



## WP3 Inception

### Output 3.5 Institutional and Informal Framework: Policies, Plans and Initiatives Background

#### ANNEX 05 Municipality of Schwechat (AT)

Final Version

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 Policies, Plans and Initiatives Background  
 ANNEX 05 Municipality of Schwechat (AT)



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ANNEX 05 – Municipality of Schwechat (AT)

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This activity will mainly focus on major planning instruments that are plans and policies. An in depth analysis of the current working tools, at different institutional level from national planning acts until local urban policies, when present, and regulative instruments are going to be done. It will be a proper screening of policies and plans generating effects on involved territories. Level of integration and capability of making synergy of these different tools is going to be investigated and even the link between policy design and decision makers are going to be examined. This report discuss the incipient stage of policies and plans used in the target area for the Strategic Territorial Agenda.

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# Table of Contents

<b>1</b>	<b>Administrative Structure of the TPs State.....</b>	<b>7</b>
1.1	The Federal Government.....	7
1.2	Federal State Administration.....	8
1.3	Municipalities .....	9
<b>2</b>	<b>Planning System of The TPs State .....</b>	<b>10</b>
2.1	Government/Planning Structure .....	10
2.2	Planning Style .....	11
<b>3</b>	<b>History of Planning Instruments, Policies and Plans on Different Administrative Levels.....</b>	<b>12</b>
<b>4</b>	<b>Current Planning Instruments, Policies and Plans on Different Administrative Levels .....</b>	<b>13</b>
4.1	National level.....	13
4.2	States Level (Länder)/ regional Level.....	14
4.3	Local level .....	14
4.4	The Municipality of Schwechat.....	15
4.5	Vienna Region cooperation .....	15
4.6	East Austrian Planning Association (“PGO-Planungsgemeinschaft Ost”).....	16
4.7	Metropolitan Area Management Vienna/Lower Austria („SUM - Stadt-Umland-Management“) .....	16
<b>5</b>	<b>Impact of the Most Important Plans, Planning Instruments and Policies on the Area of Intervention.....</b>	<b>18</b>
<b>6</b>	<b>Do You Already Know If You Will Need to Change Existing or Prepare New Formal Documents? If So, Which Ones?.....</b>	<b>19</b>
<b>7</b>	<b>Additional Information You Feel You Need To Add To Clarify the Current Situation.....</b>	<b>19</b>

## Figures

Figure 1: Administrative hierarchy of Austria .....	7
Figure 2: States and districts in Austria .....	8
Figure 3: Administrative levels in spatial planning (ÖROK 2011) .....	10
Figure 4: Administrative and additional de facto spatial planning levels (Schrenk et al. 2012) .....	15
Figure 5: Overview about the SUM region, source: <a href="http://www.stadt-umland.at/index.php?id=77">http://www.stadt-umland.at/index.php?id=77</a> ..	17

## Tables

Table 1: Detailed description of the impact of the most important plans, planning instruments and policies on the area of intervention .....	18
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## Abbreviation List

CKP - cities knowledge platform

ST/UA - Strategic Territorial/ Urban Agendas

TP – Territorial Partner

SEE – South Eastern Europe

SWOT - Strengths, Weaknesses, Opportunities and Threats

UC – Urban Centers

# 1 Administrative Structure of the TPs State

The organisational variety of the Austrian administration is derived from two principles: from the constitutional basic principle of the Federation and from the principle of local self-administration of Austrian municipalities

These two principles result to an administrative structure consisting of three levels of subdivisions each with corresponding administrative organisations:

- at central government level the Federal Government,
- at federal level, the federal state administrations of the nine States of Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg and Vienna,
- and at local self-administration the municipal administrations of 2,359 Austrian municipalities.

All over Austria there is also a network of 99 administrative districts, which are not independent territorial authorities but are rather organizationally integrated in the federal state administration (as district authorities) or within the greater city. As such, Austria can be said to have a four tiered administrative structure throughout: Federal Government- Federal States – Districts – Municipalities.

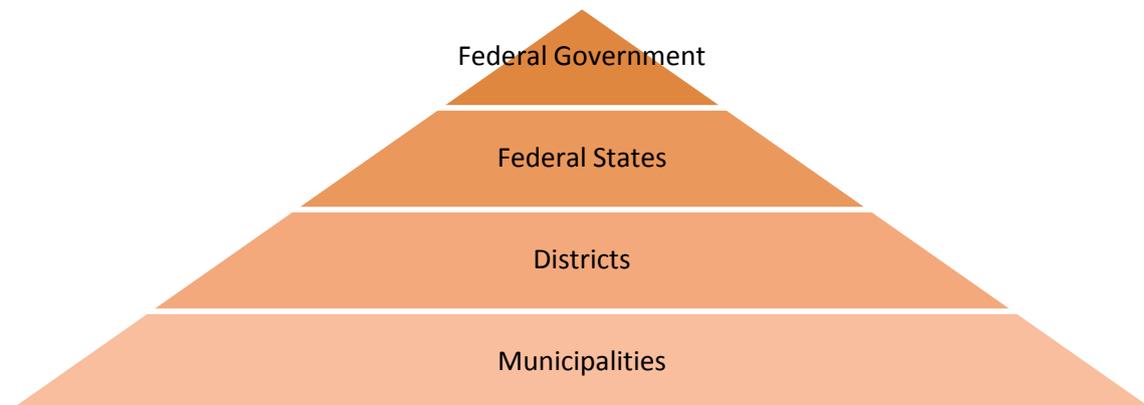


Figure 1: Administrative hierarchy of Austria

## 1.1 The Federal Government

The Federal government is the largest administrative organisation in Austria. It is under the leadership of the *Federal Ministers*, who preside as monocratic organs of a particular department.

The number of Federal Ministers and consequently of the departments is variable – currently there are twelve. *State Secretaries* can be appointed for political support and for representation in parliament or at European level.



**Figure 2: States and districts in Austria**

The Federal Republic of Austria has a federal constitution but each Austrian state has also its own constitution. The spatial planning powers remain at the three main territorial level (national, regional and local), but the main powerful level is the local one. Finally, the Austrian Senate is a real territorial representative chamber. All of its 62 members are appointed by the *Länder* Governments. On all levels the authority normally has to bear all incurred costs on its own, but the national government makes an effort to subsidise weaker communities. As all of the Federal States, the Austrian *Länder* Governments have legislative powers.

## 1.2 Federal State Administration

In contrast to the Federal Administration, the administrative apparatus of the nine Federal States are not organized according to the branch system. The *state government* as a leadership organ of the state administration basically acts as a committee, although many aspects are still delegated to individual members for decision. There are no separate State Ministers with or without portfolios as administrative assistance, but rather a common *State Government Office*. Internal affairs of the Office are led by the *State Governor* as chairman of the State Government (at political level) and the *Head of the State Government Office* (at administrative level).

Most of the 99 District Administrations are also part of the State Administration. Outside the 15 larger cities, which act as administrative districts, there are 84 *District Authorities* established as administrative districts throughout Austria, and which play a leading role especially in national administration.

District authorities are led by one of the persons nominated as *District Governor* by the State Government. Furthermore, State Administrations also have *subordinate agencies* and numerous disincorporations from State administration have taken place. State hospitals especially have been going through a process of legal independence over the last few years.

### **1.3 Municipalities**

From the 2,359 municipalities, only 50 towns have more than 10,000 inhabitants and 85% of all municipalities have less than 3,000 inhabitants. Since the size and capacity of a municipality is not considered in task setting, a distinct structure of cooperation has developed amongst Austria's municipalities.

As such, many *municipal associations* are founded especially when concerning high investment and employment opportunities, in order to enable more efficient management. 15 of the largest Austrian cities play a very specific role among the municipalities: they are *cities with their own statute*. This means that on top of their municipal responsibilities, they also hold the function of administrative district.

The municipal offices are under the leadership of the *Mayor*, who is elected by the *Municipal Council* representative organ or directly by the citizens of the municipality. An office leader generally referred to as *Municipal Secretary* or *City Office Director* takes care of the administrative leadership (Chief Magistrate in cities with their own statute).

Many municipal responsibilities fall under the *provision of subsistence* and concern the creation of educational, social, environmental and cultural infrastructure.

## 2 Planning System of The TPs State

### 2.1 Government/Planning Structure

Austria is a federal republic and the responsibilities of public administration have 3 levels of territorial authorities, but 4 levels of administrative authorities: federal government, federal states (Länder), districts and municipalities.

The following diagram (Fig. 3) describes the different administrative levels with a good overview of different levels and instruments of spatial planning in Austria. More detailed information will be given in the planning instruments part divided into different levels.

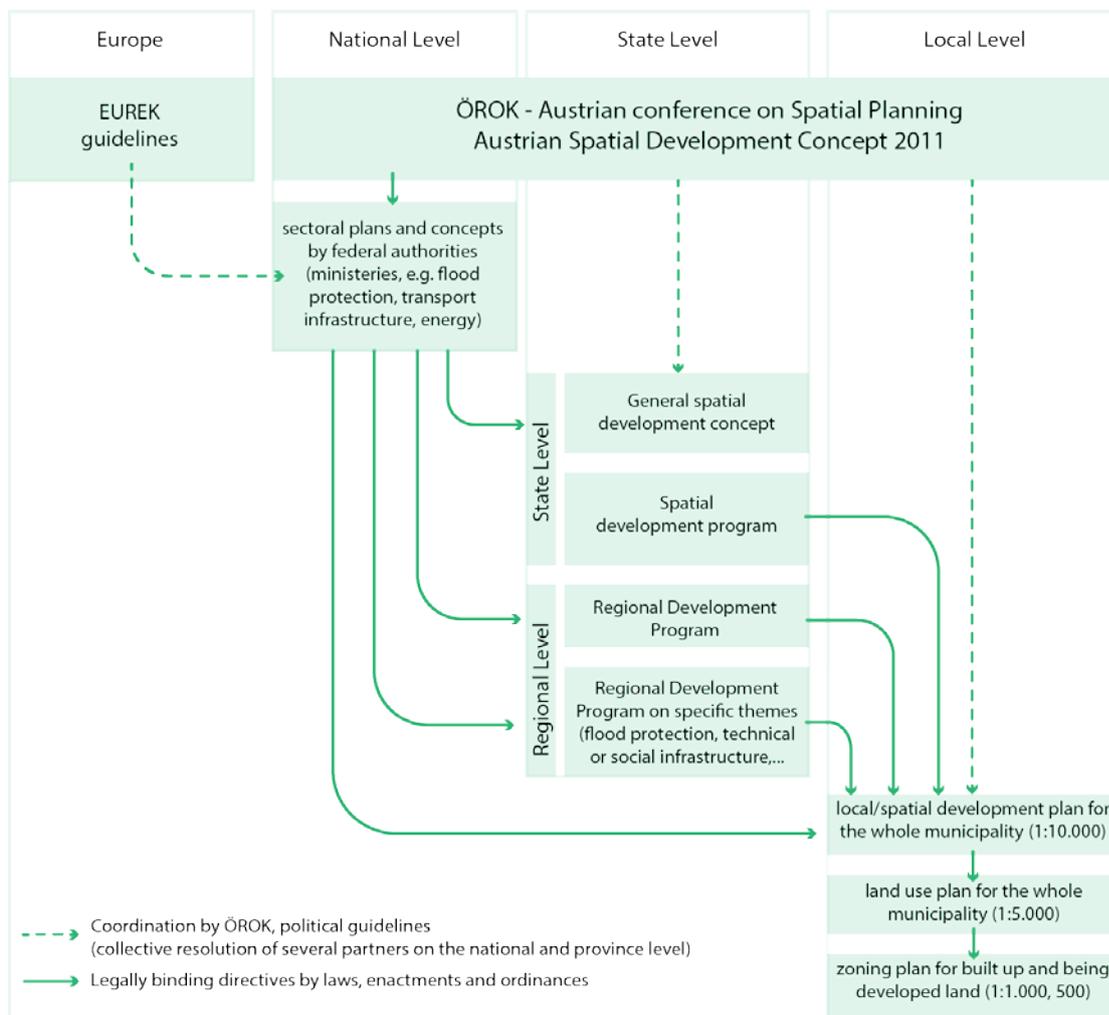


Figure 3: Administrative levels in spatial planning (ÖROK 2011)

## 2.2 Planning Style

Austria belongs to the Germanic family of planning, which is known with its comprehensive integrated approach. This approach includes a range of systematic and formal hierarchical plans, from national to local level. In Austria, the local level is an important key player concerning spatial planning. The municipalities are liable to planning and formal control by the territorial authority. The national level plays a significant role in decision-making and planning implementation as it mainly constrained to sectorial planning frameworks.

The strong regional identity of the federal states is present not only in people's minds but also in the settlement and housing structure. Many inhabitants identify more with their province than with the nation-state, yet there are no secessionist tendencies among the nine federal states. The legislation of spatial planning and spatial development is closely connected with the decentralised structure of the Austrian state and therefore arranged accordingly. It is carried out at all levels (the national level, the nine federal states governments and the about 2,300 municipalities in Austria), even though the Austrian constitution does not mention "spatial planning" explicitly. Normally the states have got the core competence in planning legislation, (except for some sectorial policies at national level). The main feature of spatial planning is the competence of the municipalities at local level.

### **3 History of Planning Instruments, Policies and Plans on Different Administrative Levels**

On 1 September 1954 Schwechat obtained with the reincorporation of Lower Austria back its independence (before Schwechat belonged to Vienna) and was combined with the administratively incorporated municipalities Alt- and Neukettenhof and cadastral areas Kledering, Mannswörth, Rannersdorf to the "Municipality of Schwechat." On 09.01.1954 the first council meeting of the newly independent Schwechat took place.

On a national level with effects on Schwechat, most of the spatial planning laws were passed in the 1950s and 1960s. Since then these laws have been amended and revised many times.

The first Austrian Spatial Planning Concept in 1981 was to address disparities, to adapt the regional public infrastructure endowment and to ensure equal development opportunities throughout the country. For the second concept in 1991 the guiding principle was to increase efficiency. The work on new Spatial Planning Concept has started only recently.

New instruments have to be explored also on the federal level. In the past, efforts have been made also in Austria to establish a federal spatial planning authority and to pass a federal spatial planning law. Due to the constitutional and political framework in Austria, these efforts failed.

In the years 1992 to 1994, a comprehensive spatial development plan ("Stadtentwicklungskonzept") was developed for Schwechat. It represents a scientific basis for the development of Schwechat in coming decades. Within the concept, twelve principles were created to serve as a basis for action in the city of Schwechat, e.g. sustainable development, comprehensive, balanced and socially institutionalized citizen participation, regional and international cooperation. In the year 2013, the municipality of Schwechat published its transportation concept for 2030 "The Compact City and its many Opportunities" defining the concept mainly focusing on improvement of pedestrian ways, bicycle ways, public transportation and a calmer mobilized traffic. Additionally there are with only indirect effect on Schwechat the State Development Plans (2004), the Regional Development Plans (2005) and Sectorial planning of the states: Spatial planning at the supra-local level by the state is established either by decree pursuant to spatial planning laws or by government resolutions.

## 4 Current Planning Instruments, Policies and Plans on Different Administrative Levels

### 4.1 National level

The role of the Austrian federal state in the planning system is limited as there is no competence of spatial planning and development on the national level. However, there is a growing importance of EU policies throughout the EU countries in order to strengthen the collaboration in between planning authorities. Especially, ÖROK - the Austrian conference on Spatial Planning, a federation of the Austrian federal state and all nine federal states, is coordinating spatial planning on the national level, mainly by coordinating the sectorial plans and concepts made by individual federal authorities (ministries) e.g. flood protection, transport infrastructure or energy. Every ten years, ÖROK prepares a guide called "Austrian Spatial Development Concept" which describes the planning situation on all levels and in all relevant sectors. Nevertheless, this document has no legally binding position.

A new development concept (as a follow-up product to ÖREK 81 and ÖREK 91 and ÖREK 2001) was developed by the ÖROK in 2011. Basically it contains descriptions of the most important spatial problems of Austria from a national perspective for selected sectors (settlement trends, open space, regional economy, social infrastructure and technical infrastructure) as well as goals for action in the medium-term and a catalogue of measures. The members of the Conference on Spatial Planning agreed on three basic principles for the ÖREK 2011:

- **Implementation:** The effectiveness of the ÖREK 2011 is to be increased in comparison to its predecessor. Therefore, even in the preparatory phase, the foundation for the further implementation process was laid by setting up "ÖREK partnerships".
- **Concentration:** A stronger focus on implementation requires an improved strategic orientation. The ÖREK 2011 therefore concentrates on the challenges and proposals for actions for the coming ten years.
- **Cooperation:** A particularly important aspect for spatial development in Austria is cooperation in the diverse areas of expertise and legal competence. Therefore, the ÖREK 2011 concentrates on proposals for action in this context that are of significance for the country in general.<sup>1</sup>

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<sup>1</sup> [http://www.oerok.gv.at/fileadmin/Bilder/2.Reiter-Raum\\_u\\_Region/1.OEREK/OEREK\\_2011/Dokumente\\_OEREK\\_2011/OEREK\\_2011\\_EN\\_Downloadversion.pdf](http://www.oerok.gv.at/fileadmin/Bilder/2.Reiter-Raum_u_Region/1.OEREK/OEREK_2011/Dokumente_OEREK_2011/OEREK_2011_EN_Downloadversion.pdf)

## 4.2 States Level (Länder)/ regional Level

The nine federal states have the major responsibility of development and planning in Austria and are responsible for state and regional planning legislation and operational planning, as well as for verifying the local plans (spatial development plan, land use plan, zoning plans and building regulation plans) prepared by cities and municipalities. In Austria, most of the spatial planning laws were passed in the 1950s and 1960s. Since then these laws have been amended and revised many times.

Even if the federation of municipalities in regions is voluntary, they are supported and mainly financed by the federal states. During the last years due to the EU, regions got more importance. The spatial planning laws of the nine Austrian federal states contain standards on the general and specific goals of spatial planning and are very similar to each other in terms of content.

Additional to the laws there are:

- State Development Plans: The plans envisaged in spatial planning laws for the entire territory are comprehensive in content and are issued by the state governments as official decrees.
- Regional Development Plans: They are set up in the form of decrees issued by the state governments.
- Sectorial planning of the states: Spatial planning at the supra-local level by the state is established either by decree pursuant to spatial planning laws or by government resolutions.

## 4.3 Local level

The planning instruments of the municipalities on the local level are regulated in the spatial planning laws. In all nine federal states, municipalities are empowered to prepare their local/spatial development plans (1:10.000) and land use plans (1:5.000) for the whole municipality, which are verified by the states. Additionally, zoning plans (1:1.000, 1:500) are made for the built up and being developed land.

### 4.3.1 Local/spatial development plan

The spatial planning laws of five federal states provide for a planning instrument that serves as a preparatory stage before a zoning plan is drawn up laying down the long-term development of the municipality. The local/spatial development plan is decided by the municipal council and approved by decision of the state government. Through this decision, the local council development concept causes a self-commitment of the community. The land use plan shall be made in accordance with the local/ spatial development plan. It has different names in the different states and is structured in part very differently.

### 4.3.2 Land use plan

The contents and the procedures of the land use plan for their setting up and approval are laid down in the corresponding 9 different spatial planning laws. The plan is drawn up for the entire territory of the municipality. It divides the territory of the municipality into different land use categories, mainly into building land, transportation zones and green land.

### 4.3.3 Building regulation plan

The building regulation plan is subordinate to the zoning plan and it is drawn up only for selected areas of building land shown in the zoning plan or for parts of it.

## 4.4 The Municipality of Schwechat

Schwechat as a city and municipality has an influence on the planning instruments on the local level according to the regulation in the spatial planning laws – and is therefore establishing and implementing the land use plan as well as the building regulation plan.

In the years 1992 to 1994, a comprehensive spatial development plan (“Stadtentwicklungskonzept”) was developed, see chapter 3.

## 4.5 Vienna Region cooperation

The chapters above described the clearly defined administrative levels with juridical power that are responsible for planning. In addition to these administrative planning levels, de facto spatial planning levels exist. They are for example: transnational region, cross-border region, metropolitan region, neighbourhood, Local Agenda 21, etc.

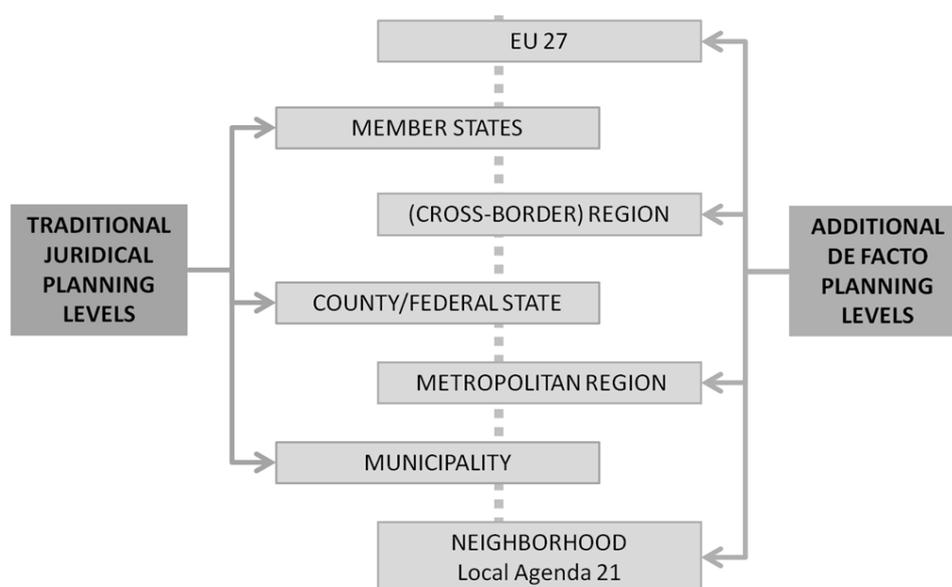


Figure 4: Administrative and additional de facto spatial planning levels (Schrenk et al. 2012)

Because of the status as a municipality and as a federal state, the city of Vienna has to fulfill the spatial planning on the local and the supra-local level in its autonomous competence. So that co-operation on the same level (federal state of Vienna with federal state of Lower Austria, or City of Vienna with the surrounding municipalities like Schwechat) is difficult.

Vienna and the municipalities of Lower Austria do not have a common inter-communal planning body because of political reasons, economic prosperity and rivalry between the city and the suburban area. Regional planning and planning between the City of Vienna and the municipalities of Lower Austria were mainly based on singular projects. But there are several initiatives which should facilitate the co-operations between Vienna and its surrounding municipalities.

#### **4.6 East Austrian Planning Association (“PGO-Planungsgemeinschaft Ost”)**

The East Austrian Planning Association is a conjoint organisation of the administrations of Vienna, Lower Austria and Burgenland in order to prepare and to coordinate spatial planning questions concerning urban and regional development in the East region of Austria. The East Austrian Planning Association was founded in 1978 by political decision but besides the political cooperation, there were installed regional managements, which play an important role in the handling with projects by doing coordination work between the municipalities and the Viennese districts. It elaborates basic information, reports and concepts, mostly concerning the development of settlements, traffic and the preservation of green spaces.

As a main problem of the East Austrian Planning Association can be considered that as an initiative of the three listed federal states, the municipalities are not too strongly involved in this project, so the key players and stakeholders on the local level are not bounded too much to the common development goals, which were formulated by the East Austrian Planning Association.

After the fall of the iron curtain and by the enlargement of the European Union, the development of cross- border projects and activities resulted in new duties for the East Austrian Planning Association, which now plays an important role by coordinating cross- border activities at federal, regional and communal level (e.g. for the Centrope region of parts of Austria, Czech Republic, Slovakia and Hungary).

#### **4.7 Metropolitan Area Management Vienna/Lower Austria („SUM - Stadt-Umland-Management“)**

The City of Vienna and the federal state of Lower Austria are working more together in the future with the surrounding municipalities – and with the neighbouring districts inside Vienna. The jointly launched Metropolitan Area Management Vienna/Lower Austria (“SUM - Stadt-Umland-



## 5 Impact of the Most Important Plans, Planning Instruments and Policies on the Area of Intervention

Table 1: Detailed description of the impact of the most important plans, planning instruments and policies on the area of intervention

Administrative level	Name of the document	Define: formal or informal document	Positive impact on the area of intervention	Negative impact on the area of intervention
<b>National level</b>	Austrian Spatial Development Concept (ÖROK)	informal	Neutral, no direct impact	Neutral, no direct impact
<b>State level</b>	State Development Plans	informal	Neutral, no direct impact	Neutral, no direct impact
<b>Regional level</b>	Regional Development Plans	informal	Yes, it gives basic suggestions for efficient placement of land use activities, infrastructure, and settlement growth across a larger area of land	No
<b>Municipal level</b>	Local/spatial development plan	Formal	Yes, a zoning plan is drawn up laying down the long-term development of the municipality which also includes the 3 intervention areas.	No
<b>Municipal level</b>	Land use plan	Formal	Yes, the intervention areas are foreseen as building land.	No
<b>Municipal level</b>	Building regulation plan	Formal	Yes, it is for selected areas of intervention of building land.	In case of changes, it needs official adaption which takes a longer time.
<b>Municipality of Schwechat</b>	comprehensive spatial development plan ("Stadtentwicklungskonzept")	Informal	The 12 principles as a basis for action in the city of Schwechat were in balance with the planned interventions	No
<b>Others</b>	Vienna Region cooperations	Informal	Neutral, no direct impact	Neutral, no direct impact

## **6 Do You Already Know If You Will Need to Change Existing or Prepare New Formal Documents? If So, Which Ones?**

No additional information provided.

## **7 Additional Information You Feel You Need To Add To Clarify the Current Situation**

No additional information provided.