

RIŻOLUZZJONI DWAR TRASFERIMENT TA' PROPRJETÀ

IL-MINISTRU GHALL-AKKOMODAZZJONI SOĊJALI U AFFORDABBLI JIPPROPONI ILLI L-KAMRA TAD-DEPUTATI TAPPROVA DIN IR-RIŻOLUZZJONI:-

Billi d-domanda għall-akkomodazzjoni soċjali baqgħet wahda sinifikanti u għaldaqstant kull porzjon vijabbli ta' art fil-pussess tal-Awtorità tad-Djar għandha tiġi utillizzata bl-aqwa mod possibbli, b'tali mod li l-potenzjal shiħ tagħha jkun jista' jitgawda mill-benefiċjarji tal-assistenza soċjali tal-Gvern ta' Malta.

U billi l-Awtorità tad-Djar hija proprjetarja ta' tliet (3) porzjonijiet ta' art ġewwa ż-zona magħrufa bhala 'Tal-Imnieġel', li huma aċċessibbli minn Triq Wied il-Għajn, Triq il-Krexxuni u Triq il-Hawt, fil-limiti ta' Haż-Żabbar, Malta. Liema porzjonijiet jikkonsistu: (i) f'porzjoni mdaqqsqa li tkejjel ċirka elf hames mija u erbghin metri kwadrati (1,540m²) u li hija intiża sabiex tiġi żviluppata f'appartamenti tal-akkomodazzjoni soċjali, u (ii) żewġ porzjonijiet oħra li jinsabu biswit l-akbar porzjon, li jkejlu sebgha punt sebgha metri kwadrati (7.7m²) u tlieta u sittin punt sitta metri kwadrati (63.6m²) rispettivament, b'din tal-aħħar tikkonfina u ssorġi mal-parti ta' wara tal-kumpless ta' garaxxijiet ta' terza persuna privata aċċessibbli minn Triq Wied il-Għajn. L-ewwel porzjoni deskritta fis-sub-inċiż (i) ta' dan il-paragrafu qiegħda tiġi mmarkata bil-kulur roża, fuq il-pjanta tas-sit hawn annessa u mmarkata bhala 'Dok. A'. Iż-żewġ porzjonijiet l-oħra tal-Awtorità deskritti fis-sub-inċiż (ii) qiegħdin jiġu mmarkati bil-kulur aħmar fuq il-pjanti tas-siti hawn annessi u mmarkati bhala 'Dok. B' u 'Dok.Ċ' rispettivament.

U billi min-naħa l-oħra, it-terza persuna privata għandha fil-proprjetà assoluta tagħha porzjon trijangolari ta' art biswit il-porzjoni l-kbira tal-Awtorità li tkejjel tlieta u hamsin punt hamsa metri kwadrati (53.3m²) li ssorġi fuq Triq il-Hawt, flimkien mal-parti tat-triq direttament quddiem din il-porzjoni diviża tal-art, li tkejjel madwar mija u tletin metri kwadrati (130m²). Il-porzjon li huwa proprjetà tat-terza persuna privata qiegħed immarkat bil-kulur aħmar fuq il-pjanta tas-sit hawn annessa u mmarkata bhala 'Dok. D'. Il-porzjon tal-parti tat-triq qiegħda ndikata b' linja miksura ta' lewn iswed li tikkonfina mal-porzjon trijangolari indikat bil-kulur aħdar u mmarkata bhala 'Dok. H'.

U billi l-Awtorità tad-Djar tixtieq li timmassimizza l-potenzjal tas-sit tagħha halli l-iżvilupp li sejra tagħmel fuq l-art tagħha jsarraf f'numru akbar ta' appartamenti għall-akkomodazzjoni soċjali li jilhaq numru akbar ta' benefiċjarji, hija bdiet negozjati mat-terza persuna privata sabiex issir ghotja ta' art bi tpartit.

U billi l-Awtorità tad-Djar hija konvinta li l-art l-oħra li llum hija ta' proprjetà assoluta tat-terza persuna privata hija meħtieġa għall-iskop pubbliku tal-iżvilupp ta' djar residenzjali għall-akkomodazzjoni soċjali ai termini tad-diċitura tas-subinċiż (g)(J) tal-artikolu 31 tal-Att dwar l-Artijiet tal-Gvern (Kap. 573 tal-liġijiet ta' Malta).

U billi t-terza persuna privata aċċettat li tipparteċipa f'dan it-tpartit tal-artijiet u għaldaqstant l-Awtorità ingaġġat lil Perit Denis. H. Camilleri sabiex jipprepara rapport bil-valutazzjoni tal-artijiet rispettivi li se jitpartu, liema rapport datat l-11 t'April 2024 qiegħed jiġi hawn anness u mmarkat bhala 'Dok. E'.

U billi l-valutazzjoni li saret mill-Perit Denis H. Camilleri sabet li l-porzjoni tal-art li hija proprjetà tal-Awtorità u li hija tixtieq tpartat favur it-terza persuna privata tiswa' rata medja ta' elfejn u erba' mitt Ewro (€2,400) kull metru kwadrat, filwaqt li l-porzjoni tal-art li hija proprjetà tat-terza persuna privata u li t-terza persuna privata tixtieq tpartat favur l-Awtorità tiswa' rata medja ta' tliet elef u mitejn Ewro (€3,200) kull metru kwadrat.

U billi r-rapport oriġinali tal-Perit Denis H. Camilleri datat l-11 t'April 2024 sabet diskrepanza ta' madwar tnejn u tmenin elf u mitejn u tmien Ewro (€82,208) bejn iż-żewġ porzjonijiet tal-art favur it-terza persuna privata, il-partijiet sabu qbil preliminari fuq l-għotja ta' dritt għall-ewwel rifjut a favur it-terza persuna privata fuq żewġ garaxxijiet li se jinbnew mill-Awtorità tad-Djar fuq il-medda tal-art tagħha.

U billi sar eżerċizzju ġdid ta' *surveying* li wassal għal linja ta' demarkazzjoni ġdida bejn il-medded rispettivi ta' artijiet, liema *surveying* wassal għal linja diviżorja aktar regolari. U billi tali eżerċizzju wassal ukoll għal titjeb fil-potenzjal tas-sit tal-Awtorità tad-Djar u żdiedu n-numru ta' appartamenti tal-akkomodazzjoni soċjali minn sitta u tletin (36) għal sitta u erbgħin (46). U minhabba dawn l-iżviluppi ġodda, l-Awtorità tad-Djar ordnat valutazzjoni ġdida

U billi r-rapport tal-valutazzjoni l-ġdid (hawn anness u mmarkat bħala 'Dok. F') wassal għal konklużjoni li ż-żewġ porzjonijiet li huma proprjetà tal-Awtorità tad-Djar li flimkien ikejlu wiehed u sebghin punt tliet metri kwadrati (71.3m²) jiswew b'mod kumulattiv mija u wiehed u sebghin elf u mija u għoxrin (€171,120 Ewro) filwaqt li l-porzjoni trijangulari ta' art li tkejjel tlieta u ħamis punt ħamsa metri kwadrati (53.5m²) flimkien mal-parti tat-triq direttament quddiem din il-porzjoni diviża ta' art li tkejjel madwar mija u tletin metri kwadrati (130 m²) jiswew b'mod kumulattiv mitejn u erba' u hamsin elf u erba' mitt ewro (€254,000).

U billi, għaldaqstant id-diskrepanza bejn il-medda ta' art tal-Awtorità u dik tat-terza persuna privata żdiedet għal tlieta u tmenin elf, mitejn u tmenin Ewro (€83,280). U billi t-terza persuna privata m'għadiex interessata fid-dritt għall-ewwel rifjut fuq iż-żewġ garaxxijiet iżda tixtieq minflok li tirċievi l-valur tad-diskrepanza bejn l-artijiet tagħha u dawk tal-Awtorità f'pagament ta' flus. U billi l-Awtorità hija disposta li tagħmel tali pagament ta' tlieta u tmenin elf, mitejn u tmenin Ewro (€83,280) favur it-terza persuna privata.

U billi l-Awtorità hija konvinta li l-permuta se jkollha benefiċċji tangibbli għall-Istat minhabba li sejjer jikkonsolida s-sit tal-Awtorità li qiegħed f'kantuniera minhabba li jkabbar l-potenzjal ta' żvilupp fuq l-art, u billi l-Awtorità tixtieq ukoll li tevita kwalunkwe litigazzjoni li tista' tinqala bejn il-partijiet. U billi l-partijiet jaqblu li b'din il-permuta se tiżdied notevolment il-fabbrikabbiltà tal-artijiet rispettivi u tejjeb ukoll ir-razzjonalità tal-linja diviżorja bejn l-artijiet.

U billi, wara t-tmiem ta' negozjati bejn il-partijiet, l-Awtorità tad-Djar u t-terza persuna privata laħqu ftehim li jagħmlu tali permuta li għandha tiffacilita l-iżvilupp taż-żewġ siti, u billi t-termini u l-kundizzjonijiet ta' dan il-ftehim ta' tpartit ġie rifless, fost affarijiet oħra, fl-abbozz tal-kuntratt finali tat-trasferiment kif abbozzat, hawn anness u mmarkat bħala 'Dok. G'.

U billi fl-artikolu 31, sub-artikolu (ċ) ta' Taqsima III tal-Att dwar l-Artijiet tal-Gvern (Kapitolu 573 tal-Liġijiet ta' Malta), huwa maħsub li art li tkun proprjetà tal-Gvern jew amministrata minnu tista' tiġi trasferita skont riżoluzzjoni speċjali tal-Kamra tad-Deputati li tkun fis-seħh fil-waqt tat-trasferiment.

Billi huwa xieraq li t-trasferiment fuq imsemmi jsir skont riżoluzzjoni speċjali tal-Kamra tad-Deputati; Għalhekk huwa b'dan riżolut illi jsir:

- (i) trasferiment lit-terza persuna privata ta' żewġ porzjonijiet ta' art li huma proprjetà tal-Awtorità tad-Djar, li flimkien ikejlu wiehed u sebghin punt tliet metri kwadrati (71.3m²) u li jinsabu ġewwa ż-żona magħrufa bħala 'Tal-Imnieġel', li huma aċċessibbli minn Triq Wied il-Għajn, Triq il-Krexxuni u Triq il-Ħawt, fil-limiti ta' Ħaż-Żabbar, Malta, u li qiegħdin jiġu mmarkati bil-kulur aħmar fuq il-pjanta tas-siti hawn annessi u mmarkati bħala 'Dok. B' u 'Dok. Ċ' rispettivament.

(ii) akkwist mingħand it-terza persuna privata ta' porzjon trijangolari ta' art li tkejjel tlieta u hamsin punt hamsa metri kwadrati (53.3m²) li ssorgi fuq Triq il-Hawt, flimkien mal-parti tat-triq direttament quddiem din il-porzjoni diviża tal-art, li tkejjel madwar mija u tletin metri kwadrati (130m²). Liema porzjonijiet li huma proprjetà tat-terza persuna privata qieghdin jiġu mmarkati bil-kulur aħmar fuq il-pjanta tas-sit hawn annessa u mmarkata bhala 'Dok. D'; filwaqt li l-parti tat-triq li qeghda ndikata b' linja miksura ta' lewn iswed li tikkonfina mal-porzjon trijangolari indikat bil-kulur aħdar u mmarkata bhala 'Dok. H'.

(iii) pagament uniku ta' tmienja u tletin elf u mitejn u tmenin Ewro (€83,820) a favur it-terza persuna privata sabiex tiġi saldata darba għal dejjem id-diskrepanza bejn il-valur tal-artijiet li huma soġġetti għal dan it-tpartit.

Skont il-pattijiet u l-kundizzjonijiet imsemmija fl-abbozz hawnhekk anness u mmarkat bhala 'Dok. G'.



Onorevoli Roderick Galdes

Anness:

- Dok. A – L-estratt mir-Registru tal-Artijiet tal-pjanta tas-sit tal-Awtorità tad-Djar għewwa Triq il-Karmnu/Triq il-Hawt, Żabbar
- Dok. B – L-estratt mir-Registru tal-Artijiet tal-pjanta tal-ewwel porzjon tas-sit tal-Awtorità tad-Djar aċċessibbli minn Triq Wied il-Għajn, Żabbar
- Dok. Ċ – L-estratt mir-Registru tal-Artijiet tal-pjanta tat-tieni porzjon tas-sit tal-Awtorità tad-Djar aċċessibbli minn Triq Wied il-Għajn, Żabbar
- Dok. D – L-estratt mir-Registru tal-Artijiet tal-pjanta tal-porzjon tas-sit tat-terza persuna private aċċessibbli minn Triq il-Hawt, Żabbar
- Dok. E – Ir-rapport tal-valutazzjoni tal-artijiet f'Haż-Żabbar mhejji mill-uffiċju ta' Periti dhi Periti (il-Perit Denis H. Camilleri) datat il-11 ta' April 2024
- Dok. F – Ir-rapport aġġornat tal- valutazzjoni tal-artijiet f'Haż-Żabbar mhejji mill-uffiċju ta' Periti dhi Periti (il-Perit Denis H. Camilleri) datat l-14 ta' April 2025
- Dok. G – L-abbozz tal-kuntratt pubbliku ta' skambju ta' proprjetajiet, kif abbozzat min-Nutar Pubbliku id-Dottor Brenda Jane Camilleri Vella
- Dok. H – Spjegazzjoni viżwali tal-konfini tal-artijiet min-naħa tat-triq ta' Triq il-Hawt, Żabbar.

Date: 11/04/2024

Client: HOUSING AUTHORITY**RE: EXCHANGE OF LAND**

LAND IN ZABBAR.

MAIN REPORT

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LAND IN ZABBAR.

Date: 11th April 2024

This commission was undertaken on the instructions of Housing Authority, Malta for a valuation report, to update a previous valuation report dated 4/12/2020 to ascertain to ascertain the market value of land portions to be swapped to a third party. The difference in monetary compensation due, is being made up by transferring an adequate number of garages that the Housing Authority will develop at basement level (Appendix A), once the complete development site has been secured. This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises, with draws heavily on TEGOVA's European Valuation Standards (EVS) 2009.

The undersigned confirms that no conflict of interest arises 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.

I have been instructed to assume for the purpose of this valuation that no contaminants exist. I have not been made aware of any survey or report indicating the presence of contaminants or hazardous materials. No responsibility is thus assumed for the existence of any contaminant. Any subsequent identification of such substances may reduce the reported value and would be updated accordingly in an addendum report.

Title documentation and leases were not provided although being assumed as freehold. We shall take this in regards to the matters therein but recommend that reliance should not be placed on our interpretation thereof without prior verification by your legal advisors. Unless notified to the contrary, we assume that each property has a good and marketable title and is free from any pending litigation. We further assume that all documentation is satisfactorily drawn and that unless disclosed to us, there are no unusual or onerous restrictions, easements, covenants or other outgoings, which would adversely affect the value of the relevant interest(s).

A measured site survey was not undertaken, but areas are calculated by reference to identified boundaries of the property and the appropriate drawing as supplied by Housing Authority. All land measurements as calculated on Housing Authority Acad drawings, as attached in Appendix A are carried out in accordance with the code of measuring practice as issued in the *Kamra tal-Periti Valuation Standards 2012*. The proposed building heights were identified, as per PA Local Plan drawings, with construction underway, as per drawing section in Appendix B.

The report will be of use to the Housing Authority and its professional advisers and is for the sole purpose stated above. Liability cannot be accepted if it is relied upon by anyone else, whether for the stated purpose or any other.

INTRODUCTION

GENERAL DESCRIPTION OF LAND

Property in question is a vacant portion of land situated in the Zabbar residential area off commuter road Triq Wied il-Ghajj. This land identified as a large chunk in red is HA's land. This together with smaller portions in pink 6.32m² & green 58.52m² are also HA's land which abut at the rear of third party garages, on average at 9m inwards from the street frontage, for an overall depth of 6m.

On the other hand the triangular portion in orange 74.32m² with street frontage belongs to the same third party who owns the adjacent 3 in number garages.

The exchange of land that is being proposed includes for the orange portion to be handed over to the HA to consolidate their existing large corner red site. On the other hand the exchange includes for the pink & green portions to be handed over to third party, for these 3 garages to be converted into a reasonably sized residential plot of 15m depth circa.

The valuation methodology undertaken then outlines whether monies are to be paid out between the 2 parties concerned.

PA CONSIDERATIONS

The Housing Authority property is located within the Zabbar residential area however is governed by residential area as per policy SMH0 02.

The local plan according to map ZA 1 defines this location as a Residential Area, following Policy SMH0 02. Location is classified as a residential area as per SMH0 02. This includes for most uses on a local scale as shop/offices are not to exceed 75m² in size, although Supermarkets may be accepted if complying with SMCM 07.

The height limitation of the location presently within the development zone is for 3 floors + semi basement. This allows for a total building height of 17.50m as per DC2015, which includes for 5 residential floors inclusive of recessed floor and 1m high parapet wall at roof level for screening of services as required by law.

The Planning history of this property is noted between the years 2004 and 2020 and reads as follows:

Planning Application PA/01717/04 Outline development permission "*Apartments and garages.*" This application has been approved by Planning Board / Commission on 24 August 2004

Planning Application PA/05060/06 Full development permission "*To construct 28 basement garages, 29 apartments at ground, first and second floor levels and 7 penthouses at the penthouse level.*" This application has been approved by Planning Board / Commission on 12 May 2008

Development Notification DN/01194/10 Notification for "*Minor extension of terraces at back. Notification includes sanctioning of terraces as built*" This application has been approved by (DNO & Sanita) on 14 December 2010

Planning Application PA/02947/13 Full development permission "*Renewal to PA 05060/06 - to construct 28 basement garages, 29 apartments at ground, first and second floor levels and 7 penthouses at penthouse level.*" This application has been approved by Planning Board / Commission on 10 January 2014.

Planning Control Application PC/00024/20 PC Application re zoning "*Change of internal open area into a public schemed space.*" Awaiting assessment following topographic survey as of the date of this report

VALUATION METHODOLOGY

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises based on a comparative analysis for residential premises. The relative land values are based on a zoning principle, whereby the depth of a residential plot is zoned into 4 equal portions. The front portion is given a weighting of 4, the next portion a weighting of 3, following by the 3rd portion with a weighting of 3 and the final internal portion again with a weighting of 4.

The present going rate for developable land in Zabbar for 4 + 1 construction site, as noted from estate agents online listings is estimated at €2,000/m².

Noting the above land zoning principle of 4:3:2:1 the land rate for the front portion works out at €3,200/m², whilst the following internal zone is at €2,400/m².

The front land value in orange owned by third party is estimated at:

$$74.32\text{m}^2 @ €3,200/\text{m}^2 = \mathbf{€237,824.}$$

On the other hand internal land in green & pink, as owned by the Housing Authority is estimated at:

$$(6.32\text{m}^2 + 58.52\text{m}^2) @ €2,400/\text{m}^2 = \mathbf{€155,616.}$$

This signifies that a difference of €82,208, exists between the portions of land as owned by separate parties.

GARAGE COMPENSATION TO BE PROVIDED TO THIRD PARTY.

From garage online listings undertaken in the Zabbar locality, the garage market rate is estimated at €1,943/m², as per table below:

| TABLE No. 1 - Link | Description | Price | Negotiations (10.5%) | Agency Fees (5%) | Area | Finish | Price | Rate (Finished) |
|---|-----------------------|-------------|----------------------|------------------|-------------------|----------|----------------|-----------------------------|
| https://www.propertymarket.com.mt/view/garage-for-sale-zabbar-4122532301898928894/ | one car | € 36,000.00 | € 3,780.00 | € 1,800.00 | 16 m ² | Finished | € 30,420.00 | €1,901/m ² |
| https://www.maltapark.com/item/details/9436928 | two car + electricity | € 63,000.00 | € 6,615.00 | € 0.00 | 28 m ² | Finished | € 56,385.00 | €1,984/m ² |
| | | | | | | | Average | €1,943/m² |

Table No. 2 now notes that the market values of garages Nos. 1 & 18 as highlighted in green Appendix A, provide a market value of €82,561, noted as being equivalent to the compensation of €82,208 as required by 3rd parties.

TABLE No. 2 Garage market value estimate.

| Garage No. | Area | € |
|--------------|------|-----------------|
| 1 | 29.3 | € 56,919 |
| 18 | 13.2 | € 25,643 |
| Total | | € 82,561 |

dhi PERITI,

D.H. Camilleri – Eur. Ing, A & CE
 B.Sc. (Eng.), B.A. (Arch.), C.Eng., A.C.I.Arb., F.I.Struct.E., F.I.C.E.
 Founding Partner

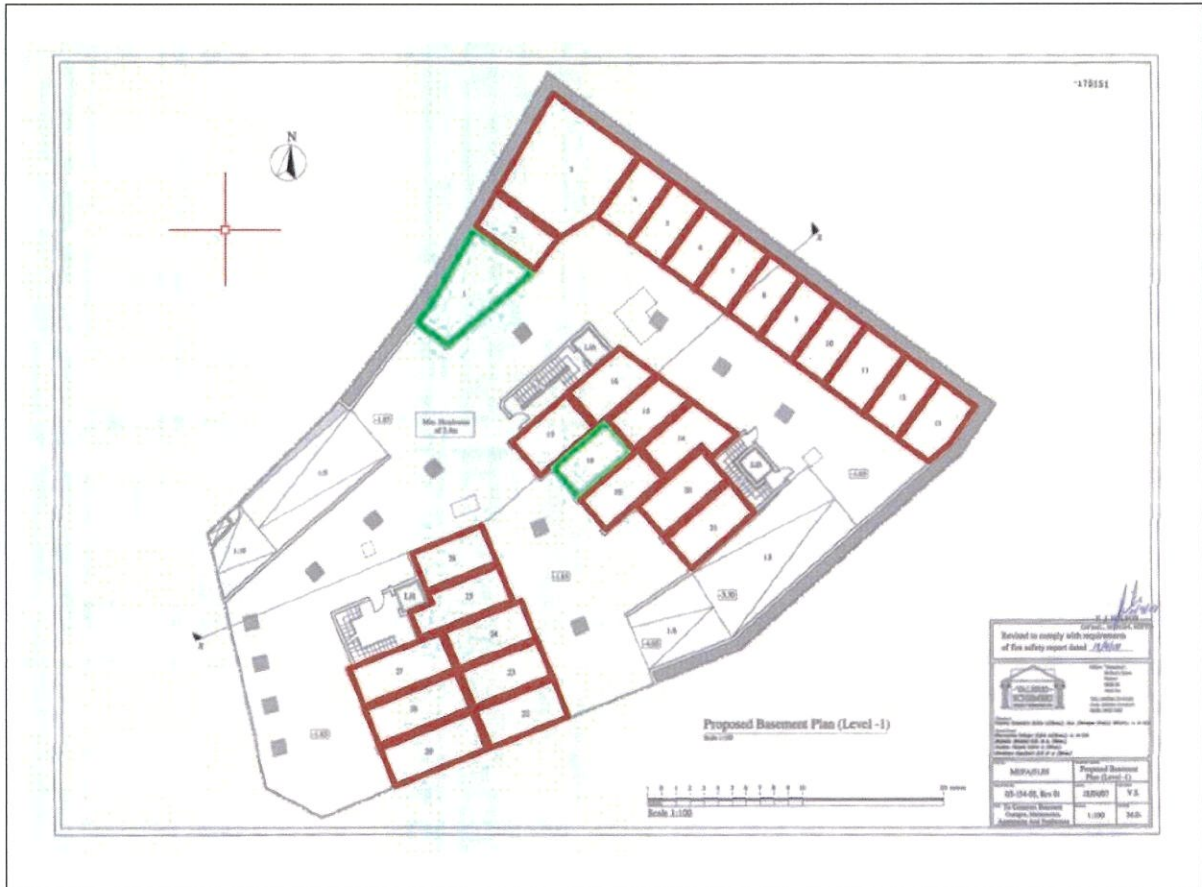
APPENDIX A**H A DRAWING**

This land identified as a large chunk in red is HA's land, this together with smaller portions in pink 6.32m² & green 58.52m² are also HA's.

The triangular portion in orange 74.32m² with street frontage belongs to the third party who owns the adjacent 3 in number garages.

APPENDIX A

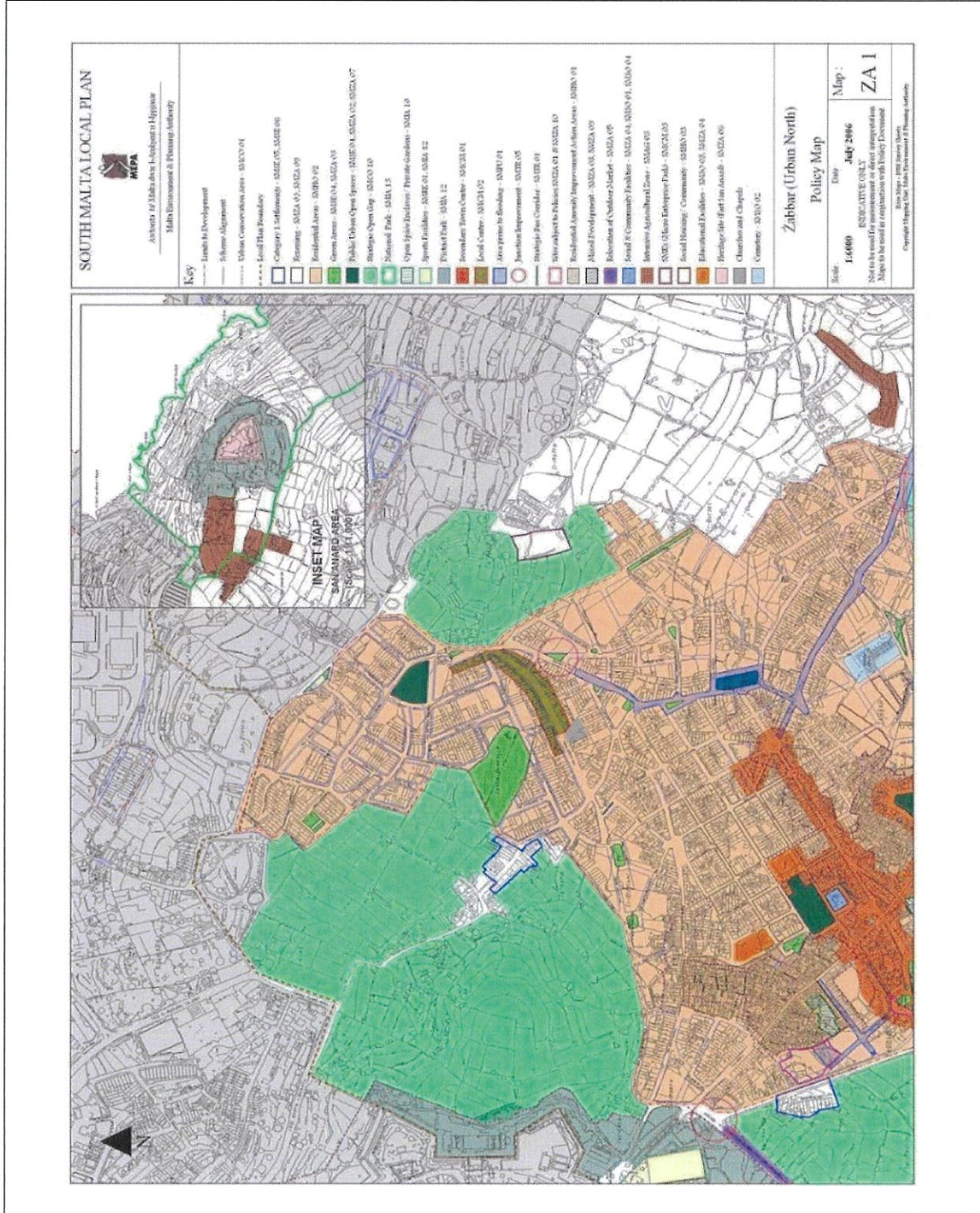
H A DRAWING



APPENDIX B

LOCAL PLANS

Residential Areas SMHO 02



APPENDIX B

LOCAL PLANS

SMHO 02 Residential Areas and Residential Priority Areas

The Local Plan designates Residential Areas (RAs) and/or Residential Priority Areas (RPAs) as shown on the relevant Policy Maps. The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the RAs.

i. A mix of Class 1 (Use Classes Order, 1994) terraced residential development as detailed in the DC 2005, Part 3, and in accordance with the specific zoning conditions indicated in the same guidance, unless otherwise stated by a policy in this Local Plan;

ii. Class 2 (Use Classes Order, 1994) residential institutions, provided that:

- they are of a small scale and do not create adverse impacts on the residential amenity of the area;
- Class 2 (a) institutions are located in close proximity to a town or local centre; and,
- Class 2 (b) nursing homes and clinics are easily accessible from the arterial and distributor road network.

iii. Class 3 (Use Classes Order, 1994) hostels provided that these uses are in accordance with all other relevant Local Plan policies.

iv. Class 4 (Use Classes Order, 1994) small shops provided that:

- the small shops (of any nature) are not to exceed a total floor area of 50 m² each, and convenience shops are not to exceed a total floor area of 75 m² each;
- they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
- they comply with any relevant section of the DC2005 (design, access, amenity, etc.).

v. Supermarkets provided that they comply with all the provisions of Policy SMCM 07.

vi. Class 5 (Use Classes Order, 1994) offices provided that:

- the floorspace does not exceed 75 m²;
- they do not unacceptably exacerbate parking problems in a residential street that already has an acute under provision of parking spaces for residents; and,
- they comply with any relevant section of the DC 2005 (design, access, amenity, etc.).

vii. Classes 7 and 9 (Use Classes Order, 1994) non-residential institutions, swimming bath or pool, skating rink, health club, sauna, sports hall, other indoor or outdoor land based sports or recreation uses not involving motorised vehicles or firearms, and interpretation centres, provided the facility:

- is of a small scale and does not create adverse impacts on the residential amenity of the area;
- is located on land already occupied by buildings and will replace these buildings provided they are not worthy of retention due to their historic/architectural merit and/or their contribution to the character of the area, unless land is specifically allocated for the facility by this Local Plan; and,
- the immediate surroundings of the site are already of a mixed use character.

viii. Class 8 (Use Classes Order, 1994) educational facilities, provided that access and the character of the area are taken into account and are deemed adequate by MEPA to allow the safe and neighbour compatible use of such facilities.

ix. Class 11 (Use Classes Order, 1994) business and light industry provided that:

- The gross floor area of the premises does not exceed 50 m² (including storage of materials and/or finished products);
- The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;

- The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. Hammers, mallets etc);
- The activity employs less than 5 people; and
- The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products. Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Residential Areas shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

x. Taxi Business or for the hire of motor vehicles as per para. 6.15 of DC 2005. Land-uses falling outside those mentioned above will not be considered favourably within the designated RAs, unless there are overriding reasons to locate such uses within these areas.

The acceptable land-uses (new uses, extensions to existing uses and change of uses) within all frontages located within the RPAs are:

i. A mix of Class 1 (Use Classes Order, 1994) terrace houses, maisonettes and flats on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC2005, Part 3, unless otherwise stated by a policy in this Local Plan.

ii. A mix of Class 1 (Use Classes Order, 1994) detached and semi-detached dwellings on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC 2005, Part 3, unless otherwise stated by a policy in this Local Plan.

iii. Class 5 (Use Classes Order, 1994) offices provided that all the provisions in point vi above with regard to Residential Areas are adhered to.

In the Residential Areas of Kirkop, including Residential Priority Areas and Xghajra no dwelling unit will be permitted having a net floor area less than 120 m². However, where proposals will result in the creation of more than two units on the same footprint, smaller units may be permitted provided that the difference between the built footprint and the 120 m² is left as open space in addition to the statutory side cartilage or back/front garden as the case may be. The additional open space shall be secured by a planning obligation.

4.4.2

This policy seeks to safeguard the residential amenity within the localities in the plan area, whilst offering an opportunity for specific developments which would enhance and complement the residential use without creating adverse impacts. The range of activities at ground floor level tends to be a mix of uses and includes shops and offices, mostly of a local scale and serving local needs. The policy specifically excludes land-uses that are deemed to be incompatible with Residential Areas due to their nature and scale of activity, such as bad neighbour industrial uses. In this regard, acceptable light industrial uses in residential areas shall only include very low impact industrial activities such as electronic repair, servicing and maintenance as well as handcrafts that do not inherently require the use of electrical machinery, especially those related to textiles. Activities which require the extensive use of manual percussive tools (eg. Hammers, mallets etc) are not deemed compatible with residential areas.

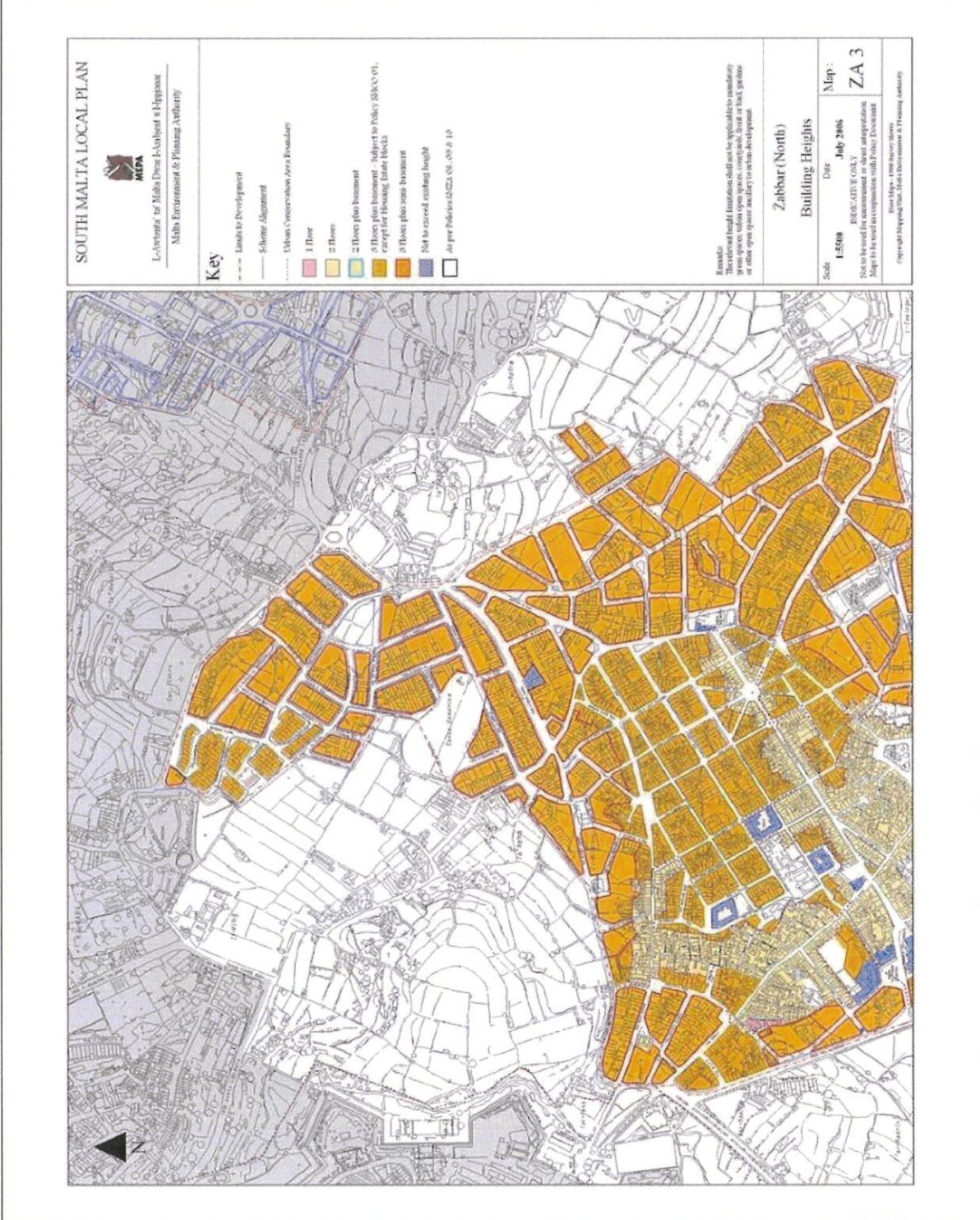
4.4.3

Residential Priority Areas (RPAs) refer to specific residential areas which are characterised by distinct building types (e.g. villa and bungalow development) or a quality urban area which is distinct from the rest of the urban area within the locality particularly with respect to building design (semi-detached/detached dwellings), lower densities (villa areas) or clusters of buildings exhibiting special characteristics. These specific characteristics enhance the residential function of these areas and this policy seeks to protect this quality aspect by not permitting uses which may significantly affect the residential nature of such areas.

APPENDIX B

LOCAL PLANS

3 floors + Semi basement (DC15 17.50m)



APPENDIX C**PHOTOS**

Photo 1: view down the road Triq il-Hawt.



Photo 2: note the 3 in number third party garages, prior to the blue garage door

APPENDIX C

PHOTOS

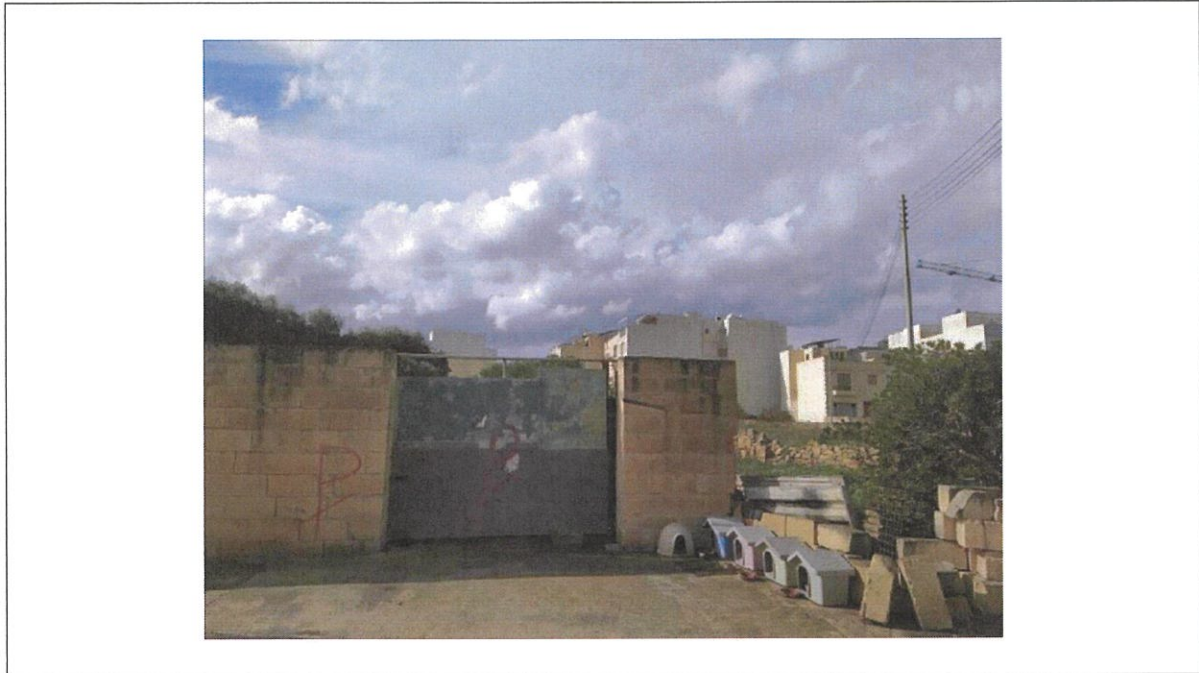


Photo 3: road not formed by HA land portion.

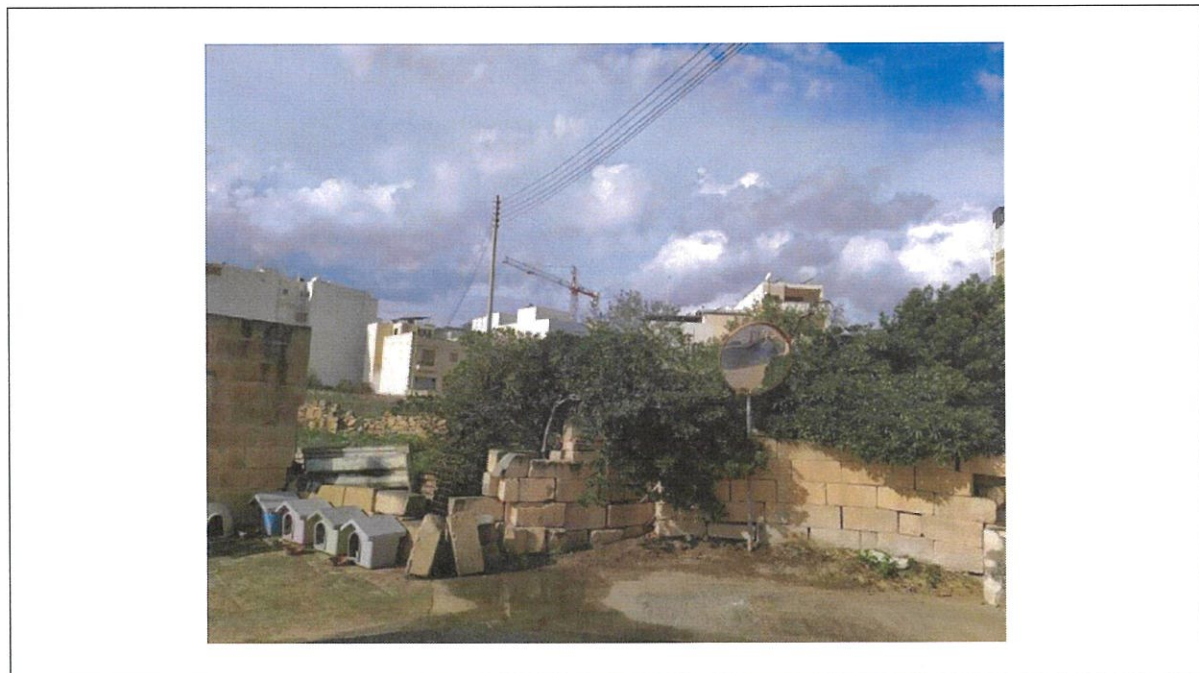


Photo 4: HA's land beyond boundary wall.

DOK. F.

Date: 14/04/2025

Client: HOUSING AUTHORITY

RE: EXCHANGE OF LAND

LAND IN ZABBAR.

MAIN REPORT

Introduction Page 2

PA Considerations Page 3

Valuation Methodology Page 4

Appendix – A, B & C Page 6 - 13.

RG

LAND IN ZABBAR.

Date: 14th April 2025

This commission was undertaken on the instructions of Housing Authority, to update a previous valuation reports dated 4/12/2020, 25/08/2023, 24/11/2024 & 26/02/2025 to ascertain the market value of land portions to be swapped to a third party. This report now includes for a portion of road area which is also to be transferred by the 3rd party to Housing Authority.

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises, with draws heavily on TEGOVA's European Valuation Standards (EVS) 2009.

The undersigned confirms that no conflict of interest arises 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.

I have been instructed to assume for the purpose of this valuation that no contaminants exist. I have not been made aware of any survey or report indicating the presence of contaminants or hazardous materials. No responsibility is thus assumed for the existence of any contaminant. Any subsequent identification of such substances may reduce the reported value and would be updated accordingly in an addendum report.

Title documentation and leases were not provided although being assumed as freehold. We shall take this in regards to the matters therein but recommend that reliance should not be placed on our interpretation thereof without prior verification by your legal advisors. Unless notified to the contrary, we assume that each property has a good and marketable title and is free from any pending litigation. We further assume that all documentation is satisfactorily drawn and that unless disclosed to us, there are no unusual or onerous restrictions, easements, covenants or other outgoings, which would adversely affect the value of the relevant interest(s).

A measured site survey was not undertaken, but areas are calculated by reference to identified boundaries of the property and the appropriate drawing as supplied by Housing Authority. All land measurements as calculated on Housing Authority Acad drawings, as attached in Appendix A are carried out in accordance with the code of measuring practice as issued in the Kamra tal-Periti Valuation Standards 2012. The proposed building heights were identified, as per PA Local Plan drawings.

The report will be of use to the Housing Authority and its professional advisers and is for the sole purpose stated above. Liability cannot be accepted if it is relied upon by anyone else, whether for the stated purpose or any other.

INTRODUCTION

GENERAL DESCRIPTION OF LAND

Property in question is a vacant portion of land situated in the Zabbar residential area off commuter road Triq Wied il-Ghajn. This land identified as a large chunk is HA's land. This together with a smaller portion in blue 71.3m² are also HA's land which abut at the rear of third party garages 134.7m², on average at 9m inwards from the street frontage on triq il-Hawt, for an overall depth of 16m.

On the other hand the triangular portion in green 53.5m² with street frontage belongs to the same third party who owns the adjacent 3 in number garages.

The exchange of land that is being proposed includes for the green portion to be handed over to the HA to consolidate their existing large corner red site. On the other hand the exchange includes for the pink portion to be handed over to third party, for these 3 garages to be converted into a reasonably sized residential plot of 18m depth circa.

The valuation methodology undertaken then outlines the money to be paid out by the Housing Authority, as the balancing of land areas as proposed by third party for no money to be paid out was not accepted the Housing Authority. This as the additional portion of land to be forfeited by the Housing Authority would have reducing the development feasibility of the Authority's housing proposal.

PA CONSIDERATIONS

The Housing Authority property is located within the Zabbar residential area however is governed by residential area as per policy SMH0 02.

The local plan according to map ZA 1 defines this location as a Residential Area, following Policy SMH0 02. Location is classified as a residential area as per SMH0 02. This includes for most uses on a local scale as shop/offices are not to exceed 75m² in size, although Supermarkets may be accepted if complying with SMCM 07.

The height limitation of the location presently within the development zone is for 3 floors + semi basement. This allows for a total building height of 17.50m as per DC2015, which includes for 5 residential floors inclusive of recessed floor and 1m high parapet wall at roof level for screening of services as required by law.

The Planning history of this property is noted between the years 2004 and 2020 and reads as follows:

Planning Application PA/01717/04 Outline development permission "*Apartments and garages.*" This application has been approved by Planning Board / Commission on 24 August 2004

Planning Application PA/05060/06 Full development permission "*To construct 28 basement garages, 29 apartments at ground, first and second floor levels and 7 penthouses at the penthouse level.*" This application has been approved by Planning Board / Commission on 12 May 2008

Development Notification DN/01194/10 Notification for "*Minor extension of terraces at back. Notifiication includes sanctioning of terraces as built*" This application has been approved by (DNO & Sanita) on 14 December 2010

Planning Application PA/02947/13 Full development permission "*Renewal to PA 05060/06 - to construct 28 basement garages, 29 apartments at ground, first and second floor levels and 7 penthouses at penthouse level.*" This application has been approved by Planning Board / Commission on 09 June 2018 with commencement of works on 10 January 2014

Planning Control Application PC/00024/20 PC Application re zoning "*Change of internal open area into a public schemed space.*" Awaiting assessment following topographic survey as of the date of this report

VALUATION METHODOLOGY

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises based on a comparative analysis for residential premises. The relative land values are based on a zoning principle, whereby the depth of a residential plot is zoned into 4 equal portions. The front portion is given a weighting of 4, the next portion a weighting of 3, following by the 3rd portion with a weighting of 3 and the final internal portion again with a weighting of 4.

The present going rate for developable land in Zabbar for 4 + 1 construction site, as noted from estate agents online listings is estimated at €2,000/m². It is to be noted that no variation in the estimated land rate occurs between the years 2000 & 2023.

Noting the above land zoning principle of 4:3:2:1 the land rate for the front portion works out at €3,200/m², whilst the following internal zone is at €2,400/m².

The following workings now follow the configuration as provided by the Housing Authority in Appendix A1.

The front land value in green + street area owned by third party to be transferred to the Housing Authority is estimated at:

$$53.50\text{m}^2 @ €3,200/\text{m}^2 + 130\text{m}^2 @ €2,000/\text{m}^2 \times 0.32^* = \mathbf{€254,400.}$$

*this reduction factor for the street area, has been derived from the third party proposal as noted in Appendix A2 by shifting communal party wall, for no monies to be paid out.

On the other hand internal land in blue, as owned by the Housing Authority to be transferred to the third party is estimated at:

$$71.30\text{m}^2 @ \text{€}2,400/\text{m}^2 = \text{€}171,120.$$

This signifies that the **difference of € 83,280** has to be paid out by the Housing Authority to the third party, for the proposed transfer of land inclusive of street area to be undertaken.

dhi PERITI,



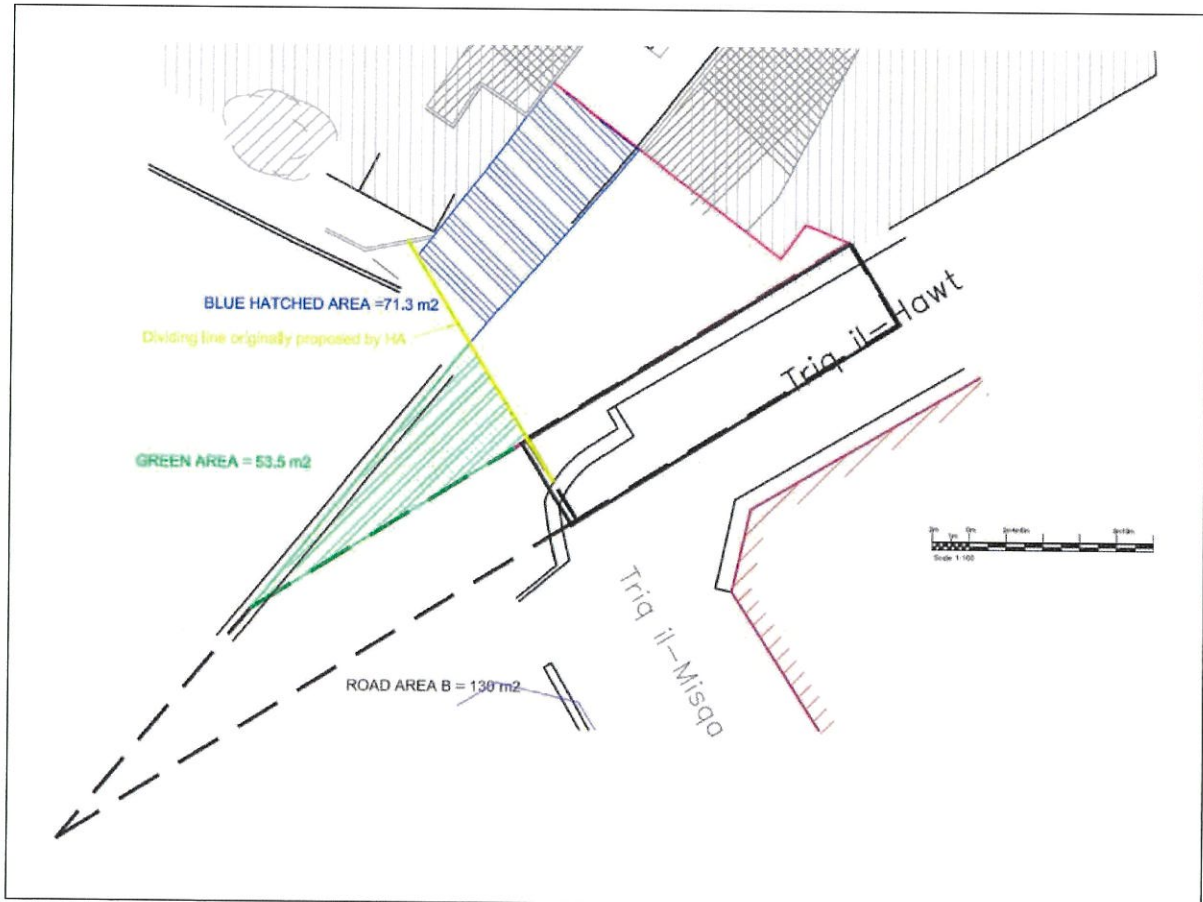
D.H. Camilleri – Eur. Ing, A & CE
B.Sc. (Eng.), B.A. (Arch.), C.Eng., A.C.I.Arb., F.I.Struct.E., F.I.C.E.
Founding Partner.

dhi PERITI

RG

APPENDIX A1

H A DRAWING_2025



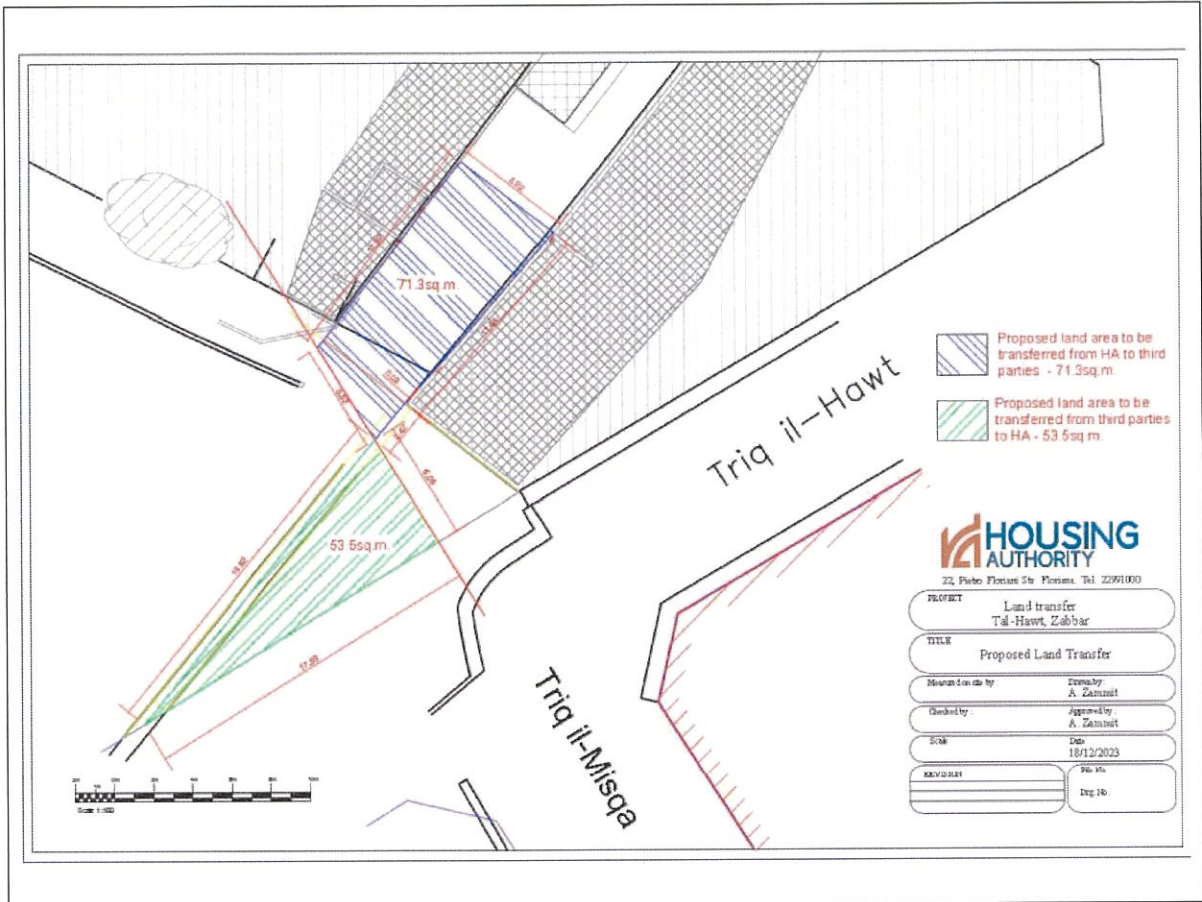
Anticipated transfer of land, as of May 2025 including 130m² of road.

Area of land to be transferred from HA to TP (blue area) is 71.3m²,
 Area of land to be transferred from TP to HA (green area) is 53.5m²,
 yellow line is not to be moved.

Black dashed line to eventually form part of the road 130m²

APPENDIX A2

H A DRAWING_2025



APPENDIX B

LOCAL PLANS

SMHO 02 Residential Areas and Residential Priority Areas

The Local Plan designates Residential Areas (RAs) and/or Residential Priority Areas (RPAs) as shown on the relevant Policy Maps. The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the RAs.

- i. A mix of Class 1 (Use Classes Order, 1994) terraced residential development as detailed in the DC 2005, Part 3, and in accordance with the specific zoning conditions indicated in the same guidance, unless otherwise stated by a policy in this Local Plan;
- ii. Class 2 (Use Classes Order, 1994) residential institutions, provided that:
 - they are of a small scale and do not create adverse impacts on the residential amenity of the area;
 - Class 2 (a) institutions are located in close proximity to a town or local centre; and,
 - Class 2 (b) nursing homes and clinics are easily accessible from the arterial and distributor road network.
- iii. Class 3 (Use Classes Order, 1994) hostels provided that these uses are in accordance with all other relevant Local Plan policies.
- iv. Class 4 (Use Classes Order, 1994) small shops provided that:
 - the small shops (of any nature) are not to exceed a total floor area of 50 m² each, and convenience shops are not to exceed a total floor area of 75 m² each;
 - they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
 - they comply with any relevant section of the DC2005 (design, access, amenity, etc.).
- v. Supermarkets provided that they comply with all the provisions of Policy SMCM 07.
- vi. Class 5 (Use Classes Order, 1994) offices provided that:
 - the floorspace does not exceed 75 m²;
 - they do not unacceptably exacerbate parking problems in a residential street that already has an acute under provision of parking spaces for residents; and,
 - they comply with any relevant section of the DC 2005 (design, access, amenity, etc.).
- vii. Classes 7 and 9 (Use Classes Order, 1994) non-residential institutions, swimming bath or pool, skating rink, health club, sauna, sports hall, other indoor or outdoor land based sports or recreation uses not involving motorised vehicles or firearms, and interpretation centres, provided the facility:
 - is of a small scale and does not create adverse impacts on the residential amenity of the area;
 - is located on land already occupied by buildings and will replace these buildings provided they are not worthy of retention due to their historic/architectural merit and/or their contribution to the character of the area, unless land is specifically allocated for the facility by this Local Plan; and,
 - the immediate surroundings of the site are already of a mixed use character.
- viii. Class 8 (Use Classes Order, 1994) educational facilities, provided that access and the character of the area are taken into account and are deemed adequate by MEPA to allow the safe and neighbour compatible use of such facilities.
- ix. Class 11 (Use Classes Order, 1994) business and light industry provided that:
 - The gross floor area of the premises does not exceed 50 m² (including storage of materials and/or finished products);
 - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
 - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. Hammers, mallets etc);

- The activity employs less than 5 people; and
- The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products. Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Residential Areas shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

x. Taxi Business or for the hire of motor vehicles as per para. 6.15 of DC 2005. Land-uses falling outside those mentioned above will not be considered favourably within the designated RAs, unless there are overriding reasons to locate such uses within these areas.

The acceptable land-uses (new uses, extensions to existing uses and change of uses) within all frontages located within the RPAs are:

i. A mix of Class 1 (Use Classes Order, 1994) terrace houses, maisonettes and flats on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC2005, Part 3, unless otherwise stated by a policy in this Local Plan.

ii. A mix of Class 1 (Use Classes Order, 1994) detached and semi-detached dwellings on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC 2005, Part 3, unless otherwise stated by a policy in this Local Plan.

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In the Residential Areas of Kirkop, including Residential Priority Areas and Xghajra no dwelling unit will be permitted having a net floor area less than 120 m². However, where proposals will result in the creation of more than two units on the same footprint, smaller units may be permitted provided that the difference between the built footprint and the 120 m² is left as open space in addition to the statutory side cartilage or back/front garden as the case may be. The additional open space shall be secured by a planning obligation.

4.4.2

This policy seeks to safeguard the residential amenity within the localities in the plan area, whilst offering an opportunity for specific developments which would enhance and complement the residential use without creating adverse impacts. The range of activities at ground floor level tends to be a mix of uses and includes shops and offices, mostly of a local scale and serving local needs. The policy specifically excludes land-uses that are deemed to be incompatible with Residential Areas due to their nature and scale of activity, such as bad neighbour industrial uses. In this regard, acceptable light industrial uses in residential areas shall only include very low impact industrial activities such as electronic repair, servicing and maintenance as well as handcrafts that do not inherently require the use of electrical machinery, especially those related to textiles. Activities which require the extensive use of manual percussive tools (eg. Hammers, mallets etc) are not deemed compatible with residential areas.

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Residential Priority Areas (RPAs) refer to specific residential areas which are characterised by distinct building types (e.g. villa and bungalow development) or a quality urban area which is distinct from the rest of the urban area within the locality particularly with respect to building design (semi-detached/detached dwellings), lower densities (villa areas) or clusters of buildings exhibiting special characteristics. These specific characteristics enhance the residential function of these areas and this policy seeks to protect this quality aspect by not permitting uses which may significantly affect the residential nature of such areas.

APPENDIX C

PHOTOS



Photo 1: view overlooking site from Triq il-Krexxuni

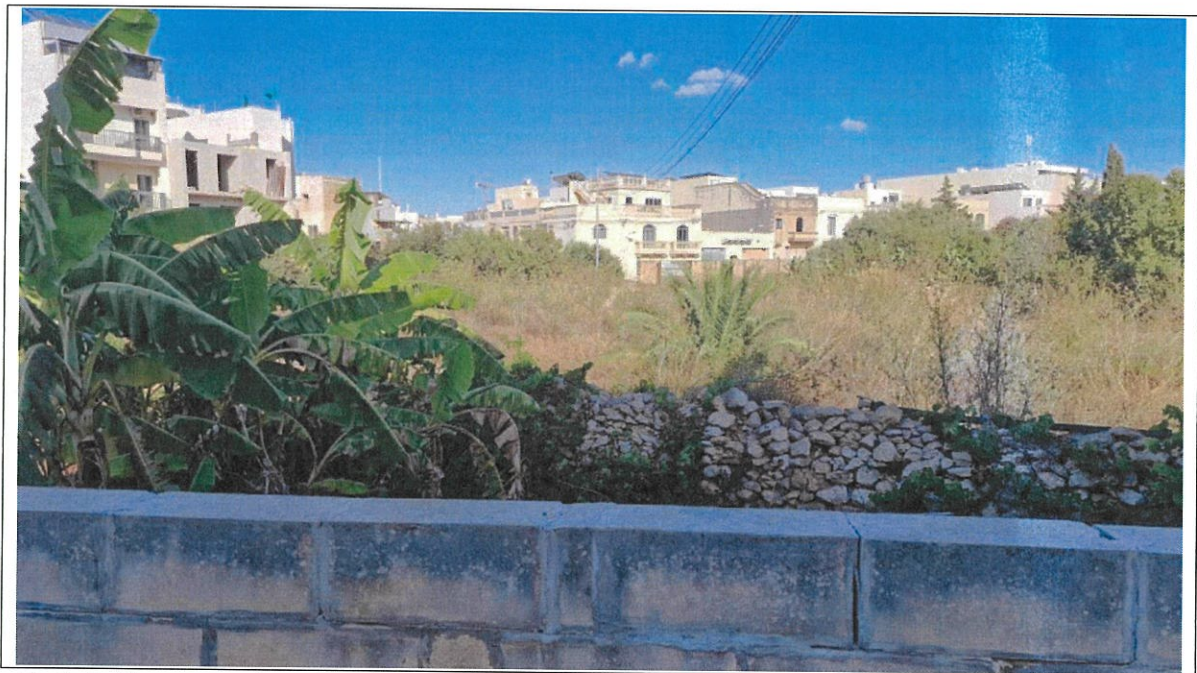


Photo 2: Site as seen from Triq il-Krexxuni

APPENDIX C

PHOTOS



Photo 3: Site view from Triq il-Hawt



Photo 4: Street view from Triq il-Misqa c/w Triq il-Hawt.

DOK-9

Deed No.

Exchange
and
Ratification

Before me Doctor of Laws Brenda Jane Camilleri Vella have personally appeared after I have verified their identity by means of the herein-mentioned official documents:

Enrolled on:

Of the one part:

Lydia Borg nee' Scicluna, legally separated from Joseph Borg, born in Zabbar nharon the 21/02/1968 and residing at Zabbar, holder of identity card number 94768M and **Mary Anne Woollard nee' Scicluna**, married to Brian Woollard, born in Zabbar on the 08/01/1963 and residing at Marsascala, holder of identity card number 37263M, daughters of Nazzareno Scicluna and Fortunata Scicluna nee' Magro, jointly and severally between them and together hereinafter referred to as the '**First Party**'.

Enrollment
Number:

Vol I: (GPP)

There appear also **Brian Gerald Woollard**, married, son of Hugh Graham Woollard and Helen Jane Woollard nee' Formosa, born in Wales, United Kingdom on the 2nd March 1963 and residing at Marsascala, Malta, holder of identity card number 79887M, hereinafter referred to as '**Brian Gerald Woollard**'.

Of the second part:

in representation of the **Housing Authority** as duly authorised, hereinafter referred to as the '**Housing Authority**' or '**the Second Party**'.

Premises

A. Whereas the First Party are the owners of the site in Triq il-Ħawt, Żabbar upon which there are constructed three garages without official numbers, two of which are unnamed and one of the garages is named 'Sunrise Garage', abutting onto Triq il-Ħawt, Żabbar, together with a divided portion of land measuring seventy squared metres (70 m²) having a street frontage on Triq il-Ħawt, Żabbar accessible from the said Triq il-Ħawt, Żabbar, together with the road area which divided portion of land is bounded on the South by the street, North by property of the Housing Authority or its successors in title, which property is paraphernal property of Lydia Borg and Mary Anne Woollard, siblings Scicluna as acquired by a deed of Irrevocable Donation in the records of Notary Doctor Luca Burlo' dated the twentieth (20th) of November of the year two thousand and twenty (2020).

B. Whereas the '**Housing Authority**' or the '**Second Party**' is the owner of the site measuring circa one hundred and eighty seven point seven squared metres (187.7 sq.m,) bounded North East by Triq Wied il-Għajn, South East in party by property of the First Party, and on the North West by property of unknown third parties, or more accurate boundaries.

That the First Party and the Second Party, are desirous of entering into an agreement whereby the First Party transfers and assigns by title of exchange, a divided portion of the site above described in the paragraph 'A', to the Second Party, who shall accept by the same title, the said property, as better described hereunder, whilst the Second Party shall transfer and assign by title of exchange unto the First Party, who shall accept, a divided portion of the Property described in the paragraph 'B', as better described below.

The First Part: Exchange

Now therefore by virtue of the FIRST PART of this deed, the First Party that is Lydia Borg and Mary Anne Woollard, hereby assign and transfer by title of exchange to the Second Party that is the Housing Authority, who by the same title of exchange, accept and acquires:

The divided portion of land of triangular shape measuring circa fifty three point five squared metres (53.5 m²) accessible from a projected road to be

named Triq il-Ħawt, Żabbar, including its airspace and sub-soil, which portion of land is bounded on the North West by property of the National Social and Development Fund, South by property of the First Party and North East by property of the First Party of more accurate boundaries, as better shown marked in green on the plan hereto attached and marked as **Document 'A'**, as well as the divided portion of land being the street area measuring circa one hundred and thirty squared metres (130 m²), accessible from Triq il-Ħawt, Żabbar, including its airspace and sub-soil, which portion of land is bounded on the North and West by property of the First Party (being the proposed road) West by property of the National and Social Development Fund, as better shown outlined in dashed lines on the plan hereto attached and marked as **Document 'A'**.

The property being transferred in this part by the First Party to the Second Party is shown on the Land Registry Plan hereto attached and marked as **Document 'B'**.

The divided portion of land is being transferred with free and vacant possession and free from and leasehold rights, free from and real or personal rights in favour of third parties, free and unencumbered, with all its rights and appurtenances.

This transfer of the PROPERTY by title of exchange is being made and accepted at the consideration of two hundred and fifty four thousand and four hundred Euro (€254,500).

Also by virtue of the FIRST PART of this deed, the Second Party hereby assigns and transfers by title of exchange unto the First Party, who by the same title accept and acquire:

The divided portion of land of rectangular shape measuring circa seventy one point three squared metres (71.3 m²), accessible from Triq Wied il-Ghajn, Żabbar, including its airspace and sub-soil, which portion of land is bounded on the North East by property of the Housing Authority, South East by property of the First Party and South West by property of the National Social Development Fund, or more accurate boundaries,, as better shown marked in blue on the plan hereto attached and marked as **Document 'A'**.

The property being transferred by the Second Party in favour of the First Party is also shown on the Land Registry Plan hereto attached and marked **Document 'C'**. The divided portion of land is being transferred with free and vacant possession and free from and leasehold rights, free from and real or personal rights in favour of third parties, free and unencumbered, with all its rights and appurtenances.

The transfer of the second property by title of EXCHANGE is being made and accepted at the consideration of one hundred seventy one thousand and one hundred twenty Euro (€171,120).

The parties declare that the values given for the respective properties exchanged are the true and real value of the immovable properties transferred, and they are making this declaration after I, the undersigned Notary, warned them of the importance of the truthfulness of this declaration. This is further being confirmed by an architect's valuation report commissioned by the Housing Authority, a copy of which is being attached to this deed marked as **Document 'D'**.

This deed of EXCHANGE is being made and accepted subject to the following terms and conditions:

Part One - The conditions relative to the transfer of Property by the First Party:-

1. The First Party, jointly and severally between themselves warrant the peaceful possession and full and unrestricted enjoyment of the Property in favour of the Second Party, and to further secure this warranty they grant to the Second Party, who accept a general hypothec on all their property present and future.
2. First Party, jointly and severally between themselves, warrant in favour of the Second Party, that:
 - 2.1. The title of the First Party over the Property is a good and certain title;
 - 2.2. The Property is being transferred as free and unencumbered, with all its rights and appurtenances, free from any burdens, servitudes, debts, hypothecs, privileges, cautions, charges, prohibitory injunctions, enforcement

notices/orders by planning and/or other authorities and free from any rights whether real or personal in favour of any person or other property, free from any requisition or expropriation orders;

2.3. There are no proceedings pending or threatened, known to the First Party, in connection with and/or relating to Property being transferred by it, that there are no circumstances, known to the First Party which are likely to give rise to any litigation or arbitration, and that there are no disputes with any Government departments, agencies, and authorities;

2.4. The property is being delivered with free and vacant possession in favour of the Second Party and not subjected to any leasehold rights including agricultural lease.

2.5. The First Party hereby grants its consent to the Second Party to excavate the sub-soil of seventy six centimetres (76cm) in the property of the Second Party, which property is adjacent to property of the First Party, upon the condition that works are carried out under the supervision of a qualified architect and according to good standards of workmanship.

Part Two - Conditions relative to the transfer of property by the Second Party:

1. The Second Party hereby declare and warrant in favour of the First Party, who accept, that:

a. The title of the Second Party over the Second Property, as described above, is a good and certain title.

b. That the Second Property is being transferred as free and unencumbered, with all its rights and appurtenances, free from any burdens, servitudes, debts, hypothecs, privileges, cautions, charges, prohibitory injunctions, enforcement notices/orders by planning and/or other authorities and free from any rights whether real or personal in favour of any person or other property, free from any requisition or expropriation orders;

c. There are no proceedings pending or threatened, known to the Second Party, in connection with and/or relating to the Second Property, that there are no circumstances, known to the Second Party which are likely to give rise to

any litigation or arbitration, and that there are no disputes with any Government departments, agencies, and authorities;

d. The Second Property is being delivered with free and vacant possession in favour of the First Party and not subjected to any leasehold rights including agricultural lease.

Part Three - Other Conditions common to the transfer of the First Property and the Second Property:-

1. An owelty amounting to eighty three thousand and two hundred and eighty Euro (€83,280) is payable by the Second Party to the First Party, which sum is being presently paid and the First Party hereby tenders due receipt according to law.

2. All fees and expenses in connection with this present deed, and notarial fees shall be borne by the parties equally between them. Each party shall pay its respective duty and capital gains tax.

For the purposes of Act number seventeen (XVII) of the year one thousand nine hundred and ninety three (1993), it is hereby being declared that:

With regards to the Property being transferred by the First Party:-

The First Party acquired the site by means of a deed of irrevocable donation in the records of Notary Doctor Luca Burlo' dated the twentieth (20th) of November of the year two thousand and twenty (2020) (INS. 24215/2020).

With regards to the Property being transferred by the Second Party:-

The Second Party namely the Housing Authority acquired the property in part by means of a deed of Irrevocable Donation in the records of Notary Doctor Joe Cilia dated the twentieth (20th) of April of the year two thousand and twenty three (2023) (INS. 12374/2023), and in part by means of a Legal Notice numbered four hundred and ten of the year two thousand and five (2005).

By means of a deed in the records of Notary Doctor Marco Burlo' dated the fifth (5th) July of the year two thousand and twenty one (2021), the a divided portion of land measuring circa one thousand five hundred and ten metres

squared (1510 m²) was transferred to the National Social and Development Fund by title of temporary emphyteusis, which deed was rescinded in part by means of a deed in the records of Notary Marco Burlo' dated the
, whereby the portion of land measuring circa seven point seven squared metres (7.7 m²) reverted to the Housing Authority.

Fiscal Declarations

This deed of exchange has been entered into following the approval by a special resolution of the House of Representatives in accordance with Article 31(c) of Chapter 573 of the Laws of Malta.

For the purposes of Act number seventeen of the year one thousand nine hundred and ninety-three ((XVII/1993) relative to Duty on Documents and other Transfers, it is hereby being declared that the:

a. For the purposes of the same Act duty payable by the parties equally between them on the higher of the transfer values, calculated at the rate of five per cent (5%), amounts to twelve thousand and seven hundred and twenty Euro (€12,720) payable as to six thousand three hundred and sixty Euro (€6,360) by the First Party. The Second Party is exempt from the payment of duty.

The Parties declare that the value attributed by them to the immovable hereby transferred is true and just and this after I the Notary undersigned explained to them the importance of the veracity of this declaration.

For the purposes of Act number eighteen of the year one thousand nine hundred and ninety-four (VXIII/1994), it is hereby declared that the tax payable by the First Party calculated at the rate of ten per cent (10%) amounts to twenty five thousand four hundred and forty Euro (€25,440).

For the purposes of sub-article twelve (12) of Article five letter 'A' (5A) of Chapter one hundred and twenty three (123) of the Laws of Malta, the

transferors and the acquirers declare, after I the undersigned Notary explained to them the importance of the veracity of this declaration, to have declared in this deed all the facts which determine whether the transfer on this deed is one to which Article five letter A (5A) applies as well as all the facts that are relevant for ascertaining the proper amount of tax chargeable or any exemption thereof, including the real value of the immovable hereby transferred which, in their opinion, reasonably reflects the market value of the said property, if this value is higher than the consideration for the transfer. The said parties make this declaration after I the undersigned Notary have warned them about the importance of the truthfulness of this declaration.

For the purposes of Legal Notice four hundred and thirteen of the year two thousand and eleven (L.N.413/2011);

(a) With regards to the First Party, it is being declared that the First Party is a Maltese citizen and resident in Malta and that he/she/they have no intention of leaving Malta to reside abroad prior to the annual income tax return for the current year being submitted.

(b) With regards to the Second Party, the Housing Authority is a government entity established by the Housing Authority Act.

The said parties make this declaration after I the undersigned Notary have warned them about the importance of the truthfulness of this declaration.

For the purposes of Chapter two hundred and forty six (246) of the Laws of Malta the First Party as transferees hereby declare that they qualify to acquire immovable property without the necessity of a perit, since they are Maltese citizens and that they have resided continuously in Malta for five (5) years during their lifetime.

These declarations are being made after I have warned them of the importance and consequence thereof.

For the purposes of the Land Registration Act, Chapter two hundred and ninety six (Cap. 296) of the Laws of Malta, I the undersigned Notary declare that from a search carried out in the Land Registry of Malta it resulted that:

(a) The Property transferred by the First Party is not situated in a compulsory registration area and has not been voluntarily registered and this as it results from search numbers ten thousand sxi hundred and seventy two of the year two thousand and twenty five (106272/25).

(b) The Property transferred by the Second Party is registered and forms part of titles numbered zero eight zero zero one five nine zero (08001590) and zero eight zero zero zero eight two seven (08000827), registered in the name of the Housing Authority.

For the purposes of the Prevention of Money Laundering Act, Chapter three hundred and seventy three (Cap 373) the parties declare that the funds used to purchase/acquire the immovable property by virtue of this deed do not derive from money laundering activities or any other criminal or illegal activity including the evasion of tax.

For the purposes of the Income Tax Act it is hereby being declared by the parties that they have disclosed to the undersigned Notary all the information to ascertain the values of the properties transferred and that the value given is the market value of the property *de quo*.

For the purpose of the Notarial Profession and Notarial Archives Act, Chapter fifty-five (CAP 55) of the Laws of Malta it is hereby declared:

That I, the undersigned Notary, expressly declare in terms of Rule four (4) paragraph letter 'd' of the Title Examination Rules of the year two thousand and twelve (2012), Legal Notice three hundred and fifty-five (355) of the year two thousand and twelve (2012), that I am ipso iure exempt from the examination of the title of the immovable property transferred by the Second Party and from the causes of creditors' preferences affecting the same title and that I have explained the importance and consequence of this exemption to the First Party who confirms that the undersigned Notary has explained to us the importance and consequences of this declaration and of the exemption.

For the purposes of the Regulations on the Examination of Title Subsidiary Legislation number fifty-five point zero six (S.L. 55.06), it is declared that I the undersigned Notary am ipso iure exempt from the obligation to examine the

title of the property transferred by the First Party given that this is an acquisition by a legal entity established by law in accordance with rule number four (4) paragraph letter 'f' and that I have explained the importance and consequences of this exemption to the Second Party which confirms such explanation and accepts this exemption. Furthermore, the Authority is expressly exempting the undersigned Notary from the obligation to examine the title of the property transferred by the third part of this act, in terms of sub-article five of article eighty-four letter 'C' (84C[5]) of the same act and of regulation number twenty (20) of Legal Notice three hundred and fifty-five of the year two thousand and twelve (L.L. 355/2012) and this after the undersigned Notary has fully understood the importance and consequence of this declaration and the exemption in terms of the Act and of sub-article one of Regulation twenty-two (22[1]) of the same Legal Notice.

All declarations made by the parties of this deed are being made after I the undersigned Notary warned the parties of the importance of the truthfulness of these declarations.

The Second Part: Ratification

By virtue of the second part of this deed, since this Property acquired by Mary Anne Woollard, wife of Brian Gerald Woollard in the first part of this deed shall henceforth form part of the community of acquests existing between Mary Anne Woollard and Brian Gerald Woollard, namely the Spouses Woollard, and this in terms of Article one thousand three hundred and twenty sub-article letter 'e' (1320(e)) of the Civil Code, Brian Gerald Woollard hereby grants his consent in so far as his consent is required for the acquisition of real rights over the property acquired by the First Part of this deed. The said Brian Gerald Woollard hereby ratifies the Exchange which has taken place between the First and Second party by means of the second part of this deed and hereby declares that he has no further rights and pretensions over the Property transferred to the Second Party by means of the first part of this deed.

This deed has been done read and published after the contents have been duly explained by me the undersigned Notary to all the parties according to Law in

Malta, Floriana, Pietro Floriani Street, number twenty two (22), at the offices of the Housing Authority.



Pjanta tas-Sit 1:2500 Site Plan



Agenzija għar-Registrazzjoni tal-Artijiet

116, Casa Bolino, Triq il-Paneni, Il-Belt Valletta

Land Registration Agency

116, Casa Bolino, Triq il-Paneni, Il-Belt Valletta

Nru tal-Mappa: **388702 M** Pożizzjoni Centrali: **x = 58671** Parti min S.S.: **5870** Data: **02/04/2025**
 Map Number. Centre Coordinates: **y = 70534** Extracted from S.S.

Perit: *Perit Alison Zammi*
 Architect

Qies (metri kwadra): **Area A ~ 53.5 m²**
 Area (square metres): **B ~ 129.94 m²**

Timbru tal-Perit: **PERIT ALISON ZAMMI**
 Architect's Stamp: **B.E. (Hons.), Pg. Dip. Conservation Tech., MSC Sustainable Energy, A & C.E**
 Warrant No: 426
HOUSING AUTHORITY
 22, Triq Pietro Floriani, Floriana FRN 1060

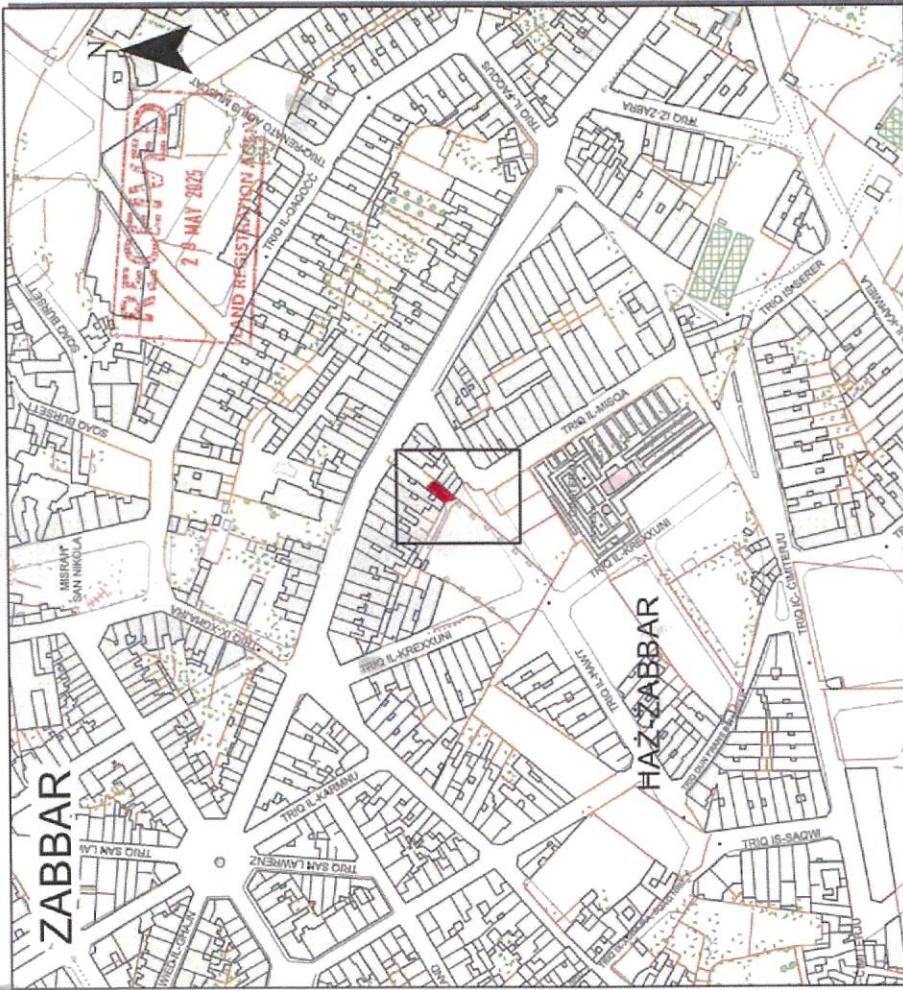
Firma ta' l-Applikant:
 Applicant's Signature:

Dritt imballas
 Fee Paid

LR 332318



Scale 1:250



Pjanta tas-Sit 1:2500 Site Plan


Agenzija għar-Registrazzjoni tal-Artijiet

116, Casa Bollino, Triq il-Punent, Il-Belt Valletta



Land Registration Agency

116, Casa Bollino, Triq il-Punent, Il-Belt Valletta

| | | | |
|---|---|--|--|
| Nru tal-Mappa: 388702 M Map Number: | Posizzjoni Centrali: x = 58671 Centre Coordinates: y = 70534 | Parti min S.S.: 5870 Extracted from S.S.: | Data: 02/04/2025 Date: |
| Perit: Architect: |  PERIT ALISON ZAMMIT Architect's Stamp: E.&A. (Hons.), Pg. Dip. Conservation Tech., MSc. Sustainable Energy, A & C.E. Warrant No: 426 | Qies (metri kwadri): Area: 71.3 m² Area (square metres): | Firma ta' l-Applikant: Applicant's Signature: |
| <p>HOUSING AUTHORITY 22, Triq Pietro Floriani, Floriana FRN 1060</p> | | <p>LR 332290</p> | |

Date: 14/04/2025

Client: HOUSING AUTHORITY

RE: EXCHANGE OF LAND

LAND IN ZABBAR.

MAIN REPORT

Introduction Page 2

PA Considerations Page 3

Valuation Methodology Page 4

Appendix – A, B & C Page 6 - 13.

RG

LAND IN ZABBAR.

Date: 14th April 2025

This commission was undertaken on the instructions of Housing Authority, to update a previous valuation reports dated 4/12/2020, 25/08/2023, 24/11/2024 & 26/02/2025 to ascertain the market value of land portions to be swapped to a third party. This report now includes for a portion of road area which is also to be transferred by the 3rd party to Housing Authority.

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises, with draws heavily on TEGOVA's European Valuation Standards (EVS) 2009.

The undersigned confirms that no conflict of interest arises 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.

I have been instructed to assume for the purpose of this valuation that no contaminants exist. I have not been made aware of any survey or report indicating the presence of contaminants or hazardous materials. No responsibility is thus assumed for the existence of any contaminant. Any subsequent identification of such substances may reduce the reported value and would be updated accordingly in an addendum report.

Title documentation and leases were not provided although being assumed as freehold. We shall take this in regards to the matters therein but recommend that reliance should not be placed on our interpretation thereof without prior verification by your legal advisors. Unless notified to the contrary, we assume that each property has a good and marketable title and is free from any pending litigation. We further assume that all documentation is satisfactorily drawn and that unless disclosed to us, there are no unusual or onerous restrictions, easements, covenants or other outgoings, which would adversely affect the value of the relevant interest(s).

A measured site survey was not undertaken, but areas are calculated by reference to identified boundaries of the property and the appropriate drawing as supplied by Housing Authority. All land measurements as calculated on Housing Authority Acad drawings, as attached in Appendix A are carried out in accordance with the code of measuring practice as issued in the Kamra tal-Periti Valuation Standards 2012. The proposed building heights were identified, as per PA Local Plan drawings.

The report will be of use to the Housing Authority and its professional advisers and is for the sole purpose stated above. Liability cannot be accepted if it is relied upon by anyone else, whether for the stated purpose or any other.

INTRODUCTION

GENERAL DESCRIPTION OF LAND

Property in question is a vacant portion of land situated in the Zabbar residential area off commuter road Triq Wied il-Ghajn. This land identified as a large chunk is HA's land. This together with a smaller portion in blue 71.3m² are also HA's land which abut at the rear of third party garages 134.7m², on average at 9m inwards from the street frontage on triq il-Hawt, for an overall depth of 16m.

On the other hand the triangular portion in green 53.5m² with street frontage belongs to the same third party who owns the adjacent 3 in number garages.

The exchange of land that is being proposed includes for the green portion to be handed over to the HA to consolidate their existing large corner red site. On the other hand the exchange includes for the pink portion to be handed over to third party, for these 3 garages to be converted into a reasonably sized residential plot of 18m depth circa.

The valuation methodology undertaken then outlines the money to be paid out by the Housing Authority, as the balancing of land areas as proposed by third party for no money to be paid out was not accepted the Housing Authority. This as the additional portion of land to be forfeited by the Housing Authority would have reducing the development feasibility of the Authority's housing proposal.

PA CONSIDERATIONS

The Housing Authority property is located within the Zabbar residential area however is governed by residential area as per policy SMHO 02.

The local plan according to map ZA 1 defines this location as a Residential Area, following Policy SMHO 02. Location is classified as a residential area as per SMHO 02. This includes for most uses on a local scale as shop/offices are not to exceed 75m² in size, although Supermarkets may be accepted if complying with SMCM 07.

The height limitation of the location presently within the development zone is for 3 floors + semi basement. This allows for a total building height of 17.50m as per DC2015, which includes for 5 residential floors inclusive of receded floor and 1m high parapet wall at roof level for screening of services as required by law.

The Planning history of this property is noted between the years 2004 and 2020 and reads as follows:

Planning Application PA/01717/04 Outline development permission "*Apartments and garages.*" This application has been approved by Planning Board / Commission on 24 August 2004

Planning Application PA/05060/06 Full development permission "*To construct 28 basement garages, 29 apartments at ground, first and second floor levels and 7 penthouses at the penthouse level.*" This application has been approved by Planning Board / Commission on 12 May 2008

Development Notification DN/01194/10 Notification for "*Minor extension of terraces at back. Notiiification includes sanctioning of terraces as built*" This application has been approved by (DNO & Sanita) on 14 December 2010

Planning Application PA/02947/13 Full development permission "*Renewal to PA 05060/06 - to construct 28 basement garages, 29 apartments at ground, first and second floor levels and 7 penthouses at penthouse level.*" This application has been approved by Planning Board / Commission on 09 June 2018 with commencement of works on 10 January 2014

Planning Control Application PC/00024/20 PC Application re zoning "*Change of internal open area into a public schemed space.*" Awaiting assessment following topographic survey as of the date of this report

VALUATION METHODOLOGY

This is undertaken according to the *Kamra Tal-Periti Valuation Standards* as issued in 2012 for valuation of premises based on a comparative analysis for residential premises. The relative land values are based on a zoning principle, whereby the depth of a residential plot is zoned into 4 equal portions. The front portion is given a weighting of 4, the next portion a weighting of 3, following by the 3rd portion with a weighting of 3 and the final internal portion again with a weighting of 4.

The present going rate for developable land in Zabbar for 4 + 1 construction site, as noted from estate agents online listings is estimated at €2,000/m². It is to be noted that no variation in the estimated land rate occurs between the years 2000 & 2023.

Noting the above land zoning principle of 4:3:2:1 the land rate for the front portion works out at €3,200/m², whilst the following internal zone is at €2,400/m².

The following workings now follow the configuration as provided by the Housing Authority in Appendix A1.

The front land value in green + street area owned by third party to be transferred to the Housing Authority is estimated at:

$$53.50\text{m}^2 @ €3,200/\text{m}^2 + 130\text{m}^2 @ €2,000/\text{m}^2 \times 0.32^* = \mathbf{€254,400.}$$

*this reduction factor for the street area, has been derived from the third party proposal as noted in Appendix A2 by shifting communal party wall, for no monies to be paid out.

On the other hand internal land in blue, as owned by the Housing Authority to be transferred to the third party is estimated at:

$$71.30\text{m}^2 @ \text{€}2,400/\text{m}^2 = \text{€}171,120.$$

This signifies that the **difference of € 83,280** has to be paid out by the Housing Authority to the third party, for the proposed transfer of land inclusive of street area to be undertaken.

dhi PERITI,



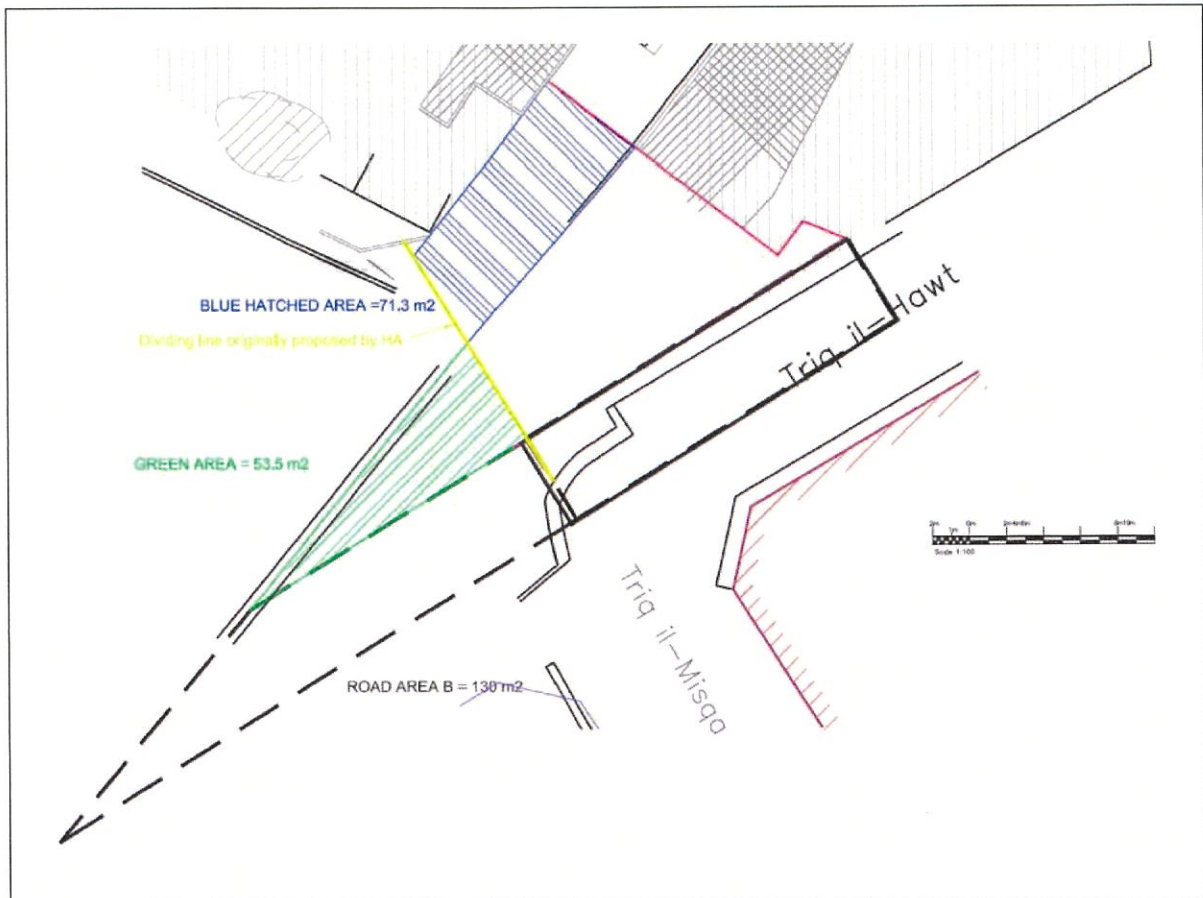
D.H. Camilleri — Eur. Ing, A & CE
B.Sc. (Eng.), B.A. (Arch.), C.Eng., A.C.I.Arb., F.I.Struct.E., F.I.C.E.
Founding Partner.

dhi PERITI

RC

APPENDIX A1

H A DRAWING_2025

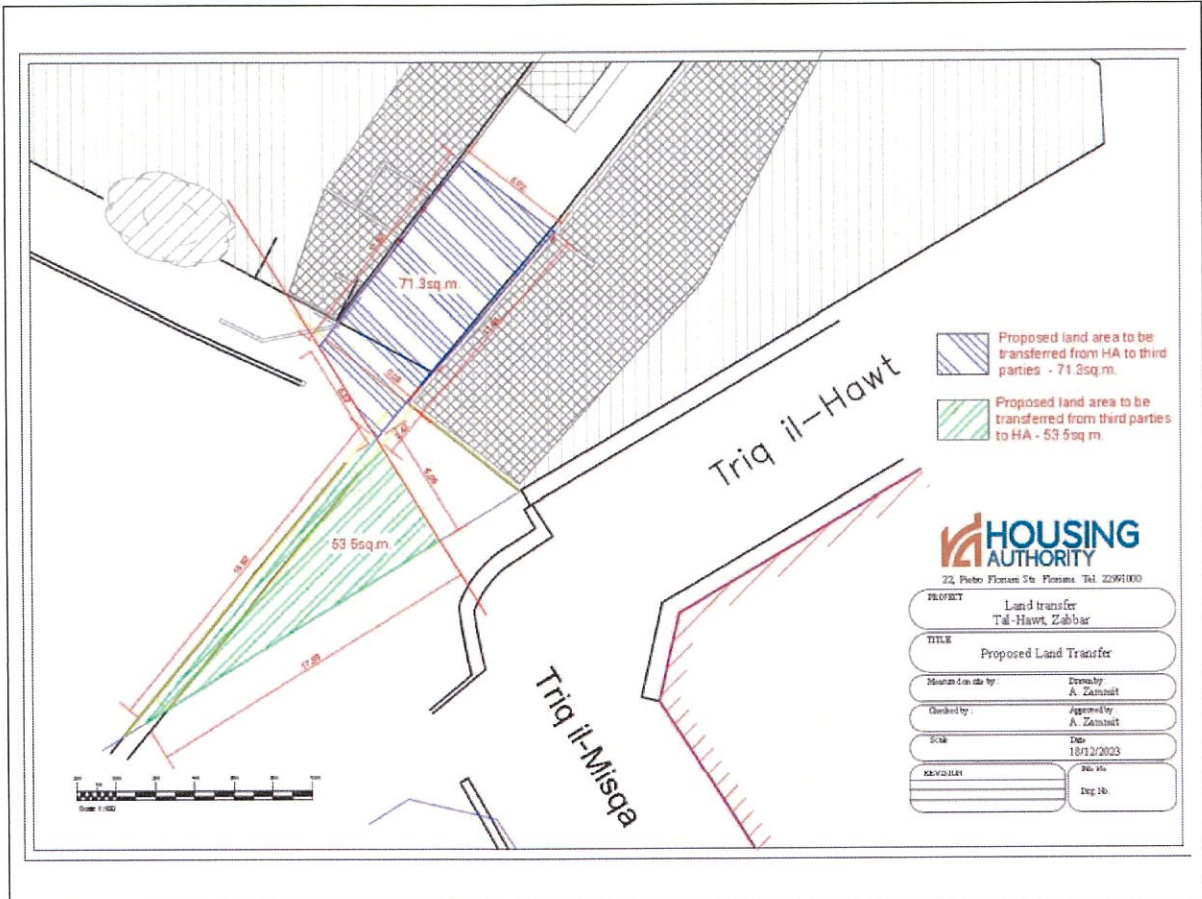


Anticipated transfer of land, as of May 2025 including 130m² of road.

Area of land to be transferred from HA to TP (blue area) is 71.3m²,
 Area of land to be transferred from TP to HA (green area) is 53.5m²,
 yellow line is not to be moved.
 Black dashed line to eventually form part of the road 130m²

APPENDIX A2

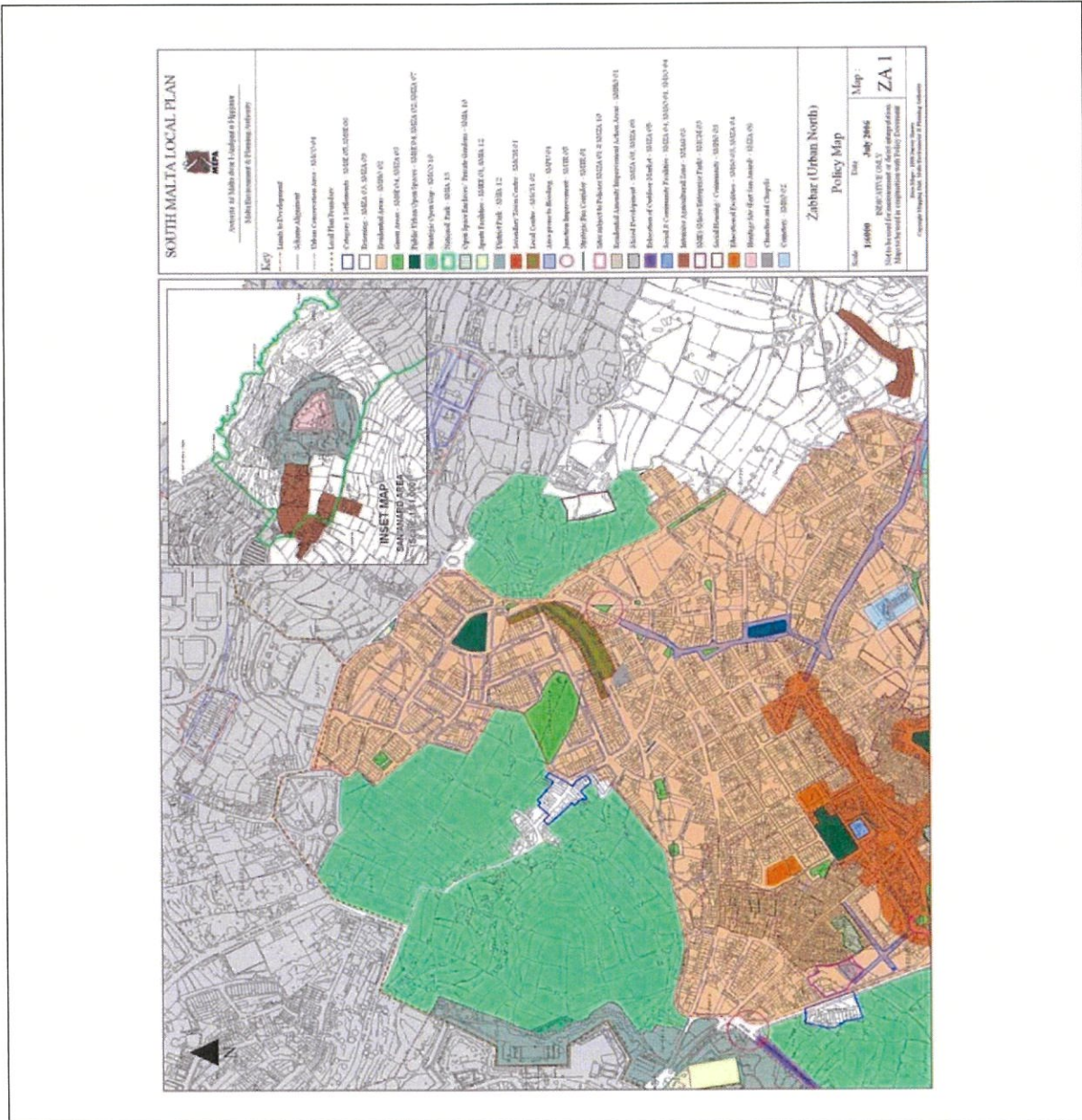
H A DRAWING_2025



APPENDIX B

LOCAL PLANS

Residential Areas SMHO 02



APPENDIX B

LOCAL PLANS

SMHO 02 Residential Areas and Residential Priority Areas

The Local Plan designates Residential Areas (RAs) and/or Residential Priority Areas (RPAs) as shown on the relevant Policy Maps. The following is a list of acceptable land-uses (new uses, extensions to existing uses, and change of uses) within all frontages located within the RAs.

- i. A mix of Class 1 (Use Classes Order, 1994) terraced residential development as detailed in the DC 2005, Part 3, and in accordance with the specific zoning conditions indicated in the same guidance, unless otherwise stated by a policy in this Local Plan;
- ii. Class 2 (Use Classes Order, 1994) residential institutions, provided that:
 - they are of a small scale and do not create adverse impacts on the residential amenity of the area;
 - Class 2 (a) institutions are located in close proximity to a town or local centre; and,
 - Class 2 (b) nursing homes and clinics are easily accessible from the arterial and distributor road network.
- iii. Class 3 (Use Classes Order, 1994) hostels provided that these uses are in accordance with all other relevant Local Plan policies.
- iv. Class 4 (Use Classes Order, 1994) small shops provided that:
 - the small shops (of any nature) are not to exceed a total floor area of 50 m² each, and convenience shops are not to exceed a total floor area of 75 m² each;
 - they comply with all the provisions of paras. 1.4.16 to 1.4.18 of the Interim Retail Planning Guidelines (2003); and
 - they comply with any relevant section of the DC2005 (design, access, amenity, etc.).
- v. Supermarkets provided that they comply with all the provisions of Policy SMCM 07.
- vi. Class 5 (Use Classes Order, 1994) offices provided that:
 - the floorspace does not exceed 75 m²;
 - they do not unacceptably exacerbate parking problems in a residential street that already has an acute under provision of parking spaces for residents; and,
 - they comply with any relevant section of the DC 2005 (design, access, amenity, etc.).
- vii. Classes 7 and 9 (Use Classes Order, 1994) non-residential institutions, swimming bath or pool, skating rink, health club, sauna, sports hall, other indoor or outdoor land based sports or recreation uses not involving motorised vehicles or firearms, and interpretation centres, provided the facility:
 - is of a small scale and does not create adverse impacts on the residential amenity of the area;
 - is located on land already occupied by buildings and will replace these buildings provided they are not worthy of retention due to their historic/architectural merit and/or their contribution to the character of the area, unless land is specifically allocated for the facility by this Local Plan; and,
 - the immediate surroundings of the site are already of a mixed use character.
- viii. Class 8 (Use Classes Order, 1994) educational facilities, provided that access and the character of the area are taken into account and are deemed adequate by MEPA to allow the safe and neighbour compatible use of such facilities.
- ix. Class 11 (Use Classes Order, 1994) business and light industry provided that:
 - The gross floor area of the premises does not exceed 50 m² (including storage of materials and/or finished products);
 - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
 - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. Hammers, mallets etc);

- The activity employs less than 5 people; and
- The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products. Examples of acceptable uses considered by MEPA include tailor, cobbler, lace making and computer and electronic repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing, spray painting and bakery.

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Residential Areas shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

x. Taxi Business or for the hire of motor vehicles as per para. 6.15 of DC 2005. Land-uses falling outside those mentioned above will not be considered favourably within the designated RAs, unless there are overriding reasons to locate such uses within these areas.

The acceptable land-uses (new uses, extensions to existing uses and change of uses) within all frontages located within the RPAs are:

i. A mix of Class 1 (Use Classes Order, 1994) terrace houses, maisonettes and flats on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC2005, Part 3, unless otherwise stated by a policy in this Local Plan.

ii. A mix of Class 1 (Use Classes Order, 1994) detached and semi-detached dwellings on sites zoned in the relative Area Policy Maps for these specific forms of residential development. This development is to be in accordance with the relevant conditions as detailed in the DC 2005, Part 3, unless otherwise stated by a policy in this Local Plan.

iii. Class 5 (Use Classes Order, 1994) offices provided that all the provisions in point vi above with regard to Residential Areas are adhered to.

In the Residential Areas of Kirkop, including Residential Priority Areas and Xghajra no dwelling unit will be permitted having a net floor area less than 120 m². However, where proposals will result in the creation of more than two units on the same footprint, smaller units may be permitted provided that the difference between the built footprint and the 120 m² is left as open space in addition to the statutory side cartilage or back/front garden as the case may be. The additional open space shall be secured by a planning obligation.

4.4.2

This policy seeks to safeguard the residential amenity within the localities in the plan area, whilst offering an opportunity for specific developments which would enhance and complement the residential use without creating adverse impacts. The range of activities at ground floor level tends to be a mix of uses and includes shops and offices, mostly of a local scale and serving local needs. The policy specifically excludes land-uses that are deemed to be incompatible with Residential Areas due to their nature and scale of activity, such as bad neighbour industrial uses. In this regard, acceptable light industrial uses in residential areas shall only include very low impact industrial activities such as electronic repair, servicing and maintenance as well as handcrafts that do not inherently require the use of electrical machinery, especially those related to textiles. Activities which require the extensive use of manual percussive tools (eg. Hammers, mallets etc) are not deemed compatible with residential areas.

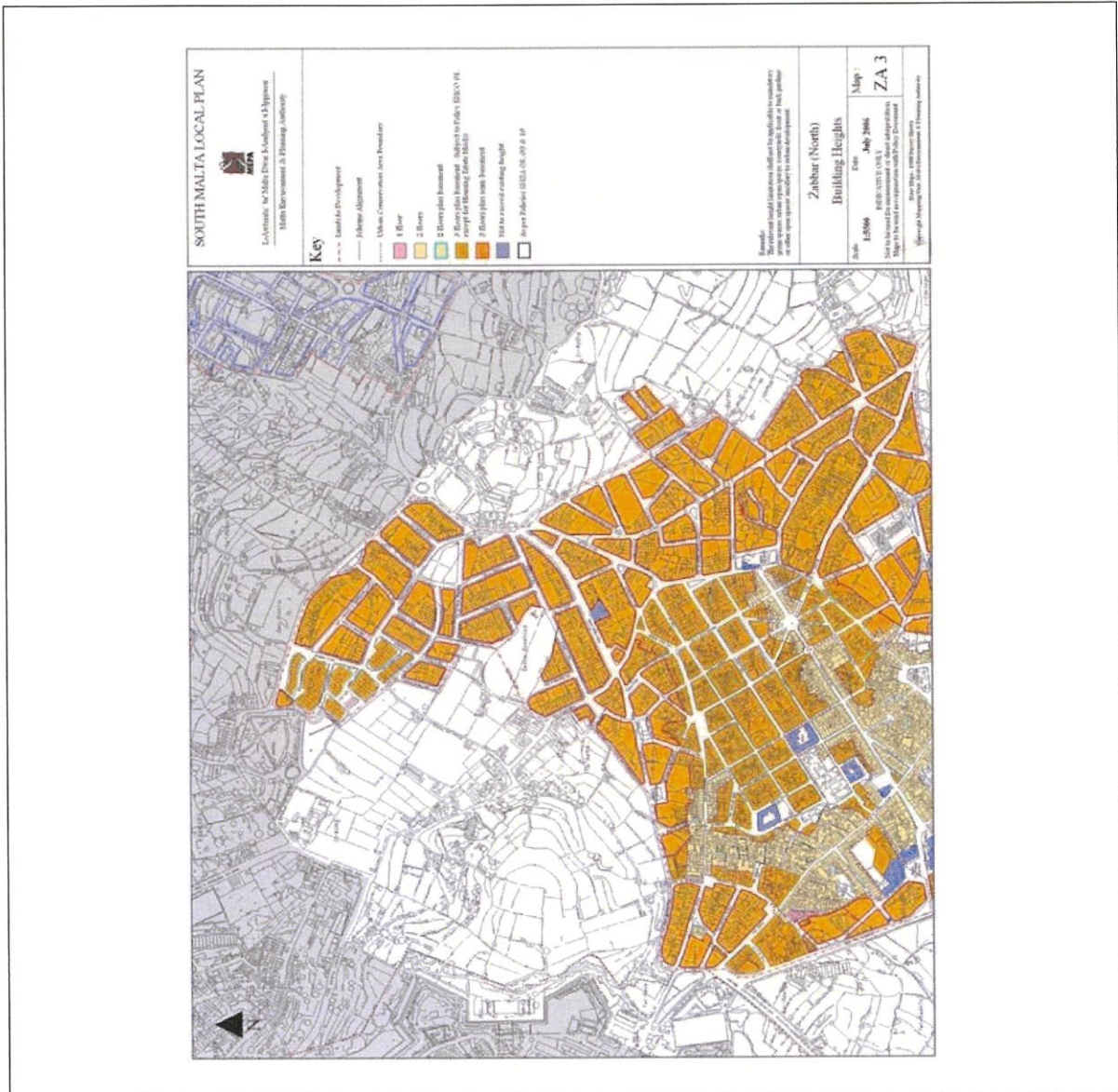
4.4.3

Residential Priority Areas (RPAs) refer to specific residential areas which are characterised by distinct building types (e.g. villa and bungalow development) or a quality urban area which is distinct from the rest of the urban area within the locality particularly with respect to building design (semi-detached/detached dwellings), lower densities (villa areas) or clusters of buildings exhibiting special characteristics. These specific characteristics enhance the residential function of these areas and this policy seeks to protect this quality aspect by not permitting uses which may significantly affect the residential nature of such areas.

APPENDIX B

LOCAL PLANS

3 floors + Semi basement (DC15 17.50m)



APPENDIX C

PHOTOS



Photo 1: view overlooking site from Triq il-Krexxuni

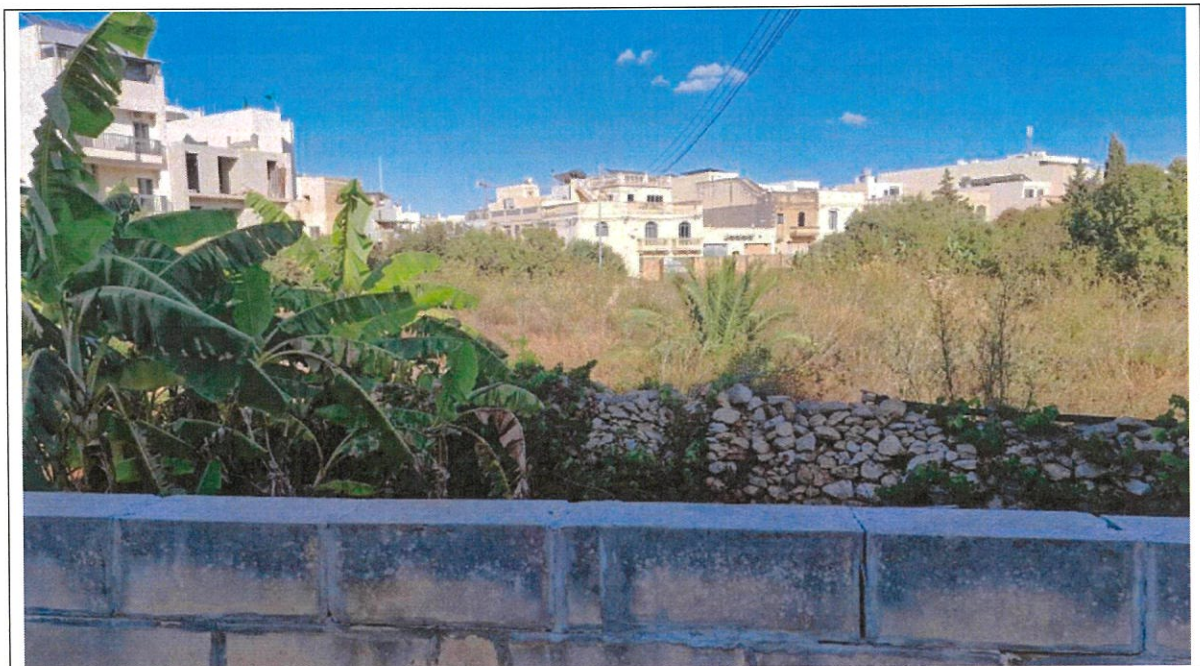


Photo 2: Site as seen from Triq il-Krexxuni

APPENDIX C

PHOTOS



Photo 3: Site view from Triq il-Hawt



Photo 4: Street view from Triq il-Misqa c/w Triq il-Hawt.

