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*Johannesburg City Council v. The Administrator, Transvaal.*

**99 H**

"The decision, for the setting aside of which the applicant now applies, was taken by me acting on the advice and with the approval of the Executive Committee of the Province in the *bona fide* execution of the powers entrusted to me in terms of the provisions of the Ordinance on Town Planning and Townships 25 of 1965, and in fact after I, acting as aforesaid, have carefully considered all evidence submitted to me and paid attention to all the aspects thereof in terms of the provisions of the said Ordinance. I state specially that I have duly considered the provisions of sec. 17 of the said Ordinance."

**108 E**

"It must further be noticed that the said City Council has in the past seldom, if ever, expropriated existing rights. Whenever the question of remuneration for such expropriation arose, they preferably entered into a compromise with the owner in order to use the land to the best advantage of all parties in the circumstances."

**108 H**

"There is no evidence that, after the Administrator in Executive Committee had allotted the business rights in the present case, the City Council in any way endeavoured to discuss any problems with the owners or to make any proposals so that the development of the business rights could take place with mutual co-operation. The City Council simply, immediately after the Administrator in

**109 A**

Executive Committee had allotted the rights contrary to the City Council's wish, brought an application to nullify that which was done by the Administrator in Executive Committee."

**109 H**

"According to the evidence there are, apart from the business rights presently at issue, more than 90,000 square feet undeveloped business rights. If the City Council is so anxious to alleviate the situation in Rosebank by removing existing business rights, it is queer that they failed to consider rezoning some of the 90,000 square feet.

According to the evidence the owners of the 90,000 square feet will not be compelled to provide even one square inch for parking. Notwithstanding this the City Council prefers to remove the business rights in the present matter, although the owner provides for parking at the ratio of 3 to 1."

**110 B**

"any planner who is not hard headed and is worth his salt"

and

"the rejection of invaluable parking facilities for which the City Council closes its eyes"

**110 G-H**

"I point out that I, acting as aforesaid, am not bound to accept or to follow the proposal or motivation of the chairman of the Townships Board or any committee thereof. Also that in the present case I had before me the record of the proceedings before the committee of the Townships Board and am thus in a position to judge what was and what was not submitted to the Townships Board. I deny that it must be inferred that I accepted as valid all the reasons given by the chairman of the Townships Board. I in fact did not agree in all respects with the reasoning of Mr. van Niekerk (that is the chairman of the Townships Board)."