

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.

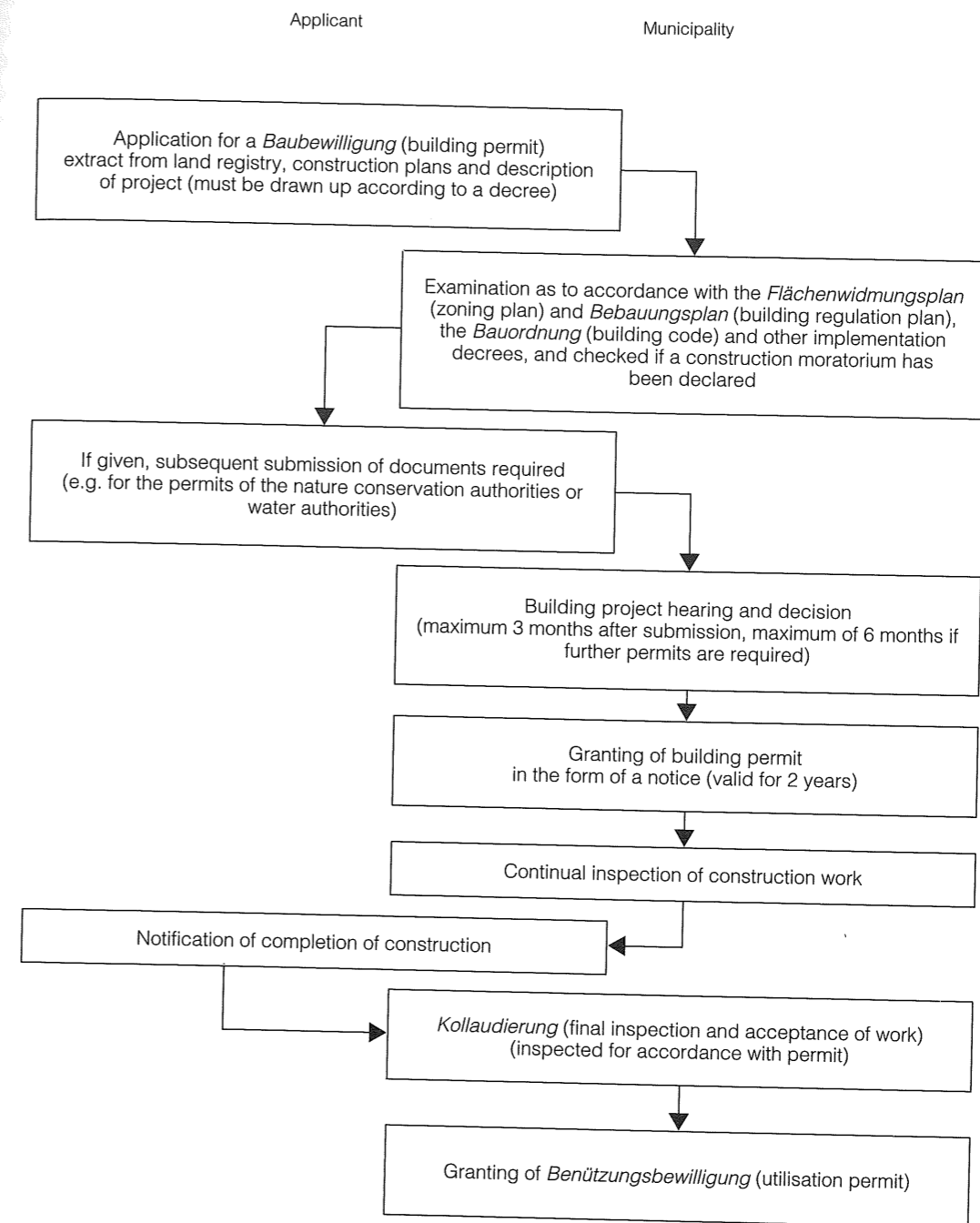
Processing a permit

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.

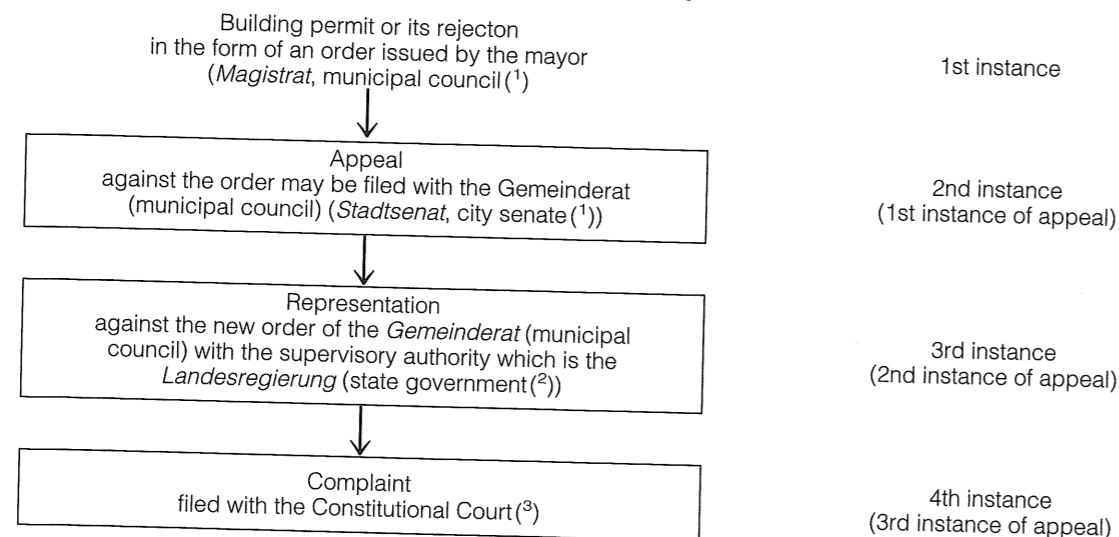
Other permits

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.

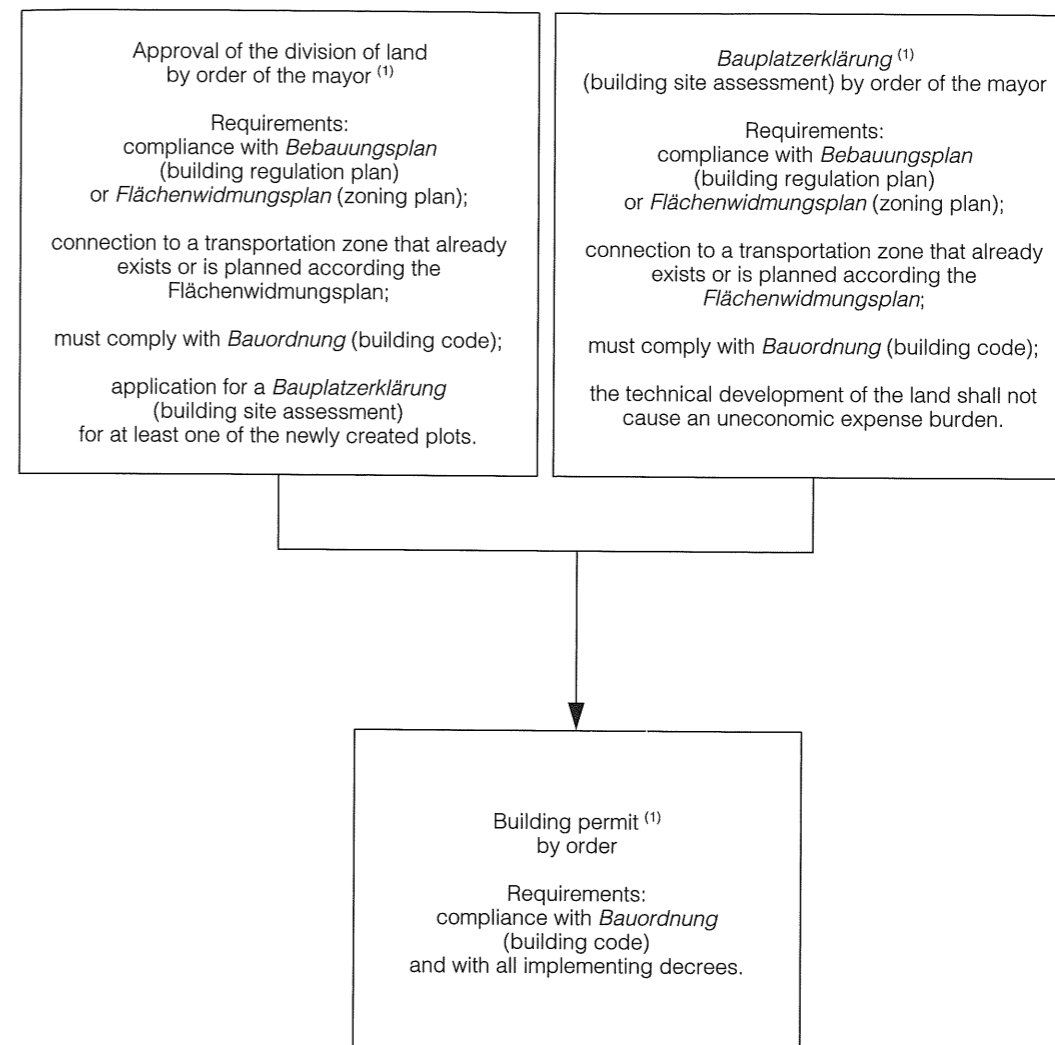
C48. The *Bauplatzklärung* (building site assessment) may be issued by a separate official order, together with the land division official order, or with the building permit. Land may be declared a building site if it has access to public transport areas or this is planned within the scope of the zoning 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 assessment 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 *Benutzungsbewilligung* (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, *Benutzungsbewilligung* (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, *Benutzungsbewilligung* (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 Donaauraum 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 thirds 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

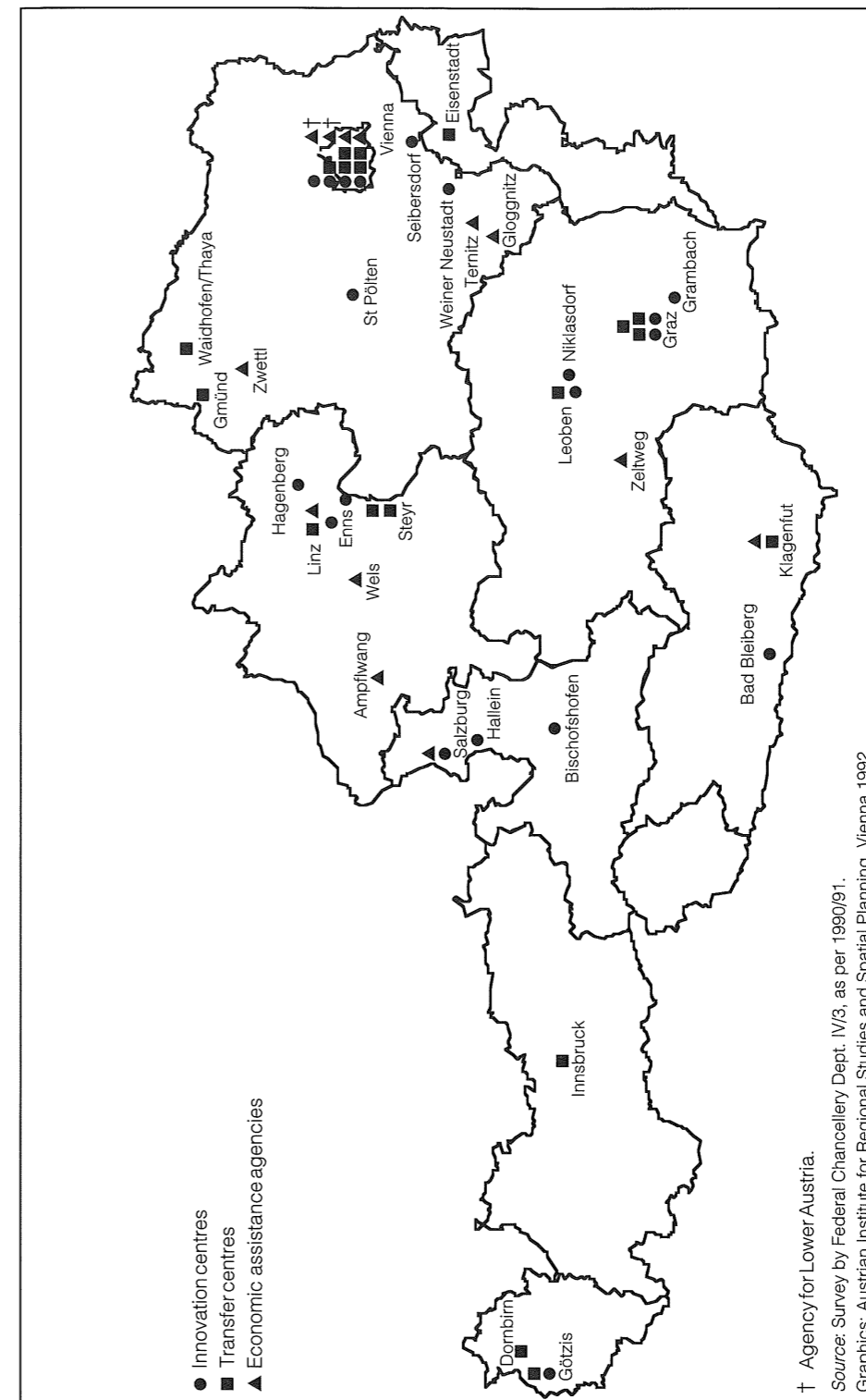


Table D12: Innovation centres, transfer centres and economic assistance agencies

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, Industriensiedlung 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	Weinert 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.m.bH.	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	—	Ennschafen, 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 Grenzlandförderungsgesellschaft 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 *Vorbehaltflächen* (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 administrated 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 *Verkehrverbände* (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

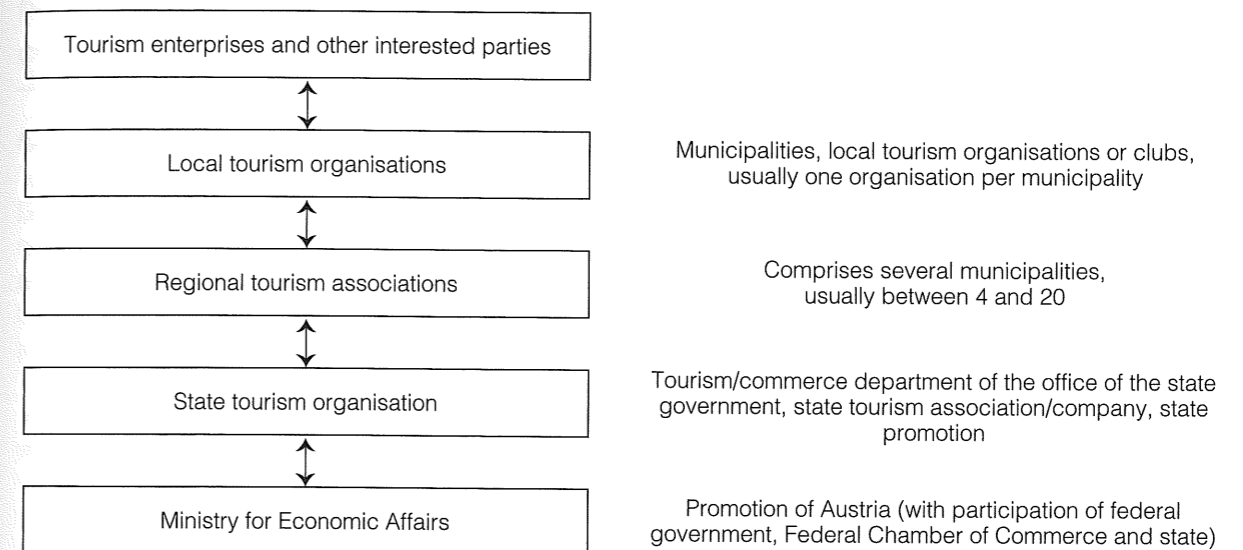
D57. A large number of cooperation projects exist between territorial authorities and private enterprises, especially for regional development and for the promotion of indus-

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.

