

Decision No. 322 /2015
Issuing the Regulation organizing the urban planning and building permits at
the Special Economic Zone at Duqm

In pursuance to Royal Decree No. 119/2011 establishing the Special Economic Zone Authority at Duqm and issuing the Zone's Articles and Articles of the Special Economic Zone at Duqm issued in pursuance to Royal Decree No 79/2013;

Royal Decree No. 44/2014 lifting the capacity of a public utility from some of the schemes within the scheme of the Special Economic Zone Authority at Duqm;

Approval of the Board of Directors of the Special Economic Zone Authority at Duqm in the Board's third meeting held on 16 June 2014;

And on the basis of public interest, it has been decided:

Article One

The attached Regulation shall apply to regulating the urban planning and building permits at the Special Economic Zone at Duqm.

Article Two

There shall be abolished everything that contravenes this Decision, the Regulation attached thereto or contradicts with its provisions.

Article Three

This decision shall be published in the Official Gazette and shall be effective from the date following the date of publishing.

Issued on: 21 Ramadhan 1436hijri
Corresponding to: 8 June 2015

Yahya bin Saeed bin Abdullah Al-Jabiry
Chairman, Board of Directors

The Regulation organizing the urban planning and building permits at the Special Economic Zone at Duqm

Article (1)

In the application of this Regulation, the following words and terms shall have the meanings assigned thereto them unless the context otherwise requires:

Authority:

The Special Economic Zone Authority at Duqm

Zone:

The Special Economic Zone located in the State of Duqm for the purposes of establishing the economic and service projects and other projects located within the boundaries and location shown in the Scheme attached to Royal Decree No. 119/2011 and Royal Decree No. 44/2014 referred to above.

Board:

Board of Directors of the Authority

Chairman:

Chairman of the Board

Enterprises:

The Enterprises licensed to be established at the Zone, whether in the form of individual institutions, firms, company branches or foreign institutions or the licensed professional or handicraft activities to be practiced at the Zone.

Economic Activity:

Any commercial, industrial, agricultural, tourism, real estate, media, service or professional activity, and any other activities required for the work within the Zone that does not contravene with the laws in force in the Sultanate.

Main Operator or Developer:

The body responsible for the management and operation of the strategic facilities at the Zone or the development of part of the Zone thereof.

Article (2)

Provisions of this Regulation shall apply to all the lands, buildings and reconstruction projects at the Zone.

Article (3)

The Main Operator or Developer shall assume the preparation of the general scheme of the site specified in the development contract. The general scheme comprises the organizational schemes at all levels as follows:

1. The detailed survey.
2. The general organizational scheme.
3. The detailed organizational scheme.

Article (4)

The following shall be observed in the organizational schemes referred to in Article (3) of this Regulation:

1. To be in accordance with the vision of the Authority and the approved planning standards; to be prepared by qualified and specialized engineering companies and consultancy offices licensed to operate in the Sultanate.
2. To be prepared in accordance with the Geographical Information System (GIS) and Engineering Drawing System (AutoCAD); using the World Geodetic System (WGS84) adopted in the Sultanate in the form of paper and digital maps.
3. To be prepared in conformity with the environmental impact assessment study and the legislations in force at the Zone.
4. Take into account the technical requirements for buildings and other prescribed specifications established by a decision from the Chairman.

Article (5)

The detailed survey of the site must include the following:

1. Detailed description of the site in terms of Topographic and Hydrologic nature and geophysical characteristics of the soil and its spacial characteristics.
2. Detailed description of the relationship between the site and its neighborhood, statement of the basic external services, including road, supply and distribution lines of water, electricity, communications, sanitation network, water drainage channels and ground communications networks.
3. Prepare a map showing the outside boundaries of the site, contour lines, main connection points with the basic infrastructure networks and its external supply facilities and level of the road at the entrance.

Article (6)

The Main Operator or Developer shall assume all the works and studies necessary to prepare the detailed survey. The Authority shall provide to the Main Operator or Developer the required data and information and facilitate the entry procedures to the site.

Article (7)

The Main Operator or Developer must submit the detailed survey report to the Authority within the agreed deadline and pay the prescribed fee.

The Authority shall issue its decision on the report referred to above within (15) fifteen business days from the date of receipt of the report, and in case of elapse of the said period without any decision being taken thereon, the decision is deemed as “acceptable” and in case of rejection the decision must be justified.

Article (8)

In case the detailed survey report has been approved, the Main Operator or Developer shall undertake the preparation of the general organizational scheme of the site, which must include the following:

a. Scheme for different land uses, shall take into account determining the sites, spaces and passages to be allocated and reserved for public use purposes, including roads at the various organizational levels, pedestrians, parking for different vehicle categories, public utilities, passages for networks and basic infrastructure (Main and sub), urban spaces, green spaces, places of worship and social services centers. Percentage of these uses compared to the total space of the site must be determined.

There shall also be taken into account, determination of the spaces allocated for different economic uses, including the areas allocated for residential, commercial, residential and/or commercial, offices, tourism, warehouses and industrial uses.

The percentage of all these uses compared to the total space of the site must be determined.

b. Guide for the provisions for the reconstruction proposed for each use, which must include the following:

1. The minimum spaces of the plots of lands, length of the façades of the plots of lands overlooking the road leading to them, their connect points with the basic infrastructure networks that serve the site.
2. Reconstruction density based on the minimum regress, maximum percentage allowed for the building thereon, number of floors of the building and the maximum height of the buildings.
3. Standard ratios for the spaces to be allocated as parking lots for the various categories of vehicles.
4. Benchmarking for the needs of the electric power, drinking water, fire-fighting water and irrigation water on the basis of the plot of land.
5. Strategy of urban nature, instructions for the architectural style and coordination of the sites emanating therefrom.

c. **Site development and management plan**, including the development phases, implementation timetable, entire needs of the electric power and drinking water, fire-fighting and irrigation water, requirements for the site management and services provided to the users within its borders, management and maintenance requirements of the public utilities, lands and common use facilities.

Article (9)

The Main Operator or Developer must submit the general organizational scheme to the Authority within the agreed deadline and pay the prescribed fee.

The Authority shall issue its decision on the scheme referred to above within (15) fifteen days from the date of receipt of the scheme, and in case of elapse of the said period without any decision being taken thereon, the decision is deemed as “acceptable” and in case of rejection the decision must be justified.

Article (10)

In case the general organizational scheme has been approved, the Main Operator or Developer shall undertake the preparation of the general organizational schemes of the lands, which must include the terms and conditions of the organization and reconstruction in a specific and detailed form separately for each plot of land, specifically the following:

- a. Coordinates of the plot of land, in accordance with the adopted geographic coordinate system, area and length of the four façades of the plot of land.
- b. The type of use of the plot of land, the main and sub buildings on the land and percentages thereof.
- c. The level of the building compared to the road that leads to the plot of land, axes and interconnection points with the surrounding roads network and infrastructure networks that serve it.
- d. The maximum limit of percentage and percentage of the building storeys, the maximum height and minimum regresses of the façade, front and rear.
- e. The parking area for the various categories of vehicles, determined on the basis of the area of the building and nature of its use.
- f. The restrictions relating to the identity and architectural style which determine the external façades of the buildings, fences, specifications and colors of the materials used and coordination requirements of the site.

Article (11)

The Main Operator or Developer must submit the detailed schemes to the Authority within the deadline agreed upon in the time schedule of the program contained in the development and management scheme of the site and pay the prescribed fee.

The Authority shall issue its decision on the scheme referred to above within (15) fifteen business days from the date of receipt of the scheme, and in case of elapse of the said period without any decision being taken thereon, the decision is deemed as “acceptable” and in case of rejection the decision must be justified.

Article (12)

The Authority may modify the general organizational scheme or the detailed scheme of the site based on the application filed by the concerned body (The Enterprise, Main Operator or Developer) on the form prepared for this purpose, stating the reasons and justifications for the modification. The referred to application must include identification of the elements to be modified, modifications for the work plan and time schedule for the implementation of the development project at the various stages, the additional burdens on the infrastructure services and absorptive capacity, the environmental impact assessment therefor and resulting impact of the implementation of the commitments contained in the development and management plan of the site.

The Authority may request the concerned body to provide any documents or data it may deem necessary to decide on the application.

Article (13)

The Authority may split any land, merge two or more lands in a single plot of land based on an application filed by the concerned body (The Enterprise, Main Operator or Developer) on the form prepared for this purpose, stating therein the reasons and justifications, subject to provision of a detailed scheme of the plot of land developed according to Article (10) of this Regulation, in such a way that does not contradict with the provisions of the regulation and reconstruction scheme prescribed within the general organizational scheme of the site. In all cases, every plot of land must be situated on the road that give access thereto with an entrance of not less than (12) twelve meters and fixed points to link it with the basic infrastructure that serves the site.

Article (14)

The application referred thereto in Articles (12 & 13) of this Regulation shall be submitted to the Authority, attaching therewith the required documents and data and prove of payment of the prescribed fee. The Authority must take its decision thereon within fifteen (15) business days from the date of submission of the application. In case of no decision being taken thereon after the elapse of the said period, the decision shall be deemed as “acceptable” and in case of rejection, the decision must be justified.

Article (15)

No building or construction project shall be initiated at the Zone except after obtaining a permit from the Authority in accordance with the provisions of this Regulation.

Article (16)

The application for obtaining a building permit shall be submitted to the Authority on the form prepared for this purpose, attaching therewith the original copies of the documents and schemes of the building and the other documents specified in the application form and prove of payment of the prescribed fee.

Article (17)

The schemes of building attached to the application for obtaining a building permit must be approved by a company or an engineering office certified to operate in the Sultanate and approved by the Public Authority of Civil Defense and Ambulance.

Article (18)

The building schemes must adhere to the organizational schemes at the various levels, the architectural and technical conditions of buildings and other prescribed specifications established by a decision of the Chairman. The concerned bodies must submit executive summaries showing the extent of adherence by the designs to the required conditions and observance of the percentages and standard figures contained in the prescribed organizational schemes.

Article (19)

The Authority shall review the building permit application and take a decision thereon, either by accepting or rejecting the application, within (15) fifteen business days from the date of submission of the application, attaching therewith the required documents and in case of rejection the decision must be justified.

Article (20)

The Applicant for the permit shall be notified of the rejection decision of his application at the address recorded in the permit application. The concerned body may contest the rejection decision by submitting an application thereon to the Chairman within (60) sixty days from the date of notification of the rejection of his application, stating therein the reasons for the appeal, attaching therewith the supporting documents and a copy of the contested decision.

Article (21)

The appeal shall be considered and a decision be taken thereon, either by accepting or rejecting, within not more than (30) thirty days from the date of the submission thereof and notify the concerned body of the result of the appeal. In case of elapse of this period without any decision being taken thereon, the decision shall be deemed as "acceptable".

In all cases, the decision of the Chairman on the appeal is considered final.

Article (22)

The building permit shall be valid for one year, renewable for a similar period or periods based on an application filed by the concerned body, attaching therewith the prove of payment of the prescribed fee.

Article (23)

The construction Licensee must appoint a company or an engineering office certified to operate in the Sultanate in order to supervise the implementation of the construction works, ensure adherence to the prescribed license schemes and construction conditions.

Article (24)

The following works shall not be undertaken except after obtaining a license from the Authority, in accordance with the conditions and procedures established by a decision from the Chairman:

1. Excavations on the public highway or the surroundings thereof in order to have access to infrastructure services for the project.
2. Excavations outside the borders of the land licensed for the utilization thereof.

Article (25)

It is prohibited to leave any rubbles and construction materials or disposed thereof at sites other than the designated ones that have been determined by the Authority.

Article (26)

In case of violating the provisions of Articles (21 & 22) of this Regulation, the Authority may take one of the following two actions:

1. Obligate the violator to remove the causes of the violation and correct the situation within the deadline to be determined by the Authority.
2. Remove the causes of the violation and correct the situation at the expense of the violator and obligate him to bear all the expenses incurred by the Authority in this connection.

In all cases, the Authority may impose an administrative fine of not more than OMR (100,000) Hundred Thousand Omani Rials for each day of violation on the violator after notifying him of the need to remove the violation and the expiration of the deadline therefor.

Article (27)

The concerned body must stop the excavation works, construction or reconstruction immediately in case that it has found traces of monuments at the site and must notify the Authority thereof.

Article (28)

The concerned body must, after completion of the construction works, submit an application to the Authority to obtain a constructions completion certificate on the form prepared for this purpose, attaching therewith a report prepared by the company or the engineering office that supervised the implementation of the construction works confirming commitment to the licensing conditions and other conditions and specifications determined by the Authority concerning the use of the building or nature of the economic activity intended to be practiced thereon.

The Authority may request the documents and data it deems necessary and carry out the necessary inspections to enable it to decide on the said application.

No building shall be occupied except after obtaining the mentioned certificate.

Article (29)

The Authority shall study the building permit application within (10) ten business days from the date of satisfying all the documents and carry out the required inspections. In case of elapse of the mentioned period without any decision being taken thereon, the decision is deemed as “acceptable” and in case of rejection the decision must be justified.

Article (30)

The Applicant shall be notified of the decision thereon at the address recorded in the licensing application within (5) five business days and the concerned body may contest the decision in case of rejection before the Chairman within (60) sixty days from the date of notification or the date he has become aware for sure of the rejection of his application, stating therein the reasons for the appeal and the supporting documents thereof.

Article (31)

The appeal shall be reviewed and decided thereon, either by accepting or rejecting, within not more than (30) thirty days from the date of submission and notify the concerned body of the result of the appeal. In case of elapse of the said period without any decision being taken thereon, the decision is deemed as “rejection”. In all cases, the decision of the Chairman on the appeal is final.