

12 November 2020

The Directors,  
GAP Group PLC  
GAP Holdings Head Office  
Triq Censu Scerri,  
Tigne', Sliema  
SLM 3060

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**Subject: Valuation Report**

**Property: Site at Triq in-Nakkri, Qawra, limits of St. Paul's Bay, Malta**

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I, the undersigned Architect and Civil Engineer (BE&A Hons.), have been requested to evaluate the property in caption.

### **General**

The valuation has been prepared in accordance with Chapter 7 of the Listing Rules published by the Listing Authority and in particular, with the disclosure requirements relating to "Property Companies" (as defined in the Listing Rules), seeking admission of their securities on the Official List of the Malta Stock Exchange.

### **Requirement for a valuation report**

The purpose of this valuation is for inclusion thereof within the prospectus, to be published in connection with the proposed bond issue by GAP Group p.l.c. (C 75875) (the "Issuer").

### **Reporting Standards**

The valuation has been carried out by the undersigned, as an independent valuer, in terms of the UK Royal Institution of Chartered Surveyors Appraisal and Valuation Manual.

### **Independence of valuer**

The undersigned confirms that there is no conflict of interest in advising you of the opinion of the value of the property, since the undersigned or his associates will not benefit from the valuation instruction, other than the valuation fee.

## A. Contents of valuation report

### 1. Address

The property subject of this valuation is a building site located at Triq in-Nakkri in Qawra, limits of St. Paul's Bay, Malta. A site plan has been included in Appendix A of this report. Site photos are attached hereto as Appendix B.

### 2. Nature of valuer's inspection

The undersigned declares that he has visited the site and is fully familiar with the plans of the property which still needs to be developed.

### 3. Brief Description

The Qawra II Development is fully residential and will consist of eighty (80) apartments which will be sold in a finished state (excluding internal doors) and including all common areas. The site has a superficial area of approximately one thousand nine hundred and twenty-four square meters (1924m<sup>2</sup>). The development will encompass six (6) blocks of apartments each with separate entrance and served with passenger lifts accessing both the apartments and the underlying garage levels. The penthouses at the top level will also include full ownership of their respective roof and airspace.

The development will comprise of six (6) blocks of residential units. Out of the six (6) blocks, one (1) block will contain eight (8) units, one (1) block will contain thirteen (13) units, two (2) blocks will contain fourteen (14) units each, one (1) block will contain fifteen (15) units, whilst the remaining block will contain sixteen (16) units. The apartments shall be spread on eight (8) levels in each block. The development shall also include ninety (90) lock up garages spread over two (2) underground levels. The combined gross floor space of the apartments and garages shall result into a saleable area of sixteen thousand eight hundred and ten square metres (16,810 m<sup>2</sup>). The size of the residential units vary between 120m<sup>2</sup> and 210m<sup>2</sup>.

A more detailed breakdown is given in the table below:

Block	Level	Quantity	Unit type	Description
	U/Basement	30	Garage	1 Car
	U/Basement	14	Garage	2 Car

	L/Basement	31	Garage	1 Car
	L/Basement	15	Garage	2 Car
A	Ground floor	1	Maisonette	3 Bed
A	First floor	1	Apartment	2 Bed
A	Second floor	1	Apartment	2 Bed
A	Third floor	1	Apartment	2 Bed
A	Fourth floor	1	Apartment	2 Bed
A	Fifth floor	1	Apartment	2 Bed
A	Sixth floor	1	Apartment	2 Bed
A	Seventh floor	1	Penthouse	2 Bed
B	Ground floor	1	Maisonette	3 Bed
B	First floor	2	Apartment	2 Bed
B	Second floor	2	Apartment	2 Bed
B	Third floor	2	Apartment	2 Bed
B	Fourth floor	2	Apartment	2 Bed
B	Fifth floor	2	Apartment	2 Bed
B	Sixth floor	2	Apartment	2 Bed
B	Seventh floor	1	Penthouse	4 Bed
C	Ground floor	2	Maisonette	2 Bed
C	First floor	2	Apartment	2 Bed
C	Second floor	2	Apartment	2 Bed
C	Third floor	2	Apartment	2 Bed
C	Fourth floor	2	Apartment	2 Bed
C	Fifth floor	2	Apartment	2 Bed
C	Sixth floor	2	Apartment	2 Bed
C	Seventh floor	1	Penthouse	4 Bed
D	Ground floor	2	Maisonette	2 Bed
D	First floor	2	Apartment	2 Bed
D	Second floor	2	Apartment	2 Bed
D	Third floor	2	Apartment	2 Bed
D	Fourth floor	2	Apartment	2 Bed
D	Fifth floor	2	Apartment	2 Bed

D	Sixth floor	1	Apartment	4 Bed
D	Seventh floor	1	Penthouse	4 Bed
E	Ground floor	2	Maisonette	2 Bed
E	First floor	2	Apartment	2 Bed
E	Second floor	2	Apartment	2 Bed
E	Third floor	2	Apartment	2 Bed
E	Fourth floor	2	Apartment	2 Bed
E	Fifth floor	2	Apartment	2 Bed
E	Sixth floor	2	Apartment	2 Bed
E	Seventh floor	2	Penthouse	2 Bed
F	Ground floor	1	Maisonette	2 Bed
F	First floor	2	Apartment	2 Bed
F	Second floor	2	Apartment	2 Bed
F	Third floor	2	Apartment	2 Bed
F	Fourth floor	2	Apartment	2 Bed
F	Fifth floor	2	Apartment	2 Bed
F	Sixth floor	1	Apartment	4 Bed
F	Seventh floor	1	Penthouse	4 Bed

The finishes of each apartment will include all the electrical and plumbing system, bathrooms, the low voltage system (phone/internet), air condition installation points (excluding copper), gypsum plastering and two (2) coats of white paint, all floor tiles both internal and external as well as all external apertures in double glazed aluminium.

The façade will be composed from various materials such as silicate rendering, hard stone cladding and other suitable materials. A block plan is attached hereto as Appendix C.



**4. Existing Use**

The site is unused. As at the date of this valuation report the site consists of bare rock part of which has been excavated.

**5. Relevant planning applications**

The development is covered by the following permits:

- a. PA/03474/20 issued on the 7 August 2020
- b. PA/03475/20 issued on the 16 October 2020
- c. PA/04256/20 issued on the 16 October 2020

The above-mentioned permits are fully executable. This means that the time allowed by law for persons to bring a claim contesting the said applications has, as at the date of this valuation report, lapsed and no appeals have been filed. Copies of the permits are annexed to this valuation report as Appendix D.

**6. Material contravention of statutory requirements**

LR7.4.1.6: Not applicable.

**7. Tenure**

Part of the site is freehold whereas another part of the site is subject to a temporary emphyteusis. The area marked in [blue] in the site plan annexed to this valuation report as Appendix E is freehold. The area marked in [red] in the site plan annexed to this valuation report as Appendix E is subject to a temporary emphyteusis.

**8. Main terms of tenants' leases or sub-leases**

LR7.4.1.8: Not applicable.

**9. Approximate age of any buildings**

As at the date of this valuation report, excavation works have been carried out on the site, however, the site has not been developed.

## **10. Present capital value in existing state**

The estimated present capital value of the property in its existing state is calculated using the discounted cash flow method.

The selection of the discount rate is based on the long term risk-free rate of return, expressed in current terms, that is including inflation, and on a specific risk premium for the individual property being valued, taking into account factors such as property illiquidity, management limitations, type, size and location of property, competition, potential delays, future uncertainty, status of building permits, counter-party risks, and resource risks. A pre-tax risk-free rate of 0.74%, which approximates to the current yield on a 12-year Malta Government Stock issue, has been adopted for this valuation. A risk premium of 10.25% was considered as adequate for valuing the property. Therefore, the discounted cash flow is taken at the rate of 10.99%, rounded upwards to 11%.

The project is expected to commence in January 2021 and should be completed two years later, in January 2023. Payments to suppliers are expected to be spread over 3 years, starting in January 2021 and peaking during the second year. The marketing of the residential is scheduled to start in Q3 2021. Hence, inflows from the signing of promise of sale agreements are expected to be spread between Q3 2021 and Q3 2023 whereas the inflows from signing of contracts are projected for 2023.

### **Present Capital Value**

On the basis of the above, the present capital value of the site in its current state is estimated to be **€6,000,000 (Six million Euro)**.

### **Expected Date of Completion**

It is expected that the project will be completed in Q1 2023.

### **Estimated Total Cost of the Development**

The estimated total cost of development is approximately **€7,600,000 (Seven Million, six hundred thousand Euro)** which is divided as follows:

<b>Excavation</b>	€ 500,000
<b>Construction</b>	€ 3,300,000
<b>Finishes</b>	€ 3,400,000
<b>Contingency</b>	€ 400,000

This amount excludes professional fees, marketing expenses and borrowing costs.

### Estimated Capital Value

The capital value at current market prices and on the basis of current market conditions, after the development has been completed is estimated at €19,700,000 (nineteen million, seven hundred thousand Euros).

#### **11. Terms of intra-Group lease on Property occupied by the Group (identifying the Properties) to the extent that such leases are taken into account in the valuation**

LR7.4.1.11: Not applicable.

#### **12. Other matters which materially affect the value**

LR7.4.1.12: Not applicable.

#### **13. Sources of information and verification**

All information that was considered necessary for the purpose of drawing up the present report was obtained from the directors and advisors of the Issuer. This included all planning applications, construction and finishing cost estimates, design, management and supervision costs, marketing and selling costs, estate management costs, and financing costs. There was also access to the projections of sales and cash flow.

#### **14. Details of registered mortgages and privileges and other charges, real rights thereon including details of emphyteutical concessions, easements and other burdens**

##### **Emphyteutical concession**

The original ground rent due to the Government of Malta (Joint Office) was of Lm110.70c (€257.86c) per annum on the land having an area of 4860.83 m<sup>2</sup>. The portion of land which shall be acquired by the GAP Group and which is subject to temporary emphyteusis has an area of 1592 m<sup>2</sup>. Accordingly, the proportional share of the ground rent due on the land being acquired by the GAP Group amounts to €84.45c per annum. The relative emphyteutical concession was done by the Patrimonju Sagru Carlo Burlo' by virtue of the deed: Not. Francis Micallef - 05.07.1978 (a copy is held). Subsequently the land was granted on subemphyteusis by the Family Mamo by deed: Not. Angelo Vella - 17.02.1979 (Copy Held). However the vendor redeemed this subgroundrent by deed: Not. Jean Pierre Attard 27.02.2017 (copy Held).

In terms of the emphyteutical grant referred to above, the site is not to be used for immoral purposes or for any activity which is against the teachings of the Roman Catholic Church of Malta. The Qawra II Development will not breach this condition.



***Other conditions attaching to the site***

The site has the following conditions attached to it:

- a. the requirement to develop a drive/ramp/yard between the Qawra Site and another plot adjacent to the site;
- b. a condition imposed by the Planning Authority that any future development within the master plan area (where the site is situated) would not result in a floor area of less than 6,600 square metres of commercial component and the layout of the back yards and alignment should follow that as indicated in an approved plan bearing reference number PA0415/14/167C/167D. The said condition will not affect the Qawra II Development.

**B. Details of valuer**

Colin Zammit  
B.E.&A. (Hons) A.&C.E.P.G. Dip. Cons. Tech  
Perit – Maniera Group  
Tel: [+356] 21 411790; 21420895  
Mob: [+356] 9947 8744  
Email: [perit@manieragroup.com](mailto:perit@manieragroup.com)  
Address: 80, Triq it-Torri, Mosta MST 3502  
Warrant No 386

**C. Date of valuation**

The valuation was completed on, and the effective date thereof is, [-] October 2020.

**D. Basis of valuation**

The Listing Rules issued by the Listing Authority require that the valuation be made on the basis of an open market value for existing use. An open market value represents an opinion of the best price for which the sale of an interest in a property would have been completed unconditionally for a cash consideration on the date of valuation.

Since projects of this nature and scale do not easily lend themselves to a method of valuation which is based on the comparative method, this valuation method is based on the profits, or earnings method, using a discounted cash flow approach. The open market value is considered to correspond to the capitalised sum of the fair business earning potential. The valuation was therefore based on the determination of likely future operational cash-flows, discounted to net present value at an appropriate rate of return.



**E. Assumptions**

An open market valuation assumes that there is a willing seller, that the interest being valued would have been, prior to the transaction, properly marketed, that the state of the market, level of values and other circumstances are consistent over the period of the valuation, that no account is taken of any additional bid by a prospective purchaser with special interest, and that both parties to the transaction act knowledgeably, prudently and without compulsion.

An existing use value follows on the definition of the open market value, with the added assumptions that the property can be used, for the foreseeable future, only for the existing use, and that vacant possession is provided on completion of the sale of all parts occupied by the business.

**F. Benefits/Detriments of contractual agreements**

LR 7.4.7: Not applicable.

**G. Acquisitions/Disposals Interest**

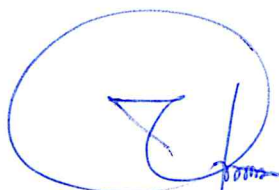
LR 7.4.8: Not applicable.

**H. Other Relevant matters**

No responsibility is being assumed to the third parties to whom this report may be disclosed and no liability is accepted in contract, negligence, restitution with regards to any loss including profits, goodwill or opportunity. While the above is deemed to provide a reasonable valuation of the property in question, such estimate may also vary between one valuer and another. This valuation is also subject to changes over relatively short periods due to economic conditions.

**I. Standards and Guidelines**

The valuation has been carried out in accordance with standards and guidelines issued by the Royal Institute of Chartered Surveyors (RICS).



Colin Zammit  
*B.E.&A. (Hons) A.&C.E.P.G. Dip. Cons. Tech*  
Perit







**Appendix B**  
**Photographs**



Appendix C  
Block Plan





**Appendix D**  
**Permits**

PA/03474/20

PA/03475/20

PA/04256/20

Mr Paul Attard

Date: 7 August 2020  
Our Ref: PA/03474/20

Application Number: PA/03474/20  
Application Type: Full development permission  
Date Received: 9 March 2020  
Approved Documents: PA 3474/20/7C/57A/57B/57D/57E/57F/57H/62B/62C/62D; and  
PA 3474/20/55A - Engineer's Fire Safety Light and Ventilation Report  
PA 3474/20/36A - Water Services Corporation

Location: Site at, Triq in-Nakkri, Qawra, San Pawl il-Bahar  
Proposal: Construction of 2 basement level garages with a different layout from that approved in permission PA 2845/18 and PA 3148/18. Proposed construction of new development from ground floor level up consisting of 3 maisonettes, 23 apartments from first till sixth floor and 3 penthouses.

### Development Planning Act, 2016 Full Development Permission

The Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

- 1 a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.
- b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.
- c) A Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, **if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised** - Article 72(4) of the Development Planning Act (2016).
- d) Copies of all approved drawings and documents shall be available for inspection on site by Planning Authority officers at all reasonable times.

PA/03474/20

e) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Design Policy, Guidance and Standards 2015 shall apply.

f) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. A Setting Out Request must be submitted to the Land Survey Unit of the Planning Authority, prior to the commencement of works on site, when the setting out of the alignment and levels is required.

h) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

i) It is the responsibility of the permit holder to ensure that development is carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

j) New development on vacant or redeveloped sites shall be provided with a water cistern to store rainwater run-off as required by the Energy Performance of Buildings Regulations (2012) [published through Legal Notice 376 of 2012 and any amendments thereto].

k) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

l) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a public pavement or road.

m) Air conditioning units shall not be located on the facades of the building which are visible from the street or a public space.

n) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

o) Any garages/parking spaces shall only be used for the parking of private cars and shall be kept available at all times for this purpose.

2 a) The façade(s) of the building shall be constructed in local un-rendered and unpainted stone, except where other materials/finishes are indicated on the approved drawings.

b) All the apertures and balconies located on the façade(s) of the building shall not be in gold, silver or bronze aluminium.



c) Where a front garden is imposed, the 'solid part' of the boundary wall in the front garden shall not be higher than 1.4 metres above the external finished road level. Where the road is sloping, the wall shall be stepped accordingly. Any pillars or gateposts shall not exceed a height of 2.25 metres.

d) The height of the services on the roof of the building shall not extend beyond the approved height of the uppermost parapet wall.

3 This permission is subject to a Bank Guarantee to the value of € 2888.58 to ensure that the street and pavement are properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 - Legal Notice 295 of 2007 (as amended). The bank guarantee shall only be released after the perit submits a post-construction condition report together with photographs evidencing compliance with this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council. This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

4 The development hereby permitted shall be subject to Final Compliance (Completion) Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in this development permission, except where such conditions are enforced by other entities. Prior to the issue of any compliance certificate on any part of this development, the applicant shall submit to the Planning Authority, in relation to that part of the building:

(i) certification from a qualified engineer confirming that the development fully satisfies the requirements specified in supporting document PA 3474/20/55A.

5 **Conditions imposed and enforced by other entities**

A. Where construction activity is involved:

(a) the applicant shall:

**(i) Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage** and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and

**(ii) Keep a health and safety file** prepared by the Project Supervisor for the Design Stage.

(b) When the construction works related to this application are scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the project supervisor **shall communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.**



(c) The Project Supervisor for the Design Stage shall **draw up a health and safety plan** which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.

B. Where the development concerns a place of work:

The applicant shall:

(i) obtain a Perit's declaration that the necessary requirements arising out of LN 44 of 2002 have been included in the plans and drawings; and

(ii) obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

C. The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

D. Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of Legal Notice 29/10 Part III (Roads in inhabited Areas) Clause 12.

E. In the event of an accidental discovery in the course of approved works, any cultural heritage feature discovered should not be damaged or disturbed and the Superintendence is to be immediately informed of such discovery. Any cultural heritage features discovered are to be investigated, evaluated and protected in line with the Cultural Heritage Act 2019 (CAP 445). The discovery of cultural heritage features may require the amendment of approved plans.

F. For new development, the following condition, imposed and enforced by Enemalta, applies:

A culvert measuring 0.8m wide by 0.75m deep should be prepared along the façade of the development in order that any overhead lines may be substituted by underground cables. The culvert is to be interconnected to an adequate space consisting of a **small room or recess** located near the **entrance**, provided for the purpose of housing the electricity meter. Another adequate space for the purpose of housing the electricity meters, consisting of a **small room or recess** located in the basement near the **entrance**, also interconnected to the culvert, is to be provided. The architect/applicant is required to contact Enemalta, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence issued by Enemalta shall be submitted to the Planning Authority accordingly.

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

**This decision is being published on 19 August 2020.**

Lorna Vella  
Secretary Planning Commission  
Within Development Scheme

## **Notes to Applicant and Perit**

### **Right for reconsideration**

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 14 of Legal Notice 162 of 2016.

### **Right for appeal**

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.

### **Time limits**

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 14(1) of Legal Notice 162 of 2016.

### **Fees to submit a request for reconsideration or appeal**

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of DPF (Development Permit Fee) paid in respect of the original application, subject to a minimum of €150 + €50 administrative fee (LN 112 of 2016).

### **Submission of request for reconsideration or appeal**

With regards to requests for reconsideration, Form PA 4/16 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by Article 13 of the Environment and Planning Review Tribunal Act, 2016, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.



## **Important Notice**

**In view of the provisions of Article 72(4) of the Development Planning Act (2016), a Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised.**

-PADCN-



Mr Raymond Grixti

Date: 16 October 2020  
Our Ref: PA/03475/20

Application Number: PA/03475/20  
Application Type: Full development permission  
Date Received: 16 March 2020  
Approved Documents: PA 3475/20/7E/7G/7H/7I/7J/7K/7L/7N/7P/54D/57B/60B/60C/95B; and PA 3475/20/35A (Water Services Corporation).

Location: Site at, Triq in-Nakkri, Qawra, San Pawl il-Bahar  
Proposal: Construction of 2 maisonettes, 18 apartments and 3 penthouses with a different layout from that approved in permission PA 2845/18 and part of PA 3148/18

### Development Planning Act, 2016 Full Development Permission

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  - c) A Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, **if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised** - Article 72(4) of the Development Planning Act (2016).
  - d) Copies of all approved drawings and documents shall be available for inspection on site by Planning Authority officers at all reasonable times.
  - e) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified,

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then the conditions of this permission and of Development Control Design Policy, Guidance and Standards 2015 shall apply.

f) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. A Setting Out Request must be submitted to the Land Survey Unit of the Planning Authority, prior to the commencement of works on site, when the setting out of the alignment and levels is required.

h) It is the responsibility of the permit holder to ensure that development is carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

i) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

j) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a public pavement or road.

k) Where present, window grilles (including 'pregnant' windows), sills, planters and other similar elements which are part of or fixed to the facade of buildings, the lower edge of which is less than 2 metres above road level, shall not project more than 0.15 metres from the facade over a public pavement or street.

l) Air conditioning units shall not be located on the facades of the building which are visible from the street or a public space.

m) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

2 a) The façade(s) of the building shall be constructed in local un-rendered and unpainted stone, except where other materials/finishes are indicated on the approved drawings.

b) All the apertures and balconies located on the façade(s) of the building shall not be in gold, silver or bronze aluminium.

c) Where a front garden is imposed, the 'solid part' of the boundary wall in the front garden shall not be higher than 1.4 metres above the external finished road level. Where the road is sloping, the wall shall be stepped accordingly. Any pillars or gateposts shall not exceed a height of 2.25 metres.

d) The height of the services on the roof of the building shall not extend beyond the approved height of the uppermost parapet wall.



3 The Bank Guarantees imposed in PA 2845/18 and PA 3148/18 to ensure that the street is properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 (Legal Notice 295 of 2007), shall be extended to cover also the development approved by this permission. The bank guarantee shall only be released after the Perit submits a post-construction condition report together with photographs evidencing compliance with this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council. This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

4 The conditions imposed and enforced by the Water Services Corporation are at supporting document PA 3475/20/35A. The architect/applicant is required to contact the Water Services Corporation, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence issued by the Water Services Corporation shall be submitted to the Planning Authority accordingly.

5 **Conditions imposed and enforced by other entities**

A. Where construction activity is involved:

(a) the applicant shall:

(i) **Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage** and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and

(ii) **Keep a health and safety file** prepared by the Project Supervisor for the Design Stage.

(b) When the construction works related to this application are scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the project supervisor **shall communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.**

(c) The Project Supervisor for the Design Stage shall **draw up a health and safety plan** which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.

B. Where the development concerns a place of work:

The applicant shall:

(i) obtain a Perit's declaration that the necessary requirements arising out of LN 44 of 2002 have been included in the plans and drawings; and



(ii) obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

C. The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

D. Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of Legal Notice 29/10 Part III (Roads in inhabited Areas) Clause 12.

E. For new development, the following condition, imposed and enforced by Enemalta, applies:

A culvert measuring 0.8m wide by 0.75m deep should be prepared along the façade of the development in order that any overhead lines may be substituted by underground cables. The culvert is to be interconnected to an adequate space consisting of a **small room or recess** located near the **entrance**, provided for the purpose of housing the electricity meter. Another adequate space for the purpose of housing the electricity meters, consisting of a **small room or recess** located in the basement near the **entrance**, also interconnected to the culvert, is to be provided. The architect/applicant is required to contact Enemalta, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence issued by Enemalta shall be submitted to the Planning Authority accordingly.

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required

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from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

**This decision is being published on 28 October 2020.**

Lorna Vella  
Secretary Planning Commission  
Within Development Scheme

## **Notes to Applicant and Perit**

### **Right for reconsideration**

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 14 of Legal Notice 162 of 2016.

### **Right for appeal**

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.

### **Time limits**

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 14(1) of Legal Notice 162 of 2016.

### **Fees to submit a request for reconsideration or appeal**

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of DPF (Development Permit Fee) paid in respect of the original application, subject to a minimum of €150 + €50 administrative fee (LN 112 of 2016).

### **Submission of request for reconsideration or appeal**

With regards to requests for reconsideration, Form PA 4/16 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by Article 13 of the Environment and Planning Review Tribunal Act, 2016, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.



## **Important Notice**

**In view of the provisions of Article 72(4) of the Development Planning Act (2016), a Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised.**

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Mr Christopher Gauci

Date: 16 October 2020  
Our Ref: PA/04256/20

Application Number: PA/04256/20  
Application Type: Full development permission  
Date Received: 3 April 2020  
Approved Documents: PA 4256/20/7D/7F/7G/7H/7I/7J/7K/7L/7M/52C/52E/55B/55C; and  
PA 4256/20/50A - Enemalta  
PA 4256/20/37A - Water Services Corporation

Location: Site at, Triq in-Nakkri, Qawra, San Pawl il-Bahar  
Proposal: Construction of 4 maisonettes, 23 apartments and 2 penthouses with a different layout from that approved in permission PA 3148/18

### Development Planning Act, 2016 Full Development Permission

The Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

- 1 a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.
- b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.
- c) A Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, **if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised** - Article 72(4) of the Development Planning Act (2016).
- d) Copies of all approved drawings and documents shall be available for inspection on site by Planning Authority officers at all reasonable times.
- e) The development shall be carried out in complete accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified,

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then the conditions of this permission and of Development Control Design Policy, Guidance and Standards 2015 shall apply.

f) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are completed.

g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. A Setting Out Request must be submitted to the Land Survey Unit of the Planning Authority, prior to the commencement of works on site, when the setting out of the alignment and levels is required.

h) It is the responsibility of the permit holder to ensure that development is carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

i) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

j) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a public pavement or road.

k) Air conditioning units shall not be located on the facades of the building which are visible from the street or a public space.

l) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

2 a) The façade(s) of the building shall be constructed in local un-rendered and unpainted stone, except where other materials/finishes are indicated on the approved drawings.

b) All the apertures and balconies located on the façade(s) of the building shall not be in gold, silver or bronze aluminium.

c) Where a front garden is imposed, the 'solid part' of the boundary wall in the front garden shall not be higher than 1.4 metres above the external finished road level. Where the road is sloping, the wall shall be stepped accordingly. Any pillars or gateposts shall not exceed a height of 2.25 metres.

d) The height of the services on the roof of the building shall not extend beyond the approved height of the uppermost parapet wall.

3 This permission is subject to a Bank Guarantee to the value of € 1428 to ensure that the street and pavement are properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 - Legal Notice 295 of 2007 (as amended). The bank guarantee shall only be released after the perit submits a post-construction condition report together with photographs evidencing compliance with



this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council. This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

- 4 The conditions imposed and enforced by the Enemalta are at supporting document PA 4256/20/50A. The architect/applicant is required to contact Enemalta, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence issued by Enemalta shall be submitted to the Planning Authority accordingly.

5 **Conditions imposed and enforced by other entities**

A. Where construction activity is involved:

(a) the applicant shall:

**(i) Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage** and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and

**(ii) Keep a health and safety file** prepared by the Project Supervisor for the Design Stage.

(b) When the construction works related to this application are scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the project supervisor **shall communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.**

(c) The Project Supervisor for the Design Stage shall **draw up a health and safety plan** which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.

B. Where the development concerns a place of work:

The applicant shall:

(i) obtain a Perit's declaration that the necessary requirements arising out of LN 44 of 2002 have been included in the plans and drawings; and

(ii) obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.

C. The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by

the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

D. Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of Legal Notice 29/10 Part III (Roads in inhabited Areas) Clause 12.

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

**This decision is being published on 28 October 2020.**

Lorna Vella  
Secretary Planning Commission  
Within Development Scheme



## **Notes to Applicant and Perit**

### **Right for reconsideration**

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### **Right for appeal**

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### **Submission of request for reconsideration or appeal**

With regards to requests for reconsideration, Form PA 4/16 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by Article 13 of the Environment and Planning Review Tribunal Act, 2016, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.

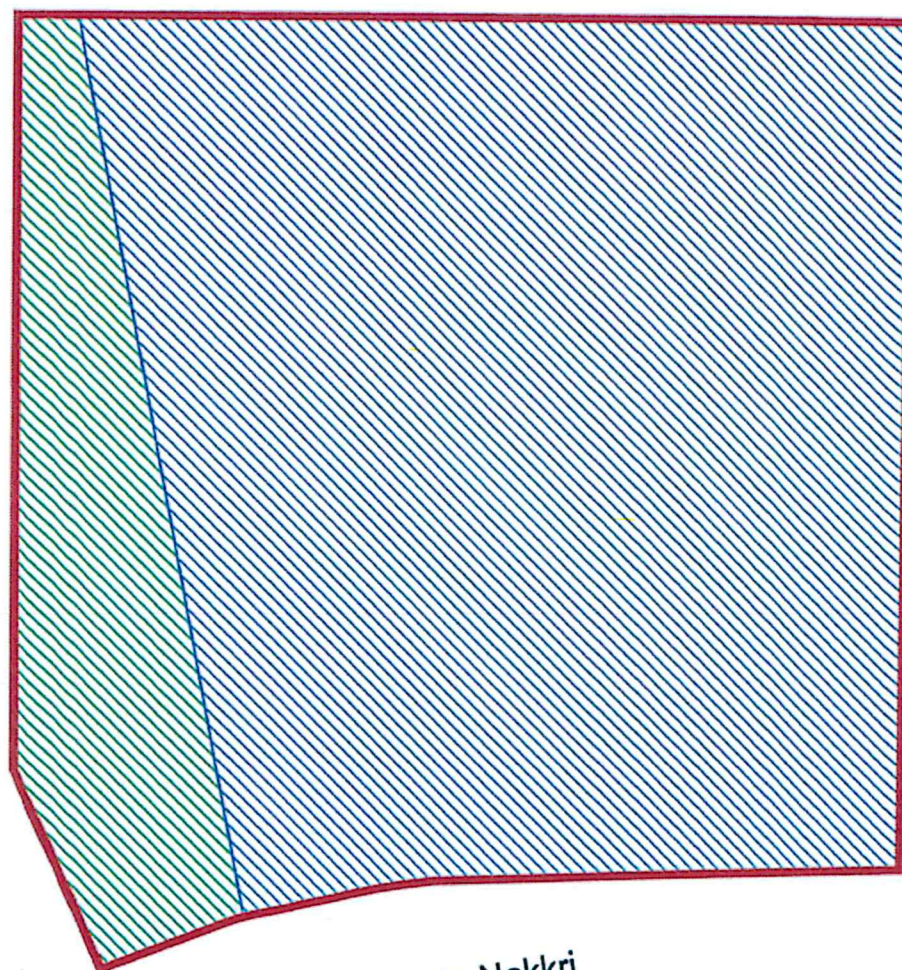
## **Important Notice**

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Appendix E  
Site Plan (freehold/temporary emphyteusis)



Triq in-Nakkri

-  Total site area  
Area 1924 sq.m.
-  Freehold area  
Area 332 sq.m.
-  Temp leasehold area  
Area 1592 sq.m.