Perit M'louise Caruana Galea

55

Mahluf quddiemi illum 27/11/19

Rita Sciberras
Deputat Registratur

Qorti Civili Prim'Awla

Onor. Imhallef Dr. Francesco Depasquale

REGISTRY SUPERIOR COURT
20 NOV 2019
2434
PAID

Citazzjoni Nru: 755/18FDP

Carmelo Stivala Group Ltd
vs
Carmelo Buttigieg

ACCESS 1

Access mizmum fl-4 ta' Gunju 2019

- **Porzjoni minn art li kienet tifforma parti mis-sit numru 16, 17 u 18 fi Triq Parisio, Gzira/Sliema.**

Relazzjoni tal-Espert Gudizzjarju l-Perit
Perit M'louise Caruana Galea A&CE, B.E&A (Hons), MSc Conservation (Tech.)

19/11/2019

Rikorrenti Nomine: Carmelo Stivala Group Ltd, Michael Stivala, St Hotels Head Office, 143, The Strand, Gzira GZR 1026

Intimat: Carmelo Buttigieg, Blitz, Triq Guze Duca, Qormi

RELAZZJONI TAL-ESPERT GUDIZZJARJU L-PERIT M'LOUISE CARUANA GALEA

Tesponi bir-rispett illi:

01) Minhabba l-htiega ta' nomina ta' Perit Tekniku l-Onor. Imhallef Dottor Francesco Depasquale appunta lill-Perit M'louise Caruana Galea biex thejji u tipprezenta rapport dwar it-talba tar-rapprezentanti legali tal-attur. Il-Perit Tekniku nhatret bl-iskop segwenti:

- Skont il-verbal tad-9 ta' April 2019, tiddikjara li l-porzjon ta' art tal-kejl ta' circa erba' mija u hamsa u sebghin metru kwadru (475mk) li kienet tifforma parti mill-fond bin-numru sittax (16) ghandha faccata fuq l-imsemmija Triq Parisio u ohra fuq Triq Moroni, mhijiex komodament divizibbli bejn il-kontendenti bhala l-unici kopropjetarji tal-istess;
- Skont il-verbal tat-22 ta' Ottubru 2019, tistma l-valur fis-suq miftuh tal-art deskritta bhala; '*porzjon ta' art tal-kejl ta' circa erba' mija u hamsa u sebghin metru kwadru (475mk) li kienet tifforma parti mill-fond bin-numru sittax (16) ghandha faccata fuq l-imsemmija Triq Parisio u ohra fuq Triq Moroni*'.

In dizimpenju tal-inkarigu taghha moghti l-esponenti zammet access fl-4 ta' Gunju 2019.

KONSTATAZZJONIJIET LI SARU FUQ IL-POST

1. Nhar is-4 ta' Gunju 2019 sar access fuq is-sit li kienet tifforma parti mis-sit numru 16, 17 u 18 fi Triq Parisio, Gzira/Sliema, fil-presenza tal-attur Michael Stivala. L-access beda fis-saghtejn u nofs ta' wara nofsinhar.

2. Ili l-attur ta zewg pjanti lill-esponenti waqt l-access, wahda li hija *Land Registry Plan* li turi s-sit ta' kejl kumplessiv ta' 475mk u din il-pjanta ghandha t-timbru tal-perit Ian Cutajar, u pjanta ohra annessa li hija l- pjanta approvata tal-applikazzjoni PC 04/17[1], li l-attur ghamel mal-Awtorita' tal-Ippjanar ghall-applikazzjoni msejjha 'Planning Control', jew *PC application*). Fin-nuqqas ta' pjanti fl-atti sa dakinhar tal-access, l-esponenti mxiet fuq dawn il-pjanti u qed tibbaza l- valutazzjoni u konkluzzjonijiet taghha fuq dawn il-pjanti. L-esponenti staqsiet lill-attur biex tramite r-rapprezentat legali taghha, tissottometti dawn il-pjanti b'mod formali bhala parti mill-Atti. Ghal fini ta' dan ir-rapport il- Land Registry Plan giet immarkata bhala Dok A u l-pjanta approvata tal-*PC application* giet immarkata Dok B. Iz-zewg pjanti huma annessi ma' dan ir-rapport.

3. L-esponenti bdiet l-access billi dahlet fis-sit li hija art li tinfed fuq zewg toroq, Triq Parisio u Triq Moroni. L-art ghandha faccata ta' 5.6 m fuq Triq Parisio u faccata ta' 10.54m fuq Triq Moroni. Skont

[1] *To remove projected schemed stairway/public access and include site as part of the residential area. Application includes formation of new public pedestrian passage and construction of storm relief culvert.*

pjanta Dok B, tezisti dislivell ta' circa 8.56m bejn iz-zewg toroq, il-kejl kumplessiv huwa ta' 475sqm. Prezentement hemm dar antika abbandunata li taccedi ghaliha minn Triq Parisio.

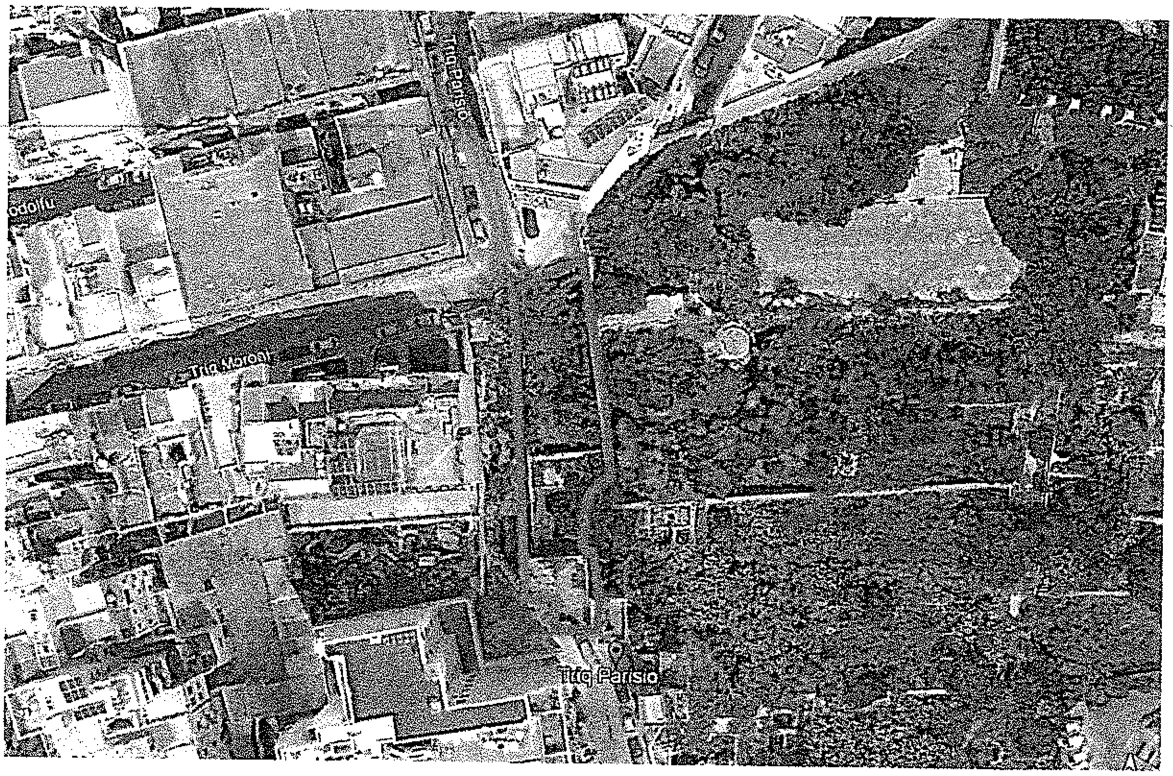

Fig 1: *Google Earth* – Indikazzjoni tal-konfini tas-sit skont Dok A.

4. Illi l-esponenti dahlet fil-kmamar fil-pjan terran tal-binja abbandunata minn naha tas-sit u mhux mit-triq.

KONSIDERAZZJONIJIET

1. Illi skont Dok B, inghata permess li parti mis-sit ser tittiehed bhala access miftuh ghal pubbliku maghmul minn tarag li tghaqqad iz-zewg toroq ma' xulxin. Dan il- passagg ser jibqa' proprjeta' privata tas-sid/sidien tal-art kumplessiva. F'dan il-permess, PC 04/27 gie

approvat ukoll li ser tinbena *'storm water culvert relief'* mill-applikant u li ser tghaddi minn din is-sit.

2. Illi l-unika permess marbuta ma' dan is-sit minn ricerka fuq il-Geoportal tal-Awtorita' tal-Ippjanar[2] hija dik ta' PC 04/17 kwotat supra.

3. Illi ghaldaqstant l-esponenti kellha taghmel analizi tal-informazzjoni moghtija lilha u ghalhekk hejjiet pjanta, Dok C annessa.

4. Illi jirizulta, min pjanta Dok C li l-kejl rizultanti li indikat bl-ahdar li huwa dak il-kejl li wiehed jista' jizviluppa go fih huwa ta' kejl ta' *circa* 344mk (inkluz l-area indikata *bl-outline* bil-blue ghal-front garden fi Triq Moroni).

5. Illi l-kejl kumplessiv li ser tintuza ghat-toroq kif ukoll ghal access pubbliku (indikati bic-celest fuq pjanta Dok C anness) jirrizulta ta' kejl ta' *circa* 131mk.

6. Illi l-esponenti ghamlet ricerka fuq is-sit elettroniku tal-Awtorita' tal-Ippjanar u jirrizulta li minn *North Harbour Local Plan, Map SJ3*[3] li din il-binja, li tinstab f'zona tista' tigi zviluppata f'erba' sulari u basement.

7. Illi skont id-*Development Control Design Policy Guidelines and Standards 2015*[4] pg 27, fil-perjodu sakemm il-Pjanijiet Lokali jigu riveduti u approvati l-policies P4, P27 u P32 tad-DC2015 ser japplikaw u l-gholi tal-bini permess huwa iddeterminat skont

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[2] http://geoserver.pa.org.mt/publicgeoserver

[3] https://www.pa.org.mt/en/local-plan-details/north-harbour-local-plan

[4] http://www.pa.org.mt/en/supplementary-guidance pg 210

Annex2: Interpretaion of Height Limitation[5]. *F'din* l-*Annex* hemm indikat li bini, li skont il-Pjan Lokali ghandu permess li jibni erba' sulari bil-basement, jista' jtella' binja ta' gholi massimu ta' 20.8m sal-livell tal-opramorta tal-bejt ta' l-ahhar sular.

8. Peress li t-triq ghandha dizlivell ta' 8.5m bejn triq u ohra l-esponenti applikat il-policy PC36[6] ghal sitwazzjoni bhal din li tghid li irid jinhareg '*gradient*' bejn iz-zewg toroq u dan jigi ipprogettat ghal height limitation imponut mill-pjanijiet lokali u DC 2015 kif spjegat f'para 6, 7 supra.

9. Illi meta wiehed japplika l-policies spjegati f'para 6 sa para 8 supra l-art tista' tigi zviluppata f'hames sulari minn Triq Parisio b'tlett sulari ohra irtirati (*terraced apartments*) u livell ta' basement garage minn Triq Parisio.

10. Illi l-esponenti ivvalutat l-art billi rat il-potenzjal ta' zvilupp f'appartamenti fis-sulari spjegat f'para 9 fejn ftit minn dawn l-appartamenti ghandhom faccata fuq Triq Parisio u ftit minnhom ghandhom faccata fuq Triq Monolo.

11. Illi l-appartamenti fuq Triq Parisio ghandhom veduti tal-bahar mill-boghod.

VALUTAZZJONI

1. Illi l-art indikata f'Dok A, ta' kejl ta' 475mk mhix komodament divizibbli ghal porzjon ta' 1/17th li jfisser ghal sehem ta' kejl

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[5] Ibid pg 210

[6] *Development Control Design Policy Guidelines and Standards 2015*, P36 pg 111, 112

kumplessiv ta' 6.60mk. Dan ghaliex ghandek bzonn faccata ta' 6m minimum meta tigi biex tizviluppa plot.[7]

2. Illi wara l-konsiderazzjonijiet kollha deskritti fir-relazzjoni, il-valur fuq is-suq miftuh tal-art indikata fil-pjanta Dok C, immarkata bil-kulur ahdar u li ghanda kejl ta' *circa* 344mk li tinsab fi Triq Parisio, Gzira/Sliema huwa ta' **€2,700,000 (Zewg miljuni u seba' mitt elf ewro).**

3. Illi l-valur tal-art indikata fil-pjanta Dok C, immarkata bil- kulur celest u li ghanda kejl ta' *circa* 131mk u li tista tigi zvilupata fi triq jew f'passagg publiku huwa ta' **€60,000 (Sittin elf ewro).**

4. Illi il valur kumplessiv tal- art immarkata f'Dok A ta' kejl ta' 475mk li tinsab fi Triq Parisio, Gzira/Sliema huwa ta' **€2,760,000 (Zewg miljuni,seba' mija u sittin elf ewro).**

Daqstant ghandha x'tirrelata l-esponenti ghas-savju konsiderazzjoni ta' dina l-Qorti.

Perit Marielouise Caruana Galea

Espert Gudizzjarju

Annalise Spiteri
Deputat Registratur
Qrati tal-Gustizzja (Malta)

Illum 20 NOV 2019

Ipprezentata mill-A/C M.I. Caruana Galea

B'/Bla dok erba' (4) dokumenti

[7] *Development Control Design Policy Guidelines and Standards 2015,* P26 pg 95

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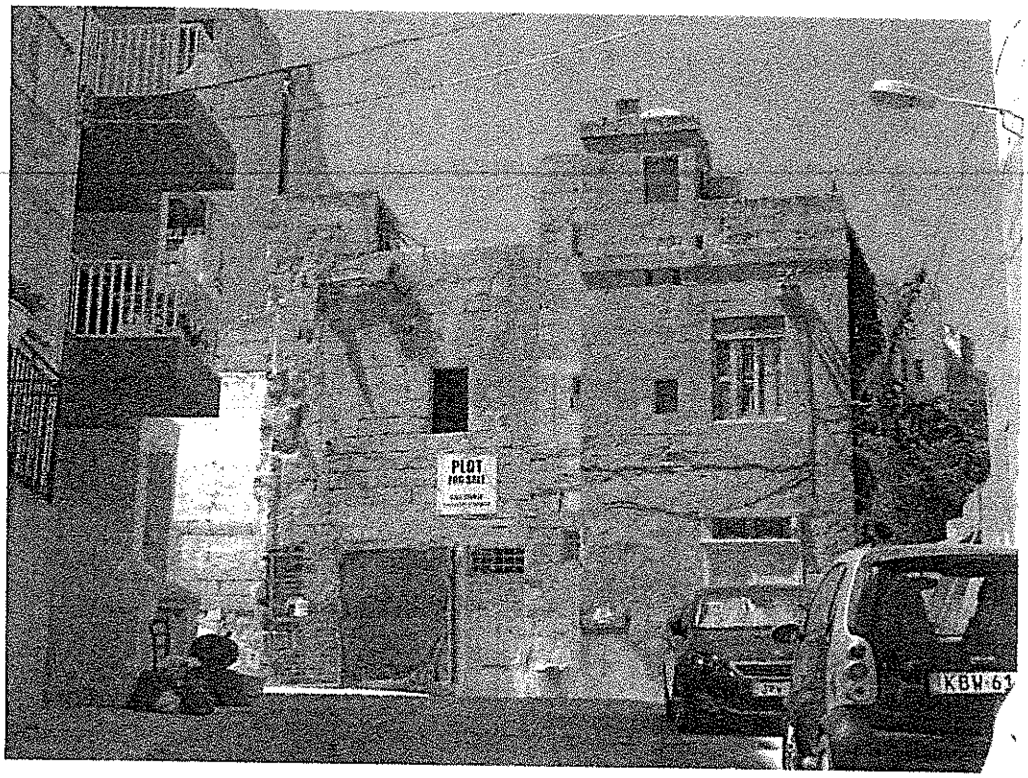
Dok P1



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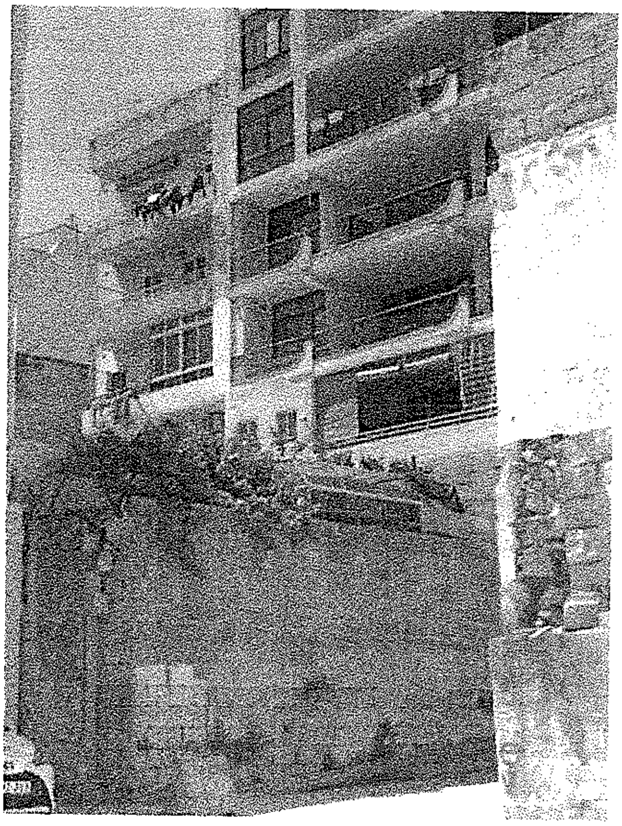

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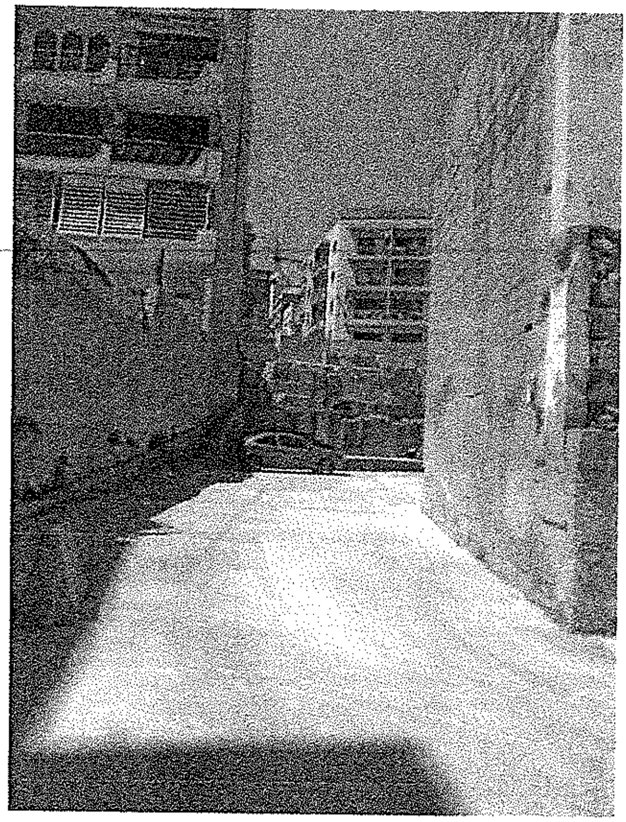

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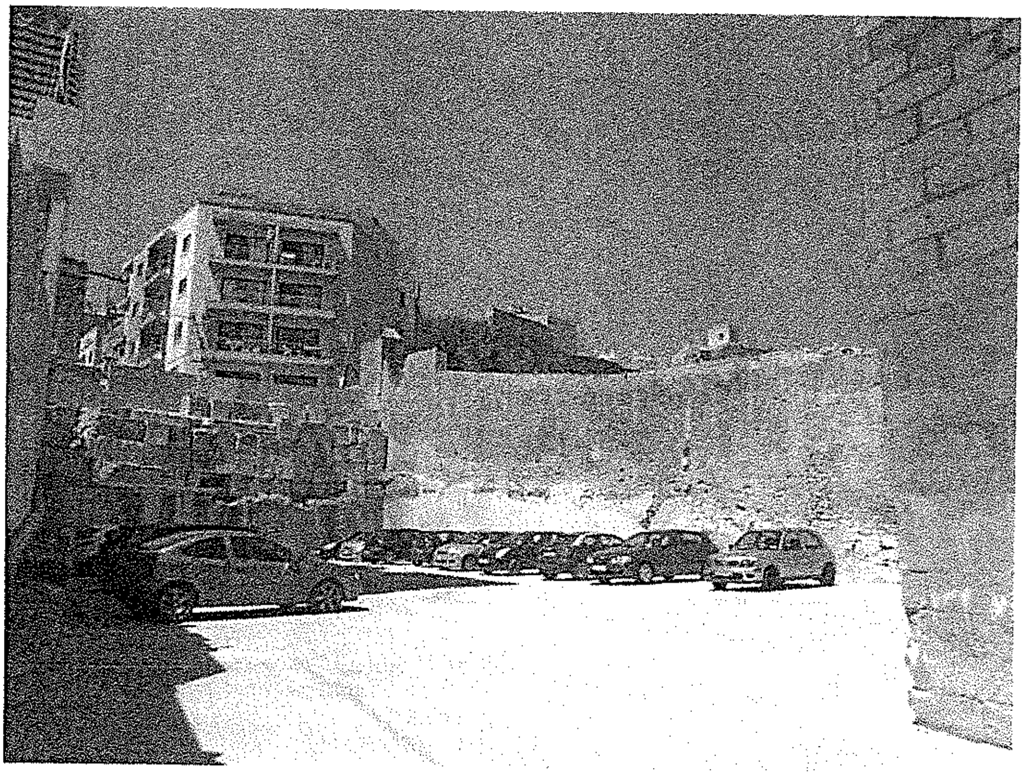

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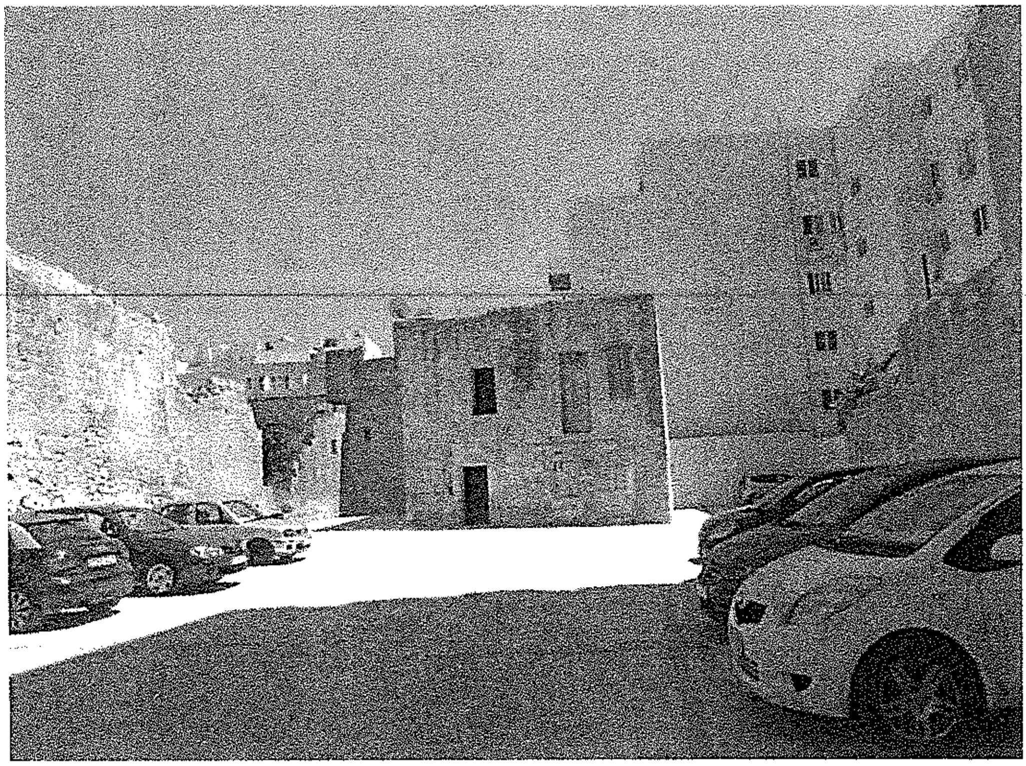

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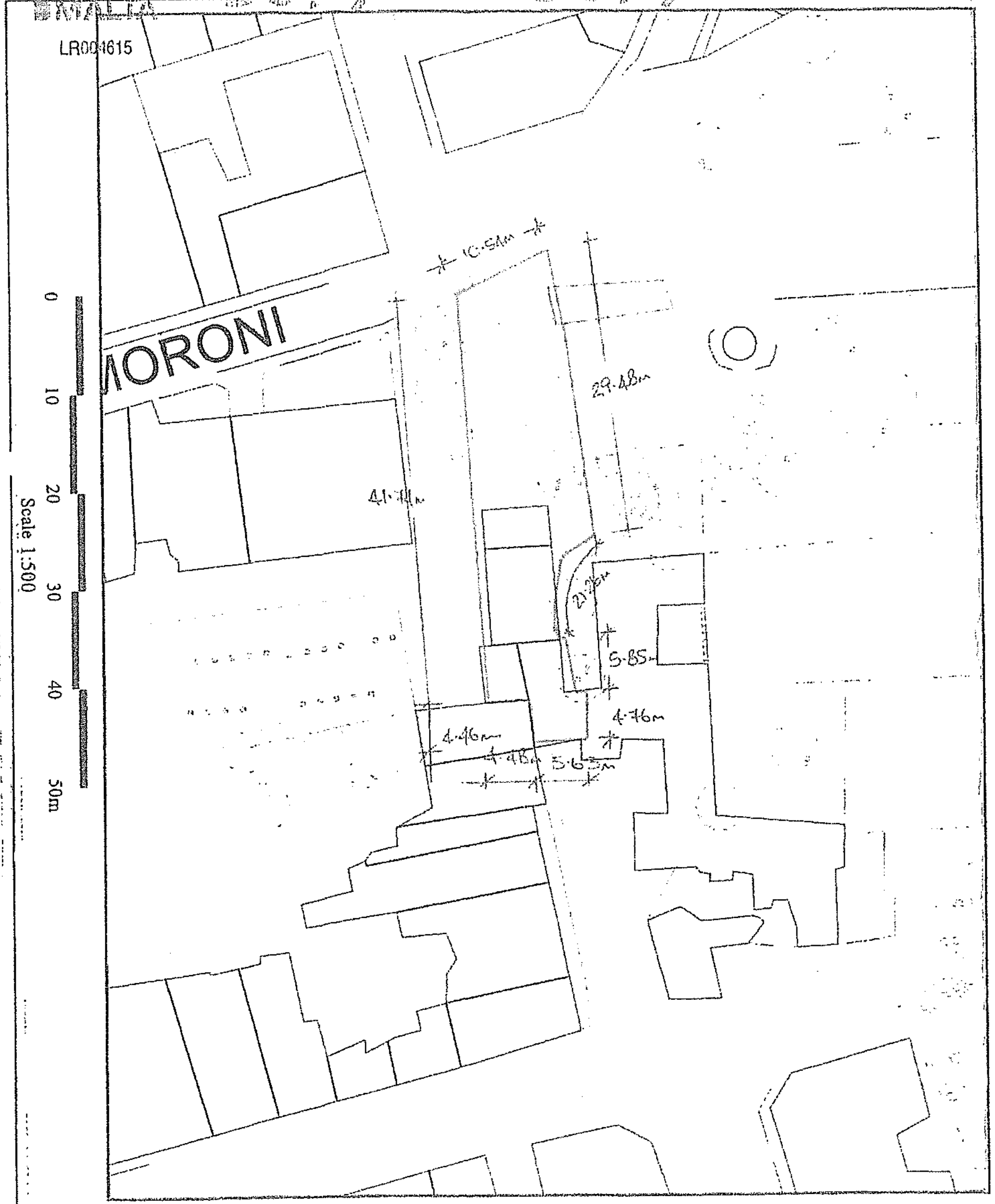
IDENTITY MALTA

LR004615

COPY COPY CO COPY

Dan hu dokument uffiċċjali għall-użu biss fir-Reġistru ta' l-Artijiet

This is an official document for Land Registry use only



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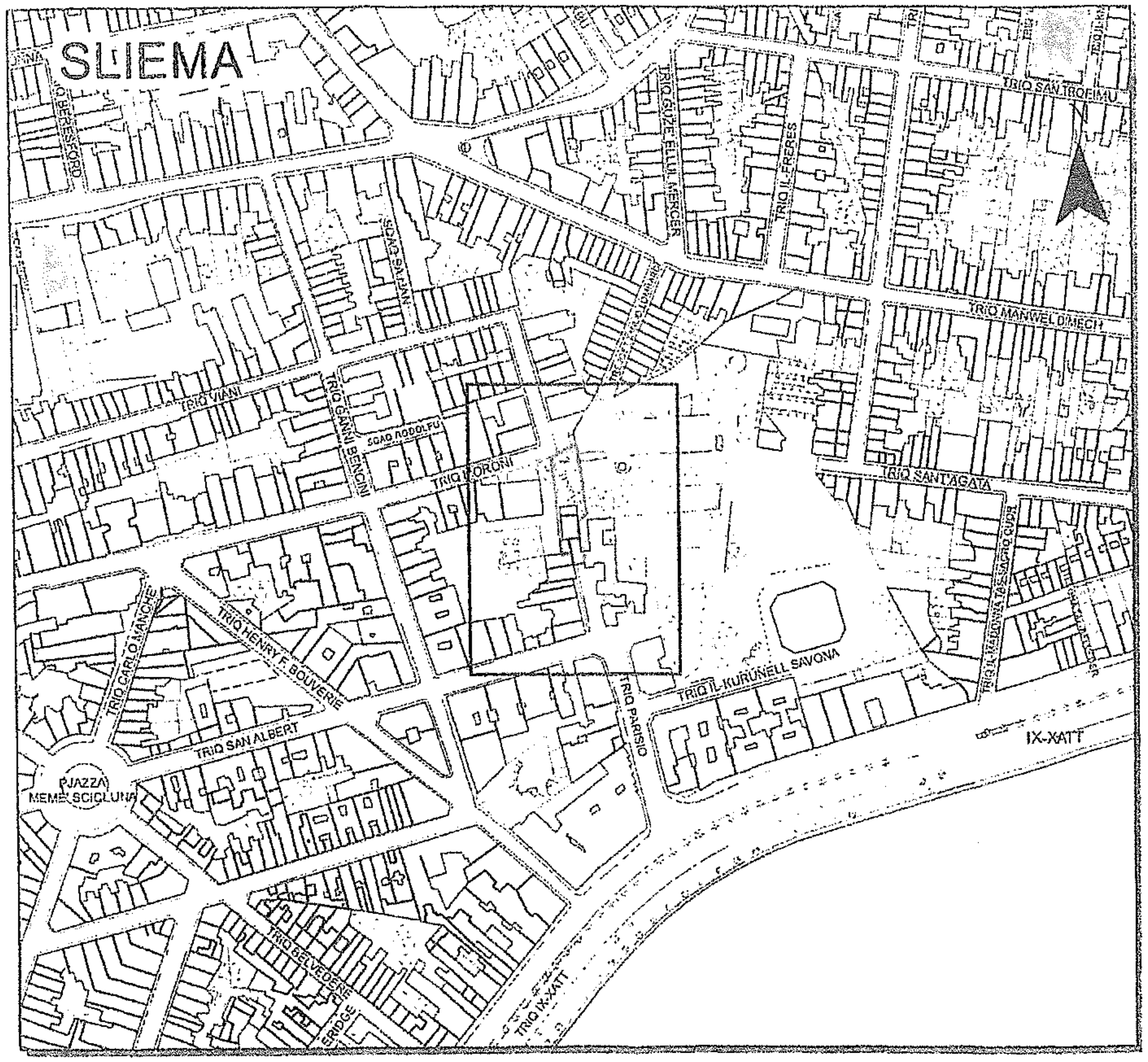


Pjanta tas-Sit 1:2500 *Site Plan*

Gvern ta' Malta | **Government of Malta**

Reġistru ta' l-Artijiet
Casa Bolino, 116, Triq il-Punent, Valletta

Land Registry
Casa Bolino, 116, Triq il-Punent, Valletta

Nru tal-Mappa: *Map Number:* 12493 M	Pożizzjoni Ċentrali: *Centre Coordinates:* x = 54800 y = 74137	Parti min S.S.: *Extracted from S.S.:* 5474	Data: *Date:* 23/11/2016

Perit:
Architect:

Qies (metri kwadri):
Area (square metres): 475 sq.mt.

Timbru tal-Perit:
Architect's Stamp:

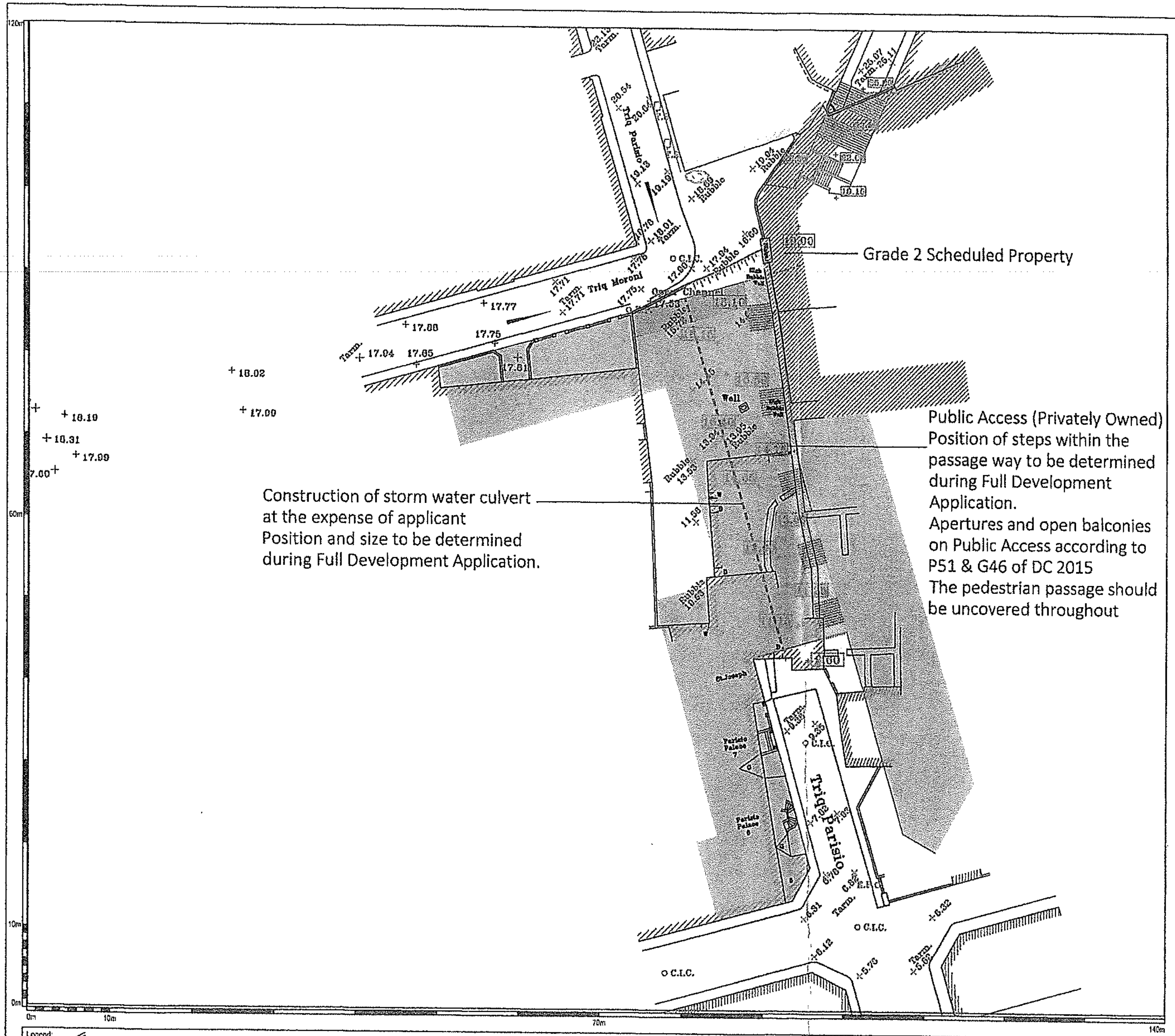
IAN CUTAJAR
Architect & Civil Engineer

FALZON & CUTAJAR
Architects & Civil Engineers
45, Valley Road, B'Kara - BKR 9015

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

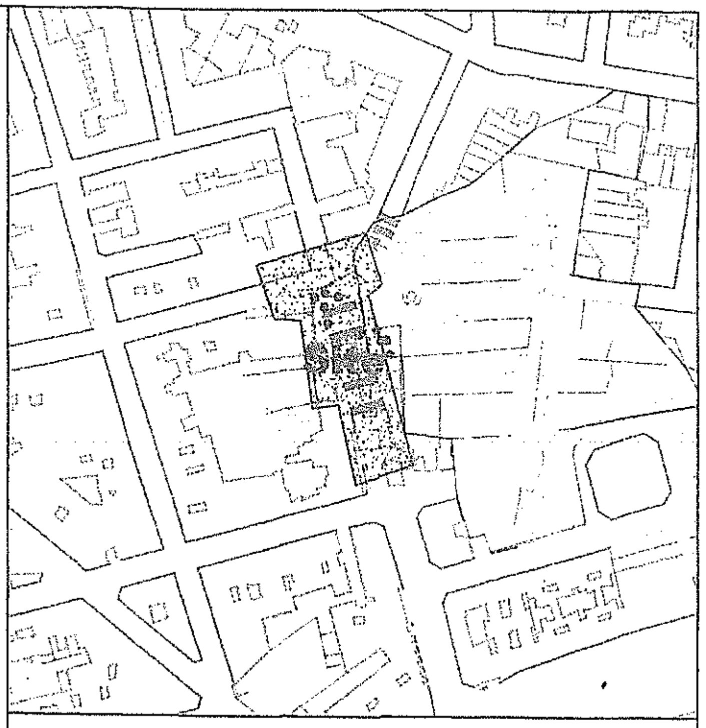
Dritt imħallas
Fee Paid

100a
PC/00004/17 - 100a - Valid,
Available To Public,
Executive Council Approved - Michael Stivala - on behalf of Falzon & Cutajar - 04/06/2019



Legend:

Existing Field Walls	Spot Level	Urban Conservation Area
Existing Building	Formation Level	Scheme Road
Existing Vegetation	Development Brief	Terraced Development (Residential)
Street Furniture	Alignment	



S.S. No.: 5474 Scale: 1:2500

PLANNING AUTHORITY

Subsidiary Plan
Minor Modification

Locality:
Sliema

Plan Reference Number:
PC 04/17/96A

Scale: 1:500	Survey No.: Slm 2318e2-10
Grid System: U.T.M Scale Factor: 0.999632	Min. Coordinates: 54710,74080 Level datum: M.S.L.
Survey Completion Date: 22/10/2010	Plan Completion Date: 05/10/2017
Survey Checked By: M. Azzopardi (LSU)	Plan Checked By: L.Stafrace
Endorsed by Executive Council:	Date:

Disclaimer:
The information on this plan has been carefully checked for accuracy at the time of survey. However the Planning Authority cannot assume responsibility for any changes occuring after the date of the survey and cannot be held liable for damages resulting from interpretation or misuse of the information on this plan.