plan), the *Bebauungsplan* (building regulation plan), a building moratorium, the *Bauordnung* (building code) or any other implementing decrees. If no further permits apart from the building permit are required, a decision must be reached within three months of the submittal date of the building permit application. The *Bauverhandlung* (building project hearing) may be delayed if other permits (for example from the Commercial Regulations Authority, Nature Conservation Authority) must be obtained which are usually processed together at the hearing. In this case the time limit for the decision process may be up to six months.

C5. If a project is to be developed that is not permissible according to the valid *Flächenwidmungsplan* (zoning plan) or *Bebauungsplan* (building regulation plan), the plans must be modified by the municipal council before the *Baubewilligung* (building permit) is granted (by the mayor). Such modifications usually refer to the site concerned and sometimes to the adjacent areas. The technical and procedural provisions are the same as for producing the entire plans. In practice, both the *Bebauungsplan* (building regulation plan) and the *Flächenwidmungsplan* (zoning

plan) are often modified to suit the needs of emerging projects.

C6. Both the applicant and the neighbours concerned have the right to raise objections to the rejection or the granting of a building permit by a *Bescheid* (official order) of the mayor. First, the objecting party may lodge an appeal with the municipal council against this *Bescheid* (official order) on the building project. Within two weeks after the rejection of that appeal by a new *Bescheid* (official order), representation may be made against it with the supervisory authority (see Figure C14). The supervisory authority is the *Landesregierung* (state government). The supervisory authority has the power to revoke the official order or to reject the representations made. The last recourse is to lodge a complaint with the Administrative Court.

C7. At the time of the subdivision of land a part of the land is conveyed to the municipality, and a development fee for road construction paid in conjunction with the building site assessment. This fee depends largely on the size of the land and on the size of the building planned.

C8. Fees have to be paid for connections to the water supply and sewerage systems, if they exist, as explained below in paragraph C21. The amount of these connection fees, however, are not stipulated in building codes but in special laws passed by the states. Regarding the time when these fees shall be collected, recent spatial planning laws state that these may be collected at the time the land is being zoned and not at the time the building site assessment is issued (this is one of the measures of the new legislation aimed at promoting land availability on the market). The building permit may not be made contingent on the payment of special fees for infrastructure or other fees.

C9. Further permits may be required in addition to the building permits — depending on the building project and location of the land — that are not the competence of the municipality. These might be permits according to

the *Gewerbeordnung* (commercial regulations code), nature conservation laws or an environmental impact assessment.

Main permit

C10. The procedure described in the following section is an example of a typical situation. However, further inspections or investigations by the building authority regarding the effects of the construction are possible (e.g. transport, other emissions, soil conditions) which must be submitted together with the submission for the building permit.

Status

C11. A building may be built only with a building permit issued by official order by the municipality on the basis of the building plans submitted and after holding a building project hearing.

Geographic coverage

C12. The building permit refers only to the project submitted. An application may be submitted only for a certain piece of land. This may be a site with one building but also a site with several lots with several buildings.

Scope

C13. Construction may only be carried out in accordance with the plan for which permission has been granted. The buildings are only permitted in conjunction with the land and sites stated in the submission plans. The definitions of buildings subject to permission by the authorities are laid down in the building codes of the states which vary slightly. In any case, all new building constructions, additions to buildings and conversions require permits.

C14. Construction projects in Lower Austria that require permits are:

- new building constructions, additions to buildings and conversions;
- construction of other structures and installations if the appearance of a town or landscape are in danger of being damaged, or neighbours rights' are being infringed upon;
- erection of fences which border public areas;
- repair work and changes to structures if the building safety, sanitary conditions or the appearance of a town or landscape are in danger of being harmed or neighbours rights' are being infringed upon;
- changes in its use subject to the conditions listed above;
- the installation of machines or other objects subject to the conditions listed above;
- demolition or removal of building structures;
- erection or mounting of structures for advertisements.

C15. In addition to construction projects the following activities also require the consent of the municipality and are regulated in the building code:

- changes in ground level heights;
- erection and expansion of mining areas and their filling in;
- other excavations and piles of more than half a meter;
- regular use of a plot of building land as parking or storage space.

C16. In other states the setting up of vending vehicles, mobile homes, tents, large gas containers or the erection of sports facilities also require permits by the building authority.

C17. Smaller construction projects need to be reported in writing to the municipality as a minimum.

Duration

C18. In the state of Lower Austria building permits expire if, after the permit official order takes effect, construction is not begun within two years or is not completed within five years.

Obligation/duties

C19. The building permit does not place the land owner under an obligation to build. According to law, a new application must be submitted after the permit expires, and in the new procedure other requirements may be made due to changed conditions. The applicant has the duty to carry out the construction in accordance with the submission documents. If considerable deviations occur, or if construction is done without a permit, the structure may be demolished and the builder fined.

Betterment/taxes

C20. At the time of the division of land a part of the land shall be conveyed, and a development fee for road construction paid in conjunction with the building site assessment. This fee depends largely on the size of the land and on the size of the building planned.

C21. Furthermore, fees shall be paid for connections to the water supply and sewerage systems, if they exist. The amount of these connection fees, however, are not stipulated in building codes but in special laws passed by the states. Regarding the time when these fees shall be collected, recent spatial planning laws stipulate that these may be collected at the time the land is being zoned and not at the time the building site assessment is issued (this is one of the measures of the new legislation aimed at promoting land availability on the market). The building

permit may not be made contingent on the payment of special fees for infrastructure or other fees.

Application for the permit

Content

C22. An application for a *Baubewilligung* (building permit) should be lodged with the municipality and be accompanied by the planning documents (the so-called submission plan). The plans must be drawn up by a licensed person (architect, master builder). The application for a building permit in Lower Austria must contain an excerpt from the land register, the endorsement of the land owner (if the owner is not the applicant) as well as construction drawings and descriptions of the construction work in triplicate. In other states this information must be provided in detail. The extracts from the land register provide information regarding ownership but also any other obligations such as easements.

C23. The location plan, ground plan, views, cut away views and construction plans should be drawn up according to a certain scale. The technical execution of the construction plans must follow a separate decree (in Lower Austria the *Bauplanverordnung* (construction plan regulation)).

Process

C24. The application form for a building permit should be submitted to the municipality together with the plans and any other documents required. In order to avoid unnecessary hearings, the municipality, with the assistance of experts if needed, examines the application as to any obvious contradictions and as to its completeness. Missing documents do not necessarily lead to a rejection of the application; they may be submitted subsequently.

C25. A hearing is held by the municipality at the site after submission. The applicant, the

neighbours (all owners of adjacent properties), the planning engineers, the departments concerned and, if already appointed, the construction project supervisor should attend. The objections that may be raised are then either resolved in the course of the hearing by imposing conditions, or settled through legal procedure. If the building plan applied for is not in line with the *Flächenwidmungsplan* (zoning plan) or the *Bebauungsplan* (building regulation plan) then it is rejected without a hearing. The building permit is granted by issuing a *Bescheid* (official order) (see Figure C13).

Costs

C26. Small fees are paid for the land registry extract, the building permit application form and the plans. Moreover, pursuant to the *Allgemeines Verwaltungsverfahrensgesetz* (General Law on Administrative Procedure, federal law) administrative fees in varying amounts (depending on the size of the construction project) and fees for the hearing (depending on the rates of the officials attending the building project hearing) shall be paid by the applicant. In addition, cash expenses (e.g. fire brigade attendance at the project hearing) are reimbursed.

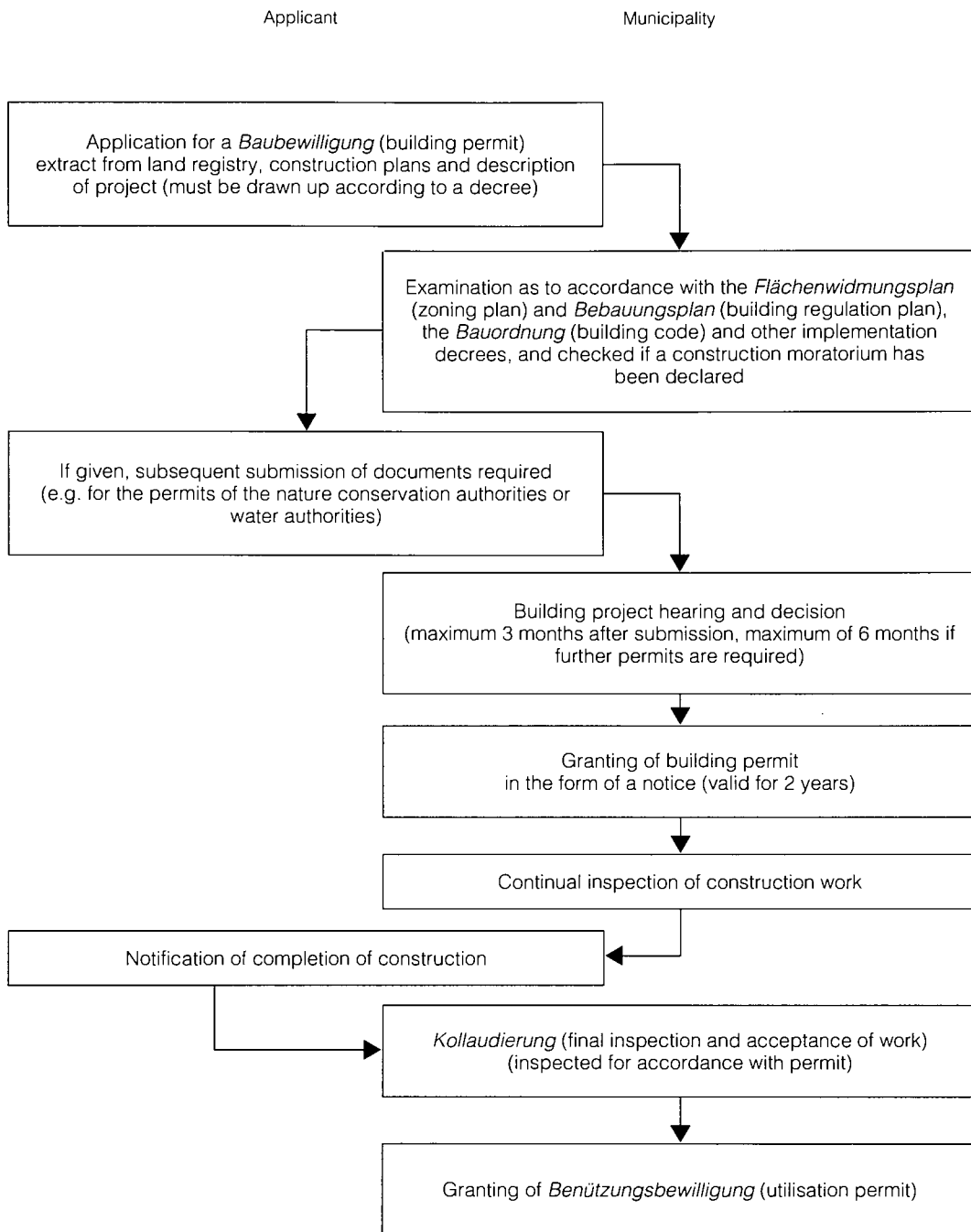
Processing a permit

Process

C27. The building must correspond to the building plan submitted. The building authority (municipality) examines the construction project according to the following criteria:

- *Flächenwidmungsplan* (zoning plan);
- *Baubauungsplan* (building regulation plan);
- construction moratorium (may be declared in the case of changes planned in

Figure 13: Building permit procedure



the zoning plan and building regulation plan);

- compliance with the *Bauordnung* (building code) (construction regulations);
- compliance with other implementing regulations.

If the project submitted does not meet one or more items of the building code or other

relevant laws then the building permit is refused.

C28. The applicant has the opportunity to make corrections within a specified time limit, in particular if it is not in line with the valid building regulation plan or building code.

C29. The building project may deviate from the permit granted only with a new permit

from the authorities. During construction, representatives of the municipality have the right to inspect the work at any time. Special inspections are prescribed at certain stages of the work, especially those by the chimney sweep. If these inspections show faults or departures from the plans submitted then either these faults are corrected within a prescribed time limit and a permit is granted subsequently or else work is stopped. The completion of the work must be reported to the municipality, whereby at the time of the final inspection (acceptance of work) compliance with the permit is examined again.

Duration

C30. Insofar as no further permits apart from the building permit are required, a decision must be reached within three months of the submission date of the building permit application. However, if the submission plan is not in line with the zoning plan or building regulation plan then the applicant has no right to claim modifications of the zoning plan or building regulation plan, nor to demand that time limits be met.

C31. The construction project hearing may be delayed if other permits (for example from the Commercial Regulations Authority for the Nature Conservation Authority) must be obtained, which are usually processed together at the hearing. In this case, the time limit for the decision process may be up to six months.

Consultation

C32. It is a duty of municipalities to inform all parties concerned (bodies responsible for public matters such as the Federal or State Road Administration, Postal and Telegraph Administration Services, Federal Office for Historical Monuments, Labour Inspectors, Environment Ombudsman as well as neighbours) of the building permit application and the hearing. Should an error occur such as, for example, a neighbour not being notified or heard, the official order granting permis-

sion becomes effective in any case. The neighbour who was not heard may raise objections by lodging an appeal.

Automatic approval

C33. No such thing as automatic approval exists. If the official order granting building permission is not served then construction work is not permitted. However, a building project application that complies with the zoning plan and with building regulation plan and is in accordance with the construction regulations of the building code, is usually not rejected.

Compensation

C34. The building permit may not be made subject to the payment of special fees for infrastructure or any other fees.

Conditions relating to the permit

C35. Under certain conditions it might become necessary that, before or at the hearing, special documents or investigations be presented. If, for example, there are doubts about the soil conditions, the pertinent investigation may be demanded.

C36. The building permit may be granted with conditions attached regarding, for example, measures affecting the appearance or the obligation to maintain greater distances between buildings. Restrictions regarding use or emissions may also be imposed.

C37. Any requirements placed on the construction are stated in the building permit order. Compliance with these requirements is part of the inspection of construction work, and is examined at the latest at the final inspection (acceptance of work) (see C27 ff. Processing a permit).

Rights of appeal

C38. If an application is rejected, the applicant may lodge an appeal with the municipal council against the mayor's official order on the building project. Within two weeks of its rejection (by official order) representations may be made against the rejection to the supervisory authority. The supervisory authority is the district authority or, in the case of cities with their own statutes, the state government. The supervisory authority has the power to revoke the official order or to reject the representations made. The last recourse is to lodge a complaint with the Administrative Court. Objections pertaining to private law shall be decided under civil law.

C39. Neighbours may, first of all, present objections to the building project or to the submitted application for a building permit. Neighbours may also lodge an appeal against a building permit that has already been granted.

C40. Compensation and fines are not the responsibility of the *Gemeinde* (municipality) but are the responsibility of the *Bezirksverwaltungsbehörde* (district authority).

Grounds for appeal

C41. The grounds for the appeal lodged by the applicant may refer to the conditions contained in the building permit, or may be against the rejection of the building permit.

C42. Neighbours' objections must be presented at the latest at the building project hearing. These must refer to violations pertaining to personal rights that belong either to public law or private law. Objections referring to public law shall only then be considered, if they refer to the provisions of building laws, the zoning plan or the building regulation plan and also serve neighbourhood interests. These are, for example, provisions regarding construction methods, the location of the building and its height or compliance with the zoning plan. These refer especially to fire protection and daylighting conditions

among other things. Other objections that refer to the ground water, flooding risks or the degradation of water quality are not regarded as public personal rights that may be claimed within the scope of a building permit procedures. These objections shall be resolved if given within the scope of procedures pertaining to water laws. Private law objections referring, for example, to the devaluation of adjacent plots as a consequence of construction work may be presented during the building permit procedure, but only can be resolved by a legal action brought before a court procedure. However, objections are also possible that affect at the same time both public and private law such as, for example, emissions (see Figure C14).

C43. Neighbours may raise objections related to legal irregularities (against a building permit already granted) only if the violation of public law affects their personal rights.

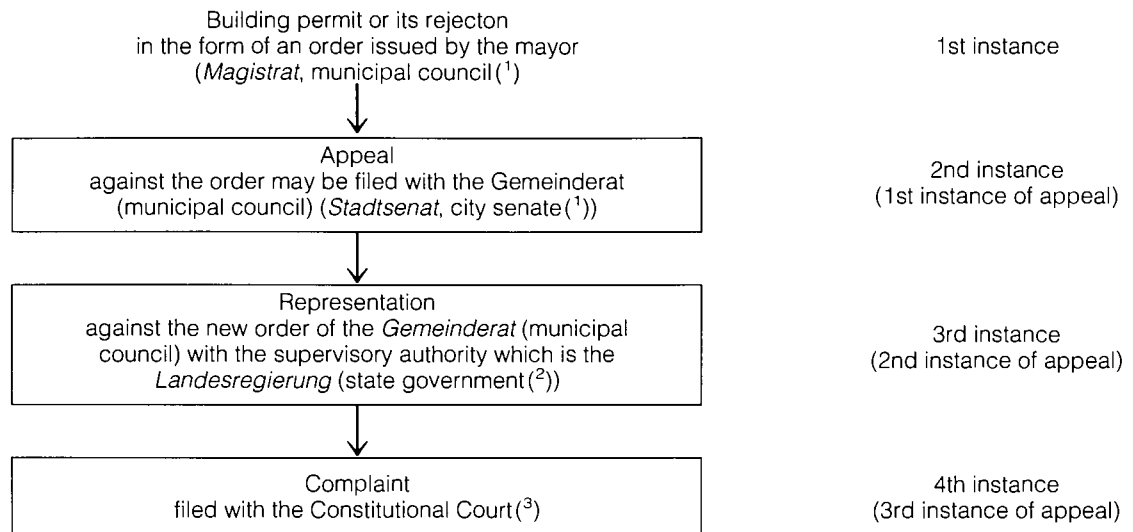
Other permits

C44. In the case of building land any changes in land boundaries must have the consent of the municipality. This consent must be granted before a building permit is issued or, as a minimum, simultaneously with the permit. The application must be accompanied by an extract from the land registry not older than six months and the land division plan in quadruplicate. The land division plan must be drawn up by a licensed surveyor's bureau and must comply with surveying regulations. At the same time as the application for a division of land is made, a building site assessment shall also be applied for.

C45. At the time the consent for the land division is granted it will also be examined as to its compliance with the zoning plans and building regulation plans. It must provide access to public land. The consent for the land division is valid for two years.

C46. Ownership of land is established only after it has been entered into the land regis-

Figure C14: Appeal procedures



(¹) In cities with their own statutes.

(²) May delegate this task to the *Bezirksverwaltungsbehörde* (district authority).

try which may only be done with the permission of the municipality.

C47. In the course of the division of land that part of the land required by the municipality for road construction must be conveyed to the municipality at no costs. If there is building land on both sides of the road then a maximum of 12 metres shall be conveyed, otherwise a maximum of 24 metres. Land conveyed which is larger than this must be compensated according to rates set by the municipality. The owner of the land has the right to go to the district court and request a rate adjustment. If one has to convey less than half of the road due to the location of the land's boundaries then compensation duty must be paid.

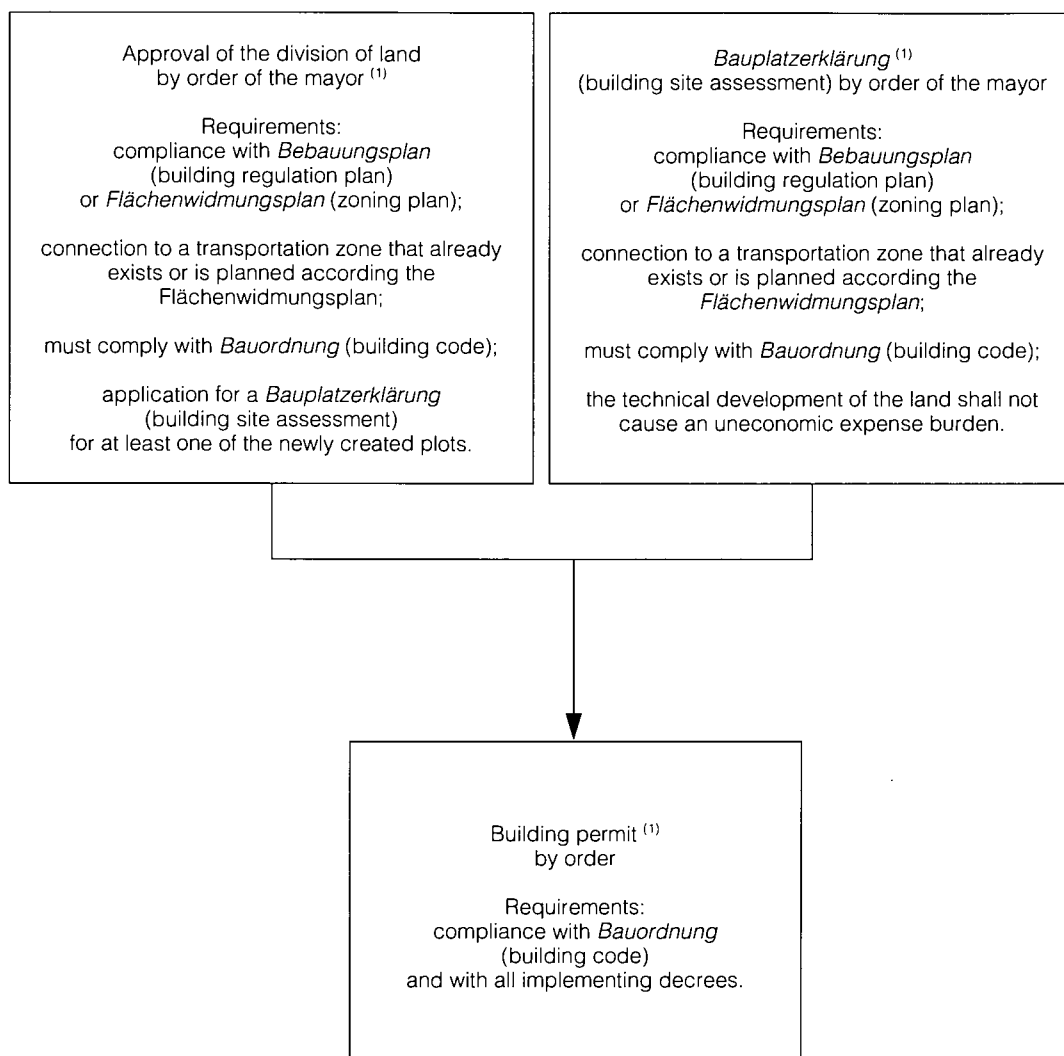
C48. The *Bauplatzerklärung* (building site assessment) may be issued by a separate official order, together with the land division official order, or with the building permit. Land may be declared a building site if it has access to public transport areas or this is planned within the scope of the zoning plan; if the land may be built on due to its size, outline and characteristics, and if its development is guaranteed. Land not considered to meet all the requirements demanded of building land, but defined as a development area by the zoning plan, may not be declared a building site (see Figure C15).

C49. It may occur that further permits are required in addition to the building permits — depending on the building project and location of the land — that are not the competence of the municipality.

C50. If the building is to be used for a trade or business purpose then a permit from the *Gewerbebehörde* (Commercial Regulations Authority) pursuant to the *Gewerbeordnung* (Commercial Regulations Code) is required. The competence for regulating trade and business lies with the federal government and is enforced by the district authority (see Section B, Policy institutions, State level). In accordance with the Austrian Commercial Regulations Code, the building project will mainly be examined to see if the building's operation or installations pose a danger for those running the trade or business, their employees or neighbours.

C51. If the building project in any way infringes upon matters related to the conservation of nature or the landscape (competence of the states) then the Nature Conservation Authority must give its consent. This also applies for the Water Authority and the National Office for Historical Monuments (both are federal authorities).

Figure C15: Requirements for a building permit



(¹) Applications for approval of divisions of land and building site assessments are usually submitted together with the application for a building permit (see Figure C14).

C52. According to the new Environmental Impact Assessment Act (1994) a series of building projects are listed which require environmental assessments. The procedure (see Section B, Policy instruments, Federal level) is carried out by the *Landeshauptmann* (state governor) acting as a representative of the federal administration.

C53. Should a further permit be required then, at the hearing, in addition to the other official and private parties that participate, a representative of the authorities mentioned should be present. All required permits will be dealt with during the course of the hear-

ing, or will already have been issued prior to the hearing.

Exceptions

C54. In Lower Austria a simplified procedure for the issuing of building permits may apply for the measures mentioned above which require building permits (with the exception of new building constructions, additions to buildings and conversions), if it can be ensured that neighbours' rights are not infringed. This simplification consists of the

neighbours not being invited to the building hearing.

Departure from plan/changes to plan

C55. If a project is proposed to be developed that is not permissible according to the zoning plan or building regulation plan in force, the plans must be modified (by the municipal council) before the building permit is granted (by the mayor). Such modifications to the building regulation plan or zoning plan to accommodate a certain building project, usually refer to the site concerned and sometimes to their adjacent areas. No additional costs arise for the applicant. The building permit may in no case contradict the building regulation plan or zoning plan. Should the building authority based on a particular project deem it necessary to, for example, change the permissible number of storeys or the building distance to property line, then a modification of the *Bebauungsplan* (building regulation plan, decided by the municipal council) is required before the building permit may be granted (by the mayor). In practice, both the *Bebauungsplan* (building regulation plan) and the *Flächenwidmungsplan* (zoning plan) are often modified to suit the needs of emerging projects (see Section A, Plan led/development led, Flexibility/certainty; Section B, Zoning plan, Practice; Section E, Municipal level).

Enforcement procedures

C56. The building authority supervises compliance with the building code. A violation of the Building Code is given if a building has been erected without a permit or if construction work was begun before the official order was issued and if the work departs from the plan for which permission was granted. The construction work may be ordered to stop and the building or parts of the building removed, and fines may also be levied.

Area of regulation

C57. There is no area of the country which is not subject to regulations for spatial planning and building, although these vary between the states. Each state has its own building code.

Unauthorised use and development

C58. Cases of building without permits are very rare in Austria.

Regulation and development illustrations

Commercial development proposal: shopping centre in St Pölten, Lower Austria

C59. The shopping centre Traisenpark in St Pölten (capital of Lower Austria) was opened at the end of October 1992. It comprises:

- a sales area of 16 000 m²;
- a gross area of office space of 5 000 m²;
- an ice-skating rink/sports hall for 1 000 spectators;
- a health centre with an area of 1 000 m²;
- 800 parking spaces in a three deck high-rise garage;
- 300 parking spaces in a provisional parking lot.

C60. The shopping centre is located on a newly constructed primary road (state road). East of the shopping centre a furniture store was built, to the west is a large retail store built at the beginning of the 1980s. A vocational college, technology centre and an elementary and secondary school are planned in the immediate vicinity.

C61. The construction of the *Landstraße* (link between two national roads) and the new Traisen Bridge which was opened at the end of the 1980s after 12 years of negotiations, aroused the interest of the business community in this location, especially from the services sector. The city of St Pölten was the owner at the time of the real estate which was zoned as residential area.

C62. Autumn 1987 — a large company enquires with the mayor about a proposed shopping centre of 15 000 to 20 000 m² sales space outside of the urban area.

C63. Spring 1988 — examination of site for suitability for a shopping centre by *ÖIR* on behalf of the city of St Pölten.

C64. June 88 — the study recommends not zoning the land concerned as 'area for shopping centres', because it is a green field site far away from settlement areas and at the exit ramp of an expressway, and does not provide any services to local inhabitants.

C65. Autumn 1988 — the spatial planning division of the state of Lower Austria also rejects the option of permitting a re-zoning in a policy statement issued. It was requested by the municipality to give its opinion before the application for re-zoning was submitted.

C66. Spring 1989 — meanwhile there were seven proposals for shopping centres in existence; the *Stadtplanungsamt* (urban planning division) proposed developing an independent city district in Neuvierhofen (in the area of the newly constructed primary road) with housing, jobs, and a shopping centre as well as recreational and leisure facilities. This is the location of the shopping centre Traisenpark, described in the following paragraphs.

C67. September 1989 — new request addressed to *ÖIR* for a shopping centre scheme for the whole area of St Pölten and assesment of seven projects.

C68. November 1989 — presentation of the shopping centre scheme and recommendation of four sites.

C69. May 1990 — *Gemeinderat* (municipal council) resolution to re-zone these four sites for shopping centres.

C70. July 1990 — one site is rejected by the spatial planning division of the state.

C71. September 1990 — new municipal council resolution to re-zone the three sites for shopping centres.

C72. 1990 — a large Austrian bank buys the land from the city of St Pölten in order to build the shopping centre Traisenpark at an average building land price (ATS 2 500/m²).

C73. October 1990 — application for a building permit submitted to the *Baupolizei* (Construction Supervisory Authority) of the *Magistrat* (town administration) of St Pölten by *Länderbank-Bauconsult Ges.mbH* on behalf of *Traisenpark Einkaufen, Freizeit, Errichtungs- und Vermietungsges.mbH* a subsidiary of the bank for the construction of the facilities mentioned above (pursuant to Lower Austrian building code Article 92); in cities with their own statutes, construction matters are the responsibility of the *Baupolizei* (Construction Supervisory Authority).

C74. October 1990 — application for subdivision of land and building site assessment submitted to the surveying department of the *Magistrat* (town administration) of St Pölten (pursuant to Articles 11 and 12 of the Lower Austrian building code).

C75. Autumn 1990 — application for a permit with the *Gewerbebehörde* (commercial regulations authority) pursuant to the *Gewerbeordnung* (commercial regulations code) (see Section B, Policy institutions, Federal level).

C76. October 1990 — the building permit application is passed on to the competent departments (e.g. *Stadtplanungsamt* (urban planning division); division for building con-

struction; civil engineering; surveying division) for their opinion; several statements are presented.

C77. October 1990 — building project hearing and hearing according to the *Gewerbeordnung* (commercial regulations code) whose date is fixed by the *Baupolizei* (Construction Supervisory Authority) and the *Gewerbebehörde* (Commercial Regulations Authority) together. Prior to this date, an announcement to the public is posted on a blackboard at the city hall for a period of 10 to 14 days as is obligatory for large scale construction projects.

C78. Parties invited to the hearing include the applicant, two representatives of the municipal council, two representatives of the city government, noise and exhaust air experts of the office of the Lower Austrian state government, the transportation expert (in this case the transportation planner of the applicant, a civil engineer), experts for fire protection, the *Landeselektrizitätsgesellschaft EVN* (state electricity company), structural engineers, planning engineers, etc. as well as the immediate neighbours of the site including 120 persons in one block of flats alone.

C79. The representative of the public roads administration states that the public sector will not bear any development costs, but that a turning lane must be constructed and therefore the respective planning work and permits must be taken into consideration. Other representations to the hearing include the neighbours' demands, consisting of planting of greenery, a covered roof for the garage as noise protection, and noise protection windows for apartments.

C80. November 1990 — the office of the Lower Austrian State Government issues the *Bescheid* (official order) to modify the *Flächenwidmungsplan* (land zoning plan) (in normal zoning cases, the state only has supervisory competence, but a permit by official order is only done for zoning as 'area for shopping centres').

C81. December 1990 — traffic hearing, held by the department of the *Straßenpolizei* (Traffic Supervisory Authority) of the *Magistrat* (town administration) of the city of St Pölten pursuant to the *Straßenverkehrsordnung* (road traffic regulations). This resulted in changes to the submitted project.

C82. January 1991 — continuation of building project hearing; between the first and the second hearing the applicant signed agreements under civil law with the neighbours in the form of concessions made, so that the neighbours had no objections to present at the hearing.

C83. February 1991 — official order granting building permit containing approximately 80 requirements (e.g. quality standards for carpets with regard to combustibility); the official order comes into force two weeks later and is sent to all parties to the procedure.

C84. March 1991 — report of commencement of construction in the form of a notification.

C85. December 1991 — submission of a detailed project for the ice-skating rink to the Construction Authority of the *Magistrat* (town administration) and to the *Gewerbebehörde* (Commercial Regulations Authority) (district authority); only experts (no neighbours) are invited to the hearing.

C86. January 1992 — check made by inspecting the building shell; in general the progress of work according to plan is acknowledged, only minor changes are demanded; afterwards further checks are made, the date having been fixed at the building project hearing.

C87. May 1992 — application for the *Benützungsbewilligung* (utilisation permit) of a part of the complex (see Figure C13).

C88. June 1992 — acceptance of work (final inspection) of this part.

C89. September 1992 — official order granting the *Benützungsbewilligung* (utilisation permit) for the entire shopping centre.

C90. October 1992 — final inspection of the whole shopping centre.

C91. April 1994 — *Benützungsbewilligung* (utilisation permit) for the shopping centre is issued by official order in which the fees for the sewerage system are fixed; the utilisation permit is passed on to the Water Authority who determine the connecting fees to the water supply based on this.

C92. Legal basis — Lower Austrian *Raumordnungsgesetz* (Spatial Planning Act), Lower Austrian *Bauordnung* (building code), *Gewerbeordnung* (commercial regulations code) 1973 (federal law), *Straßenverkehrsordnung* (road traffic regulations) (federal law).

Housing development proposal: town house complex in Wels, Upper Austria

C93. The handling of housing construction projects is illustrated by the construction of 12 buildings with condominiums in a medium-sized city with approximately 50 000 inhabitants. Two basic options exist for the handling of constructions of condominiums (multi-storied buildings and town house complexes):

- construction of apartments by a non-profit or private housing construction company and the sale of the apartments after completion;
- sale of apartments in advance and subsequent construction of apartments by the owners or their trustee.

C94. In the present case the apartments were sold first and then the apartments were built. The buildings have an average usable living space of 150 m² each and were built on plots of 250 to 300 m² on a total site area of land of approximately 4 000 m². The handling of the project was carried out by a private planning firm.

C95. 1990 — construction of an access road to an apartment complex by the municipality of Wels; in the course of this construction, negotiations with land owners concerned were carried out to enquire about their willingness to sell the land next to the existing apartment complex.

C96. Spring 1991 — municipality of Wels passes information to the planning firm on the intention to build a road and to use the adjacent land according to its zoning in the *Flächenwidmungsplan* (zoning plan) (i.e. building land/residential), that until then had been used for agriculture.

C97. September 1991 — agreement between land owners and builders reached in the presence of representatives of the municipality of Wels on the sale of the land within a certain period of time at a fixed price to parties interested in the project being worked on by the planning firm.

C98. October 1991 — application to modify the *Bebauungsplan* (building regulation plan) submitted to the planning department of the municipality of Wels by the planning firm.

C99. October 1991 to September 1992 — advertising for planned town house complex.

C100. December 1991 — application for the *Bauplatzerklärung* (building site assessment) submitted to municipality including the division of land.

C101. September 1992 — signing of purchase contracts between land owners and the 12 applicants and at the same time the planning firm assume trusteeship for applicants. The power of attorney is conferred to the planning firm to build the town house complex with the money of the applicants and the risk borne by the applicants.

C102. April 1993 — application for a building permit submitted to the municipality of Wels.

C103. July 1993 — *Gemeinderat* (municipal council) resolution on modification of the *Bebauungsplan* (building regulation plan); no permit from the office of the state government was required for this type of modification to the building regulation plan. In Upper Austria building regulation plans are only subject to approval if they affect special public interests. At the same time the building site assessment is issued per official order; as soon as the order on the building site assessment is granted, an application may be made for registration in the land registry. The registration in the land registry is a prerequisite for the application for housing construction subsidies.

C104. September 1993 — building project hearing and official order granting building permit.

C105. October 1993 — official order granting building permit takes effect.

C106. October 1993 — after the apartment applicants are registered in the land registry and the building permit has taken effect, an application for housing construction subsidies is made to the office of the state government.

C107. November 1993 to January 1994 — call for bids from contractors.

C108. February 1994 — commencement of construction work.

C109. November 1994 — completion and handing over of first phase of homes.

C110. December 1994 — application for acceptance of work (final inspection).

C111. March 1994 — completion and handing over of remaining homes, *Kollaudierung* (acceptance of work, final inspection) and *Benützungsbewilligung* (utilisation permit) happened only now.

C112. Legal basis — Upper Austria *Bauordnung* (building code) 1994, Upper Austrian

Wohnbauförderungsgesetz (Housing Construction Subsidy Act) 1993.

Industrial development proposal: technology centre in Wiener Neustadt, Lower Austria

C113. Following the *Regionales Innovationszentrum (RIZ)* (regional innovation centre in Wiener Neustadt), the *Technologiezentrum Umwelttechnologie (TZU)* (Technology Centre for Environmental Technology) was built in Wiener Neustadt in 1994. The project comprises two phases, the first of which is described in the following paragraphs. The second phase is currently being planned.

C114. The *TZU* is a three storey building with a gross floor area of 7 400 m² renting space to seven enterprises, two university institutes and a vocational college. This corresponds to approximately 100 employees and 170 students. The enterprises are subsidised through the below-market rent levels they pay. The rental contracts are for an unlimited time (in contrast to incubation centres); eligibility is based on the focus of activities in the field of environmental technology and the enterprise meeting minimum technological requirements.

C115. The project was initiated by *RIZ* located in the adjacent building. The first steps, the competition and the feasibility study were initiated by the management of *RIZ*. In the autumn of 1993, when the application for a building permit was submitted, the *Wirtschaftspark Entwicklungsgesellschaft (WEG)* (see also the case study on the cross-border Gmünd Business Park) that is part of the Ministry for Public Economy and Transport, assumed responsibility for the project.

C116. The site was the property of the Lower Austrian *Betriebsansiedlungsgesellschaft (ECO-Plus)* (see paragraph D29) and was already zoned as building land/industrial area in the *Flächenwidmungsplan* (zoning plan). The project also met the criteria of the legally valid *Bebauungsplan* (building regulation

plan), thus no modifications to the zoning plan were necessary.

C117. November 1990 — architectural competition for the technology centre.

C118. January 1992 — preliminary construction design of the technology centre prepared by the winner of the competition.

C119. November 1992 — completion of the pre-feasibility study for the project by *Österreichisches Forschungszentrum Seibersdorf* (Austrian Research Centre Seibersdorf); presentation of the results of the study and several working meetings of high level government officials of the *Bund* (federal), *Land* (state) and *Stadt* (city).

C120. January 1993 — expert survey of the technology centre: *Bund* and *Land* firm subsidies of ATS 20 million each in an agreement accorded by the states and signed by the Minister of Public Economy and Transport as well as by the Lower Austrian *Landeshauptmann* (state governor).

C121. Spring 1993 — ECO-Plus transfers the site to *RIZ* as additional subsidy capital provided by Lower Austria.

C122. July 1993 — commencement of submission plans by the winner of the competition.

C123. Summer 1993 — verbal decision reached on the participation of the partners *WEG* and *ECO-Plus* as bodies responsible for constructing and operating the *TZU*; *RIZ*'s responsibility is partly to provide services to *TZU* on a contract work basis (acquisition, administration of tenants, organisation of events etc.).

C124. August 1993 — application for division of land and *Bauplatzbewilligung* (building site permit).

C125. September 1993 — *Bescheid* (order) granting permission to divide the land and building site permit.

C126. October 1993 — application for *Baubewilligung* (building permit).

C127. November 1993 — building project hearing; completion of the (detailed) feasibility study by the *Österreichisches Forschungszentrum Seibersdorf* (Austrian Research Centre Seibersdorf).

C128. December 1993 — order issued granting building permit and the call for bids for a general contractor.

C129. January 1994 — founding of the *TZU Wiener Neustadt Ges.mbH*; partners are *WEG* and *ECO-Plus* each holding a share of almost 40 % as well as the municipality of Wiener Neustadt with 25 %; general planning work for the project contracted out.

C130. February 1994 — commencement of construction work.

C131. September 1994 — final inspection and acceptance of work, *Benützungsbewilligung* (utilisation permit) issued for the vocational college space.

C132. October 1994 — vocational college starts classes.

C133. December 1994 — final completion of work.

C134. February 1994 — final inspection and acceptance of work, *Benützungsbewilligung* (utilisation permit) issued for the remaining parts of the *TZU*; official inauguration with ceremony.

**Major infrastructure proposal:
Kreuzberg-Mauth power station, Salzburg
(Land)**

C135. The Kreuzberg-Mauth power station is a river power station on the Salzach river in the state of Salzburg located on the territory of the three municipalities of Bischofshofen, Werfen and Pfarrwerfen. The station is operated and owned by two companies, each holding a 50 % share:

- the company *Salzburger Aktiengesellschaft für Energiewirtschaft (SAFE)* of the state of Salzburg;
- *Tauernkraftwerke AG (TKW)*.

C136. This power station with a capacity of 17.7 megawatts and 80 million kWh per year is a small power plant in comparison to others in Austria. The power station consists of two hydroelectric generating systems, of which one is already in operation and the second one will begin in October 1995. It covers a stretch of roughly 4 km along the river and forms part of a chain of power stations.

C137. The competent body that issues permits for large-scale power stations (starting at 25 MW) is the highest water authority itself which is the Ministry for Agriculture and Forestry. In the case of smaller power stations the *Amt der Landesregierung* (office of the state government) is responsible for permit procedures (as delegated federal administration). Other minor measures that require a permit pursuant to water related legislation (e.g. river engineering) are handled by the *Bezirksverwaltungsbehörde* (district authority).

C138. Moreover, a permit is required from the state as nature conservation authority, and from the municipality as building authority, as well as a permit pursuant to electricity legislation (state legislation) and in this case also a permit for clearing the land (pursuant to the Federal Forestry Act).

C139. 1977 — proposal for constructing several power stations on the Salzach river over a stretch of roughly 50 km is made.

C140. 1979/80 — preliminary project produced by SAFE and TKW and presented to political decision-makers.

C141. 1980 — informal environmental impact assessment of the power station chain project carried out by *ÖIR* (Austrian Institute for Regional Studies and Spatial Planning,

see Section D) on behalf of the office of the Salzburg state government.

C142. 1981 — governmental decision to construct the chain of power stations consisting of a total of seven power stations (Kreuzberg-Mauth being the sixth of these).

C143. 1987/88 — commencement of planning work for the power station Kreuzberg-Mauth by *SAFE* and *TKW* and survey of several sites. Between 1981 and 1987 construction of other power stations of the entire chain; meanwhile the project Kreuzberg-Mauth does not advance, although land has already been bought in part.

Procedures pertaining to the water legislation

C144. Primary legal basis — Water Act 1959 (*WRG* 1959) and numerous amendments, Federal Act (see Section B, Policy institutions, Ministry of Agriculture and Forestry).

C145. 1989-92 — Submission plan.

C146. 1990 onwards — talks with authorities (Water Authority at office of the state government).

C147. February 1991 — notification of the *Landeshauptmann* (state governor) as water planning agency. Hearing including statements by experts (e.g. nature conservation), summary report with positive assessment. Legal basis Article 55 *WRG*.

C148. March 1992 — notification repeated because the site of the power station had to be changed for cost reasons.

C149. March 1992 — submission of permit application.

C150. April 1992 — preliminary inspection procedure pursuant to Article 104 *WRG*. Coordinating talks with experts (nature conservation, environmental ombudsman, etc.); faults were found in the submission documents which led to some documents having

to be submitted later on, including a report on the hydraulic situation and on the noise levels produced as well as an assessment of its energy production. The documents requested were submitted subsequently by September 1992.

C151. May/June 1992 — the public is informed in a series of public information events.

C152. October 1992 — hearing according to the Water Act. No objections were presented, the project received a positive assessment.

C153. January 1993 — service of the *Bescheid* (official order) pursuant to the Water Act.

Procedures related to nature conservation legislation

C154. Legal basis — Salzburg Nature Conservation Act (Sbg NSG) officially promulgated 1990, State Law (see Section B, Policy instruments, Table B8).

C155. Pursuant to the Salzburg Nature Conservation Act all acts detrimental to nature are to be avoided. Exceptions must be applied for. These are usually approved if the public interest outweighs the disadvantages or if the offer is made to take measures to maintain the ecological balance. In the present case, this was the result of the procedures pursuant to the Nature Conservation Act. The procedures related to the Nature Conservation Act were held parallel to the procedures related to the Water Act.

C156. The planning of the power station was done by *TKW*, the ancillary planning was contracted out to experts, in particular the *Institut für Ökologie* (Ecology Institute) (Salzburg). The Ecology Institute plays a significant role in the state of Salzburg, and its participation in the nature conservation procedures had a positive influence.

C157. May 1992 — application made to the *Bezirkshauptmannschaft* (district authority) St Johann as nature conservation authority of the first instance (Article 46 Sbg NSG).

C158. June 1992 — subsequent submission of documents.

C159. July 1992 — hearings lead to a positive outcome.

C160. November 1992 — *Bescheid* (official order) containing several requirements. Essentially the requirements were measures to maintain the ecological balance. The period between the hearing and issuance of the order was very long because it was agreed to wait until the Water Authority reached a decision.

Land clearance permit

C161. Legal basis — Forestry Act 1975, Federal Act (see Section B, Policy institutions, Ministry of Agriculture and Forestry). Pursuant to Articles 17 and 170 a permit issued by the *Bezirksverwaltungsbehörde* (district authorities) is required for clearing land.

C162. December 1992 — submittal.

C163. February 1993 — hearing.

C164. April 1993 — *Bescheid* (official order): replacement afforestation to be carried out.

Permit pursuant to electricity legislation

C165. Legal basis — Salzburg State Electricity Act. According to Article 18 a permit issued by the state government pursuant to the Electricity Act is required for the construction or expansion work of power producing plants.

C166. April 1992 — application at the office of the Salzburg state government.

C167. Processing and issuance of order parallel to procedures to the Water Act.

Site and building permit

C168. Legal basis — *Bebauungsgrundlagengesetz* (Building Regulation Act) 1968 of the state of Salzburg, Salzburg *Baupolizeigesetz* (Construction Supervising Authority Act) 1973 (corresponds to the building code of Lower Austria), Salzburg *Raumordnungsgesetz* (Spatial Planning Act) 1968 and 1992 (re-enacted, entered into force on 1 March 1993).

C169. Pursuant to Article 19 of the Salzburg Spatial Planning Act 1968 (Article 24 Sbg *ROG* 1992) a *Einzelgenehmigung* (special permit) (1), of the municipality is required for construction measures outside areas zoned as building land, and these must also be approved by the state government (pursuant to the *ROG* by the *Bezirksverwaltungsbehörde*, (district authority). In the case of the location of the power station, the area was not building land, but green land and therefore a special permit had to be applied for. Moreover, as is the case for any construction project, a *Bauplatzerklärung* (building site assessment) (2) and a *Baubewilligung* (building permit) (3) also had to be applied for.

C170. October 1992 — an application for a special permit for construction on green land pursuant to Article 19 *ROG* 1968 (Article 24 *ROG* 1992) (1).

C171. December 1992 — *Gemeinderat* (municipal council) resolution (1).

C172. March 1993 — application for a *Bauplatzerklärung* (building site assessment) filed with the *Bezirksverwaltungsbehörde* (district authority) pursuant to Article 14 the *Bebauungsgrundlagengesetz* (Building Regulation Act) (state law) after the municipality delegated the matter to the district authority (2).

C173. April 1993 — hearing on *Bauplatzerklärung* (building site assessment) (2) and ap-

plication for *Baubewilligung* (building permit) (3) pursuant to Article 9 of the *Baupolizeigesetz* (Construction Supervising Authority Act).

C174. June 1993 — *Bescheid* (official order) on permit after approval of district authority (1).

C175. June 1993 — *Bescheid* (official order) on building site assessment (2).

C176. August 1993 — building project hearing (3).

C177. November 1993 — *Bescheid* (official order) on building permit (3).

C178. In addition to the procedures described above, many details of the project had to be approved by the Water Authority and by the Nature Conservation Authority, and the respective *Bescheide* (official orders) made the building permits contingent to numerous requirements. In the course of two years, 5 to 10 permits were required (e.g. construction bridge and ancillary gutter).

C179. January/February 1993 — commencement of construction.

C180. July 1995 — first machine goes into operation.

C181. October 1995 — second machine goes into operation.

C182. Conflicts arose especially with nature conservationists and the environmental movement which were cleared in part through information campaigns or by making concessions and agreeing to compromises. The discussions continued until the date the permit was granted. Politically, both large Austrian parties were in favour of the project.

C183. According to the Environmental Impact Assessment Act, effective as of mid 1994, these types of projects are required to have environmental impact assessments carried out and at the same time the Act provides for speeding up the process by concentrating all obligatory procedures.

C184. The power plant is located directly adjacent to a settlement area which made it necessary to hold not only events providing general information, but also special ones for the neighbours. Compromises were made by the municipality such as the creation of paths along the river for pedestrians and bicycles and by improving protection against floods.

C185. The original land owners were farmers who sold their land. Theoretically, these types of projects could be carried out through expropriations, but it was not necessary in this case. The adjacent dwellings were not directly affected because the river channels were re-routed and thus no indemnification had to be paid for real estate properties.

D — Agencies and mechanisms for development and conservation

Summary

D1. The institutions and instruments of territorial authorities that are of significance for spatial policy in Austria were described in Section B. This section will describe the separate institutions and instruments that act or are applied outside the sphere of public administration on their behalf for the purposes of implementation.

D2. In general a trend is emerging in spatial policy at all three levels (*Bund*, federal; *Land*, state; *Gemeinde*, municipality) of making use of private law instruments or instruments belonging to the private sector. These have the following features:

- binding private law obligations, private sector incentives and/or sanctions aimed at motivating involved actors to behave in agreement with spatial policy goals;
- the public sector disguised as 'private enterprises' as an actor on the market in order to pursue spatial planning goals itself;
- the work of planning, setting up and operating of infrastructure (if not already the case) is transferred to separate companies;

- the management of subsidies is also being transferred from public administration to independent funds and development companies.

D3. On the one hand, this trend applies basically to all three levels of territorial authorities i.e. federal government, state and municipality, and on the other hand, to regional economic policy as well as to infrastructure and the fields of settlement, housing construction and urban renewal. In fields related to nature conservation private organisations also apply non-regulatory measures that serve the interests of the general public.

D4. Gradually it is becoming clearer that a policy consisting solely of ordering regulations and supplying investment subsidies in many cases does not really act as a steering mechanism for spatial development.

D5. On the federal level, for example, regional subsidies are increasingly being supplemented and accompanied by specific advisory institutions that act locally and outside the scope of central administration. Among these are, for example, organisations (set up as companies) that advise new initiatives, the founders of new enterprises and established enterprises on matters related to regional policy goals, as well as regional advisors employed by the federal government and the states. These are responsible for the efficient

utilisation of investment subsidies. In some regional policy agencies (e.g. in regional innovation or technology centres) the federal government participates in the enterprise, at least during the initial phase.

D6. Only recently has the Ministry of Economic Affairs that is responsible for the planning, construction and operation of national roads, motorways and expressways created two separate companies expressly for this purpose: *Österreichische Autobahnen- und Schnellstraßen AG* (Austrian Motorway and Expressway Company) and *Alpenstraßen AG* (Alpine Roadways Company). The latter was created from the merger of the companies which had been operating toll highways until now. National roads have been operated by the states on behalf of the federal government for many years.

D7. Specific organisations responsible for the implementation of local public transport services have also been established. Concentrated mainly in urban regions, regional tariff unions have been created by federal, state and municipal bodies. Matters related to local public transport policies and to joint financing to cover losses are dealt with within the scope of these unions.

D8. All states now have companies whose main task is to promote business location by attracting investors and managing industrial sites. These companies have also been partially assigned further tasks such as, for example, the administration of regional subsidies, the setting up and operation of industrial centres as well as of technology and incubation centres. The company of the state of Lower Austria, ECO-Plus, takes on further tasks and also supervises projects within the scope of regionalisation programmes, for example, for tourism and cultural projects.

D9. The states are also responsible for the overall conditions under which municipal settlement policies are implemented. In order to escape the dilemma of the public sector being empowered to grant the right to build (through land zoning), but not being able to enforce land use in compliance with zoning,

several states have now set up the necessary legal environment for diverse instruments of the private sector. These are, first of all, instruments that directly influence the owners of private property, for example, contracts that commit the property owner to build on the land in accordance with its zoning within a certain period of time, or additional taxes that burden the property with additional costs unless it is built on.

D10. The two states where building land has become especially scarce and expensive have established their own institutions for helping municipalities to actively participate in the property market in order to influence property prices through their land acquisition policies. In the case of Salzburg it is a building land acquisition company, *Land-Invest (Baulandsicherungsgesellschaft Land-Invest)* and in the case of Tyrol it is a land acquisition fund, *Bodenbeschaffungsfonds*.

D11. The city of Vienna has created several such instruments. Enterprise location and industrial area management is carried out by the *Wiener Wirtschaftsförderungsfonds* (Viennese Business Promotion Fund) and property acquisition for social housing construction and urban renewal by the *Wiener Bodenbereitstellungs- und Stadterneuerungsfonds* (Viennese Property Appropriation and Urban Renewal Fund), while the *Wiener Entwicklungsgesellschaft für den Donauraum AG (WED)* (Vienna Danube Area Development Company) oversees urban development in the Danube area. The dynamic of the enterprising activities of these institutions is not always in conformity with the goals of urban development planning.

D12. The *NÖ Landeshauptstadt Planungsgesellschaft mbH* (State Capital Planning Company of Lower Austria) has been assigned clear development tasks as it was established expressly for the purpose of realising the project of Lower Austria's state capital, St Pölten. Presently it is constructing administration buildings for the state parliament and state government as well as the cultural district in St Pölten.

D13. In 1985 Lower Austria was the first state to undertake village renewal schemes. Nowadays similar schemes exist in almost all states although they have different forms and different names. In Lower Austria, approximately 350 villages and 50 000 participants are involved. State subsidies are used mainly for restoring villages' building structures, townscaping village streets and squares, landscaping green spaces as well as promoting cultural events. The basic idea is to strengthen autonomous responsibility and organisation by supporting local initiatives and in this manner to achieve a higher degree of identification of the population with rural regions. Village renewal is sometimes called the largest 'citizens' interest group in Austria'. Meanwhile the state of Lower Austria has extended this, and since 1993 has established an urban renewal scheme.

D14. There is a long tradition in Austria of organising activities in the tourist industry by the private sector. In this industry a separate hierarchy of associations ('bottom to top') has evolved which is financed essentially by taxes prescribed by state tax laws (see Section D, Tourism development)

D15. The agencies responsible for the water supply, waste water disposal and waste disposal on a local level are partially organised in accordance with private law and partly in accordance with public law, unless these services are provided by the individual municipalities themselves.

D16. Three very different examples illustrate how funds from the private sector are also employed for the conservation of artificial landscapes: the non-profit making Association *Verein Niederösterreich-Wien* (Lower Austria — Vienna) landscapes recreational areas in and around the city partially in the form of nature parks; the largest Austrian Alpine association (*Österreichischer Alpenverein, ÖAV*) has contributed considerably to protecting Alpine meadows and barren land in high mountainous areas from development for the skiing industry through strategic land acquisition; in several publicly disputed envi-

ronmental protection projects in Austria, the WWF (Worldwide Fund for Nature) has adopted the policy of buying property in order to secure protection for the pieces of land in question.

D17. Important urban conservation activities are undertaken by the states. Salzburg and Styria have their own townscape preservation laws for the care of their capitals (Salzburg City, Graz). Special funds are provided for this. Separate laws deal with townscape preservation outside the state capitals.

D18. The Alpine area which covers two third of the Austrian territory and half the population, is a special type of area due to the great sensitivity of the ecosystem and the considerable demands on the area. In this context it is significant that the two large Alpine associations are engaged in spatial planning activities. One of them is playing a major role in the field of nature conservation policy as owner and buyer of land for that purpose.

D19. Finally at this point a special institution should be mentioned which does research and planning work. The non-profit *Österreichisches Institut für Raumplanung (ÖIR)* (Austrian Institute for Regional Studies and Spatial Planning) has, for almost 40 years, been working in the domain between research and politics by providing support for the spatial planning work of the authorities on all levels through applied research, planning work and studies carried out in contract work.

Development

Regional economic development

Regional advisory institutions

D20. Since the early 1980s *Regionalbeauftragte* (regional advisors) have been employed by the federal government in

declining areas. They have the task of supporting regional economic development locally, especially through consultancy services and by administering subsidies, as well as by representing the interests of regions before public authorities. Specific tasks carried out recently were the development of the cross-border Gmünd-Ceske Velenice (CZ) industrial park (regional advisor for Waldviertel) and the introduction of measures to revitalise tourism in the declining area of the lignite mining region of Voitsberg-Köflach (regional advisor for Western Styria). Regional advisors were also employed in the expansion of the *Regionales Innovationszentrum (RIZ)* (regional innovation centre in Wiener Neustadt), for the industrial problem area of Upper Austria, as well as in the peripheral regions with weak economies of Burgenland and eastern Tyrol.

D21. With the financial support of the federal government the *Österreichische Arbeitsgemeinschaft für eigenständige Regionalentwicklung (ÖAR)* (Austrian Association for Endogenous Regional Development) was founded during the 1980s. This later evolved into a professional consultancy which specialises in the field of project development for problem regions. The direct funding by the federal government has enabled it to fulfil tasks that would not have been supplied by the market such as, for example, the search for agencies prepared to take on responsibility for projects, evaluation of projects and the further development of schemes based on the exchange of experience at national and international levels. The actual advisory work is carried out with the support of its commercial subsidiary, *ÖAR-Regionalberatung Ges. mbh* (ÖAR Regional Development Consultants Ltd.) which has approximately 60 advisors at 10 locations in the states of Upper Austria, Styria, Carinthia, Lower Austria, Burgenland and Vienna) and offers its service, in principle, at market rates. It has highly diversified its customer structure with the result that the Federal Chancellery is only one of its many clients.

D22. Within the scope of its active labour market policy, the Ministry of Labour and

Social Affairs supports employment initiatives by the territorial authorities (states, municipalities, municipal associations) and by private non-profit institutions (associations) which supply services that serve the interests of public welfare. In 1988 the Unemployment Insurance Act was amended to make the establishment of *Arbeitsstiftungen* (Labour Foundations) possible. These are funded primarily by employers' contributions and unemployment insurance. These foundations carry out retraining programmes for employees who are affected by large-scale personnel reductions.

D23. The Ministry of Labour and Social Affairs has also instituted *Arbeitsmarktbetreuer* (regional labour market managers) whose job is to improve the labour situation in the regions. The *Österreichische Studien- und Beratungsgesellschaft (ÖSB)* (Austrian Research and Advisory Company) supports the business administration aspects of their activities.

D24. Numerous institutions exist for information and technology transfer, especially for the industrial and trades sector, which are managed by municipalities, states, chambers representing interest groups as well as by private entities, and are subsidised or partially funded by the federal government. These comprise highly specialised research parks, innovation centres for the establishment of new high-quality technology enterprises or information transfer institutions as well as trade parks. In the field of regional policy the federal government's participation should also be emphasised: it is involved in the *Regionale Innovationszentrum (RIZ)* (Regional Innovation Centre) in Wiener Neustadt, the *Technologietransferzentrum (TTZ)* (Technology Transfer Centre) in Leoben and the *Forschungs- und Ausbildungszentrum für Arbeit und Technik (FAZAT)* (Research and Training Centre for Labour and Technology) in Steyr. Table D12 lists the most important agencies as per 1991.

Figure D16: Innovation centres, transfer centres and economic assistance agencies

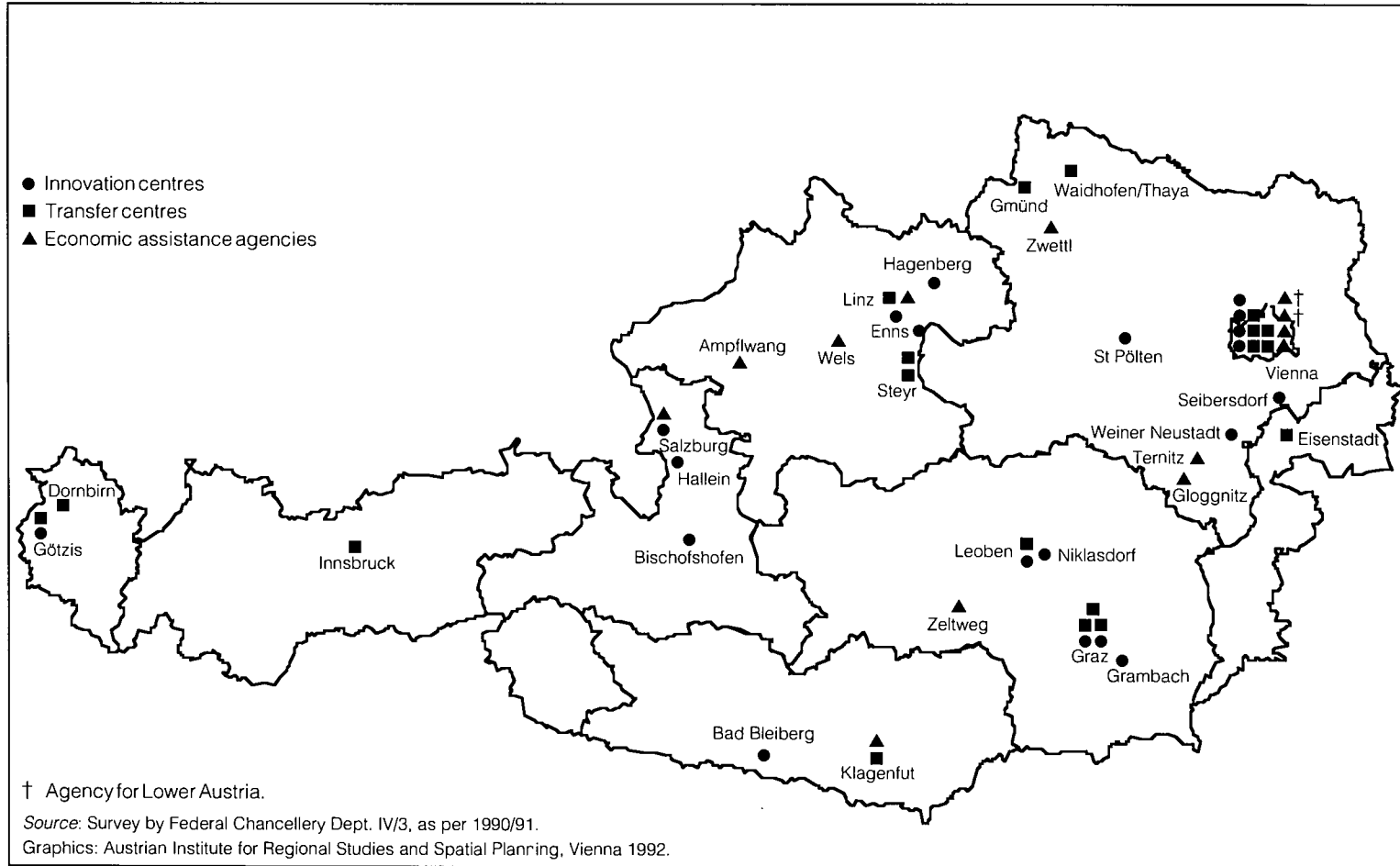


Table D12: Innovation centres, transfer centres and economic assistance agencies

Type	Abbreviation	Name of agency	Place
Vienna			
IZ	SIG	Simmeringer Innovations- und Gründerzentrum	Vienna
FZ	Arsenal	Bundesversuchs- und Forschungsanstalt Arsenal	Vienna
FZ	Alcatel-ELIN	Alcatel Austria-ELIN Forschungszentrum	Vienna
FZ	Doppler	Doppler Laboratorien	Vienna
TT	WIFI-ITV	WIFI Referat Internationale Technologievermittlung	Vienna
TT	—	Innovationsagentur	Vienna
TT	WI FI-TBW	WIFI Bereich Technik und Betriebswirtschaft	Vienna
RB	ÖAR	ÖAR-Regionalberatung	Vienna
AB	ÖPWZ	Österreichisches Produktivitäts- und Wirtschaftlichkeitszentrum	Vienna
BR	ICD	ICD Austria, Industrieansiedlung und industrielle Kooperation	Vienna
BR	GBI	Gesellsch. für Bundesbeteiligungen an Industrieunternehmen	Vienna
BR	—	NÖ Grenzlandförderungsgesellschaft	Vienna
BR	ECO-Plus	ECO-Plus Betriebsansiedlung und Regionalisierung in NÖ	Vienna
Burgenland			
TT	BTZ	Burgenländisches Technologietransferzentrum	Eisenstadt
Lower Austria			
IZ	GTZ	Gründer- und Technologietransferzentrum St Pölten	St Pölten
IZ	RIZ	Regionales Innovationszentrum NÖ-Süd	Weiner Neustadt
RB	—	Bundesbeauftragter für das Waldviertel	Waidhofen/Thaya
BR	Edelhof	Waldviertelmanagement	Edelhof
BR	GGZ	Betriebsgründungen in Gloggnitz	Gloggnitz
BR	BAT	Schoeller Bleckmann Betriebsansiedlung	Ternitz
Styria			
IZ	—	Technologiepark Niklasdorf	Niklasdorf
IZ	STP	Steirischer Technologiepark	Graz
FZ	Joanneum	Forschungsgesellschaft Joanneum Ges.mbH.	Graz
FZ	—	Österreichisches Giesserei-Institut	Leoben
TT	TTZ	Technologietransferzentrum Leoben	Leoben
TT	—	Außeninstitut der Karl-Franzens-Universität	Graz
TT	—	Außeninstitut der Technischen Universität Graz	Graz
BR	AIZ	Aichfeldzentrum Betriebsberatung	Zeltweg
Carinthia			
TT	KIZ	Kärntner Innovationszentrum	Klagenfurt
BR	BABEG	Kärntner Betriebsansiedlung und Beteiligung	Klagenfurt
Upper Austria			
IZ	LIG	Linzer Innovations- und Gründerzentrum	Linz
IZ-BR	Hagenberg	Softwarepark Hagenberg	Hagenberg
TT	TIB	Waldviertler Technologie- und Innovationsbüro	Gmünd
TT	WIFI-OÖ	WIFI-OÖ. Referat Technologie/Innovation	Linz

Type	Abbreviation	Name of agency	Place
TT	TZS	Technologiezentrum Steyr	Steyr
AB	FAZAT	Forschungs- und Ausbildungszentrum für Arbeit u. Technik	Steyr
BR	Magistrat Linz	Amt für Wirtschaft und Betriebsansiedlung Magistrat Linz	Linz
BR	—	Ennshafen, Entwicklungs- und Betriebsgesellschaft	Enns
Salzburg			
IZ	Techno-Z	Salzburger Technologiezentrum	Salzburg
IZ-BR	Umwelt-Techno-Z	Umwelttechnologiezentrum Bischofshofen	Mitterbergh.
IZ-BR	Ergo-Z	Ergonomie-Zentrum Salzburg	Salzburg
IZ-BR	EMCO	EMCO Innovations Center	Hallein
Vorarlberg			
WP	VWP	Vorarlberger Wirtschaftspark	Götzis
TT	VTTZ	Vorarlberger Technologie Transfer Zentrum	Dornbirn
TT	ÖFZS-Außenstelle	Außenstelle des FZ Seibersdorf im Vorarlberger Wirtschaftspark	Götzis

NB: Agencies included in the evaluation, as per 1990/91.

Innovation centres

FZ *Forschungszentrum* — research centre

IZ *Innovationszentrum* — innovation centre (usually with technology transfer agencies)

IZ-B *Innovationszentrum mit Branchenbezug* — innovation centre sectoral reference

WP *Wirtschaftspark* — business park

Transfer agencies

TT *Technologietransfereinrichtungen* — technology transfer agencies

RB *Regionale Beratung* — regional consultancy

AB *Ausbildung* — training

Economic assistance agencies

BR *Betriebsansiedlung, Regionalentwicklung, Wirtschaftsförderung* — plant location, regional development, economic assistance

Source: ÖIR 1992, Innovation and technology transfer centres in Austria.

D25. Innovation centres encompass all agencies that offer technical infrastructure, management, consultancy and similar services:

- business parks (which encourage contact and cooperation);
- incubation and innovation centres (where common facilities and advisory services are provided);
- technology centres (to support cooperation between science and business);
- research centres (as agencies for research and consultancy services).

D26. Transfer agencies are technology transfer agencies which provide a link between research agencies and technology

users and information transfer agencies for consultancy and training facilities.

D27. The locations with economic assistance agencies depicted in Figure D16 are plant location agencies and economic assistance agencies.

D28. In practically all states, separate companies (with different names) have been set up (owned by the states) which fulfil the task of attracting investors, carry out project management and operation of industrial parks, give advice on subsidies as well as location marketing and, in some cases, also administer regional economic subsidies from the state.

D29. The area of responsibility of the state company in Lower Austria, *ECO-Plus Betriebsansiedlung und Regionalisierung in*

Niederösterreich Ges.mbH is very different from the others insofar as it covers, in addition to plant location and industrial centre management, the field of regionalisation. This field includes consultancy, agency and coordination activities, project initiation and project networking as well as the sectors of tourism, social and health affairs, culture and agriculture. This refers to projects that contribute to the strengthening of regions and to decentralisation. Project agencies, and thus recipients of subsidies, are associations, private and public enterprises and municipalities. Funding comes from a separate budget, from the so-called *Regionalisierungsprogramme* (regionalisation programme). The enterprise location company, *Tech-Invest*, fulfils the same functions for the state of Salzburg as *ECO-Plus* does for Lower Austria.

D30. In Lower Austria in addition to the federal advisor, four *Regionalbeauftragte* (regional advisors) of the state exist who advise and guide projects in the region and coordinate the work between the agencies responsible for the project and the departments of the office of the state government. Furthermore, the *Dorferneuerung* (village renewal scheme) of Lower Austria (see Rural development, below) which has long been established in that state, is taking on more and more regional development tasks.

D31. In 1975 the federal government and the state of Lower Austria founded the *Niederösterreichische Grenzlandförderungs-gesellschaft mbH* (each holds 50 %). The task of the enterprise is the promotion of the border area of Lower Austria through promotional activities, advisory services for municipalities and enterprises, property acquisition and development as well as the distribution of subsidies.

Enterprise assistance with regional policy goals

D32. Within the scope of the *Förderungsprogramm für eigenständige Regionalent-*

wicklung (FER) (assistance programme for endogenous regional development) advisory services are subsidised, inter alia, for innovative projects of small enterprises in the branches of agriculture, industries and trades, tourism and energy as well as regional cooperation (e.g. tourism schemes). Assisted areas that receive these funds are those national areas entitled to regional assistance as defined by the *ÖROK* (see Figure B7). The subsidies come from the federal government (Federal Chancellery) and are administered by the *ÖAR* (see paragraph D21).

D33. In 1990 the federal government and the individual states jointly (with the exception of Vienna and Vorarlberg) created a *Regionale Innovationsprämie* (regional innovation bonus i.e. a grant) aimed at strengthening existing enterprises as well as assisting the establishment of new enterprises and qualified plant locations. It is a regional economic instrument for promoting the economic renewal of old industrial areas (in particular measures for structural improvements) and of peripheral rural regions where subsidies are granted not only for structural improvements but also for selected capacity expansions. This subsidy scheme expired at the end of 1995.

D34. The ERP Funds (see Section A, Economic development) are responsible for subsidies to industries and trades in general. Their management is subordinate to the Ministry of Public Economy and Transport. This fund also grants regional subsidies (ERP regional programmes) which are subject to the same eligibility principles as the regional innovation bonus for the national regional assistance areas.

D35. The main focus of the ERP subsidies in general, however, is placed on assistance to industries and trades not making any reference to regional aspects but rather to general economic policy goals. The sectoral enterprise subsidies for industries and trades (e.g. ERP fund, innovation fund and technology fund) greatly exceed the volume of regional subsidies (regional subsidies are

13 % of federal government expenditures). While the assisted areas receive a less-than-proportional share of the sectoral (non-regional oriented) subsidies, the regional subsidies were just enough to enable the

declining areas to participate in the total promotion funds in balance and proportionate to their number of inhabitants. Moreover within the scope of the ERP fund, special subsidies for tourism and agriculture exist.

Table D13: Subsidies with reference to regional policy goals, 1990 to 1992

Subsidy programme	Number of projects	Subsidy volume (ATS million)	Investments subsidised (ATS million)
<i>FER</i>	59	12	25
<i>Reg. Innovationsprämie</i> ⁽¹⁾	180	663	7 791
<i>ERP-Regionalprogramm</i> ⁽¹⁾	142	2 325	8 829

⁽¹⁾ until June 1992.

Local economic development

D36. Economic development on a municipal level is actively assisted by the larger cities in particular. The city of Vienna founded the *Wiener Wirtschaftsförderungsfonds, WWFF* (Viennese business promotion fund) at the beginning of the 1980s. Its tasks encompass enterprise location (sites owned by the fund available for building commercial enterprises), the administration of the economic subsidy initiatives offered by the city of Vienna, advisory services for enterprises and the promotion of Vienna as a location with the aim of attracting businesses.

D37. On a municipal level, financial incentives were common for plant locations until now. The municipalities competed against each other through inexpensive property prices, inexpensive development costs or tax reliefs. Due to EU regulations on freedom of competition this is no longer possible outside the defined assisted areas.

D38. Due to land scarcity the freedom of action on the property market became increasingly restricted for enterprises, especially in the western states, a situation which finally led, in the course of the new spatial planning laws, to the establishment of state companies with the aim of supporting the municipalities in acquiring properties in Salzburg and Tyrol (also for enterprises). In the state of Salzburg the new Spatial Planning Act 1993

prescribes the creation of a building land acquisition company (*Land-Invest*) with the aim of supporting the municipalities in their long range acquisition of land for housing and enterprise location (in addition to the *Tech-Invest* which is responsible solely for industrial locations). These land acquisition companies are financed by the state and sometimes also by the municipalities and interest group representatives. The land acquisition fund of Tyrol (*Bodenbeschaffungsfonds*), which was also created as a result of the new Spatial Planning Act 1994, acts as intermediary as well as buyer and seller on the property market mainly in properties for housing purposes (for subsidised housing construction) and building land for enterprises as well as for special land uses. Its task is the quantitative provision of land with a view to space-saving land development. It is also financed mainly by the state although it is a separate entity under public law having its own legal status.

D39. The concept of *Baurecht* (building rights), which is easily confused with the comprehensive term for legislation related to building, is understood to be the marketable and heritable right to build (to own) a structure on somebody else's property. It originated in the year 1912 and had the intention of facilitating inexpensive housing construction for low-income population groups. However, it never really gained widespread application, an exception being the indi-

vidual settlement areas of the interwar and post-war period in Vienna. The right is founded by an entry into the land registry. Any person may acquire the right to build. It may be passed on by any private property owner since 1990 (until then only territorial authorities had this right). Its maximum period of duration is 100 years.

D40. Since 1983 the state of Lower Austria has been applying *Baurecht* as a spatial planning instrument. In areas threatened by out-migration and in low-income municipalities, young families receive properties together with a building rights contract (for 80 years). Instead of paying the entire price they only have to pay an annual building rights rate of 3 % of the purchase price. At the same time the aim is to achieve the settlement of ceding heirs (non-farming descendants of farmers) within the town area and thus eliminate factors that promote despoliation of the landscape (because they tend to settle near the parental farm house). In the case of the so-called building rights incentives of the state of Lower Austria, the property may be bought by the holders of the building rights before the building rights contract expires.

Urban regeneration

D41. The comprehensive legislation related to urban renewal is the competence of the federal government. The Urban Renewal Law of 1974 had the aim of renewal of large areas through the use of coercive means, but these were never applied. The Residential Building Restoration Law 1984 has the aim of *sanfte Stadterneuerung* ('gentle' urban renewal) with the assistance of subsidies. Its implementation is the competence of the states. The concept of gentle urban renewal means that the renovation measures not only take account of building structures, but also strive to protect the inhabitants and thus the social structure from drastic interferences or changes.

D42. In Vienna the gradual application of the method of gentle urban renewal that had begun in the 1970s led finally in 1984 to the es-

tablishment of the *Wiener Bodenbereitstellungs- und Stadterneuerungsfonds (WBSF)* (Viennese property appropriation and urban renewal fund). The high proportion of subsidised low-income housing is also a significant factor in Vienna.

D43. Urban renewal is handled mainly by the *WBSF* in Vienna (see below). Since the fund was set up, until the end of 1991, 68 % of the subsidised projects were carried out by private building owners, 7 % by non-profit building associations and 25 % by the municipality of Vienna. The larger part of the restoration projects were so-called *Sockelsanierungen* (fundamental restorations). This type of building restoration means that the building's overall structure is renovated while the tenants may continue to live in the building and their apartments are renovated only upon request. In this manner rents were maintained at low levels. In comparison to this are *Totalsanierungen* (complete restorations of empty buildings) i.e. where the entire building and all apartments are renovated. A third significant category of urban renewal projects are individual improvements (e.g. elevator construction, insulation). There are also a few examples of the *Blocksanierung* (block restoration method). In this case, not only are the buildings and dwellings restored but, in the sense of comprehensive renewal, the surroundings are also improved by means such as courtyard clearing and landscaping or traffic reduction. The *Gebietsbetreuung* (urban district advisory offices) set up by the town administration (see below) or the separate block restoration advisors employed by the *WBSF* who act as project managers are required because the block restoration method involves extensive citizen participation.

D44. The urban district advisory offices that were set up initially in two Viennese districts in 1974 by the town administration are primarily responsible for comprehensive information and advice in matters related to housing and rentals. Small area schemes of courtyard clearing projects or the adaptation of streets to low speed zones are either the responsibility of the competent political bodies

(heads of districts, city councillors) or of the *WBSF*. The urban district advisory offices do not have decision-making competence. Presently there are 14 such offices.

Public sector development policies

D45. In Vienna the *Bodenbereitstellungs- und Stadterneuerungsfonds (WBSF)* (Viennese property appropriation and urban renewal fund) was set up. Its tasks include the preparation and implementation of urban renewal measures, especially advisory, coordinating and controlling projects in the subsidised restoration of residential buildings, and the development and provision of properties for the construction of subsidised housing and other buildings required in this context. The *WBSF* is a non-profit making institution which finances itself through property transactions and from inspection fees charged for its activities in subsidised residential restoration. A housing construction subsidy may only be requested by housing construction firms if the property was bought by the *WBSF*. This has the purpose of reducing competition among building firms and lowering property prices — an aim which has been achieved only to a limited extent.

D46. The *Wiener Entwicklungsgesellschaft für den Donaauraum AG (WED)* (Vienna Danube Area Development Company) was founded in 1991 by several Austrian banks and insurance companies together with the large international securities firm Nomura Securities, with the aim of developing the Danube City area into a strategic development location of municipal urban planning and providing it with infrastructure as well as exploiting it within the scope of overall planning goals. Its activities comprise buying and selling real estate, adapting, developing and building properties, administering and utilising real estate (especially properties in Vienna's urban development areas of the Danube City, Aspern and Nordbahnhof), and acting as developer and general contractor.

D47. The new spatial legislation laws of the past few years have focused on measures

for making land available to the market. The municipalities received new instruments for ensuring that land zoned as building land was used correspondingly. In the state of Salzburg, the municipalities have an obligation, and in Tyrol and Upper Austria they have the option, to take measures within the scope of private business administration activities for making land available to the market, i.e. these are contracts with the property owners to use the properties within an adequate period of time. In Salzburg this type of contract also implies that at the same time part of the property, at the most half, must be made available for subsidised housing construction. In Tyrol the municipalities also have the option of obliging owners to sell their property at its market value to the land acquisition fund especially for social housing construction purposes.

D48. In accordance with the new spatial planning legislation of Upper Austria, municipalities also have the option of concluding private law contracts. In this state, due to the lack of pressure for building land, no fund has been set up for dealing in properties. However, in order to give the municipalities the option of better utilising areas of building land zoned as such, municipalities have the option of collecting development fees for building land left to lie fallow, which expire after a certain period of time. Additional fees for unused building land are being discussed in other states.

D49. In all states the option also exists of defining so-called *Vorbehaltsflächen* (reservation zones) in zoning plans. These zones are reserved for certain public institutions or (only in Tyrol at present) also for subsidised housing construction. The zoning as reservation zone implies obligations such as the development of the use it is zoned for within a determined period of time. The inclusion of social housing construction may be significant, especially in Tyrol regarding quantity. For this reason legislators in this state demand that properties owned by the municipality have preference to be zoned as reservation zones, and half of the property

privately owned in one municipality may not be affected by this zoning provision.

D50. Considerable potential for shifting the focus of urban development policies is given in the case of large railway areas (partly in central locations) that are either no longer fully in use or are suitable for being developed. With one exception in Vienna, these options have not been taken advantage of until now.

D51. A special case is the project of the capital city of Lower Austria, St Pölten, for which a separate company, *NÖ Landeshauptstadt Planungsgesellschaft mbH* has been set up: 51 % of the company is held by the state of Lower Austria, 39 % by the *Landes-Hypothekenbank NÖ Leasingges. mbH* and 10 % by the city of St Pölten. The company is currently building the new parliament and state government buildings as well as the new cultural district of St Pölten. The subject is being discussed of employing this company after it has fulfilled its purpose in St Pölten to act as a body responsible for other development projects pursued by the state.

Major infrastructure

D52. With regard to the expansion of important infrastructure, two aspects must be clearly defined: firstly, the legal aspects related to acquiring and implementing the necessary locations and routes; and secondly, their financing. The legal prerequisites, for example, for national roads are as follows.

D53. In order to acquire an area for construction of a national road the competent minister may, by decree, declare a site a national road construction area if it is defined in a site plan that is being considered for road construction prior to the determination of the route. The state and the municipality will have been notified. This ensures a construction moratorium for a maximum of three years. After the detailed plans have been drawn up, a decree is issued which lays down the route of the road (route decree). It is the basis for the required divisions of

property and expropriations of the required areas if necessary. A similar procedure applies to the construction of railway lines.

D54. The planning, establishment and operation of motorways and expressways is carried out by two companies set up for this purpose (owned by the federal government): the *Österreichische Autobahnen- und Schnellstraßen AG* (Austrian Motorway and Expressway Company for Eastern Austria) and the *Alpenstraßen AG* (Alpine Roadways Company for Western Austria). The other national roads are administered by the states (on behalf of the federal government). For the planning and construction of high speed railway lines by adapting existing routes as well as by building new ones a separate stock corporation (owned by the federal government) was established, the *Hochleistungstrecken-AG (HL-AG)* (High Speed Routes Company). The construction of national roads and railway lines of the Austrian Federal Railways is financed with funds from the federal budget.

D55. Municipalities, states and federal government have formed *Verkehrsverbände* (tariff unions) for the joint organisation and financing of local public passenger transportation. These are partly organised in the form of stock corporations.

D56. The territorial supply of electricity is the responsibility of the *Landes-Elektrizitätsgesellschaften* (state electricity companies) that are owned by the corresponding state pursuant to the *Verstaatlichungsgesetz* (Nationalisation Law) of the year 1947. However, the state as territorial authority has no planning competence in this sector. Power plant projects of these companies are treated according to the provisions of the pertinent laws (laws relating to water, electricity, industries and trades, etc.) the same as the projects of the private sector. Conversely, medium- and long-term expansion planning and its coordination with related state companies, the *Sondergesellschaften* (for large power plant projects that fulfil supra-regional functions) and the so-called *Verbundgesellschaft* (responsible for coordinating all companies and

for the equalisation of production and demand) is carried out by the companies acting as private enterprises.

Partnerships

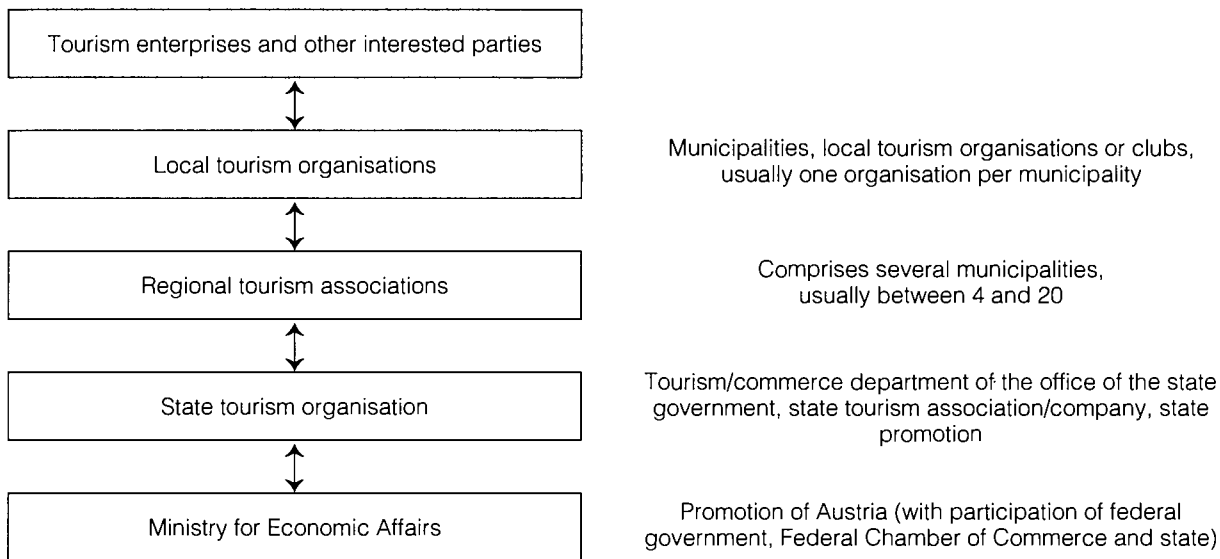
D57. A large number of cooperation projects exist between territorial authorities and private enterprises, especially for regional development and for the promotion of indus-

tries, trades and commerce in general. These are dealt with in the section on Regional economic development.

Tourism development

D58. The tourist industry in Austria is organised according to the basic pattern shown in Figure D17.

Figure D17: Organisation of the tourist industry in Austria



D59. Tourism enterprises (especially accommodation and restaurant businesses and other tourism businesses) are usually compulsory members of the local tourism organisations and thus liable to taxes. These taxes are regulated in state laws (the taxes are progressive and depend on the type of tourism and are one thousandth of the annual turnover). The second source of income is the statutory local tax collected from guests per overnight stay which is scaled according to the standard of the tourist facilities offered by the municipality or the association's area. The local tourism organisation is responsible for marketing, including promotional activities, services for tourists (e.g. information), organisation of events, etc. Tourism associations are often also the operators of (or hold shares in) tourism businesses (e.g. ski lifts) and draw up or contract out plans, tourism and marketing schemes.

D60. Local tourism organisations join together to form regional associations that cover almost the entire area and are financed by local funds and partially by state funds. The organisation of regional associations and taxes from local level to regional level are regulated in most state tourism laws. In some cases, especially in Upper Austria, *Großverbände* (large scale associations) exist between the regional association and the state organisation, e.g. for Mühlviertel and the Salzkammergut, the latter having cross-state-border competence.

D61. The *Tourismus-Landesorganisationen* (state tourism organisations) are excluded from the state administration and organised as companies which are in part also organised as entities under public law. The *Österreich-Werbung* is an association that promotes tourism for the entire territory of

Austria. The federal government (Ministry of Economic Affairs), the Federal Chamber of Commerce and the states are its members. It has an annual budget of approximately ATS 500 million.

D62. In the tourism sector there is a range of subsidies which are not all necessarily specific to tourism. There are subsidy schemes on a federal level, joint federal and state subsidies, and state subsidy schemes.

D63. Within the scope of the different subsidy schemes of the Ministry of Economic Affairs, funding may be requested for tourist infrastructure investment (environmental criteria have gained importance in the evaluation of subsidy eligibility over the past few years, while subsidies for new constructions and extensions have been reduced), marketing measures (e.g. especially in foreign countries), tourism advisory services and tourism programmes. Subsidies not specific to any sector may also promote tourism such as, for example, small business loan schemes or the new entrepreneur subsidy schemes.

Rural development

D64. The state of Lower Austria was the first state to lay down guidelines in 1985 for the *Dorferneuerung* (village renewal projects). Since then all states have set up and implemented similar programmes. Village renewal is considered a holistic task i.e. it encompasses the entire sphere of living conditions in villages. Village renewal may fulfil several functions at the same time:

- of regional policy;
- of achieving the goals of spatial planning;
- of solving local problems; and
- of promoting identification.

D65. The initiatives, subsidised with state funds, comprise local work groups and associations that cover activities ranging from planting trees and flowers, creating biotopes,

waste avoidance and waste separation, building solar collectors, the revitalisation of old buildings and adaptation of community centres, to the publication of village chronicles and the organisation of village festivities. In Lower Austria alone over 350 villages participate in these activities. Evaluation analyses show that the investments made within the scope of village renewal plans have directly and indirectly produced a number of jobs.

D66. Based on the positive experiences made with village renewal, in 1993 the state of Lower Austria set up a town renewal plan. The first phase will carry out pilot projects with six small and medium-sized towns. About 30 % of the population live in urban areas, but only 11 built up urban areas have more than 10 000 inhabitants, and only 26 more than 5 000 inhabitants. Town renewal can, therefore, never become such a widespread activity as village renewal. However, by covering the towns as centres of rural areas it should have an effect that reaches beyond the towns themselves. The experience of the six test towns which are dispersed throughout Lower Austria will be collected and analysed. The pilot projects affect, among other things, the revitalisation of historic buildings, traffic reduction, townscaping and design of recreational areas. Urban renewal is understood in a broader sense and should extend beyond the conservation of historic monuments and the landscaping of main squares. Its purpose should also be to maintain the function of towns as centres of rural areas and make them more attractive. The development policies of the towns should keep rural centres attractive and take over role-model functions for regions.

Special agencies

D67. The *Österreichisches Institut für Raumplanung (ÖIR)* (Austrian Institute for Spatial Planning and Regional Studies) is an independent planning institute, i.e. it is not part of public business administration nor bound by instructions. Its legal status is that of a non-profit making association managed

by a representative of the Federal Chancellery. It supports the spatial planning work of the authorities by taking on contract work in the fields of spatial planning, regional research and information management. Its most important clients are the Federal Chancellery, ministries, the *Österreichische Raumordnungskonferenz (ÖROK)* (Austrian Conference on Spatial Planning) and state governments as well as municipalities and interest group representative bodies.

Protection of the environment/ conservation

Countryside conservation

D68. Usually, during the preliminary work of setting up a national park, planning companies, associations or partnerships are established between the states concerned (in part jointly with the Ministry of the Environment). The *Nationalparkkommission Hohe Tauern* (Hohe Tauern National Park Commission) was set up in 1994 for the national park Hohe Tauern, and the *Arbeitsgemeinschaft Gesamtkonzept Neusiedler See* (Partnership for the Neusiedler-See General Plan) for the national park Neusiedler See-Seewinkel in 1988. In 1986 the Ministry of the Environment set up the Association for the Planning of the *Nationalparkplanung Donau-Auen* (Danube River Meadows National Park). After an agreement was reached between the states of Vienna and Lower Austria, its tasks were taken over in 1991 by the *Marchfeldkanal-Betriebsgesellschaft* which is responsible for the construction and operation of an irrigation canal with regional impact. This company is also responsible for the planning work of the proposed Thayatal National Park.

D69. In several publicly disputed environmental protection projects in Austria, the WWF (Worldwide Fund for Nature) has adopted the policy of buying property in order to secure protection for the pieces of land in question. The most extensive example of this kind of activity was the case of the projected Donau-March-Thaya-Auen Na-

tional Park east of Vienna. In the course of a public debate about locating a large-scale hydro-electric power plant in the core of the projected national park, WWF, aided by a wide-spread public campaign, raised funds to acquire 400 hectares of low land.

D70. The *Verein Niederösterreich-Wien* (non-profit making Association Lower Austria-Vienna) was set up in 1974 by the two states and given the task of securing the recreational function of green areas within the planning region of Vienna's urban hinterland. The activity of the association consists in securing land for recreational use, landscaping these recreational areas and subsidising recreational facilities, insofar as they have supra-regional significance as well as the implementation of measures for the protection of the Vienna Woods (*Wienerwald*). The association does not have any tasks related expressly to the conservation of nature.

Environmental conservation

D71. Waste water disposal is usually operated by the municipality or a communal association of several municipalities set up for this purpose. Funding comes from connection fees, utilisation charges and municipal funds and usually from large subsidies from the Environment Fund and from the state. Over the past 25 years, based on extensive measures for the improvement of water quality by setting up numerous regional and local waste water purification plants (also in high mountainous areas) great progress has been achieved in the maintenance of clean lakes and rivers (Carinthia was awarded the international environment prize Tourism for Tomorrow Awards in 1990 for its lake restoration; model case 'Mur restoration programme' since 1985). The waste water collection and treatment facilities still needed, the upgrading work required on older waste water treatment plants due to higher environmental standards, and the dispersed development of settlements will continue to create financial problems in the future.

D72. In the area of waste disposal management, legislation exists at the federal level for fixing locations of dump sites (for hazardous waste) and for any necessary expropriations, as well as at the state level, (for non-hazardous waste) both having equal implementation options in principle. The problem nowadays is not the lack of a legal framework for implementation, but the political acceptance of the citizens concerned. The bodies responsible for waste disposal are, in addition to a few private enterprises, usually communal associations set up for this purpose that are financed by the corresponding fees charged to private households and enterprises.

Alpine planning

D73. The Alpine area is a special type of area which is subject to considerable land use pressure. The two large alpine associations which are especially significant for spatial planning in alpine areas are the *Österreichische Alpenverein* (Austrian Alpine Club) and the *Naturfreunde* (Tourist Club). The original task of these clubs was the development for tourism of the Alps, but with rising pressure on the Alps from uses such as traffic, hydraulic power, tourism, forest path construction etc., the task of the conservation of the natural state of the core alpine areas has become more important. The *Alpenverein* now carries out important spatial planning tasks:

- it has its own department for nature conservation and spatial planning and is thus involved in the discussions regarding the drafting of schemes of territorial authorities and plays the role of advocate;
- it produces its own proposals;
- it uses its role as owner and buyer of land for nature conservation policies (see Section D, Development project, National Park Region Hohe Tauern, actors and agencies);

- it also campaigns in connection with the establishment of national parks.

The *Alpenverein* participated extensively in the Nationalpark Hohe Tauern because it owns large areas of the Glockner and Venediger mountains. Its main field of activity is still the maintenance of Alpine hiking paths and mountain cabins. Essentially the activities of the *Alpenverein* are financed by membership fees, donations and its business activities.

Urban conservation

D74. Graz and Salzburg have their own state laws for the preservation of historic city cores. The *Grazer Altstadterhaltungsgesetz* (Historic City Core Preservation Law for Graz) of 1974, re-promulgated 1980, defines parts of the city of Graz as protected areas, differentiated into a core and a peripheral zone, and is aimed both at the upkeep of building structures as well as maintaining their use (residential). In the protected area, modifications to buildings are subject to strict requirements and up to 50 % of the building's floor space must be residential. The *Grazer Altstadterhaltungsfonds* (Graz Historic City Core Preservation Fund) was set up to promote construction measures in the protected zones; this is financed mainly by the city of Graz and the state of Styria. The *Salzburger Altstadterhaltungsgesetz* (Salzburg Historic City Core Preservation Law) of 1967, re-promulgated in 1980 has similar goals and contents. In this case a separate subsidy budget exists for the upkeep of historic city cores. A fund like the Viennese property appropriation and urban renewal fund that also carries out restoration projects does not exist in the states. The protection of residential use is also possible in Vienna, although not through the method of defining historic reservation zones, but rather by defining residential protection zones (especially in the first district of Vienna) that is done independently of the historic zone restoration projects. In residential zones, it is prohibited to make changes to the residential use of dwellings.

D75. Outside the state capitals, the states of Salzburg and Styria have townscape preservation laws that offer the same option of extending protected areas as the Historic City Core Preservation Law and at the same provide a separate budget for this purpose. In Tyrol historic city core and town landscape preservation are contained in one law (Tyrolean Historic City Core and Town Landscape Preservation Law of 1976).

Preservation and conservation of historic buildings

D76. In 1988, on the initiative of the culture department of the office of the state government of Lower Austria, a pilot project Carnuntum Archaeology Park was set up for the most important ancient settlement in Austria. This project pursues educational, recreational and regional policy goals. In addition to the restoration work on the historic structures, some of which were uncovered a long time ago, and the expansion of the museum facilities, there are plans to create a point of attraction for cultural tourism through construction of adequate infrastructure. The gradual realisation of the archaeology park is one of the main focuses of the regional development subsidies of *ECO-Plus*.

D77. For the maintenance of valuable structures in historic city cores, the *Bundesdenkmalschutzgesetz* (Law on the Preservation of Historic Monuments) plays an important role. Within the scope of this law, financial support is provided for maintenance and restoration work.

Resource planning

D78. The *Bundes-Wasserrecht* (federal laws related to water) are the basis for the safeguarding of water resources. The bodies responsible for the actual task of supplying water are usually municipalities or non-profit making legal bodies (*Genossenschaften*, co-operatives) created especially for this purpose as well as communal associations made up of several municipalities set up for this task. Funding comes from connection fees and utilisation charges, from municipal funds and subsidies of the *Wasserwirtschaftsfonds* (water management fund) (now integrated into the *Umweltfonds* (environment fund)).

D79. The legal basis for mining mineral resources is the *Bundesberggesetz* (Mining Act). Permission of the mining authorities is required especially for the search and exploitation of certain mineral raw materials, the storage of hydrocarbons in geological structures and the construction of mining facilities. Pursuant to this law, salt, petroleum and natural gas resources belong to the federal government. Salt mining is carried out by the *Österreichische Salinen AG* (owned by federal government); the exploitation of Austrian petroleum and natural gas is carried out by *Österreichische Mineralölverwertungs-AG (ÖMV)*.

D80. Municipalities may protect potential mining areas from other uses by the corresponding zoning. However, the state also defines preference areas at a state or regional level (especially for stone quarries) in the form of sectoral programmes.

E — Overview of spatial planning in practice

E1. An overview of the practice of spatial planning has to begin with the statement that the options provided by spatial planning legislation (planning instruments and procedures) for pursuing goals of spatial planning have not been fully exploited, either in terms of quantity or quality. In other words practice lags behind the intention of the laws. In Austria this might have to do with the prevailing attitude of politics that gives more importance to a tactical approach (case by case) than to strategies based on underlying concepts. Thus within the political-administrative system, planning is traditionally considered to be less an instrument, but more of a restrictive self-imposed duty for politics, even to the extent of being seen as an obstacle. This general aversion towards planning in the field of spatial policies is especially difficult to overcome and must be seen in the light of highly valued land ownership in Austria and in the historical context of the concepts (see Section A, Land quality/building quality).

E2. Thus, the plans and programmes provided for in spatial planning legislation at the state and regional level are considered less to be tasks of the administration, but rather an array of options which may be selected as the policy need arises. This is how the significant legal modifications — such as the recent new goals and instruments for settlement development — should be understood: not as a more concrete and binding duty, but as an indication of a change in attitudes towards general concepts of values and goals.

E3. Views on policies and public discussions refer primarily to the project level. Planning for larger scales in space and in time are clearly in the background. Since spatial planning, however, basically cannot afford to disregard these aspects, a trend is emerging to work out outlines that are more flexible and not legally binding and grow 'in the political shadow' of projects and subsidy measures that stand 'in the political limelight'. Their function, on the one hand, is to serve as the basis for arguments and evaluation of decisions by spatial planning authorities, and on the other hand, as information material for the continuous work of convincing bodies within the political-administrative system and the general public.

E4. A useful description of the practice of spatial planning policy in Austria differentiates clearly between the different levels of local, regional and national. This is not only because the distribution of competence at these different levels and the various instruments at their disposal play a significant role, but also because the different ways in which planning is interpreted at the individual levels is also responsible for the treatment (or non-treatment) of certain subject fields. The content of the planning process is decided ultimately by political weight, and not by statutory standards on goals and instruments. Planning topics are naturally also subject to political changes.

E5. Austria became a member of the European Union on 1 January 1995. This report refers to the status as at 1 January 1994. Therefore no implementations of EU policy can be reported. (For the influence of the preparations for membership on the Austrian spatial planning system see Section A, European Union)

National level

E6. Spatial planning policy at a federal government level has, for over 20 years, meant regional policy, which in turn is perceived to consist primarily of regional subsidies. This is limited to disadvantaged areas such as peripheral rural regions (without tourism) and old industrial regions. The instrument of government subsidies for private investments in disadvantaged areas was used flexibly and adjusted several times to the current status of application experience and of regional policy theory. Currently, the main focus lies in subsidies for innovation and non-material investments aimed at strengthening the endogenous potential of regional economic structures. Among these are also innovation centres and technology transfer facilities in which the federal government is also involved, through providing funds (see Section B, Policy instruments, Federal level). During the evolution of regional policy over the past two decades, cooperation between the federal government and the states has become progressively closer. The most important regional subsidy action is financed by the federal government together with seven states. The definition of assisted areas is also carried out together within the scope of the *Österreichische Raumordnungskonferenz (ÖROK)* (Austrian Conference on Regional Planning, see Sector B, Policy institutions, Federal government).

E7. Planning with spatial impact varies greatly in practice in the individual fields of competence of the federal government. Whilst forestry spatial planning operates independently and for the entire territory, in the case of the federal waste disposal plan the definitions of locations for incinerator plants

and dumps (for hazardous waste) as prescribed by law are still absent. Despite the fact that competence clearly lies in the hands of the federal government, final decisions on locations are only possible with the political consensus of the concerned *Land* (state). In both federal ministries responsible for transportation, planning has been limited in the past to project planning. At present sectoral planning — more or less a necessary counterpart to spatial planning in respect of spatial aspects and time periods — does not exist for the railway network, nor for the national road network. General transportation policy goals are contained in the *Österreichische Gesamtverkehrskonzept 1991* (Austrian transport policy scheme of 1991). A federal transport routes plan is currently being formulated, which should be completed in 1996.

E8. In the course of the last 20 years several attempts to improve coordination of the different planning activities of the federal government which have a spatial impact, through proper federal spatial planning law, have failed. Discussions that sought to go further and deal with ideas to reorganise the distribution of competence between federal government and states in matters related to spatial planning never took place. The rules of procedure, a sort of substitute, worked out together by experts at federal and state administration level, with the aim of improving the flow of information on spatial planning matters between federal government and states, has not yet been adopted.

E9. The *Österreichische Raumordnungskonferenz (ÖROK)* (Austrian Conference on Regional Planning) is available as a common platform for cooperation in dealing with fundamental matters of national spatial planning. From a political point of view, the most important recent events were the definitions of national assisted areas, the negotiation proposals in connection with the membership of the EU for the Structural Fund objective areas, as well as the Austrian rules of procedure for work involved in the planning of programmes for regional cooperation with the EU. The *Österreichische Raumordnungs-*

konzept 1991 (Austrian Spatial Planning Concept of 1991) was worked out and adopted jointly by the federal government, states and municipalities as guidance for all bodies responsible for spatial planning. The implementation of measures is carried out according to political priorities that result from the current state of political affairs and not according to written norms. National planning materials produced by the *ÖROK* (e.g. population forecasts) do not have any directly perceptible political effects. However, due to their broad application, they function as a type of bonding agent between the different bodies responsible for planning.

Land level

E10. At state level the practice of producing plans and schemes varies considerably from state to state. Two relatively old *Landesraumordnungsprogramme* (state development programmes), Styria 1977 and Upper Austria 1978, have been supplemented by two new programmes (Burgenland and Salzburg 1994). In addition to formulating general goals for the regions and local planning, these programmes also contain location categories (e.g. central places, industrial locations and tourism locations in different stages). The Salzburg comprehensive state development plan contains far-reaching guidelines for settlement planning at the regional and local level (see Table B5). Moreover, the trend of applying case-oriented regional development programmes to certain sectors that require prompt regulation is also emerging at this level. Current issues at this level are the location of shopping centres and waste disposal sites. In the past years, integrated transportation policy concepts have been produced in all states that focus on local public transport, not in the form of binding programmes, but as a basis for the state government in its negotiations with the federal government and bodies responsible for transportation policies (see Table B7).

E11. Among the states' most important sectoral responsibilities with spatial impact is the organisation of waste disposal management

(for non-hazardous waste). In practically all states, schemes and plans have been produced, or are in the process of being formulated, that restrict their catchment area and determine the locations for regional waste treatment and disposal plants. The selection of locations for waste dumps is in part the responsibility of the regional (municipal) associations. The actual construction or commissioning of new locations often faces significant local resistance.

E12. The states have the competence for setting up national parks, an activity that has become the focus of political attention due to increased environmental awareness by the public. The federal government also has interests in this field, especially in connection with international agreements. Changes to the present distribution of competences are not being considered. On the contrary, the federal government is attempting to achieve the necessary coordination by participating in the funding of the necessary investments.

E13. The responsibility of the states is also to provide the municipalities with the proper instruments for spatial planning at a local level. In some states, not only were new instruments for bringing building land onto the market introduced, but also separate funds and companies were set up at state level to assist municipalities in their active land policies, e.g. acquiring properties in order to achieve planning goals.

Regional level

E14. At the regional level planning activities cover only a part of the national territory. *Regionalpläne* (spatial plans at regional level (plans for the level between municipality and state, competence of the state government) only exist for a few regions. The first generation of planning (1970s and 1980s) attempted to meet a comprehensive overall planning objective. Due mainly to the enormous amount of work and coordination involved, this type of planning activity is gradually being discarded. The most recent regional planning programmes usually restrict

themselves to a few concerns or to only one, but on the other hand, lay down concrete and binding guidelines for the municipalities. For example, settlement limits, the securing of certain undeveloped zones (for agriculture, for ecological reasons, or for securing raw material) and guidelines for shopping centres (see Section F, Commercial development).

E15. At this level, plans and programmes are usually only produced for subject and geographical areas for which spatial planning policy measures appear necessary. The complete coverage of the whole area is not usually a goal at this level. A consequence which cannot be avoided, of course, is a situation in which sectors and geographic areas exist that are not covered by supra-local objectives issued by the state for guiding the municipality's local spatial planning activities.

E16. The participation of municipalities in the production of regional programmes practised by the state administration varies considerably. Procedures in the individual states range from the complete assignment of the task by the state to municipal associations set up for such specific purposes (Salzburg), participation in regional planning advisory councils (Upper Austria, until now Lower Austria, Styria, Tyrol), through to the mere opportunity of making a statement in appraisal procedures (Burgenland, Carinthia, Vorarlberg and, in the future, Lower Austria).

E17. Apart from binding plans that contain regulations for municipalities, another type of plan has recently experienced a strong re-awakening. In the course of preparations for membership of the EU, attempts were made at producing development policy-oriented regional planning. Under the project management of the individual states, *Regionalwirtschaftliche Entwicklungskonzepte* (regional economic schemes) have been prepared in programme workgroups since the end of 1993. These concepts are the basis for the Single Programming Document submitted to the Commission for the different objective areas. Different federal and state ad-

ministration bodies participate in the programme workgroups, as well as representatives of the social partners. It is funded together with the federal government. It is too early to evaluate to what extent the work on these regional planning concepts (in which participation differs enormously) will lead to long lasting planning structures.

Municipality level

E18. The only level on which comprehensive spatial planning activities cover the whole country is the municipal level. Municipalities are also the only bodies in this respect subject to the legal obligation to carry out planning activities and also to a formal monitoring by a superordinate territorial authority. As far as the contents of their municipal development policies are concerned, however, they have a relatively strong position. On the one hand, the constitution empowers them to act autonomously in local spatial planning, and on the other hand, they have the option of acting freely as private enterprises beyond the regulatory administration. Combined with a degree of financial responsibility, municipalities have considerable scope for implementing autonomous policies for spatial development. Usually they do not depend on state governments or on the federal government to implement supra-local sectoral planning. Thus, in Austria the development of spatial structures — not only on a local scale — is decided in practice primarily by the municipalities.

E19. The primary instrument of spatial planning is the *Flächenwidmungsplan* (zoning plan), which has been understood by municipalities until now to be more of a protocol of the status of building land zoning, rather than a long-term guideline for steering spatial planning development (see Sections A, Land policy, and B, Policy instruments, Local level). Moreover, it is hardly suitable for determining contents at the project level. In other words, those projects at a municipal level that are important for spatial planning development are seldom to be found in the medium-term perspective *Flächenwidmungs-*

plan (zoning plan). Rather the zoning plan is justifying the decisions by subsequent amendments.

E20. An invariable main topic for municipalities is meeting the demand for housing. The driving force behind the present 10 year demand for more than 300 000 dwellings in Austria (current total number of dwellings is roughly 3.4 million) is the rapid increase in the number of households, with declining numbers of household members. The task of the municipalities in this context is the procurement of space by zoning building land and providing infrastructure. Housing construction concentrates mainly on extending the peripheries of settlement areas. Over the past 10 years, however, urban renewal with schemes for the restoration of existing dwellings and increasing density have gained significance. In rural areas, the importance of the utilisation and the revitalisation of existing structures in villages for settlement development has also been recognised.

E21. The unrestricted freedom of property owners until now to either use developed building land, or to leave the land unused, has caused actual settlement development patterns to deviate from the intentions of planning goals, and instead has led to the 'legal despoliation' of the landscape with ensuing high development costs. However, these costs are not borne solely by the municipalities due to the various subsidies available. In addition, the dominant type of dwelling generally desired by people — from the outskirts of large cities to the narrow mountain valleys — is the do-it-yourself free-standing single family home. The latest amendments to spatial planning laws and new regulations for housing construction subsidies in several states, indicate a reversal in this respect: in the future the space-saving construction of dwellings and settlements will be encouraged. There are various reasons for this: high land prices, expensive waste water disposal through lengthy multi-branched canal networks, the depletion of reserve building land in certain regions. The new provisions in the spatial planning laws of some states have also limited the 'freedom of non-

utilisation' in order to bring unused building land to the market.

E22. Industrial plant location remains the main object of competition between municipalities. The reason for this is to be found in taxation legislation and revenue equalisation between the territorial authorities that makes the municipalities highly dependent on their own income. Very often enterprises looking for a new location negotiate the land purchase, and thus the location, first with the property owner, and then both together contact the municipality to request re-zoning from green land to commercial-industrial building land. Therefore often the commercial demand directs the zoning of industrial areas (and not the other way around). The degree of competition between the municipalities has increased insofar as a rising number of larger municipalities now offer industrial parks with additional enterprise-oriented services.

E23. In numerous cities, 'urban hinterlands and regional centres in rural areas, the construction of shopping centres were a regular item on the agendas of local spatial planning activities. Because of the supra-local effect of shopping centres, their construction in all states requires a special permit from the state government. The reason lies in the interrelation between the structure of service facilities and settlement structure. For example, the expansion of shopping centres at the fringes of settlement areas destroys the structure of local services, damages traditional service centres in the cores of settlements, and generates additional traffic. But regulations issued by the authorities are hardly suitable for controlling this trend. These regulations, which are continually being refined, are repeatedly by-passed. Often the municipalities present themselves in alliance with the project applicant before the state because the higher tax revenues are more obvious than the disadvantages of development. The realisation that suitable locations are not a matter that can be solved case by case, but only within a larger territorial context, has led to supra-local spatial planning programmes for shopping centres

in some states, which define suitable municipalities as locations for development and issue guidelines for the selection of locations within small areas.

E24. The problems associated with motorised traffic affects all municipalities. In smaller municipalities the topical issues usually centre around the question of town bypasses, while in larger municipalities with high levels of traffic, pedestrian shopping zones in town cores and traffic reduction in purely residential areas are the current issues. In the cities, site development work by public transport is continuous, but gradual. In rural areas improvements are achieved mainly by tariff associations and the coordination of time schedules (tariff unions). The consequences of despoliation and sparsely settled areas are being felt in both cases, because they promote automobile traffic and lead to the failure of public transport due to low profitability.

E25. Village appearance and townscape maintenance concentrate primarily on valuable historic urban cores, although some cities have set up advisory councils for the purpose of improving general architectural quality and ensuring developments acceptable in town planning terms. In larger cities the focus is shifting more and more to 'greenscaping' settlement areas. The activities involved in securing undeveloped zones (green zones, green belts) also include the purchase of land and its landscaping.

E26. These principle issues of local settlement development illustrate that actual development is hardly ever a result of the implementation of long-range spatial planning schemes. The reasons for this are not to be found in the planning instruments themselves, but rather in the principles of a policy that traditionally shies away from planning for the future. However, all projects are legitimised by the corresponding zoning in the land use plan.

F — Policies and issues

Agriculture

F1. Conflict between agriculture and forestry as economic factors and regional development in Austria can be characterised simply by contrasting the figures of almost 3 % of gross domestic product to the proportion of cultivated areas of 86 %. Within a larger context there are three different types of areas:

- Austrian Alpine area;
- Austrian part of the Bohemian massif (Mühlviertel and Waldviertel);
- flatlands and undulating areas in the north and east of the foothills of the Alps.

F2. Agriculture and forestry in Alpine areas have unfavourable economic conditions due to the surface structure and climate, and the increasing competitive situation due to intensification and mechanisation of agricultural production. In spite of this, agriculture and forestry are indispensable for maintaining the subsistence of the Alpine economic and settlement areas:

- for the cultivation and upkeep of the cultural and recreational areas (both economic areas and living space are primary resources for the tourist industry);
- for securing the natural environment (also for the non-Alpine population e.g. area of

water regeneration and water reservoir); as well as

- protection against natural dangers (e.g. protective forests).

F3. The decline in the rural population apparent over a longer period of time, has come about due to changes in economic structures, and in part also because agricultural land utilisation (under adverse conditions in the Alpine area) has potentially endangered the fulfilment of its basic ecological functions.

F4. Austria has a large number of mountain farms (36 %) due to the extensive mountainous area (in addition to the Alpine area, and Waldviertel and Mühlviertel). Related to the differing location situations, a marked regional division of production has developed in Austria. Due to the loss of significance of self-sufficiency of farms and the increase in production for the market, and as a result of the general mechanisation and specialisation in agriculture, crop production has declined in mountainous areas. Agricultural production in Alpine areas now concentrates on the cultivation of meadow lands (cattle, dairy products). Most farms in Austria are family owned with very low numbers of non-family workers. In 1986 the Austrian average member of workers per full-time farm was 1.9 full time employed persons. Approximately 60 % of agricultural enterprises in Austria are owned by part-time farmers. The average

land holding of farms in Austria is approximately 24 hectares and in Alpine areas 40 hectares.

F5. Forestry is relatively important for agricultural enterprises in the Alpine area. Roughly two thirds of forested areas are in the Alpine area. Because of its special ecological importance, forestry in Austria is subject to strict control by the federal authorities and its cultivation is regulated by a binding *Waldentwicklungsplänen* (forestry development plan). The forestry authorities are also

responsible for planning danger zones, determine which areas are to be kept free of settlements, and are responsible for the protection against torrents and avalanches in danger zones. The agricultural cultivation which is indispensable for the maintenance of the Alpine landscape and its ecosystem, is not feasible without government subsidies. In 1988, the gross income per worker in mountain farms in Alpine areas was only 71 % of the national average, and for farms located in zones with the most adverse conditions only 47 %.

Table F14: Components of incomes in agriculture, 1993

	Total income per worker		Percentage of income components in %				
	in 1 000 ATS	% of national average	Agricultural income	Public assistance for agricultural enterprises	Income from sources other than agricultural enterprises	Total income from gainful work	Social income (public assistance)
Mountain farms in the Alpine area	173.7	90.3	40.4	17.3	20.3	78.0	22.0
Austria total	192.3	100.0	43.5	16.4	22.3	82.2	17.8

Source: BMLF, 1994.

F6. Following the recognition that the economic development gaps which existed between favourable and unfavourable locations in agriculture were not to be balanced by price policies, the federal government introduced direct payments independent of production to mountain farmers in the 1970s and expanded this programme successively (total volume in 1993 including direct payments: ATS 1 054 million for 86 000 farms). The medium range future of agriculture and forestry will depend essentially on the new regulations fixed by GATT. Projections on the effects of further price reductions of agricultural products show that, in order to maintain agriculture and forestry as the basis for settlement, maintenance of infrastructure and other economic uses, regionally differentiated adjustment strategies are needed.

Commercial development

F7. Over the past 15 years no other spatial planning issue has received as much atten-

tion as shopping centres. This is based on the conflicts triggered on several levels by a large number of shopping centre developments. The actors involved in this process of increased retail activity include the project applicants, the municipalities, the state governments and the Constitutional Court. As reaction to the emergence of these types of commercial centres — upon demand by the chambers of commerce (as representative of retailers) — special regulations for shopping centres were included in the spatial planning laws of all states at the beginning of the 1980s. Restrictions, which vary across states, were placed on the size of shopping centres, depending on the size of the municipality, and every act of zoning for this purpose by the municipality was subject to the approval of the state government. During the 1980s, the Constitutional Court revoked several case decisions, and as a consequence some legal provisions for being unconstitutional, because these had made positive decisions contingent on need (or excess

demand). The provisions were redrafted continually over several years, due to the fact that the project applicants kept trying to bypass procedures for special permits.

F8. The latest trend in how spatial planning deals with the future development of service infrastructure involves applicants conforming to existing settlement structure. This means that the basic needs of the population should be satisfied as close to the residential areas as possible, and the functioning of the settlement cores, with their traditional service infrastructure, should be safeguarded. On the other hand, the designation of location municipalities and requirements for small area locations in state-wide spatial planning programmes results in clarity at the outset regarding which location permits will not be granted.

F9. It is also true that legal regulations and planning activities have always lagged behind development. Even the territorial authorities involved did not always take the same course: often the municipalities concerned sided with the project applicants in conflict with the federal government, because the tax revenues expected were more obvious, or were considered more important, than the disadvantages of the spatial structure. Furthermore, within the state government, conflicts occurred between those responsible for spatial planning and other members of the government.

F10. In political discussions two phases may be discerned. First of all, there was the competition between the different retailers for the same market (large enterprises versus small enterprises) which concerned the consumers who objected to the disappearance of small shops, whilst taking advantage of the new services offered. However, it is now recognised by the public that the consequences are more far-reaching. The additional traffic, especially to locations only accessible by automobile, is becoming the argument to refuse permission for the development of large complexes on 'green meadows'. Finally, it is also partially recognised, that not only small enterprises fail and disappear in this compe-

tion, but as a consequence the entire structures of the service locations is destroyed and entire settlement areas lack a service infrastructure in their vicinity.

F11. Stricter regulation of spatial planning, and also a certain degree of market saturation, have curtailed these problems in many regions. Commerce has in turn also contributed to development by following a new trend of establishing urban shopping centres in central locations. In order to at least maintain the remaining small shops in 'fragile' locations almost all states have gone over to assisting these enterprises with subsidies of all kinds. Grants and soft loans for investments as well as regular subsidies are evidence of the importance that is still being given to this problem.

Economic development

F12. Following full sovereignty in the mid 1950s, a phase of economic growth commenced which lasted until the oil price shock in the mid 1970s. Regional economic development was characterised from the outset by the fact that the eastern part of Austria, which had been in the Soviet occupied zone, lagged practically 10 years behind the rest of the country in respect of investment, and in addition also had to contend with the disadvantages of its adverse location in respect of the closed borders to neighbouring countries. The concept of the eastern border region was thus predominant in regional policy until recently (the new circumstances have revived this view of eastern Austria as a European region at the eastern-most external boundary of the EU, and its internal market is now a primary issue once again). The economic prosperity of the 1960s and 1970s nevertheless highlighted considerable regional disparities. This led to ambitious goals in regional policy with regard to the reduction of regional disparities in standards of living. Large investments in social and technical infrastructure, and the successful establishment of industrial plants in rural areas, led to the belief that it was possible to reduce regional disparities. The slowdown in

economic growth since the mid 1970s highlighted the reality that regional disparities were hardly reduced; on the contrary, in some respects they even increased. Polarisation between the centres and the peripheral disadvantaged regions increased under the economic slump, and together with the newly emerging problems of old industrial areas with weak economic structures, was characteristic of the situation at the beginning of the 1980s. During this period a regional policy philosophy evolved that essentially still characterises regional policy today: it follows the idea of mobilising the endogenous potential of regions, of orienting subsidy measures on innovation, and including non-material investments.

F13. The most important instrument of innovation-oriented regional policy is the subsidy programme *Regionale Innovationsprämie* (regional innovation bonus) which is jointly funded by the federal government and seven states (excluding Vienna and Vorarlberg). Its goal is to promote economic renewal in old

industrial areas and economic growth in peripheral rural areas. Preference is given to investments in product and process innovation. The subsidy scheme will continue until the end of 1995. For the two subsidy programmes (see following paragraph), the (same) assisted area is defined by the *ÖROK* (demarcation for regional industrial and trades assisted areas). Between 1990 and 1992, 180 projects with total costs of roughly ATS 663 million were assisted. This is an amount of almost ATS 8 billion of subsidised investments. An indication of the innovation orientation of regional policy since the late 1980s has been the development of technology and incubation centres. The federal government is involved in subsidising practically all innovation centres and technology transfer institutions through the use of funds for regional innovation incentives. The municipalities, states, chambers and private enterprises act as responsible entities (partners) of these institutions, but the federal government is only involved in exceptional cases.

Table F15: Regional development 1961-86 in Austria

	Net regional product per capita (Austria = 100)			
	1961	1971	1981	1986
East				
Metropolitan region	132	135	135	139
Industrial regions	77	78	77	75
Rural regions	57	56	55	54
Subtotal	109	110	110	112
South/Central				
Metropolitan region	111	113	120	118
Industrial regions	104	87	82	78
Rural/Alpine regions	75	68	67	63
Rural/other regions	48	48	46	47
Subtotal	87	81	81	79
West				
Metropolitan region	125	125	130	128
Industrial regions	99	102	101	99
Rural/Alpine regions	76	80	82	82
Rural/other regions	60	62	59	60
Subtotal	97	100	101	100
Austria total	100	100	100	100

Source: Austrian Institute for Economic Research (WIFO).

F14. In addition a (federal) promotion programme exists for promoting endogenous regional development which has as its main focus subsidising the use of consultancy services for innovative projects by small agricultural enterprises, trade and commerce, tourism and energy. The goal is to overcome the lack of knowledge and difficulties in accessing the appropriate information which are factors that may lead to 'bottlenecks' in economic development. This is often a prerequisite for establishing projects that justify an investment subsidy. Special attention is given to projects that include regional cooperation. Between 1990 and 1992 60 projects with total costs of ATS 37 million were subsidised.

F15. Since the early 1980s regional advisors of the federal government have been employed in the individual problem regions (presently two). Their task is to overcome regional information barriers and to improve cooperation between public and private actors that implement measures in the areas covered, on the one hand, and between the competent federal and state departments on the other. Parallel to the regional advisors of the federal government, the advisory network of the *Österreichische Arbeitsgemeinschaft für eigenständige Regionalberatung (ÖAR)* (Austrian Association for Endogenous Regional Development) was set up in the 1980s as a private initiative but with the financial support of the federal government. Also within the scope of the active labour market policy of the Ministry of Labour and Social Affairs, advisory activities on a regional level are carried out through a separate organisation, the Austrian Research and Advisory Company (*ÖSB*). It concentrates on job-creating project consulting and the establishment of enterprises by employees.

F16. The share of regional subsidies in the total economic subsidy expenditures of the federal government is approximately 13 %. While the assisted areas only receive a less-than-proportional share of the sectoral (non-regional oriented) subsidies (approximately 87 %), the regional subsidies were just enough to enable the problem areas to par-

ticipate in the total subsidy funds in proportion to their number of inhabitants. The application for regional subsidies within the scope of the EU Structural Funds will introduce a new phase in Austria's regional policy.

Environmental management

F17. With the increasing concern by the population with regard to the maintenance of artificial nature landscapes, the designation of landscape conservation areas and nature conservation areas in the past decade has increased, as have the conflicts between competing land use interests (especially agriculture and forestry, hunting and tourist development). Recently, the focus of public attention and discussion has been related to several projects for the establishment of national parks that are the competence of the states (Nature Conservation Laws). Existing national parks are:

- Hohe Tauern (along the high Alpine ridge in the border area between Carinthia, Salzburg and Tyrol);
- Nockberge National Park (Carinthia);
- Neusiedlersee-Seewinkel (cross-border, jointly with Hungary).

Those in preparation are:

- Donau-Auen National Park (east of Vienna);
- Kalkalpen National Park (Upper Austria);
- Kalkhochalpen National Park (area between Salzburg and Germany);
- Thayatal National Park (cross-border, jointly with the Czech Republic).

F18. Based on the national significance of these projects, and their relevance for several international agreements, the federal government also has an interest in this context. The interests of the federal government in the conservation of nature are to be safe-

guarded without modifying the distribution of competence through its participation in the different subsidy programmes. The following points are contained in the national park strategy of the Ministry of the Environment:

- one national park per landscape unit as maximum;
- objective shall be the fulfilment of International Union for Conservation of Nature and Natural Resources (IUCN) criteria of Category II;
- funding only jointly with the states;
- use of all options available for increasing the efficiency of the national parks' administration, e.g. sponsoring, private enterprise organisation forms;
- production of a catalogue of objectives for further national park developments in agreement with the states;
- drawing up of financing programmes for the setting up of national parks in agreement with the states;
- further work on subsidy programmes for realising national park objectives in agreement with the states;
- stronger participation of the National Forest Authority.

F19. The Ministry of the Environment set the following objectives for subsidies:

- safeguarding artificial nature landscapes through purchases, leases or making national land available (together with the states);
- public relations work;
- basic research for ensuring a national park's adequate development (applied research with appropriate participation of local inhabitants) and basic research;

- management measures in nature zones (core zones);
- landscape programmes.

F20. Since 1990 the distribution of subsidies has focused up to 50 % on public relations work, 20 % on research projects and maintenance of cultural landscapes as well as 10 % on tourism.

Heritage

F21. In 1985 the state of Lower Austria was the first state to issue Austrian state guidelines for village renewal. Since then practically all states have adopted similar programmes and have begun their implementation. Village renewal is considered a cross-sectoral task encompassing the entire sphere of living conditions in villages. Village renewal may serve as a means:

- for regional policy;
- for achieving the goals of spatial planning;
- for solving local problems;
- for promoting identification.

F22. The initiatives, subsidised with state funds, comprise local work groups and associations that cover activities ranging from planting trees and flowers, creating biotopes, waste avoidance and waste separation, building solar collectors, the revitalisation of old buildings and adaptation of community centres, to the publication of village chronicles and the organisation of village festivities. In Lower Austria alone over 350 villages participate in these activities. Evaluation analysis illustrates how investments made within the scope of village renewal plans have directly and indirectly produced a number of jobs.

F23. Based on its positive experiences with village renewal, in 1993 the state of Lower Austria set up, as a supplement, the town

renewal programme. The first phase will carry out pilot projects with six test cities. Urban renewal should reach beyond monument preservation and landscaping the main square. Its intention is to maintain small towns in Lower Austria as functioning and attractive centres of rural areas. Based on the experiences of the testing phase, the action will be extended to cover at least all district capitals. A Lower Austrian town forum will serve as a platform for the exchange of knowledge and information, common initiatives and municipal cooperation at a European level.

Housing

F24. The majority of the built-up areas in Austria are in residential use. In large cities almost two-thirds of newly built-up areas are in residential use, and in the urban hinterlands it is 80 %. Residential space required per person rose between 1971 and 1991

from 22 m² to 33 m², which is an increase of 50 %. The main reason for the increasing demand for residential space is the rising number of households that are declining in size, a trend that is not influenced solely by population development. The reason for this trend is because in Austria in total less than 40 % of land is theoretically available for settlement (in Tyrol, for example, only 13 %), and in the Alpine valleys (including the presence of tourists) densities of 400 to 1 000 inhabitants per km² are attained. Moreover, the number of second homes is equivalent to housing demand for a 10-year period and finally, in spite of everything, the space-consuming free-standing single family home is still the most desired residential form for over 90 % of the Austrian population.

Please see Figure F18: 'Growth of the number of dwellings between 1971 and 1991 (as % of 1971 figure)', at the end of this document.

Table F16: Distribution and increase of types of dwellings in Austria

Total number of dwellings		Detached houses		
1991	change 1971-91, in %	1991	change 1971-91, in %	As % of total 1991
3 393 271	27	1 312 602	40	39

Source: ÖSTAT, census 1991

F25. Development of settlement is guided primarily by demand for dwellings in certain locations. Land prices and accessibility to jobs are the main factors influencing location preferences. In rural areas which are highly attractive to tourists, demand for holiday homes also exists. However, this is now subject to more stringent restrictions in spatial planning legislation (e.g. only permitted on the basis of a specific zoning). As a result areas with the strongest dynamic of settlement development are urban hinterlands and tourist regions.

F26. The process of settlement development as a whole strongly involves the public sector, though not in the form of planning directives but rather in the form of financial incentives. In the area of subsidised housing

construction, which makes up a large part of total housing construction (in the 1980s 70 % of new dwellings were financed with housing subsidies), financial assistance applies criteria related to the qualification of the household applying for financial assistance (tied to income), and now also partly to the type of dwelling (preference being given to multi-story dwellings over single family homes), but not to location criteria.

F27. In the future, however, the expansion of settlement areas will be more controlled. On the one hand, because in a large number of municipalities, for financial reasons, it is no longer possible to develop the entire area of building land as defined in the *Flächenwidmungsplan* (zoning plan) properly, i.e. with connection to the sewerage system. On the

other hand, the states are beginning, among other measures, also for this reason, to define settlement boundaries in *überörtlichen Plänen* (supra-local plans) that must be adhered to by municipalities. In the area of housing construction subsidies, several states specifically promote the restoration and creation of additional dwellings in already existing buildings (for example attic expansions). This is resulting in a process of (re-)increasing the density in existing residential areas especially in the larger municipalities and cities. In particular, in the western states which have a high demand due to demographic and socioeconomic factors and where, at the same time, there is limited space for settlement expansion due to the Alpine location, stricter regulation of settlement development through spatial planning measures is being assessed. Under these circumstances, comparably higher building land prices also play an important role.

F28. In multi-story dwellings, mainly non-profit building cooperatives have responsibility for construction (in the 1980s they erected 41 % of new dwellings in multi-story housing constructions). The number of social housing projects run by the municipalities (until now especially in larger cities) is decreasing. However, municipalities are acquiring more and more (depending on their financial power) building land which is sold to building cooperatives at inexpensive prices. In some states this is promoted by new provisions in state planning laws which facilitate the acquisition of building land for constructing social housing projects for municipalities.

Industrial development

F29. Although trade and industrial enterprises only take up a small part of the total settlement area, their locations are widely dispersed over the country. As Figure F19 illustrates, industrial locations are by no means to be found only in urban areas; they also exist in rural areas throughout the entire Alpine region where the iron and steel industries are located (Upper Austria). The very wide dispersal of locations can be traced

back partly to the beginnings of industrial production that used the raw materials available locally (e.g. iron ore, timber and water). On the other hand, the fiscal system has contributed to this situation. The municipalities' high dependency on their own income from local industries has turned the municipalities into competitors (in spite of revenue equalisation) in the market for firms willing to (re)locate. Hardly any municipalities could go without the idea of having an industrial area. Consequently many municipalities in peripheral locations with relatively low chances of having industrial plants locate there, have zoned areas for this purpose (even if undeveloped). In contrast, in urban agglomerations and Alpine valleys there is limited space for plant expansion or relocation. For this reason the securing of suitable locations and areas for production is becoming more important for regional spatial planning, because location requirements are increasing (e.g. relating to transportation links and waste water disposal) thus continually reducing the number of locations available.

F30. Municipalities must accommodate the requirements of businesses relating to location. Enterprises willing to locate in a certain municipality will join with the property owners and request that the municipality rezone green land into industrial building land.

F31. Meanwhile, the requirements of enterprises willing to locate have also increased in respect of the location's infrastructure beyond the purely technical and physical one (e.g. business support services). A rising number of larger municipalities now also offer industrial parks with additional enterprise-oriented services. Thus the 'level' of competition between the municipalities has increased. But even these services were initially relatively spontaneous activities of the property owners and municipalities — sometimes with the support of the state — and were hardly ever the subject of long term location planning such as in *überörtlichen Raumordnungsprogrammen* (supra-local spatial planning programmes). Recently more central control is becoming apparent. Consequently, private enterprise location

companies founded by the state governments are increasingly entering the market as investors and operators of new industrial parks.

Please see Figure F19: 'Locations of industrial employment in Austria', at the end of this document.

F32. Establishment of new plants, locations, expansions and modernisation of enterprises, usually with additional space requirements and/or location selection, are financially supported in assisted areas from the corresponding states' regional subsidies and from the federal government. Within defined regional assisted areas, only in isolated cases are location differentiations made by setting planning goals.

F33. The selection of locations within small areas can also be influenced, theoretically, by other approvals than the building permit which is tied to the zoning. For example neighbours have the right to object according to the commercial regulations code on the grounds of exposure to different dangers. However, here one may discern clear tendencies to reduce these obstacles on the grounds of speeding up procedures. On the whole the relatively strong position of enterprises will be probably be strengthened rather than diminished.

F34. The selection of locations within larger areas will be influenced by the availability of regional policy funds in the objective areas of the Structural Funds. This cannot be anticipated for Austria whilst at the stage of establishing the Single Programming Documents.

Leisure and tourism

F35. The following base figures characterise the scope and economic importance of the tourist industry in the whole of Austria:

- the Austrian tourist industry has an accommodation capacity of roughly 1.2 million beds, approximately a quarter of which are in private homes (1989);

- accommodations registered 24.7 million arrivals in 1993/94 and 122.5 million overnight stays of which three-quarters were foreigners: the winter-summer ratio was 43:57;

- the share of travelling expenses spent in the *Länder* (states) of Tyrol, Salzburg and Carinthia was 70 %;

- the contribution of tourism to employment is roughly 250 000 (absolute) jobs in total in Austria; approximately 400 000 jobs are directly or indirectly dependent on tourism since diverse sectors also profit from tourism (e.g. commerce).

F36. Approximately 80 to 90 % of paid overnight stays in Austria and the economic activity related to these, take place in the Alpine area. In the case of winter sports tourism, the dominant position of the Alpine area is even stronger, since 98 % of the total capacity of cable cars in Austria are in this area.

F37. Regarding the conservation of the value of the landscape for recreation and leisure, the following three types of problems can be identified:

- Alpine tourist areas with dynamic development for winter tourism;
- lake areas intensively used for tourism;
- main Alpine valleys with a variety of uses and intensity of use, where the potential for conflict is rising, and thus reducing the suitability for tourism, in particular due to the constantly increasing amount of traffic.

F38. In spite of partial success in some areas, there is often an obvious discrepancy between the recognised and partially binding objectives set or the desired status, and the current situation or actual development. Regional planning and development programmes that have attempted to implement the objectives for development up to now (if they existed at all) have only had a restricted effect as steering mechanisms due to their

content or implementation. Although considerable relief measures have been taken and success achieved in restoring the natural condition, especially by the installation of sewerage systems and purification plants in lake areas and other tourist centres, the expansion of the technical infrastructure and the implementation of regulative measures often lags behind requirements. Subsidies granted until now have taken too little account of the environmental impact. An exception is the water management fund which has been successful in achieving a high degree of restoration of the lakes. There are relatively few funds available for the preservation and appropriate planning of local recreational areas.

F39. The future conflict situations that will arise from a possible growth in demand, faced with a supply that cannot be increased, will require fundamentally revised political strategies. Settlement development influenced by tourism, water management, tourist traffic and the labour market (prejudices against too many foreigners) are the areas in which bottlenecks occur. These bottlenecks have resulted in the depletion of resources and the limits of saturation that can be measured objectively. In addition more and more pressure is being felt subjectively and expressed in attitudes of rejection that are becoming widespread.

F40. The liberal application of existing control instruments and the massive indiscriminate subsidising of new lifts and cable cars by the states and federal authorities up to the 1980s, contributed to the tendency to concentrate and to the inherent polarisation of the system (growing disparities between the intensive use of 'high performance areas' and less developed tourist 'problem areas'). Unless measures are taken to control the situation, it cannot be expected to improve through self-development, i.e. spatial redistribution which will eliminate imbalances in demand. (What might be expected to self-regulate would be a temporal redistribution to alleviate peak periods, although these are restricted in the main growth areas to day excursions and short holidays.) More prob-

able is the danger of 'high performance areas' collapsing due to oversaturation and thus losing wealthy and prominent guests without this having any advantages for other (less developed) areas of Austria (guests 'emigrate' to other countries or to other sports). Taking the lack of flexibility of the tourist industry when faced with a loss in attractiveness of their products, this could imply the economic ruin of resources due to overuse as well as their ecological depletion.

F41. As a consequence of this, new strategies are emerging that might be able to attain short term and sustainable effects. For winter tourism for example the following measures are suggested:

- stopping public subsidies to regions outside assisted areas; this applies to cable car stations and accommodation enterprises;
- definition of winter sports areas, outside which no more permits will be issued for lifts and/or cable cars;
- regional quotas for number of beds;
- local quotas for number of skiers;
- restrictions for motorised individual transportation (for tourists) at destinations with alternative means of public transportation.

F42. In individual cases such measures are already being tested, for example with the exemplary schemes for means of ascension to mountain tops, by the Vorarlberg state government. These have already helped to reduce original expansion plans to one third in cooperation with the state government, municipalities and cable car operators. In this area it is necessary that the abovementioned type of measure be implemented throughout the entire territory of tourism regions. The same principle should be applied to areas strained to the limit by summer tourism.

Natural resource

F43. In Austria drinking water is obtained almost entirely from groundwater. It consists of equal parts of karst water (mountain spring water) and interstitial water. By international standards the water quality is very high. For this reason the population is very sensitive to any degradation of its high quality that may occur in isolated cases caused by larger damage, as well as to groundwater contamination over larger surfaces caused by certain forms of agricultural cultivation. The problem areas are usually densely populated and intensively cultivated agricultural valleys and basins. In contrast the karst areas in Austria are characterised by low contamination with nitrates.

F44. For this reason the amendment to the Water Law in 1990 imposed stricter regulations on agriculture. As of a certain degree of cattle density, or the use of certain fertilisers, farms are required to apply for permits under water legislation. If certain limits are surpassed in a groundwater area then, according to the new water legislation, the authorities are obliged to initiate its restoration. Presently, surveys are being carried out on groundwater quality. The Ministry of Agriculture and Forestry has launched pilot projects for groundwater restoration, in order to gather experience for the successful realisation of measures in the future. The new provisions are aimed at maintaining groundwater with drinking water quality or of reinstating this status. The protection of groundwater, however, is not restricted to groundwater protection and conservation areas.

Transport

F45. The prevailing method applied until now of adapting transport infrastructure to a demand based on trend forecasts, has not led to satisfying conditions concerning transportation. Furthermore, to orient priorities for the achievement of projects exclusively on the alleviation of current bottlenecks and to ignore the network as a whole and the competition among the means of transport is

contrary to two basic principles of the *Österreichische Gesamtverkehrskonzept 1991* (Austrian transport policy scheme 1991):

- avoidance of traffic;
- use of the means of transport with the least impact on the environment.

F46. Even more so than in the past, the point of departure for Austria's transport infrastructure policy will be a concept that encompasses more than one sector, e.g. encompassing various means of transport in order to attain the objective of changing over to means of transport which limit impact on the environment. The *Österreichische Gesamtverkehrskonzept* (Austrian transport policy scheme) presented by the competent ministry in 1991, contains important guidelines but does not state any concrete policy measures. This can be expected at the earliest from the *Bundesverkehrswegeplan* (federal transport network plan) which is presently being prepared and should contain a concrete programme for coordinating investment in transport networks. From a regional policy perspective the Austrian transport policy scheme should pursue the following goals:

- to link Austria's urban regions and economic centres to western and eastern Europe by improving and expanding the high speed transportation networks;
- to link the regions and their centres via high speed and qualitatively suitable transport routes to the superordinate main transit routes;
- to create transport links between Austrian and neighbouring border regions with the aim of encouraging development potential at fringe locations.

F47. Future transport infrastructure policies should be guided by the awareness that no other area of governmental policy has as much influence on regional development by spending similar amounts of funds to achieve similar effects.

F48. The *Neue Bahn* project was the government's first step towards a comprehensive modernisation of the Austrian Federal Railways and the expansion of the railway network. A large number of measures have already been implemented since its start. These include:

- expansion of the principle railway network;
- on the one hand, the reactivating of regional railway lines, and on the other, the closing down of lines;
- the improvement of service quality.

F49. The opening up of the borders to the east required a series of short term measures and, as a consequence, changes in time schedules.

F50. Municipalities, states and federal government have joined to form 11 tariff unions that organise and finance local public passenger transportation. These partly have the form of stock corporations. The Austrian tariff unions distribute the tariff losses in different regions according to different percentages among the territorial authorities. In the case of the *Verkehrsverbund Ostregion* and the regional tariff unions of Vienna, Lower Austria and Burgenland, 50 % of losses are borne by the federal government and 50 % by the respective state. In other tariff unions, and in the case of the tariff union Vorarlberg, a so-called one third solution is applied: one third is borne by the federal government, two thirds by the state; in the latter case one third by the state and one third by the local territorial authorities.

F51. In the area of principal road networks, current issues only concern the completion of the motorway network in a few places. New routes are not being discussed.

F52. International cooperation is even more necessary in the field of overall conditions of transportation policy than in the expansion of networks. In view of the degree of liberalisation in cross-border traffic — and even more

in the course of European integration — pure national strategies to reorient transportation policy are not only limited in their effect, but may even distort competition. From an Austrian point of view, two fundamental principles of the *Österreichische Gesamtverkehrskonzept* (Austrian transport policy scheme), namely the use of state-of-the-art technology that avoids the negative impact of traffic and the principle of calculating true costs, can only be implemented if the overall conditions for transport policy are agreed internationally. A transit country such as Austria can and should sometimes be innovative — even more so when considering the high degree of sensitivity of the Alpine regions — especially in respect of transport policy, but it will not achieve any goals in this field by acting alone.

F53. The transit agreement signed by Austria and the EU will probably have a greater impact on the future development of transportation policy on a European level than on road freight transit traffic. The projected reduction of NO_x emissions produced by road freight transit traffic by 60 % contained in the agreement is not a guarantee for reducing the amount of traffic. The parties to the transit agreement have agreed to expand the railway network, especially for combined freight transport, and to gradually incorporate price calculations which are based on the true costs of transport (which means taking external costs into account).

Waste management and pollution

F54. Increasing amounts of waste, coupled with the unsolved problems of dumps and garbage incinerators, led to a reorganisation of waste management legislation in the *Bundes-Abfallwirtschaftsgesetz* (Federal Waste Management Law) of 1990. This law has assigned to the federal government the task of sectoral spatial planning related to the construction of waste treatment plants for hazardous wastes, including the determination of locations. The basis for this law is the *Bundes-Abfallwirtschaftsplan* (federal waste disposal plan) which determines the regional

waste treatment capacities required. The search for suitable locations was carried out together with the state concerned. These locations have not yet been determined, although action is needed urgently to solve the problem of incinerators and dumps for residual hazardous waste. At present there is only one incineration plant for the entire country, namely the waste disposal plant at Simmering on the eastern border of the city of Vienna. At least two further plants are planned: one will be located in the central area of Linz (Upper Austria) and the other in Upper Styria. The amount of waste expected to be handled by the residual hazardous waste dumps is 345 000 tonnes per year, three quarters of which is residuals from incineration plants. At least three such dump locations are needed. Securing locations depends, in practice, on collaboration between the federal government and states.

F55. Similarly, the states have created new legal and organisational bases for waste management in their areas. These include, with slight variations, *Landes-Abfallwirtschaftspläne oder -konzepte* (state waste management plans or schemes). As a rule the municipalities are responsible for collecting and transporting waste, and the waste associations (associations of municipalities) are responsible for waste disposal. While the catchment areas for regional waste treatment plants are determined by the state, the procedures for determining the specific location of plants (e.g. for recycling) and dumps are sometimes determined by the state, and sometimes the search for a location is the task of the regional waste association, which then submits the corresponding proposal to the state government. In any case, the legally binding determination of the location requires a decree issued by the state government. The plans are presently in varying stages of implementation. Some plants are being constructed, although others have been delayed because of local opposition. This illustrates that legal powers do not suffice to realise a planned solution, but that it is necessary to achieve political consensus between the territorial authorities at all levels. The impact of the recently introduced envi-

ronmental impact assessment procedure is too early to be evaluated.

F56. The latest report produced by the Federal Bureau for the Environment states that improvements in reducing emissions have been achieved regarding air quality, although, from an environmental protection perspective, the extent of the reduction is not enough. Since 1980 it has been possible to reduce sulphur dioxide (SO₂) emissions by approximately 80 %. This reduction was unique throughout Europe and was due mainly to the de-sulphurisation of heating oils and technical measures taken in power and industrial plants. Dust emissions have also been reduced by 50 % within this period. Much more difficult has been the reduction of ozone pre-substance nitrogen oxides (NO_x), volatile organic compounds and carbon monoxide because these are emitted by a large number of small, spatially dispersed sources (especially automobile exhausts, household smoke and solvents). Since 1980 ozone pre-substances have been reduced by only 12 % (nitrogen oxides), volatile organic compounds by 5 % and carbon monoxide by 11 %.

F57. Based on its location in central Europe, Austria is especially affected by imported air pollution. Almost 165 000 tonnes of sulphur were imported in 1990 which was almost 10 times as much as was exported, and in the case of nitrogen oxides, imports of 80 300 tonnes of nitrogen were over three times as much as exports. In 1990 roughly 90 % of sulphur depositions were traced back to sources outside the country. In order to achieve clear reductions, the appropriate measures (similar to those in Austria) need to be taken especially in eastern Germany, the Czech Republic and Poland as well as in Italy.

F58. The hygienic condition of almost all Austrian lakes today is very satisfactory. This was achieved by large scale restoration measures carried out in the 1970s and 1980s. Since then, waste water from near-by settlements has been collected in ring sewerage systems. It has not yet been possible to

attain sustained improvements in a small number of lakes because their water quality is degraded mainly by the inflow of nutrients from the agricultural fertilisers that come from the immediate surroundings.

F59. The water quality of Austria's rivers has improved over the last few years, although, some waterways have suffered degradation.

In spite of more stringent measures taken in respect of waste water treatment, the cellulose and paper industry remains the principle cause of water contamination. Over of recent years restoration measures have been taken that focus on certain municipalities, as it is recognised that large urban agglomerations are no longer the main source of problems.

Appendix I. Glossary

(following the English alphabetical order)

appraisal procedure

procedure of putting forth statements; obligatory in connection with issuing a law or decree

Stellungnahmeverfahren

assisted area, promotion area

area for which regional assistance measures are provided

Fördergebiet

Austrian Conference on Regional Planning

national council on spatial planning with representatives of *Bund*, *Länder* and the unions of towns and municipalities

*Österreichische
Raumordnungskonferenz (ÖROK)*

Austrian Institute for Regional Studies and Spatial Planning

non-profit making association serving the domain between research and politics; assisting the spatial planning work of the authorities at all levels through applied research, planning work and expertise in contract work

*Österreichisches Institut für
Raumplanung (ÖIR)*

Austrian Regional Planning Concept of 1991

spatial planning concept at national level, main product of the ÖROK (⇒), guideline for public planning bodies

*Österreichisches
Raumordnungskonzept 1991
(ÖRK '91)*

Austrian transport policy scheme

catalogue of goals and objectives for transport policy

*Österreichisches
Gesamtverkehrskonzept*

building authority

grants building permits; building authority of first instance is the mayor (⇒)

Baubehörde

building code

system of regulations for building construction, basis for the building permit

Bauordnung

<p>building land (zoning category) sites zoned for development or already developed sites in the zoning plan</p>	<p><i>Bauland (Widmungskategorie)</i></p>
<p>building permit</p>	<p><i>Baubewilligung</i></p>
<p>building regulation plan subordinate to zoning plan (⇒), regulates building alignment lines, maximum height of buildings, green areas, etc., binding in the case of development, but with no obligation for development (as with zoning plans)</p>	<p><i>Bebauungsplan (BP)</i></p>
<p>building site assessment in some states (second) precondition for building permit (first is building land)</p>	<p><i>Bauplatzerklärung</i></p>
<p>conservation forest protective function for itself</p>	<p><i>Schutzwald</i></p>
<p>commercial regulations code federal law regulating affairs of trade commerce and industry including permission for facilities; protects the interests of business owners, employees and neighbours; any trade business, retail or manufacturing needs a permit from the <i>Gewerbebehörde</i> (part of the delegated federal administration (⇒))</p>	<p><i>Gewerbeordnung/Gewerberecht</i></p>
<p>Commercial Regulations Authority see commercial regulations code</p>	<p><i>Gewerbebehörde</i></p>
<p>comprehensive spatial planning comprises several sectoral planning aspects for a region; forward-looking land use planning</p>	<p><i>Raumplanung</i></p>
<p>decree a binding guideline issued by an authority (minister, state government, municipal council); development plans are decrees of the state government, which are also binding for the municipality; zoning plans and building regulation plans are decrees of the municipal council (binding for the municipality and the land owners)</p>	<p><i>Verordnung</i></p>
<p>development policy mainly incentive measures, related to public business administration (⇒)</p>	<p><i>Entwicklungspolitik</i></p>
<p>district purely administrative unit at the regional level without political mandate; there are 99 districts all over the country, one of them is Vienna (at the same time <i>Land</i> and <i>Gemeinde</i>), 14 of them are cities with their own statutes</p>	<p><i>Politischer Bezirk</i></p>

district authority

regional branch of federal and state administration; corresponding territory: *Politischer Bezirk* (district); head: district governor

district court

corresponding territory: judicial district (→) (smaller than *Politischer Bezirk* (district))

environmental impact assessment (EIA)

federal law, assessment procedure in accordance with EU directives with citizen participation which concentrates the pertinent permit procedures (e.g. pursuant to nature conservation and water legislation)

environmentally and socially compatible tourism, 'gentle' or 'soft' tourism**executive water plan**

internal guideline with territorial reference, based on water related law

expressways

category of roads between *Autobahn* (motorway) and *Bundesstraße* (national road), the responsibility of the *Bund*, mostly constructed like an *Autobahn* (i.e. four lanes)

Federal Chancellery

responsible for coordinating matters related to spatial planning and regional policy at the federal level, and between the federal government and the states; head: Federal Chancellor (→)

Federal Chancellor

head of the federal government, head of the Federal Chancellery (→)

federal forests

forests owned by the Republic of Austria (former Hapsburg property)

federal government

territorial authority at the national level (Republic of Austria); main bodies: parliament, federal government; no competence for comprehensive spatial planning, no federal act on spatial planning

federal minister

member of the federal government directly responsible to parliament; not bound by instructions of the Federal Chancellor

Federal Road Act

legal basis for *Autobahnen*, *Schnellstraßen* and *Bundesstraßen* (→ national roads)

federal waste disposal plan

Bezirkshauptmannschaft
Bezirksverwaltungsbehörde
Chef: Bezirkshauptmann

Bezirksgericht
zugehöriges
Territorium:
Gerichtsbezirk

Umweltverträglichkeitsprüfung
(UVP)

Sanfter Tourismus

wasserwirtschaftliche
Rahmenverfügung

Schnellstraßen

Bundeskanzleramt

Bundeskanzler

Bundesforste

Bund

Bundesminister

Bundesstraßengesetz

Bundes-Abfallwirtschaftsplan

Federal Waste Management Act

Bundes-Abfallwirtschaftsgesetz

forestry development plan

Waldentwicklungsplan

on the basis of the Forestry Act, produced by the forest authority, describes the different functions of forests, basis for decisions on forestry planning

government resolution

Regierungsbeschluß

a binding guideline for the state administration, not binding for the municipalities (unlike the decree)

judicial district

Gerichtsbezirk

territory belonging to a district court, subdivision of a *Politischer Bezirk* (district) (➡)

landscape conservation area

Landschaftsschutzgebiete

landscape plan

Landschaftsplan

includes guidelines for the landscaping and use of undeveloped areas; not binding plan, used in some states

landscape structure plan

Landschaftsrahmenplan

framework for landscape plan (➡)

local development scheme

Räumliches Entwicklungskonzept

local planning instrument of the municipality; framework for land use plan; differences in terminology between states

local forest authority

Bezirksforstinspektion

local authority for the enforcement of forestry laws

mayor

Bürgermeister

head of the municipal council (➡), head of municipal administration

motorways

Autobahnen

highest category of roads which are the responsibility of the *Bund*

municipal council

Gemeinderat

local parliament, issuing the zoning plan and the building regulation plan (decrees) (➡)

municipality

Gemeinde

autonomously responsible for local planning

national roads

Bundesstraßen

main roads which are the responsibility of the *Bund* (➡) (others: state roads, municipal roads), but detailed planning and administration is delegated to the states

natural risk area plan

Gefahrenzonenplan

on the basis of the Forestry Act

nature conservation area

Naturschutzgebiete

Nature Conservation Authority

Naturschutzbehörde

Office of the State Government

Amt der Landesregierung

state administration, headed by the state governor (➡)

official order

decision of an authority (permission, denial, ruling)

Bescheid

official order granting building permit

administrative decision granting building permit

Baubescheid

official order granting permission

Bewilligungsbescheid

planning authority

in a narrow sense (for spatial planning) the state government, in a wider sense also the federal authorities (ministers), responsible for measures with territorial reference

Planungsbehörde

protection of landscape

state law based regulations; protected areas; permits required

Landschaftsschutz

protection of townscape

state based regulations; protected areas; permits required

Ortsbildschutz

protective forest

has a protective function for other land uses against natural risks e.g. for settlement areas

Bannwald

public business administration

that part of the administration of the territorial authorities which comprises non-regulatory measures (investments, investment incentives, operation of public services) not having any jurisdictional limits

Privatwirtschaftsverwaltung

public property

land as public good for public use, owned by the public (e.g. roads), in contrast to land owned by a territorial authority (e.g. plot with a school building, owned by the Republic of Austria)

öffentliches Gut

Raumordnung

the concept in Austria comprises land use planning (zoning) as well as development policy with spatial impact or territorial implications at a local, regional and national level belonging to both the spheres of regulatory measures and public expenditure

Raumordnung

region

In Austria the term region is understood in general to be a spatial formation on a level between the state and the municipality; political representative bodies do not exist at this level.

Region

regional advisor

expert employed by the federal or state government; in charge of an economically disadvantaged area with the goal of overcoming information barriers and improving cooperation between public and private entities

Regionalbeauftragter

regional development plan	<i>Regionales Raumordnungsprogramm</i>
comprehensive plan for a region with (optional) regulation and development policy elements; differences in terminology between states	
regional economic assistance (programme)	<i>Regionalförderung(sprogramm)</i>
regional economic development scheme	<i>Regionalwirtschaftliches Entwicklungskonzept</i>
joint exercise of national government, state and regional representatives; set up for the submitted Objective 1, 2 and 5b areas in the procedure of preparation for programmes for the EU Structural Funds (Community Support Framework)	
Regional Forest Authority	<i>Landesforstdirektion</i>
branch of the federal Forest Authority within a state	
regional innovation bonus	<i>Regionale Innovationsprämie</i>
main element of the regional economic incentive programme for innovative projects, financed by the federal government and seven states	
regional planning councils	<i>Regionaler Planungsbeirat</i>
advisory board facilitating the participation of municipalities in regional development plans (➡)	
regulation policy	<i>Ordnungspolitik</i>
mainly commanding and prohibiting measures, related to sovereign territorial authority (➡)	
reserved area	<i>Eignungszone</i>
defined as appropriate for certain uses in regional and sectoral plans (i.e. agriculture, raw materials exploitation)	
reserved area	<i>Vorbehaltsfläche</i>
zoning category, limited in time, for certain public uses (e.g. schools)	
reserved building land	<i>Aufschließungsgebiet</i>
zoning category within building land for later development in order to determine the sequence of building	
regulatory branch of public administration	<i>Hoheitsverwaltung</i>
binding ordinances issued by authorities in executing public law (e.g. decrees that define protected zones; counterpart of public business administration (➡))	
Residential Building Restoration Law	<i>Wohnhaussanierungsgesetz</i>
revenue equalisation	<i>Finanzausgleich</i>
between territorial authorities <i>Bund, Länder, Gemeinden</i>	
'right to build'	<i>Baurecht</i>
can be purchased from the land owner (not to be confused with building legislation)	

scheme

used at a local, regional and national level as framework/guidance for plans or detailed measures, programmes

Konzept

sectoral plan at the federal level

spatial planning for individual sectors (e.g. transportation planning, waste disposal planning)

Bundesressortplan

sectoral plan at the regional level

differences in terminology between states (opposite: comprehensive plan (➡))

*Regionales Sachprogramm
(Regionaler Fachplan)*

sectoral plan at the state level

e.g. transportation planning, waste disposal planning

Landesfachplan

sectoral planning (with territorial reference)

at federal or state level (state or regional sectoral plans)

Fachplanung

sectoral state plan

sectoral plan for the state territory with (optional) regulation and development policy elements; differences in terminology between states

Raumordnungs-Sachprogramm

site or land development

Erschließung

spatial planning

raumbezogene Planungen

spatial planning law (state law)

Raumordnungsgesetz

spatial planning at a supra-local (regional, state) level

spatial planning under the responsibility of the state (spatial planning at the state and regional level)

überörtliche Raumplanung

spatial planning at the local level

spatial planning in the autonomous competence of the municipality

örtliche Raumplanung

spatial planning at the regional level

competence of the *Land*

Regionalplanung

spatial planning at the state level

Landesplanung

standard value

value of assets of real estate fixed by the financial authority, assessed according to use, basis for property taxes

Einheitswert

state

autonomous territorial authority of the federal republic; bodies: *Landtag* (parliament), state government; *Landeshauptmann* (state governor) (➡); the *Länder* are responsible for spatial planning

Land

state development plan

comprehensive plan for the state territory with (optional) regulation and development policy elements; differences in terminology between states

Landesraumordnungsprogramm

state government executive body of the states, elected by the state parliament (➡)	<i>Landesregierung</i>
state governor head of the state government (➡), head of the office of the state government (➡) (as opposed to the division of the federal administration into ministries)	<i>Landeshauptmann</i>
state parliament legislative body of the states	<i>Landtag</i>
strategic water plan guideline with territorial reference, based on water related law, binding municipalities, land owners and water rights owners	<i>wasserwirtschaftlicher Rahmenplan</i>
subdivision of land	<i>Grundstücksteilung</i>
supervisory authority the state government supervises the spatial planning activities of municipalities	<i>Aufsichtsbehörde</i>
supra-local spatial planning	<i>überörtliche Raumplanung</i>
territorial authority <i>Bund, Land, Gemeinde</i>	<i>Gebietskörperschaft</i>
town administration municipal administration of towns with their own statutes	<i>Magistrat</i>
utilisation permit final step of the building permission procedure	<i>Benutzungsbewilligung</i>
with spatial impact not directly concerning land use, but influencing the spatial structure (e.g. settlement structure)	<i>raumwirksam</i>
with territorial reference concerning land use	<i>raumbezogen</i>
zoning plan main instrument for spatial planning in Austria, decree issued by the municipal council, binding for property owners and the building authority; entitles owners to apply for building permit, without obligation to build; basis for building regulation plan (➡)	<i>Flächenwidmungsplan</i>

Appendix I. Glossary

(following the German alphabetical order)

<i>Amt der Landesregierung</i>	Office of the State Government state administration, headed by the state governor (➡)
<i>Aufschließungsgebiet</i>	reserved building land zoning category within building land for later development in order to determine the sequence of building
<i>Aufsichtsbehörde</i>	supervisory authority the state government supervises the spatial planning activities of the municipalities
<i>Autobahnen</i>	motorways highest category of roads which are the responsibility of the <i>Bund</i>
<i>Bannwald</i>	protective forest has a protective function for other land uses against natural risks e.g. for settlement areas
<i>Baubehörde</i>	building authority grants building permits; building authority of first instance is the mayor (➡)
<i>Baubescheid</i>	official order granting building permit administrative decision granting building permit
<i>Baubewilligung</i>	building permit
<i>Bauland</i> (<i>Widmungskategorie</i>)	building land (zoning category) sites zoned for development or already developed sites in the zoning plan
<i>Bauordnung</i>	building code system of regulations for building construction, basis for the building permit
<i>Bauplatzerklärung</i>	building site assessment in some states (second) precondition for building permit (first is building land)

<i>Baurecht</i>	'right to build' can be purchased from the land owner (not to be confused with building legislation)
<i>Bebauungsplan (BP)</i>	building regulation plan subordinate to zoning plan (➡), regulates building alignment lines, maximum height of buildings, green areas, etc., binding in the case of development, but with no obligation for development (as with zoning plans)
<i>Benützungsbewilligung</i>	utilisation permit final step of the building permission procedure
<i>Bescheid</i>	official order decision of an authority (permission, denial, ruling)
<i>Bewilligungsbescheid</i>	official order granting permission
<i>Bezirksforstinspektion</i>	local forest authority local authority for the enforcement of forestry laws
<i>Bezirksgericht</i> <i>zugehöriges Territorium:</i> <i>Gerichtsbezirk</i>	district court corresponding territory: judicial district (smaller than <i>Politischer Bezirk</i> (district))
<i>Bezirkshauptmannschaft =</i> <i>Bezirksverwaltungsbehörde</i> <i>Chef: Bezirkshauptmann</i>	district authority regional branch of federal and state administration, corresponding territory: <i>Politischer Bezirk</i> (district), head: district governor
<i>Bund</i>	federal government territorial authority at the national level (Republic of Austria); main bodies: parliament, federal government; no competence for comprehensive spatial planning, no federal act on spatial planning
<i>Bundes-</i> <i>Abfallwirtschaftsgesetz</i>	Federal Waste Management Act
<i>Bundes-Abfallwirtschaftsplan</i>	federal waste disposal plan
<i>Bundesforste</i>	federal forests forests owned by the Republic of Austria (former Hapsburg property)
<i>Bundeskanzler</i>	Federal Chancellor head of the federal government, head of the Federal Chancellery (➡)
<i>Bundeskanzleramt</i>	Federal Chancellery responsible for coordinating matters related to spatial planning and regional policy at the federal level, and between the federal government and the states; head: Federal Chancellor (➡)
<i>Bundesminister</i>	federal minister member of the federal government directly responsible to parliament; not bound by instructions of the Federal Chancellor

<i>Bundesressortplan</i>	sectoral plan at the federal level spatial planning for individual sectors (e.g. transportation planning, waste disposal planning)
<i>Bundesstraßen</i>	national roads main roads which are the responsibility of the <i>Bund</i> (⇒) (others: state roads, municipal roads), but detailed planning and administration is delegated to the states
<i>Bundesstraßengesetz</i>	Federal Road Act legal basis for <i>Autobahnen</i> , <i>Schnellstraßen</i> and <i>Bundesstraßen</i> (⇒ national roads)
<i>Bürgermeister</i>	mayor head of the municipal council (⇒), head of municipal administration
<i>Eignungszone</i>	reserved area defined as appropriate for certain uses in regional and sectoral plans (i.e. agriculture, raw materials exploitation)
<i>Einheitswert</i>	standard value value of assets of real estate fixed by the financial authority, assessed according to use, basis for property taxes
<i>Entwicklungspolitik</i>	development policy mainly incentive measures, related to public business administration (⇒)
<i>Erschließung</i>	site or land development
<i>Fachplanung</i>	sectoral planning (with territorial reference) at federal or state level (state or regional sectoral plans)
<i>Finanzausgleich</i>	revenue equalisation between territorial authorities <i>Bund</i> , <i>Länder</i> , <i>Gemeinden</i>
<i>Flächenwidmungsplan</i>	zoning plan main instrument for spatial planning in Austria, decree issued by the municipal council, binding for property owners and the building authority; entitles owners to apply for building permit, without obligation to build; basis for building regulation plan (⇒)
<i>Fördergebiet</i>	assisted area, promotion area area for which regional assistance measures are provided
<i>Gebietskörperschaft</i>	territorial authority <i>Bund</i> , <i>Land</i> , <i>Gemeinde</i>
<i>Gefahrenzonenplan</i>	natural risk area plan on the basis of the Forestry Act
<i>Gemeinde</i>	municipality autonomously responsible for local planning
<i>Gemeinderat</i>	municipal council local parliament, issuing the zoning plan and the building regulation plan (decrees (⇒))

<i>Gerichtsbezirk</i>	judicial district territory belonging to a district court, subdivision of a <i>Politischer Bezirk</i> (district) (➡)
<i>Gewerbebehörde</i>	Commercial Regulations Authority see commercial regulations code
<i>Gewerbeordnung/ Gewerberecht</i>	commercial regulations code federal law regulating affairs of trade, commerce and industry, including permission for facilities; protects the interests of business owners, employees and neighbours; any trade business, retail or manufacturing needs a permit from the Commercial Regulations Authority (part of the delegated federal administration) (➡)
<i>Grundstücksteilung</i>	subdivision of land
<i>Hoheitsverwaltung</i>	regulatory branch of public administration binding ordinances issued by authorities in executing public law (e.g. decrees that define protected zones; counterpart of public business administration (➡))
<i>Konzept</i>	scheme used at a local, regional and national level as framework/guidance for plans or detailed measures, programmes
<i>Land</i>	state autonomous territorial authority of the federal republic; bodies: <i>Landtag</i> (parliament), state government, <i>Landeshauptmann</i> (state governor) (➡); the <i>Länder</i> are responsible for spatial planning
<i>Landesfachplan</i>	sectoral plan at the state level e.g. transportation planning, waste disposal planning
<i>Landesforstdirektion</i>	Regional Forest Authority branch of the federal Forest Authority within a state
<i>Landeshauptmann</i>	state governor head of the state government (➡), head of the office of the state government (➡) (as opposed to the division of the federal administration into ministries)
<i>Landesplanung</i>	spatial planning at the state level
<i>Landesraumordnungs- programm</i>	state development plan comprehensive plan for the state territory with (optional) regulation and development policy elements; differences in terminology between states
<i>Landesregierung</i>	state government executive body of the states, elected by the state parliament (➡)
<i>Landschaftsplan</i>	landscape plan includes guidelines for the landscaping and use of undeveloped areas; not binding plan, used in some states

<i>Landschaftsrahmenplan</i>	landscape structure plan framework for landscape plan (➡)
<i>Landschaftsschutz</i>	protection of landscape state law based regulations; protected areas; permits required
<i>Landschaftsschutzgebiete</i>	landscape conservation area
<i>Landtag</i>	state parliament legislative body of the states
<i>Magistrat</i>	town administration municipal administration of towns with their own statutes
<i>Naturschutzbehörde</i>	Nature Conservation Authority
<i>Naturschutzgebiete</i>	nature conservation area
<i>öffentliches Gut</i>	public property land as public good for public use, owned by the public (e.g. roads), in contrast to land owned by a territorial authority (e.g. plot with a school building, owned by the Republic of Austria)
<i>Ordnungspolitik</i>	regulation policy mainly commanding and prohibiting measures, related to sovereign territorial authority (➡)
<i>örtliche Raumplanung</i>	spatial planning at the local level spatial planning in the autonomous competence of the municipality
<i>Ortsbildschutz</i>	protection of townscape state law based regulations; protected areas; permits required
<i>Österreichische Raumordnungskonferenz (ÖROK)</i>	Austrian Conference on Regional Planning national council on spatial planning with representatives of <i>Bund, Länder</i> and the unions of towns and municipalities
<i>Österreichisches Gesamtverkehrskonzept</i>	Austrian transport policy scheme catalogue of goals and objectives for transport policy
<i>Österreichisches Institut für Raumplanung (ÖIR)</i>	Austrian Institute for Regional Studies and Spatial Planning non-profit making association serving the domain between research and politics; assisting the spatial planning work of the authorities at all levels through applied research, planning work and expertise in contract work
<i>Österreichisches Raumordnungskonzept 1991 (ÖRK '91)</i>	Austrian Regional Planning Concept of 1991 spatial planning concept at national level, main product of the ÖROK (➡), guideline for public planning bodies
<i>Planungsbehörde</i>	planning authority in a narrow sense (for spatial planning) the state government; in a wider sense also the federal authorities (ministers), responsible for measures with territorial reference

<i>Politischer Bezirk</i>	district purely administrative unit at the regional level without political mandate; there are 99 districts all over the country, one of them is Vienna (at the same time <i>Land</i> and <i>Gemeinde</i>), 14 of them are cities with their own statutes
<i>Privatwirtschaftsverwaltung</i>	public business administration that part of the administration of the territorial authorities which comprises non-regulatory measures (investments, investment incentives, operation of public services) not having any jurisdictional limits
<i>raumbezogen</i>	with territorial reference concerning land use
<i>raumbezogene Planungen</i>	spatial planning
<i>Räumliches Entwicklungskonzept</i>	local development scheme local planning instrument of the municipality; framework for land use plan; differences in terminology between states
<i>Raumordnung</i>	Raumordnung the concept in Austria comprises land use planning (zoning) as well as development policy with spatial impact or territorial implications at a local, regional and national level belonging to both the spheres of regulatory measures and public expenditure
<i>Raumordnungs- Sachprogramm</i>	sectoral state plan sectoral plan for the state territory with (optional) regulation and development policy elements; differences in terminology between states
<i>Raumordnungsgesetz</i>	spatial planning law (state law)
<i>Raumplanung</i>	comprehensive spatial planning comprises several sectoral planning aspects for a region; forward-looking land use planning
<i>raumwirksam</i>	with spatial impact not directly concerning land use, but influencing the spatial structure (e.g. settlement structure)
<i>Regierungsbeschuß</i>	government resolution a binding guideline for the state administration, not binding for the municipalities (unlike the decree)
<i>Region</i>	region the term region is understood in general to be a spatial formation on a level between the state and the municipality; political representative bodies do not exist at this level
<i>Regionalbeauftragter</i>	regional advisor expert employed by the federal or state government; in charge of an economically disadvantaged area with the goal of overcoming information barriers and improving cooperation between public and private entities

<i>Regionale Innovationsprämie</i>	regional innovation bonus main element of the regional economic incentive programme for innovative projects, financed by the federal government and seven states
<i>Regionaler Planungsbeirat</i>	regional planning councils advisory board facilitating the participation of municipalities in regional development plans (➔)
<i>Regionales Raumordnungsprogramm</i>	regional development plan comprehensive plan for a region with (optional) regulation and development policy elements; differences in terminology between states
<i>Regionales Sachprogramm (Regionaler Fachplan)</i>	sectoral plan at the regional level differences in terminology between states (opposite: comprehensive plan (➔))
<i>Regionalförderung (sprogramm)</i>	regional economic assistance (programme)
<i>Regionalplanung</i>	spatial planning at the regional level competence of the <i>Land</i>
<i>Regionalwirtschaftliches Entwicklungskonzept</i>	regional economic development scheme joint exercise of national government, state and regional representatives; set up for the submitted Objective 1, 2 and 5b areas in the procedure of preparation for programmes for the EU Structural Funds (Community Support Framework)
<i>Sanfter Tourismus</i>	environmentally and socially compatible tourism, 'gentle' or 'soft' tourism
<i>Schnellstraßen</i>	expressways category of roads between <i>Autobahn</i> (motorway) and <i>Bundesstraße</i> (national road), the responsibility of the <i>Bund</i> , mostly constructed like an <i>Autobahn</i> (i.e. four lanes)
<i>Schutzwald</i>	conservation forest protective function for the forest itself
<i>Stellungnahmeverfahren</i>	appraisal procedure procedure of putting forth statements; obligatory in connection with issuing a law or decree
<i>überörtliche Raumplanung</i>	spatial planning at a supra-local (regional, state) level spatial planning under the responsibility of the state (spatial planning at the state and regional level)
<i>Umweltverträglichkeitsprüfung (UVP)</i>	environmental impact assessment (EIA) federal law, assessment procedure in accordance with EU Directives with citizen participation which concentrates the pertinent permit procedures (e.g. pursuant to nature conservation and water legislation)

<i>Verordnung</i>	decree a binding guideline issued by an authority (minister, state government, municipal council); development plans are decrees of the state government, which are also binding for the municipality; zoning plans and building regulation plans are decrees of the municipal council (binding for the municipality and the land owners)
<i>Vorbehaltsfläche</i>	reserved area zoning category, limited in time, for certain public uses (e.g. schools)
<i>Waldentwicklungsplan</i>	forestry development plan on the basis of the Forestry Act, produced by the forest authority, describes the different functions of forests, basis for decisions on forestry planning
<i>wasserwirtschaftliche Rahmenverfügung</i>	executive water plan internal guideline with territorial reference, based on water related law
<i>wasserwirtschaftlicher Rahmenplan</i>	strategic water plan guideline with territorial reference, based on water related law, binding municipalities, land owners and water rights owners
<i>Wohnhaussanierungsgesetz</i>	Residential Building Restoration Law

Appendix II. Acronyms and Abbreviations

ATS	Austrian schillings
BKA	<i>Bundeskanzleramt</i> (Federal Chancellery)
BMAS	<i>Bundesministerium für Arbeit und Soziales</i> (Ministry of Labour and Social Affairs)
BMLF	<i>Bundesministerium für Land- und Forstwirtschaft</i> (Ministry of Agriculture and Forestry)
BMöWV	<i>Bundesministerium für öffentliche Wirtschaft und Verkehr</i> (Ministry of Public Economy and Transport)
BMUJF	<i>Bundesministerium für Umwelt, Jugend und Familie</i> (Ministry of the Environment, Youth and Family) (since 1995 <i>Bundesministerium für Umwelt</i> , Ministry of the Environment)
BMUK	<i>Bundesministerium für Unterricht und Kunst</i> (Ministry of Education and Arts) (since 1995 <i>Bundesministerium für Unterricht</i> , Ministry of Education)
BMWA	<i>Bundesministerium für wirtschaftliche Angelegenheiten</i> (Ministry of Economic Affairs)
BMWF	<i>Bundesministerium für Wissenschaft und Forschung</i> (Ministry of Science and Research) (since 1995 <i>Bundesministerium für Wissenschaft und kulturelle Angelegenheiten</i> , Ministry of Science and Cultural Affairs)
BP	<i>Bebauungsplan</i> (building regulation plan)
EBS	<i>Entsorgungsbetriebe Simmering</i> (waste disposal facilities Simmering, Vienna)
EC	European Community
EEA	European Economic Area
EIA	environmental impact assessment
ERP	European Recovery Programme
EU	European Union
FAZAT	<i>Forschungs- und Ausbildungszentrum für Arbeit und Technik</i> (Research and Training Centre for Labour and Technology)

<i>FER</i>	<i>Förderungsprogramm für eigenständige Regionalentwicklung</i> (scheme for the promotion of endogenous regional development)
<i>FWP</i>	<i>Flächenwidmungsplan</i> (zoning plan)
<i>GATT</i>	General Agreement on Tariffs and Trade
<i>GBI</i>	<i>Gesellschaft des Bundes für industriepolitische Maßnahmen mbH</i> (Federal Company for Industrial Policy Measures)
<i>HL-AG</i>	<i>Hochleistungsstrecken Aktiengesellschaft</i> (High Speed Rail Link Company)
<i>NAT</i>	<i>Neuer Austro Takt</i>
<i>NÖ PLAN</i>	<i>Niederösterreichische Landeshauptstadt Planungsges. mbH</i> (State Capital Planning Company of Lower Austria)
<i>NÖVOG</i>	<i>Niederösterreichische Verkehrsorganisationsgesellschaft</i>
<i>ÖAR</i>	<i>Österreichische Arbeitsgemeinschaft für eigenständige Regionalberatung</i> (Austrian Association for Endogenous Regional Development)
<i>ÖAV</i>	<i>Österreichischer Alpenverein</i> (Austrian Alpine Association)
<i>ÖBB</i>	<i>Österreichische Bundesbahnen</i> (Austrian Federal Railways)
<i>ÖIR</i>	<i>Österreichisches Institut für Raumplanung</i> (Austrian Institute for Regional Studies and Spatial Planning)
<i>OKG</i>	<i>Osttiroler Kraftwerksgesellschaft</i>
<i>ÖMV</i>	<i>Österreichische Mineralölverwertungs AG</i>
<i>ÖPNV</i>	<i>Öffentlicher Personennahverkehr</i>
<i>ÖRK</i>	<i>Österreichisches Raumordnungskonzept</i> (Austrian Regional Planning Concept)
<i>ÖROK</i>	<i>Österreichische Raumordnungskonferenz</i> (Austrian Conference on Regional Planning)
<i>ÖSB</i>	<i>Österreichische Studien- und Beratungsgesellschaft</i> (Austrian Research and Advisory Company)
<i>ÖSTAT</i>	<i>Österreichisches Statistisches Zentralamt</i> (Austrian Central Statistical Office)
<i>PGO</i>	<i>Planungsgemeinschaft Ost</i> (Planning Union East)
<i>RB</i>	<i>Regionalbeauftragter</i> (regional advisor)
<i>REK</i>	<i>Räumliches Entwicklungskonzept</i> (local development scheme)
<i>RIZ</i>	<i>Regionales Innovationszentrum</i> (regional innovation centre in Wiener Neustadt)
<i>ROG</i>	<i>Raumordnungsgesetz</i> (spatial planning law)
<i>ROKAT</i>	<i>Raumordnungskataster</i> (spatial planning cadaster, land registry)
<i>RPG</i>	<i>Raumplanungsgesetz</i>
<i>SAFE</i>	<i>Salzburger Aktiengesellschaft für Energiewirtschaft</i>
<i>STEP</i>	<i>Stadtentwicklungsplan</i>
<i>TTZ</i>	<i>Technologietransferzentrum</i> (Technology Transfer Centre)

<i>TZU</i>	<i>Technologiezentrum Umwelttechnologie</i> (Technology Centre for Environmental Technology)
<i>UVP</i>	<i>Umweltverträglichkeitsprüfung</i> (environmental impact assessment)
<i>WBSF</i>	<i>Wiener Bodenbereitstellungs- und Stadterneuerungsfonds</i> (Viennese property appropriation and urban renewal fund)
<i>WED</i>	<i>Wiener Entwicklungsgesellschaft für den Donauraum AG</i> (Vienna Danube Area Development Company)
<i>WEG</i>	<i>Wirtschaftspark-Entwicklungsgesellschaft mbH</i> (Business Park Development Company)
<i>WIFO</i>	<i>Österreichisches Institut für Wirtschaftsforschung</i> (Austrian Institute of Economic Research)
<i>WRG</i>	(Water Act)
<i>WWF</i>	Worldwide Fund for Nature
<i>WWFF</i>	<i>Wiener Wirtschaftsförderungsfonds</i> (Viennese business promotion fund)

Appendix III. Addresses

(a) Ministries and Federal Bureaus

- Bundeskanzleramt (BKA)* (Federal Chancellery)
Hohenstaufengasse 3, 1010 Wien Tel. (43-1) 532 15-0
- Österreichisches Statistisches Zentralamt (ÖSTAT)* (Austrian Central Statistical Office)
Hintere Zollamtsstraße 2b, 1033 Wien Tel. (43-1) 711 28-0
- Bundesministerium für Arbeit und Soziales* (Ministry of Labour and Social Affairs)
Stubenring 1, 1011 Wien Tel. (43-1) 711 00
- Bundesministerium für Land- und Forstwirtschaft* (Ministry of Agriculture and Forestry)
Stubenring 1-7, 1012 Wien Tel. (43-1) 515 10
- Bundesministerium für öffentliche Wirtschaft und Verkehr* (Ministry of Public Economy and Transport)
Radetzkystraße 2, Wien Tel. (43-1) 711 62-0
- Bundesministerium für Umwelt, Jugend und Familie* (Ministry of the Environment, Youth and Family) (since 1995 *Bundesministerium für Umwelt*, Ministry of the Environment)
Radetzkystraße 2, Wien Tel. (43-1) 711 58-0
- Umweltbundesamt* (Federal Bureau of the Environment)
Franz-Josefs-Kai 51, 1010 Wien Tel. (43-1) 533 37 30-0
- Bundesministerium für Unterricht und Kunst* (Ministry of Education and Arts) (since 1995 *Bundesministerium für Unterricht*, Ministry of Education)
Stubenring 1, 1011 Wien Tel. (43-1) 711 00-0
- Bundesdenkmalamt* (National Office for Historical Monuments)
Hofburg, Säulenstiege, II. Stock, 1010 Wien Tel. (43-1) 534 15-0
- Bundesministerium für wirtschaftliche Angelegenheiten* (Ministry of Economic Affairs)
Stubenring 1, 1011 Wien Tel. (43-1) 711 00-0

Bundesministerium für Wissenschaft und Forschung (Ministry of Science and Research) (since 1995 *Bundesministerium für Wissenschaft und kulturelle Angelegenheiten*, Ministry of Science and Cultural Affairs)
Minoritenplatz 5, 1014 Wien Tel. (43-1) 531 20

(b) Other institutions at federal level

Österreichische Bundesbahnen (ÖBB) (Austrian Federal Railways)
Elisabethstraße 9, 1010 Wien Tel. (43-1) 58 00-0

Österreichische Raumordnungskonferenz (ÖROK) (Austrian Conference on Spatial Planning)
Hohenstaufengasse 3, 1010 Wien Tel. (43-1) 535 34 44

Österreichisches Institut für Raumplanung (ÖIR) (Austrian Institute for Regional Studies and Spatial Planning)
Franz-Josefs-Kai 27, 1010 Wien Tel. (43-1) 533 87 47-0

Österreichische Arbeitsgemeinschaft für eigenständige Regionalberatung (ÖAR) (Austrian Association for Endogenous Regional Development)
Amalienstraße 68, 1130 Wien Tel. (43-1) 877 94 21

Österreichische Studien- und Beratungsgesellschaft (ÖSB) (Austrian Research and Advisory Company)
Neubaugasse 64-66, 1070 Wien Tel. (43-1) 52376 10-0

Österreichisches Institut für Wirtschaftsforschung (WIFO) (Austrian Institute of Economic Research)
Arsenal, Objekt 20, 1030 Wien Tel. (43-1) 798 26 01-0

(c) Offices of state governments

Amt der Burgenländischen Landesregierung
Landhaus, 7000 Eisenstadt Tel. (43-2682) 600

Amt der Kärntner Landesregierung
Landhaus, 9020 Klagenfurt Tel. (43-463) 57 75 70

Amt der Niederösterreichischen Landesregierung
Herrengasse 13, 1014 Wien Tel. (43-1) 53 110

Amt der Oberösterreichischen Landesregierung
Kärntnerstraße 12, 4020 Linz Tel. (43-732) 77 20-0

Amt der Salzburger Landesregierung
Chiemseehof, 5010 Salzburg Tel. (43-662) 8042

Amt der Steiermärkischen Landesregierung
Landhaus, 8011 Graz Tel. (43-716) 877

Amt der Tiroler Landesregierung
Landhaus, 6020 Innsbruck Tel. (43-542) 508

Amt der Vorarlberger Landesregierung
Landhaus, 6900 Bregenz Tel. (43-5574) 511 4000

Magistrat der Stadt Wien (Amt der Wiener Landesregierung)
Rathaus, 1010 Wien Tel. (43-1) 4000-0

(d) Other institutions at state level

ECO-Plus Betriebsansiedlungs- und Regionalisierung NÖ Ges. mbH
Lugeck 1, 1010 Wien Tel. (43-1) 513 78 50

Forschungs- und Ausbildungszentrum für Arbeit und Technik (Research and Training Centre for Labour and Technology)
Wehrgrabengasse 5, 4400 Steyr Tel. (43-7252) 884 1 14

Land-Invest Salzburger Baulandsicherungsgesellschaft
Karolingerstraße 34, 5020 Salzburg Tel. (43-663) 06 4266

NÖ Landeshauptstadt Planungsgesellschaft mbH
Kremser Landstraße 5, 3100 St. Pölten Tel. (43-2742) 3050

Planungsgemeinschaft Ost (PGO) der Länder Wien, Niederösterreich und Burgenland (Planning Union East)
Rockhgasse 6/3, 1010 Wien Tel. (43-1) 533 44 30

Tech-Invest Gesellschaft für Betriebsansiedlung
Faberstraße 18, 5020 Salzburg Tel. (43-662) 88 27 41-0

Tiroler Bodenbeschaffungsfonds
Neues Landhaus, 6020 Innsbruck Tel. (43-512) 568

Verein Niederösterreich — Wien (non-profit making association, Lower Austria—Vienna)
Schloßplatz 1, 2361 Laxenburg Tel. (43-1) 902 71 225

Wiener Bodenbereitstellungs- und Stadterneuerungsfonds (Viennese property appropriation and urban renewal fund)
Lenaugasse 10, 1080 Wien Tel. (43-1) 403 59 19-0

Wiener Entwicklungsgesellschaft für den Donaauraum AG (Vienna Danube Area Development Company)
Friedrich Schmidt Platz 3, 1080 Wien Tel. (43-1) 401 45-0

Wiener Wirtschaftsförderungsfonds (Viennese business promotion fund)
Ebendorferstraße 2, 1082 Wien Tel. (43-1) 4000 86 794

Appendix IV. Sources

Basic literature⁽¹⁾

- Pernthaler, P. and Prantl, B., 1994: *Raumordnung in der europäischen Integration*, Vienna
- Pernthaler, P. 1990: *Raumordnung und Verfassung* (3), Vienna. Hrsg.: Österreichische Gesellschaft für Raumforschung und Raumplanung
- Raschauer, B., 1986: *Umweltschutzrecht*, in: *Studien zu Politik und Verwaltung*, Vol. 20, Graz/Vienna
- Schadt, G. and Sapper, A., 1995: *Möglichkeiten und Grenzen integrierter Bodenpolitik in Österreich*, Vienna. In: ÖROK-Schriftenreihe No. 123

Selected policy reports⁽¹⁾

- Österreichische Raumordnungskonferenz (ÖROK), 1987: *Fünfter Raumordnungsbericht*, Vienna
- Österreichische Raumordnungskonferenz (ÖROK), 1990: *Sechster Raumordnungsbericht*, Vienna
- Österreichische Raumordnungskonferenz (ÖROK), 1993: *Siebenter Raumordnungsbericht*, Vienna
- Österreichische Raumordnungskonferenz (ÖROK), 1994: *Österreichisches Raumordnungskonzept 1991*

Main legal framework

- Bauordnung für Wien*, LGBl. 11/30
- Burgenländisches Raumplanungsgesetz 1969*, LGBl. 18/69
- Eisenbahn-Hochleistungsstreckengesetz*, BGBl. 135/89

⁽¹⁾ There are no sources in the English language.

Forstgesetz, BGBl. 440/75

Kärntner Raumordnungsgesetz 1969, LGBl. 76/69

Kärntner Gemeindeplanungsgesetz 1992, LGBl. 33/92

Niederösterreichisches Raumordnungsgesetz 1976, LGBl. 13/77

Niederösterreichische Bauordnung 1976, LGBl. 66/1976

Oberösterreichisches Raumordnungsgesetz 1994, LGBl. 114/93

Oberösterreichische Bauordnung, LGBl. 66/94

Salzburger Raumordnungsgesetz 1992, LGBl. 98/92

Salzburger Bebauungsgrundlagengesetz 1968, LGBl. 69/68

Salzburger Baupolizeigesetz 1973

Steiermärkisches Raumordnungsgesetz 1974, LGBl. 127//74

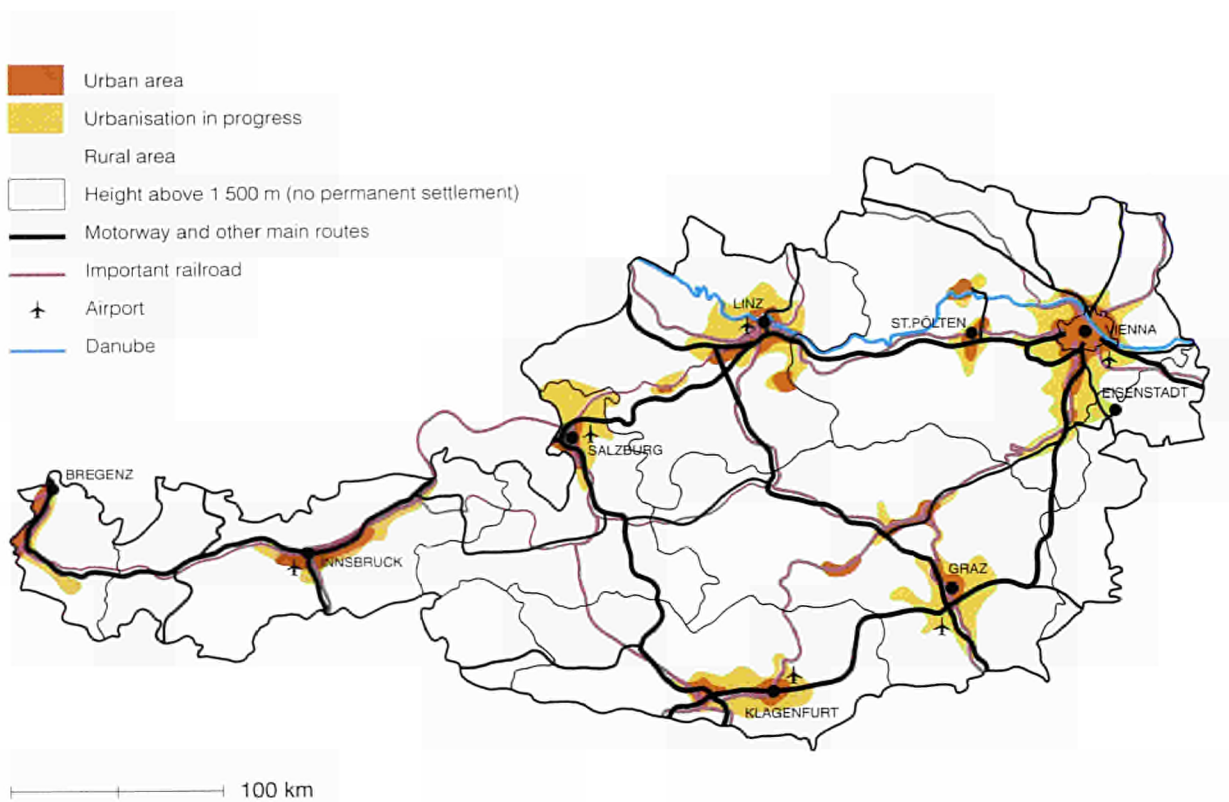
Tiroler Raumordnungsgesetz 1994, LGBl. 81/93

Umweltverträglichkeitsprüfungsgesetz, BGBl. 697/93

Vorarlberger Raumplanungsgesetz 1973, LGBl. 15/73

Wasserrechtsgesetz, BGBl. 215/59

Österreichisches Statistisches Zentralamt (ÖSTAT): Volkszählungen 1971, 1981, 1991; Häuser- und Wohnungszählungen 1971, 1981, 1991

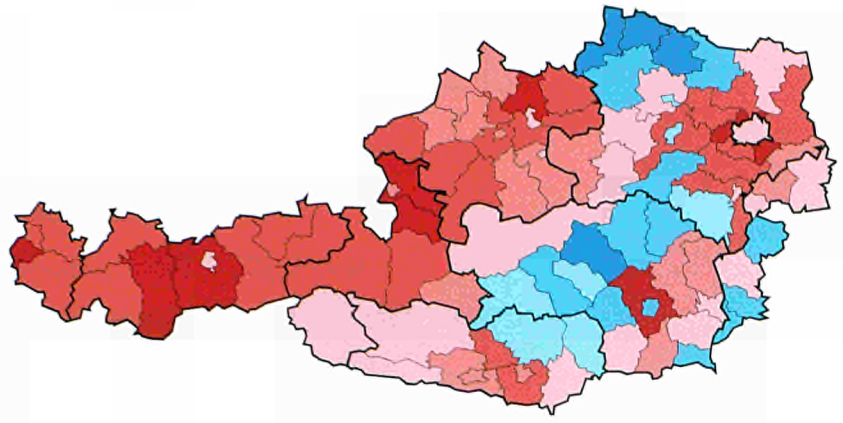
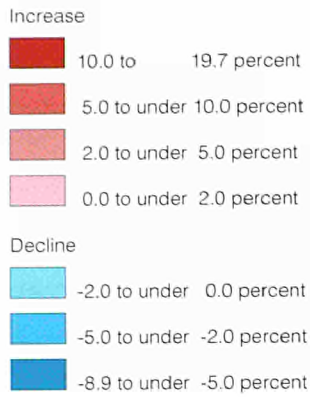


The economic and settlement structure of Austrian territory is characterised by a varied landscape on a local level. The Alpine area, which covers two thirds of the territory, makes up the central area, the entire western part and the larger part of the south of Austria. Almost half the districts of the country are on national borders. These conditions and the repeated redrawing of the political map during this century have all strongly influenced the development of Austria's regions and their relations to one another. Its position at the crossroads between the European Union and the reformed countries of central and eastern Europe is also a reason why the process of change taking place in Europe today will in the future also affect Austria's regions.

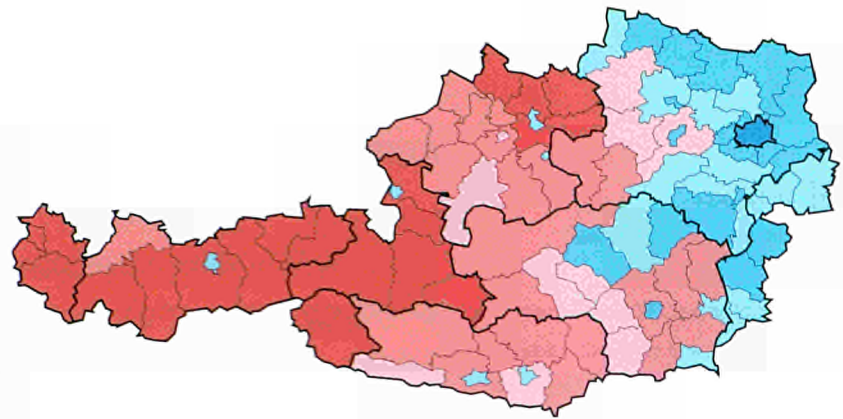
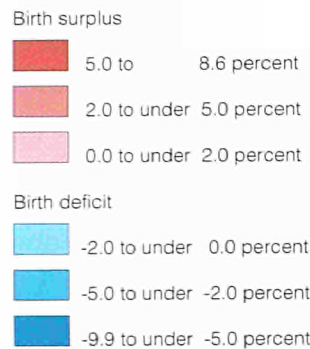
The only agglomeration (Vienna) with a population of 2 million, which is very close to the eastern border, is also a main area of economic activity of the country. Its long position at the fringe faced with closed - off borders has turned into a position at 'the border to prosperity'. There are five larger urban regions - standing within the Alpine area or directly on its periphery - with a population of approximately 1.4 million. Approximately one third of the population lives in rural areas. In the western part of Austria various relations to the centres of southern Bavaria and eastern Switzerland exist.

Figure A3: The main elements of the spatial structure

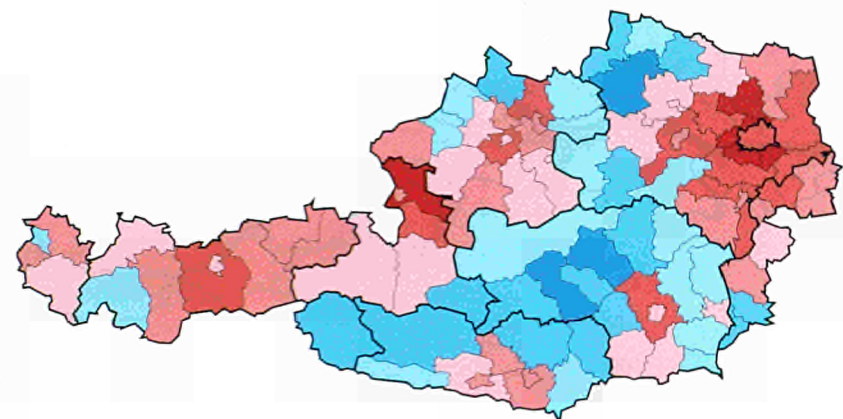
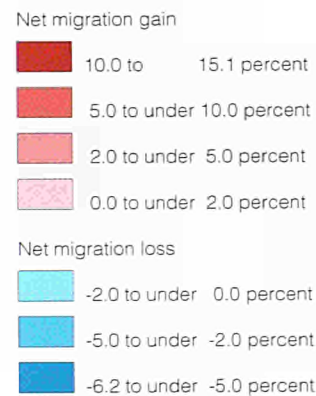
Population change 1981-91



Birth balance 1981-91



Migration balance 1981-91



The regional pattern of population development has not changed basically in recent decades. A large west-east disparity still exists. The continuing suburbanisation tendency is accompanied by a relative stability in the population of rural regions. Out-migration is limited to a few districts and there it shows a declining tendency. In spite of regional and industrial policy efforts, out-migration and population decline in the old industrial areas of the east and southeast of the country could not be stopped. The city of Vienna has stabilised its population following the decline in the 1960s and 1970s.

Migration mainly takes place within the *Länder* from the periphery to the centre. Migration between regions is negligible. The west-east disparity in population development is due to the differing development of birth rates and not to regional migration. All in all, there is a relatively low rate of mobility in relation to the place of residence. This is because in general in Austria the stability of the place of residence is quite high in comparison to the mobility of workplace (nearly 50 % of all apartments and single family homes are owned by the residents). Changes of workplace for personal reasons or due to structural changes are offset by commuting (over constantly longer distances). This becomes possible because of the strongly expanding transport infrastructure.

Figure A5: Population change 1981-'91

National assisted areas

- ||||| according to Article 92, 3(a) EEC Treaty
- ||||| according to Article 92, 3(c) EEC Treaty

Regions for community assistance

- Objective 1
- Objective 2
- Objective 5b

— NUTS III

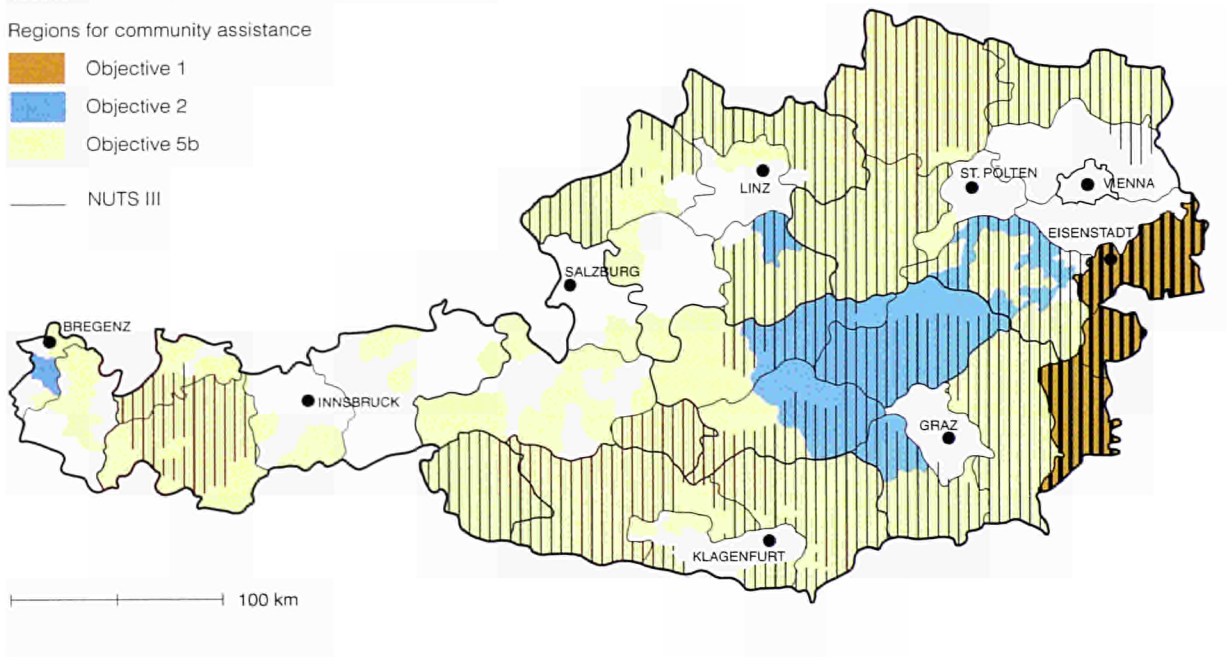
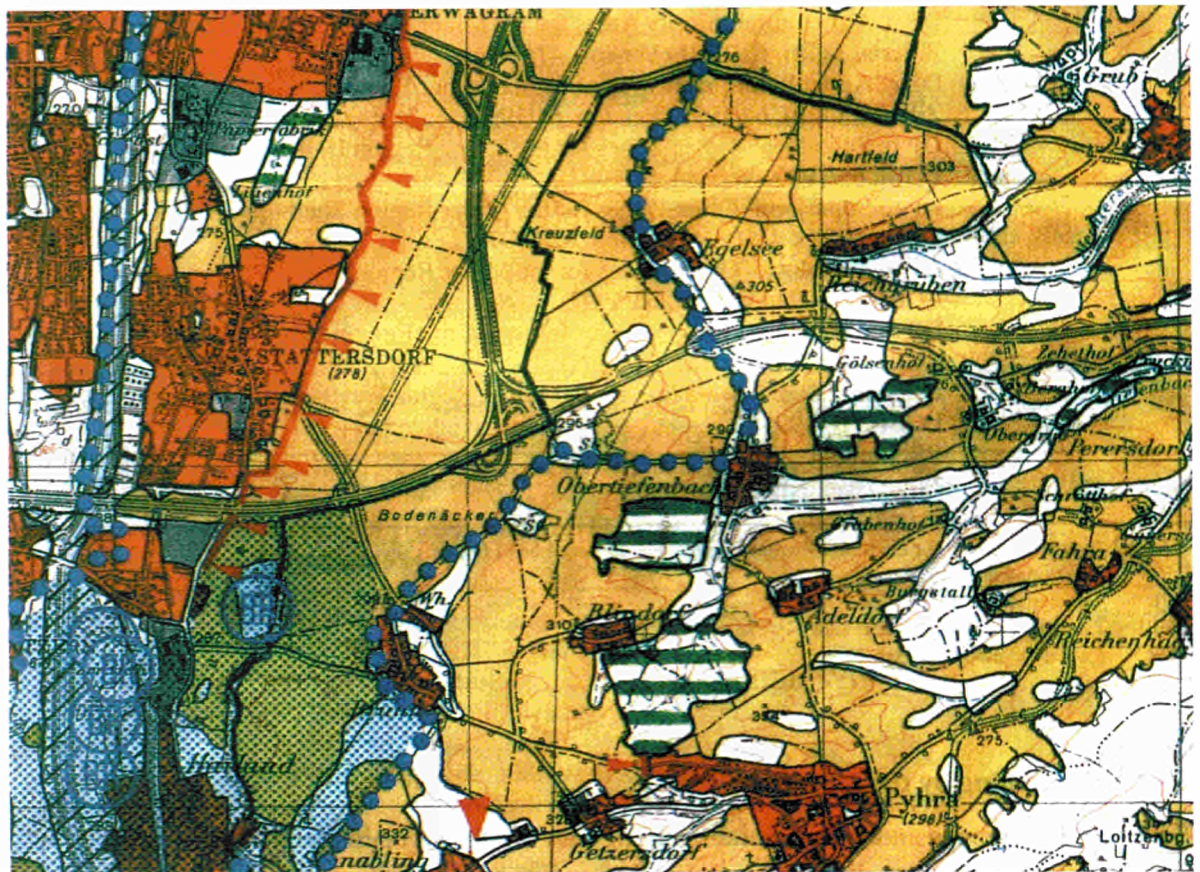
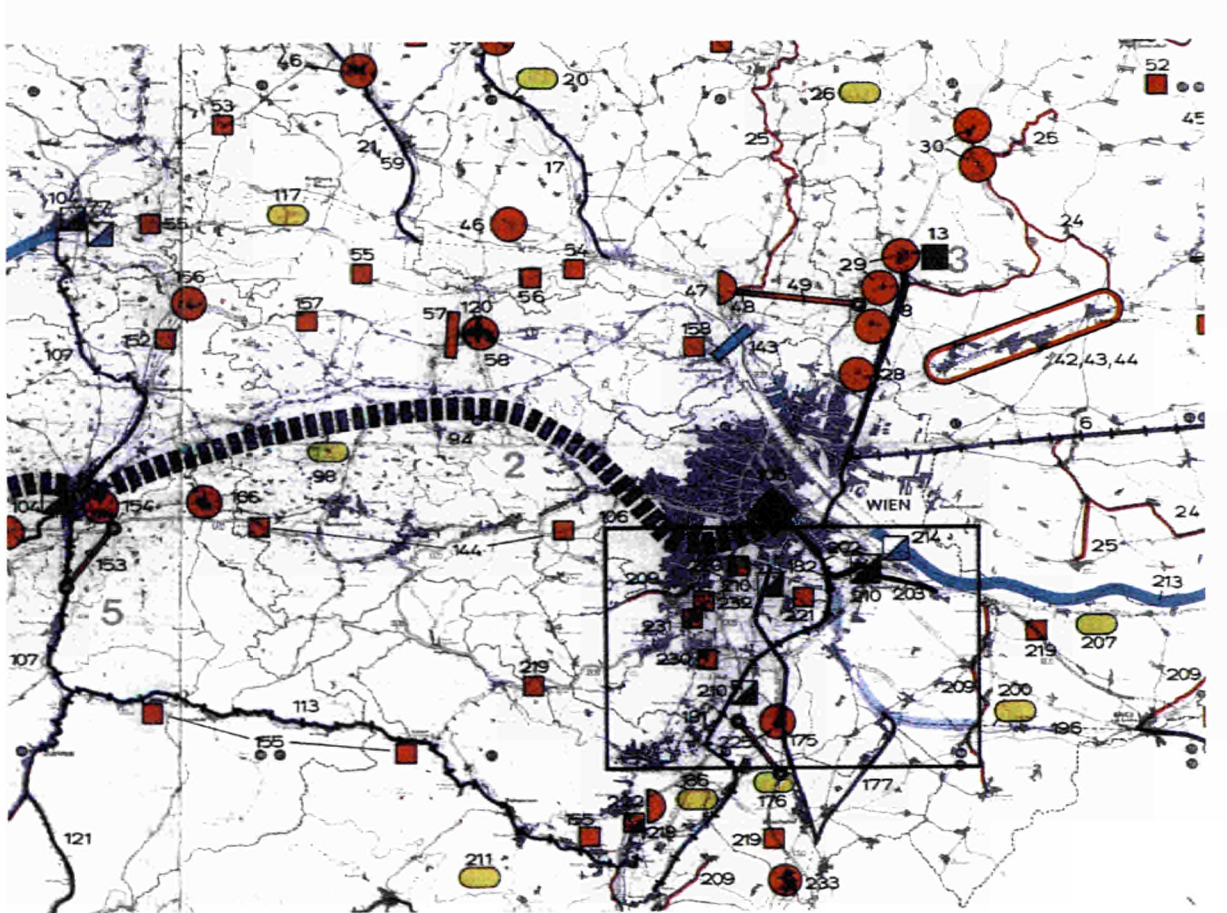


Figure B7: Assisted areas



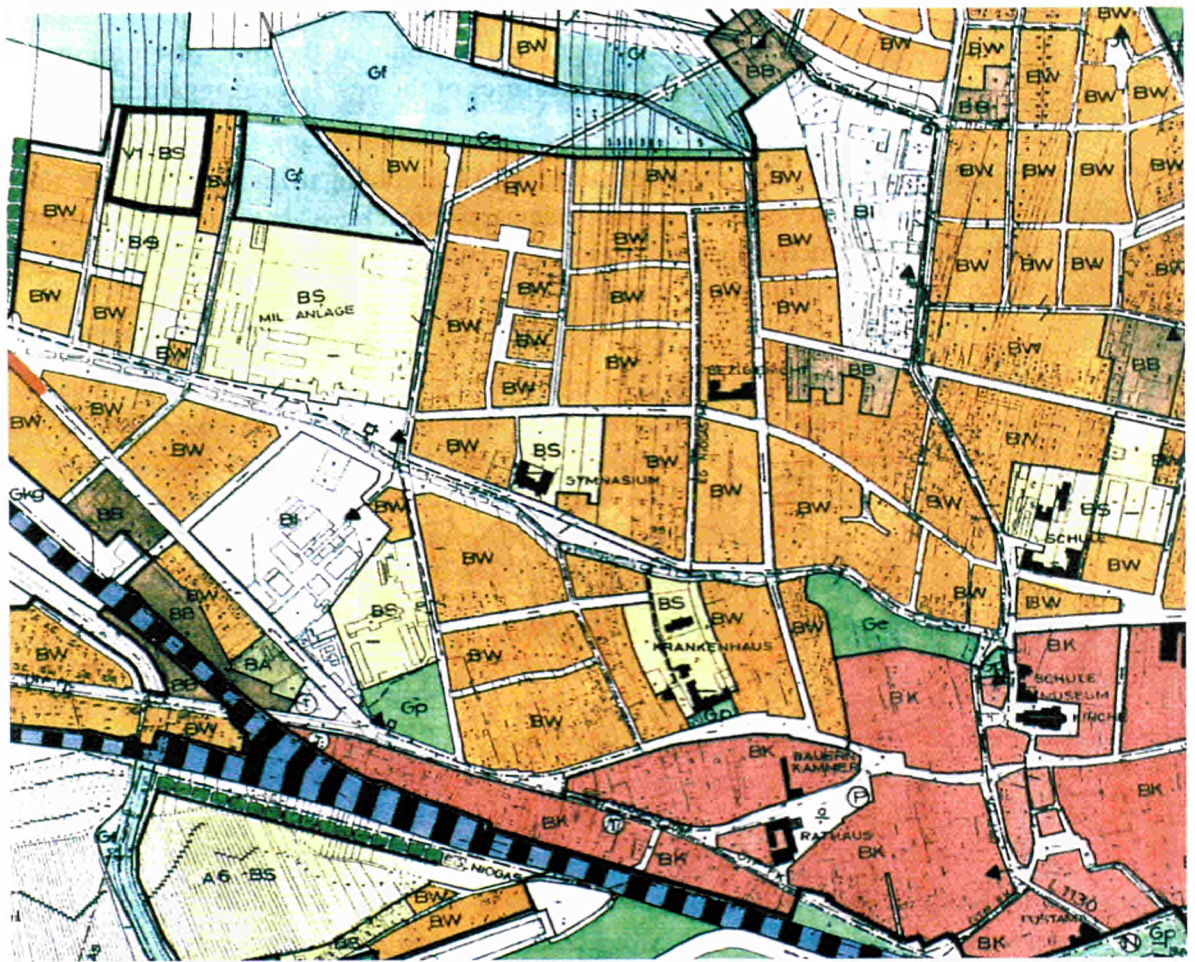
The main contents of the section out of the regional development plan for Vienna's hinterland in Figure B8 (original scale 1:50 000) are: demarcations of settlement boundaries (red triangles); regional green zones (water) and valuable landscape parts (horizontal green lines); and the illustration of an existing landscape black diagonal lines zone (blue circles).

Figure B8: Section out of the *Regionales Raumordnungsprogramm Niederösterreich-Zentralraum* (regional development plan for the central region of Lower Austria)



This section out of the Lower Austrian *Landesverkehrskonzept* (State transportation scheme) (the original is on a scale of 1:500 000) shows the region between Vienna and St Pölten. The high speed rail link between these two cities is illustrated. The dotted signs indicate projected local expansion work (red circle for road construction, red double triangle for a new road junction, red squares for other measures related to roads, violet and white squares for the erection of a freight terminal, yellow oval signs for a park and ride facility); dark blue line symbols indicate projected electrification and the partial new construction of railway routes; light blue the improvement of the waterway Danube (draught). The measures are described in detail in the report, including costs and priority rankings.

Figure B9: Section out of the *Landesverkehrskonzept* (state transportation scheme) of Lower Austria



The section out of the *Flächenwidmungsplan* (zoning plan) of Stockerau in Lower Austria (scale in original 1:5 000) shows the building categories BW (residential zone), BK (care zone, commercial), BB (enterprise zone), BI (industrial zone), BS (special zones, usually for certain public facilities) (for definitions see Table 10, Categories 1 and 6) as well as the symbols for recreational areas/sports. In the north-western part of the section, forest lots have been indicated; east of the centre is a church with a cemetery.

Figure B11: Section out of a *Flächenwidmungsplan* (zoning plan)

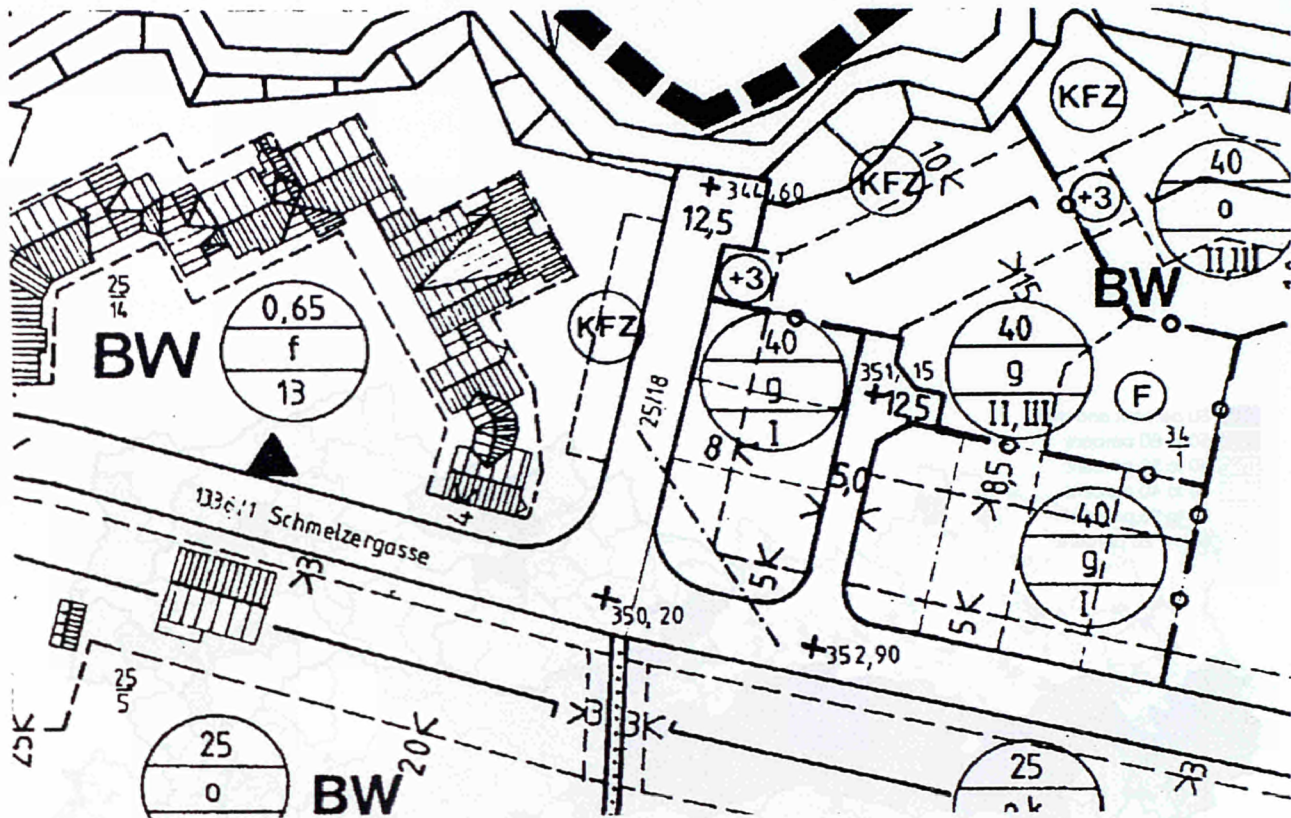
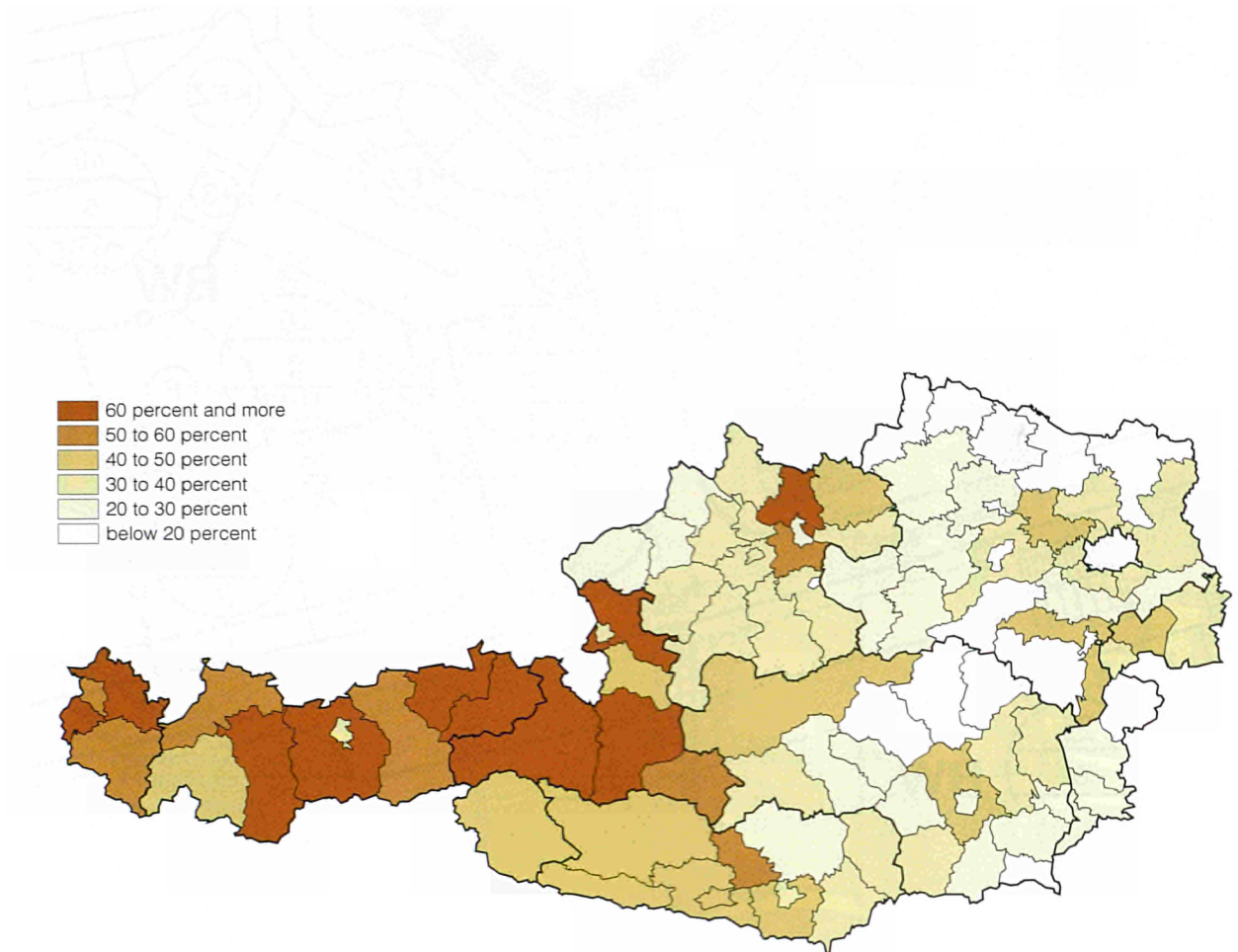
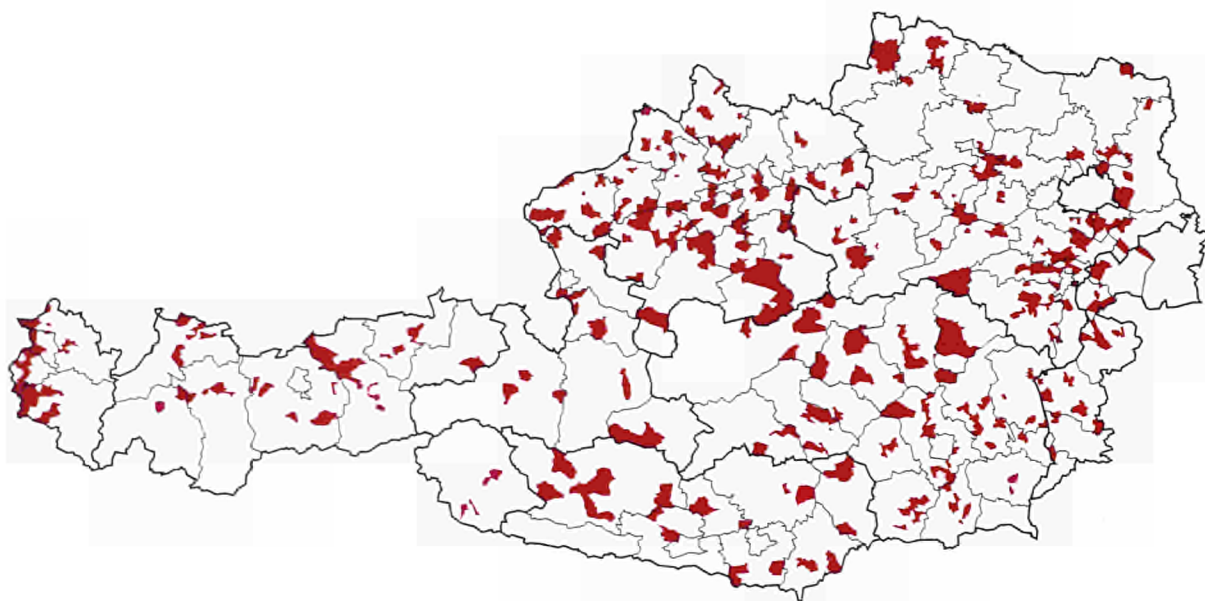


Figure B12 is a section out of the *Bebauungsplan* (building regulation plan) of a municipality of Lower Austria (scale: 1:1 000). The designation BW (*Bauland-Wohngebiet*, building land-residential area) shows the content of the *Flächenwidmungsplan*. The boundaries of the built-up areas (building distance to property line) are hatched and indicate the corresponding distances and specific uses projected (areas for vehicles). The data in the circles indicate the maximum density, the type of construction ('f' stands for free-standing buildings, 'o' for detached and 'g' for semi-detached) and the building height in the form of building categories (in the case of free-standing buildings the exact maximum building height).

Figure B12: Section out of a *Bebauungsplan* (building regulation plan)



**Figure F18: Growth of the number of dwellings
between 1971 and 1991 (as % of 1971 figure)**



Municipalities with more than 50 % employed persons at place of work in trade and industry.

Figure F19: Locations of industrial employment in Austria

European Commission

The EU compendium of spatial planning systems and policies — Austria

Luxembourg: Office for Official Publications of the European Communities

2000 — 157 pp. — 21 x 29.7 cm

ISBN 92-828-2686-4

Price (excluding VAT) in Luxembourg: EUR 23

Venta • Salg • Verkauf • Πωλήσεις • Sales • Vente • Vendita • Verkoop • Venda • Myynti • Försäljning
<http://eur-op.eu.int/general/en/s-ad.htm>

BELGIQUE/BELGIË
Jean De Lanoy
 Avenue du Roi 202/Koningslaan 202
 B-1190 Bruxelles/Brussel
 Tél. (32-2) 538 43 08
 Fax (32-2) 538 08 41
 E-mail: jean.de.lanoy@infoboard.be
 URL: http://www.jean-de-lanoy.be

La librairie européenne/De Europese Boekhandel
 Rue de la Loi 244/Wetstraat 244
 B-1040 Bruxelles/Brussel
 Tél. (32-2) 295 26 39
 Fax (32-2) 735 08 60
 E-mail: mail@libeurop.be
 URL: http://www.libeurop.be

Moniteur belge/Belgisch Staatsblad
 Rue de Louvain 40-42/Leuvenseweg 40-42
 B-1000 Bruxelles/Brussel
 Tél. (32-2) 552 22 11
 Fax (32-2) 511 01 84
 E-mail: eusales@just.fgov.be

DANMARK
J. H. Schultz Information A/S
 Herstedvang 12
 DK-2620 Albertslund
 Tlf. (45) 43 63 23 00
 Fax (45) 43 63 19 69
 E-mail: schultz@schultz.dk
 URL: http://www.schultz.dk

DEUTSCHLAND
Bundesanzeiger Verlag GmbH
 Vertriebsabteilung
 Amsterdamer Straße 192
 D-50735 Köln
 Tel. (49-221) 97 66 80
 Fax (49-221) 97 66 82 78
 E-Mail: vertrieb@bundesanzeiger.de
 URL: http://www.bundesanzeiger.de

ΕΛΛΑΔΑ/GREECE
G. C. Eleftheroudakis SA
 International Bookstore
 Panepistimiou 17
 GR-10564 Athina
 Tel. (30-1) 331 41 80/1/2/3/4/5
 Fax (30-1) 323 98 21
 E-mail: elebooks@netor.gr

ESPAÑA
Boletín Oficial del Estado
 Trafalgar, 27
 E-28071 Madrid
 Tel. (34) 915 38 21 11 (libros),
 913 84 17 15 (suscripción)
 Fax (34) 915 38 21 21 (libros),
 913 84 17 14 (suscripción)
 E-mail: clientes@com.boe.es
 URL: http://www.boe.es

Mundi Prensa Libros, SA
 Castelló, 37
 E-28001 Madrid
 Tel. (34) 914 36 37 00
 Fax (34) 915 75 39 98
 E-mail: libreria@mundiprensa.es
 URL: http://www.mundiprensa.com

FRANCE
Journal officiel
 Service des publications des CE
 26, rue Desaix
 F-75727 Paris Cedex 15
 Tél. (33) 140 58 77 31
 Fax (33) 140 58 77 00
 E-mail: europublications@journal-officiel.gouv.fr
 URL: http://www.journal-officiel.gouv.fr

IRELAND
Alan Hanna's Bookshop
 270 LR Rathmines Road
 Dublin 6
 Tel. (353-1) 496 73 98
 Fax (353-1) 496 02 28
 E-mail: hanna@saiol.ie

ITALIA
Licosa SpA
 Via Duca di Calabria, 1/1
 Casella postale 552
 I-50125 Firenze
 Tel. (39) 055 64 83 1
 Fax (39) 055 64 12 57
 E-mail: licosa@licosa.com
 URL: http://www.licosa.com

LUXEMBOURG
Messageries du livre SARRL
 5, rue Raiffeisen
 L-2411 Luxembourg
 Tél. (352) 40 10 20
 Fax (352) 49 06 61
 E-mail: mail@mdl.lu
 URL: http://www.mdl.lu

NEDERLAND
SDU Servicecentrum Uitgevers
 Christoffel Plantijnstraat 2
 Postbus 20014
 2500 EA Den Haag
 Tel. (31-70) 378 98 80
 Fax (31-70) 378 97 83
 E-mail: sdu@sdu.nl
 URL: http://www.sdu.nl

ÖSTERREICH
Manz'sche Verlags- und Universitätsbuchhandlung GmbH
 Kohlmarkt 16
 A-1014 Wien
 Tel. (43-1) 53 16 11 00
 Fax (43-1) 53 16 11 67
 E-Mail: manz@schwinge.at
 URL: http://www.manz.at

PORTUGAL
Distribuidora de Livros Bertrand L.ª
 Grupo Bertrand, SA
 Rua das Terras dos Vales, 4-A
 Apartado 60037
 P-2700 Amadora
 Tel. (351) 214 95 87 87
 Fax (351) 214 96 02 55
 E-mail: dlb@ip.pt

Imprensa Nacional-Casa da Moeda, SA
 Sector de Publicações Oficiais
 Rua da Escola Politécnica, 135
 P-1250-100 Lisboa Codex
 Tel. (351) 213 94 57 00
 Fax (351) 213 94 57 50
 E-mail: spoce@incm.pt
 URL: http://www.incm.pt

SUOMI/FINLAND
Akateeminen Kirjakauppa/Akademiska Bokhandeln
 Keskuskatu 1/Centralgatan 1
 PL/PB 128
 FIN-00101 Helsinki/Helsingfors
 P./tfn (358-9) 121 44 18
 F./fax (358-9) 121 44 35
 Sähköposti: sps@akateeminen.com
 URL: http://www.akateeminen.com

SVERIGE
BTJ AB
 Traktorvägen 11-13
 S-221 82 Lund
 Tlf. (46-46) 18 00 00
 Fax (46-46) 30 79 47
 E-post: bijeu-pub@bij.se
 URL: http://www.bij.se

UNITED KINGDOM
The Stationery Office Ltd
 Customer Services
 PO Box 29
 Norwich NR3 1GN
 Tel. (44) 870 60 05-522
 Fax (44) 870 60 05-533
 E-mail: book.orders@theso.co.uk
 URL: http://www.itsofficial.net

ÍSLAND
Bokabud Larusar Blöndal
 Skólavörðustíg, 2
 IS-101 Reykjavík
 Tel. (354) 552 55 40
 Fax (354) 552 55 60
 E-mail: bokabud@simnet.is

NORGE
Swets Blackwell AS
 Ostenjoveien 18
 Boks 6512 Etterstad
 N-0606 Oslo
 Tel. (47-22) 97 45 00
 Fax (47-22) 97 45 45
 E-mail: info@no.swetsblackwell.com

SCHWEIZ/SUISSE/SVIZZERA
Euro Info Center Schweiz
 c/o OSEC
 Stampfenbachstraße 85
 PF 492
 CH-8035 Zürich
 Tel. (41-1) 365 53 15
 Fax (41-1) 365 54 11
 E-mail: eics@osec.ch
 URL: http://www.osec.ch/eics

BÁLGARIJA
Europress Euromedia Ltd
 59, Blvd Vitosha
 BG-1000 Sofia
 Tel. (359-2) 980 37 66
 Fax (359-2) 980 42 30
 E-mail: Milena@mbx.cit.bg

ČESKÁ REPUBLIKA
ÚSIS
 odd. Publikaci
 Havelkova 22
 CZ-130 00 Praha 3
 Tel. (420-2) 24 23 14 86
 Fax (420-2) 24 23 11 14
 E-mail: publikace@usis-cr.cz
 URL: http://www.usis-cr.cz

CYPRUS
Cyprus Chamber of Commerce and Industry
 PO Box 21455
 CY-1509 Nicosia
 Tel. (357-2) 88 97 52
 Fax (357-2) 66 10 44
 E-mail: demetrap@ccci.org.cy

EESTI
Eesti Kaubandus-Tööstuskoda
 (Estonian Chamber of Commerce and Industry)
 Toom-Kooli 17
 EE-0001 Tallinn
 Tel. (372) 646 02 44
 Fax (372) 646 02 45
 E-mail: info@koda.ee
 URL: http://www.koda.ee

HRVATSKA
Mediatrade Ltd
 Pavla Halza 1
 HR-10000 Zagreb
 Tel. (385-1) 481 94 11
 Fax (385-1) 481 94 11

MAGYARORSZÁG
Euro Info Service
 Expo tér 1
 Hungexpo Európa Központ
 PO Box 44
 H-1101 Budapest
 Tel. (36-1) 264 82 70
 Fax (36-1) 264 82 75
 E-mail: euroinfo@euroinfo.hu
 URL: http://www.euroinfo.hu

MALTA
Miller Distributors Ltd
 Malta International Airport
 PO Box 25
 Luqa LQA 05
 Tel. (356) 66 44 88
 Fax (356) 67 67 99
 E-mail: gwirth@usa.net

POLSKA
Ars Polona
 Krakowskie Przedmieście 7
 Skr. pocztowa 1001
 PL-00-950 Warszawa
 Tel. (48-22) 826 12 01
 Fax (48-22) 826 62 40
 E-mail: books119@arspolona.com.pl

ROMÂNIA
Euromedia
 Str. Dr. Marcovici, 9, sector 1
 RO-70749 Bucuresti
 Tel. (40-1) 315 44 03
 Fax (40-1) 315 44 03
 E-mail: euromedia@mailcity.com

ROSSIYA
CEEC
 60-Ietiya Oktyabrya Av. 9
 117312 Moscow
 Tel. (7-095) 135 52 27
 Fax (7-095) 135 52 27

SLOVAKIA
Centrum VTI SR
 Nám. Slobody, 19
 SK-81223 Bratislava
 Tel. (421-7) 54 41 83 64
 Tel. (421-7) 54 41 83 64
 E-mail: europ@ttb1.sitk.stuba.sk
 URL: http://www.sitk.stuba.sk

SLOVENIJA
Gospodarski Vestnik
 Dunajska cesta 5
 SLO-1000 Ljubljana
 Tel. (386) 613 09 16 40
 Fax (386) 613 09 16 45
 E-mail: europ@gvestnik.si
 URL: http://www.gvestnik.si

TÜRKIYE
Dünya Infotel AS
 100, Yil Mahallesi 34440
 TR-80050 Bagcilar-Istanbul
 Tel. (90-212) 629 46 89
 Fax (90-212) 629 46 27
 E-mail: infotel@dunya-gazete.com.tr

ARGENTINA
World Publications SA
 Av. Cordoba 1877
 C1120 AAA Buenos Aires
 Tel. (54-11) 48 15 81 56
 Fax (54-11) 48 15 81 56
 E-mail: wpbooks@infovia.com.ar
 URL: http://www.wpbooks.com.ar

AUSTRALIA
Hunter Publications
 PO Box 404
 3067 Abbotsford, Victoria
 Tel. (61-3) 94 17 53 61
 Fax (61-3) 94 19 71 54
 E-mail: jpdavies@ozemail.com.au

CANADA
Les éditions La Liberté Inc.
 3020, chemin Sainte-Foy
 G1X 3V6 Sainte-Foy, Québec
 Tel. (1-418) 658 37 63
 Fax (1-800) 567 54 49
 E-mail: liberte@mediom.qc.ca

Renouf Publishing Co. Ltd
 5309 Chemin Canotek Road Unit 1
 K1J 9J3 Ottawa, Ontario
 Tel. (1-613) 745 26 65
 Fax (1-613) 745 76 60
 E-mail: order.dept@renoufbooks.com
 URL: http://www.renoufbooks.com

EGYPT
The Middle East Observer
 41 Sherif Street
 Cairo
 Tel. (20-2) 392 69 19
 Fax (20-2) 393 97 32
 E-mail: inquiry@meobserver.com
 URL: http://www.meobserver.com.eg

INDIA
EBIC India
 3rd Floor, Y. B. Chavan Centre
 Gen. J. Bhosale Marg.
 400 021 Mumbai
 Tel. (91-22) 282 60 64
 Fax (91-22) 285 45 64
 E-mail: ebic@viasbm01.vsnl.net.in
 URL: http://www.ebicindia.com

JAPAN
PSI-Japan
 Asahi Sanbancho Plaza #206
 7-1 Sanbancho, Chiyoda-ku
 Tokyo 102
 Tel. (81-3) 32 34 69 21
 Fax (81-3) 32 34 69 15
 E-mail: books@psi-japan.co.jp
 URL: http://www.psi-japan.co.jp

MALAYSIA
EBIC Malaysia
 Suite 45.02, Level 45
 Plaza MBI (Letter Box 45)
 8 Jalan Yap Kwan Seng
 50450 Kuala Lumpur
 Tel. (60-3) 21 62 62 98
 Fax (60-3) 21 62 61 98
 E-mail: ebic-kl@mol.net.my

MÉXICO
Mundi Prensa México, SA de CV
 Río Pánuco, 141
 Colonia Cuauhtémoc
 MX-06500 México, DF
 Tel. (52-5) 533 56 58
 Fax (52-5) 514 67 99
 E-mail: 101545.2361@compuserve.com

PHILIPPINES
EBIC Philippines
 19th Floor, PS Bank Tower
 Sen. Gil J. Puyat Ave. cor. Tindalo St.
 Makati City
 Metro Manila
 Tel. (63-2) 759 66 80
 Fax (63-2) 759 66 90
 E-mail: eccpcom@globe.com.ph
 URL: http://www.eccp.com

SOUTH AFRICA
Euro Chamber of Commerce in South Africa
 PO Box 781738
 2146 Sandton
 Tel. (27-11) 884 39 52
 Fax (27-11) 883 55 73
 E-mail: info@eurochamber.co.za

SOUTH KOREA
The European Union Chamber of Commerce in Korea
 5th Fl, The Shilla Hotel
 202, Jangchung-dong 2 Ga, Chung-ku
 100-392 Seoul
 Tel. (82-2) 22 53-5631/4
 Fax (82-2) 22 53-5635/6
 E-mail: eucck@eucck.org
 URL: http://www.eucck.org

SRI LANKA
EBIC Sri Lanka
 Trans Asia Hotel
 115 Sir chittampalam
 A. Gardiner Mawatha
 Colombo 2
 Tel. (94-1) 074 71 50 78
 Fax (94-1) 44 87 79
 E-mail: ebic-sl@itmin.com

UNITED STATES OF AMERICA
Bernan Associates
 4611-F Assembly Drive
 Lanham MD20706
 Tel. (1-800) 274 44 47 (toll free telephone)
 Fax (1-800) 865 34 50 (toll free fax)
 E-mail: query@beman.com
 URL: http://www.beman.com

ANDERE LÄNDER/OTHER COUNTRIES/AUTRES PAYS
Bitte wenden Sie sich an ein Büro Ihrer Wahl/Please contact the sales office of your choice/Veuillez vous adresser au bureau de vente de votre choix
 Office for Official Publications of the European Communities
 2, rue Mercier
 L-2985 Luxembourg
 Tel. (352) 29 29-42455
 Fax (352) 29 29-42758
 E-mail: info.info@cec.eu.int
 URL: http://eur-op.eu.int

Price (excluding VAT) in Luxembourg: EUR 23



OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES

L-2985 Luxembourg

ISBN 92-828-2686-4



9 789282 826867 >