

Mrs.
Dr. Mechtild Rössler
Director
UNESCO World Heritage Centre
7, place de Fontenoy
75352 PARIS 07 SP
FRANCE

Antwort bitte unter Anführung der GZ an die Abteilungsmail

**UNESCO-World Heritage; Historic Centre of the City of Salzburg (Austria) (C784);
State of Conservation Report 2016**

Madam,

With reference to Decision 39 COM 7B.76 adopted in Bonn 2015, the State Party of Austria wishes to submit the State of Conservation report for review by the Committee at its 41st session.

The final plans of the development were already transmitted with our letter on April 30, 2016, ref. BKA – KU 24.621/298-II/4/2016.

Please accept, Madam, the assurances of my highest consideration.

Attachment

1. Dezember 2016
For the Federal Minister for the Arts, Culture,
Constitution and Media:
PRÖCKL

Elektronisch gefertigt

Republic of Austria

World Heritage Property

Historic Centre of the City of Salzburg (Austria) (C 784)

State of Conservation Report, 1st December 2016

I. Executive Summary of the report

The state of conservation of the World Heritage property *Historic Centre of the City of Salzburg* was subject of the Decision 39 COM 7B.76.

Generally spoken the City of Salzburg has undertaken big efforts to implement almost all recommendations of the WH Committee and formulated in the reports of the Advisory Mission 2013 and the Reactive Monitoring Mission 2009.

With regard to the new **construction-project at Dr.-Franz-Rehrl-Platz** (within the property) the Advisory Mission 2013 as well the undertaken HIA served as starting point for the revision of the project; furthermore the detailed plan was revised and agreed by Dr. Michael Petzet.

Referring to the above mentioned Decision the State Party of Austria transmitted by June 2, 2016, a report regarding the structurally completing of the **project Schwarzstraße 45 / Ernest Thun-Straße 2 and 2a** within the buffer zone including recent taken photographic images. The project was built with modifications to mitigate the impact compared to the one originally planned.

The cooperation with ICOMOS International and by incorporating the recommendations of the Advisory Mission 2013 resulted in the reduction of floors as well the overall height of the building **project Nelböck Viaduct Rainerstraße / Bahnhofsvorplatz**.

The new construction **project Priesterhausgarten** was halted after having learnt about the serious concerns expressed in the Report of the Advisory Mission 2013.

Thanks to the close cooperation with ICOMOS International and ICOMOS Austria, the re-planning of the **project of the public indoor swimming pool Paracelsusbad** in the buffer zone under emphasis of specific sight relations was launched.

The legal process to harmonize the boundaries of the property and the Protection zone I has been completed by decision of the Parliament of the Federal Province of Salzburg (Salzburger Landtag).

The implementation of the demands raised by the WH Committee require – in order to become accepted on a broad basis – awareness raising, democratic discourse, information on background and discussions as well as finally logistic and legal implementation work, which the City of Salzburg is undertaking right now.

Since May 2013 the World Heritage coordinator of the City of Salzburg serves in an autonomous capacity free from directives. This position underlines the important role of the World Heritage for the City of Salzburg. However, despite his specific status, he is bound by the regulations and the democratic legitimated decisions of the municipal council (Gemeinderat) of the City of Salzburg.

II. Response to the Decision of the World Heritage Committee 39 COM 7B.76

The World Heritage Committee,

1. Having examined Document WHC-15/39.COM/7B,
2. Recalling Decision **37 COM 7B.72**, adopted at its 37th session (Phnom Penh, 2013),
3. Notes that amendments have been made to the proposed new development at Residential Area Dr.Franz-Rehrl Platz (Residential Buildings City Life Rehrlplatz) and requests the State Party to submit copies of the final plans to the World Heritage Centre for review;
4. Also notes that the recommendations of the World Heritage Committee in relation to the new development at Schwarzstrasse 45 / Ernest-Thunstr. 2 have not been implemented and that this case is currently pending in court;
5. Also requests the State Party to provide information on the Nelböck Viaduct Rainerstrasse / Bahnhofsvorplatz project as well as details on the Residential Building Priesterhausgarten and the Public Indoor Swimming Pool, Paracelsusbad with regard to the implementation of the recommendations of the 2013 mission;
6. Further notes that steps have been taken to harmonize the boundary of the property with the Protection zone I and that the revision of the Management Plan should be completed by mid-2015, and strongly encourages the State Party to pursue to include provisions in the Management Plan to ensure adequate protection and conservation of all attributes which convey the Outstanding Universal Value (OUV) of the property and its setting;
7. Reiterates its concern about the apparent lack of adequate legislative and planning mechanisms to protect the property from the various proposed urban and infrastructure developments and further requests the State Party to:
 1. develop a comprehensive urban land use plan which includes provisions for protection mechanisms and regulatory measures to ensure the adequate protection and control of the property and its landscape setting,
 2. strengthen legal mechanisms for the protection of monuments in their setting,
 3. carry out Heritage Impact Assessments (HIAs) for all major projects which may threaten the OUV for the property, in conformity with the ICOMOS Guidelines on HIAs for World Heritage cultural properties;
 4. implement the recommendations of the 2013 ICOMOS Advisory mission;
8. Requests furthermore the State Party to submit to the World Heritage Centre, by **1 December 2016**, an updated report, including a 1-page executive summary, on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41st session in 2017.

Ad 3: Dr.-Franz-Rehrl-Platz project

The never ending discussions of the development Dr.-Franz-Rehrl-Platz after the architectural competition in 2011 was subject of several reports over the last years.

It was topic of the Advisory Mission to Salzburg by Prof. Michael Petzet which took place at 2/3 April 2013. Prof. Petzet delivered the results in an extensive report of April 2013.

In addition the Republic of Austria commissioned a Heritage Impact Assessment (HIA) which was undertaken 2013/14 by three experts under guidance of the Danube University of Krems and sent to the World Heritage Centre by March 5, 2014 for review by ICOMOS. The HIA recommended re-convening the jury in order to revise the project in line with the Decision of the World Heritage Committee.

As follow up of the Advisory Mission and the outcomes from the HIA Prof. Petzet took part in two expert meetings (“Arbeitsgruppe”) in Salzburg (May 23 and June 11, 2014) with architects, members of the staff of the City of Salzburg, experts from ICOMOS Austria, as well interested citizens. The architects updated the project following the recommendations of the Advisory Mission and the “Expert’s Commission” (“Arbeitsgruppe”). These plans demonstrate evidently the essential reduction of the height of the building – compared with the original draft from 2011. Further these plans served as basis for the issuing-procedure of the zoning-plan (“Bebauungsplan”) and the building-permit.

The State Party of Austria delivered a comprehensive briefing note summarizing the case on July 19, 2016.

The State Party of Austria received a Technical Review by ICOMOS, dated October 2016. Following the issued paper a discussion between Mag. Alexander Würfl from the City of Salzburg and Dr. Christian Baur with Prof. Michael Petzet, at November 11, 2016 took place. Dated November 24, 2016, Prof. Petzet wrote a letter to ICOMOS International, saying: *In the later versions of the Franz-Rehrl-Platz projects the architects took up in a positive way some recommendations of the Advisory Mission concerning the height development and the structure of the facades. In a first message for ICOMOS International (message to Pilar Oraa, 24. July 2016) I misunderstood the consequences of inner partition walls and partial gallery levels in the ground floor, which should not be interpreted as a “fifth storey”: In the meantime compared with the competition project (2011) the disturbing height of the buildings has been reduced step by step along the entire lengths by giving up the fifth storey, by separating the structure into clearly defined solitaires and a better orientation of the facades and the windows of the formats found on-site.*

The final project drawings were already submitted ón April 30, 2016.

Ad 4: Development at Schwarzstraße 45 / Ernest Thunstraße 2:

Due to the principle of rule of law (which is deeply rooted in Austria’s legal system and applies therefore in Salzburg, too), the City of Salzburg had no authority to cancel this project (whose legal ground goes back to 1996 when the “Basic Construction Plan” (Bebauungsplan der Grundstufe) was adopted. The

“Advanced Construction Plan” (*Bebauungsplan der Aufbaustufe*) from 2012 modified the parameters for the construction substantially; however, it did not extend them without legal ground. The lawsuit, which was filed by neighbouring residents, has been decided meanwhile in last instance by the Provincial Administration Court of Salzburg (*Salzburger Landesverwaltungsgericht*). The appeal to the supervision authority (*Aufsichtsbeschwerde*) with the Office of the Provincial Government of Salzburg (*Amt der Salzburger Landesregierung*) confirmed the “Advanced Construction Plan” (*Bebauungsplan der Aufbaustufe*). Finally, the Austrian Constitutional Court (*Verfassungsgerichtshof*) rejected the appeal as no legal aspects of essential importance or meaning were questioned. We noticed, that with neighbouring residents (including with one who signed submissions to the WHC) agreements about compensation payments of significant amount were made. The responsible City Councillor negotiated with the project-developers as demanded by the WH Committee. They discussed also another project of some smaller dimension, which was assessed by the Experts’ Commission regarding its integration into the town-scape and town-setting, which was subsequently approved (this project was brought neither to the attention of ICOMOS International nor of ICOMOS Austria). According to the information provided by the project-developer, this reduced project won’t be realised as the neighbouring residents insisted on the agreed amount of the compensation payment. The project was built meanwhile with modifications to mitigate the impact compared to the originally planned one. Referring to the above mentioned Decision the State Party of Austria transmitted by June 2, 2016, a report regarding the structurally completion of the project within the buffer zone including recent taken photographic images.

**Ad 5: Information on the Nelböck Viaduct Rainerstrasse /
Bahnhofsvorplatz project as well as details on the Residential Building
Priesterhausgarten and the Public Indoor Swimming Pool, Paracelsusbad**

a) Nelböck Viaduct Rainerstraße / Bahnhofsvorplatz:

Following the Advisory Mission 2013, this project was modified. As demanded by ICOMOS International, two floors of the building were omitted. As a result, its height will be considerable lower than the neighbouring high rise building „Hotel Europa“. Meanwhile the Construction Plan was adopted by the City Council and the project has been submitted in order to obtain the construction permit. In the meantime the building permission was issued and the construction-work on the lower part of the project has already started.

b) Residential Building Priesterhausgarten:

After having learnt about the serious concerns expressed in the Report of the Advisory Mission 2013 a process of reflection took place. Since then the property owner did not go ahead with the obligatory and required administrative approval procedure, yet.

c) Public Indoor Swimming Pool Paracelsusbad:

The project which was subject of the Advisory Mission 2013 was dropped. The new project of the architects Berger/Parkinnen was dedicated to be built. That project proposes to divide the volume of the building into two parts. The building height was reduced and fits quite compared to the adjacent building stock. The volume of the public indoor swimming pool constitutes a link between the 19 century building blocks of the Auerspergstraße and the villas of the Schwarzstraße and the historic green area of the Kurgarten (cure recreation area). ICOMOS Austria has agreed to the project already.

Ad 6: Boundaries and Management plan

The legal process to harmonize the boundaries of the property and the Protection zone I has been completed by decision of the Parliament of the Federal Province of Salzburg.

The City of Salzburg in cooperation with the Danube-University Krems is working on the incorporation of all measures, which were recommended by the WH Committee, into the existing management system for the overall protection of the OUV of the site. The revision of the Management plan is nearly completed. The revision goes hand in hand with the adoption of legal amendments.

Ad 7: Adequate legislative and planning mechanisms to protect the property from the various proposed urban and infrastructure developments

7: i) and ii) The implementation of the demands raised by the WH Committee require – in order to become accepted on a broad basis – awareness raising, democratic discourse, information on background and discussions as well as finally logistic and legal implementation work, which the City of Salzburg is doing right now. On 29 May 2015 the draft of the necessary amendments to the protection framework was finalised. This draft has to be finalised together with the WHC and ICOMOS International as well as with the Municipal Council (*Gemeinderat*) of the City of Salzburg (as responsible political body) and the State Party. However, amendments to the legislation have to be adopted by the *Salzburger Landtag* as provincial parliament. We wish to stress the fact that in 2010 Dr. Christian Baur – who served in 2009 as representative of ICOMOS International in the UNESCO-ICOMOS Reactive Mission – was appointed by the City of Salzburg as substitute member of the “Experts’

Commission for the Preservation of the Historic City-Centre” (Experts’ Commission, *Sachverständigenkommission für die Altstadterhaltung*). Through Dr. Baur’s appointment we try to ensure the adequate implementation of the WH Convention including the recommendations of the WH Committee, the WHC and of ICOMOS International vis-a-vis projects which are subject of the evaluation by the Experts’ Commission within the perimeter of the historic-centre protection zones (which includes the entire WH property and substantial parts of the buffer zone).

Furthermore, on the basis of the working agreement between the Experts’ Commission and the Design-Council (*Gestaltungsbeirat*), we asked Dr. Baur for advice and coordination regarding large-scale projects which are located in the buffer zone, however, outside of the historic-centre protection zone II.

7: iii) Recently a Heritage Impact Assessment was carried out by the Danube University Krems to find a final solution regarding the Monikapforte.

7: iv) The City of Salzburg tries to avoid possible conflicts, with conservation and visual integrity of the World Heritage in other cases in close by applying the Salzburg Law for the Preservation of the Old Town Centre (*Altstadterhaltungsgesetz*) and in close cooperation with the Expert Commission for the Preservation of the Old Town (SVK, *Sachverständigenkommission*) as well as the Austrian Federal State Monument Authority (*Bundesdenkmalamt*) and ICOMOS Austria.

Since May 2013 the World Heritage coordinator of the City of Salzburg serves in an autonomous capacity free from directives. This position underlines the important role of the World Heritage for the City of Salzburg. However, despite his specific status, he is bound by the regulation and the democratic legitimated decisions of the municipal council (Gemeinderat) of the City of Salzburg. Although acknowledging that the future development of Salzburg represents a challenging task, the City of Salzburg reiterates its commitment to preserve its World Heritage.