



Sales success

By **BRAD WEIER**

NEW residents are moving into the sold out second stage of the \$150 million Macquarie Downs estate.

The 49-lot stage is nearing completion, with land selling out in August last year.

Ingles Group subsidiary Ingles Homes is working on 21 houses and 10 have already been completed.

Ingles Group managing director Graeme Ingles said investors, renters and first-home buyers had embraced the

Redbank Plains development. He said Ipswich was set for a bumper 2008.

"You would have to look hard to find a better combination of price and accessibility in Ipswich," he said.

"Property in Ipswich has always been considered good value for money.

"Investors and home buyers who were toying with the idea of investing in Ipswich are now much more likely to take that big decision to buy."

Ingles group is also behind the boutique Cityview estate at Raceview.



Iron Gates bound in legal quagmire

10th anniversary of court order finds barristers the only winners

THE saga of the controversial Iron Gates development at Evans Head has been in newspaper headlines for the better part of 15 years.

And the tale is not yet finished, with legal action currently before the Supreme Court in Brisbane, involving developers Ingles Group suing the former Richmond River Shire Council and a raft of consultants for more than \$35 million. An order was made at the last hearing on Friday, February 8, but it is unclear at this stage how the case continues.

The Iron Gates blame game began in earnest 10 years ago this month, when the NSW Court of Appeal upheld a decision in the Land and Environment Court calling on the Queensland developers to cease construction and remediate the environment.

The subdivision at the time was all but for sale. An access road was built, including a bridge. Sewer and water lines were laid. Roadways tarred, driveways poured and stencil-creted.

Specifically, the court demanded Ingles to fill two large drains and to rip up roads and driveways within the Iron Gates subdivision.

The decision stunned everyone involved – Greenies and the White Shoe Brigade, with the result that Ingles declared bankruptcy and swiftly took action against the council for providing engineering plans contrary to the approved development approval.

The council is defending the action on grounds that the developer should have followed the DA specifically – primarily that the DA never allowed construction of the two

drains and that it specified lot sizes and road widths to be a certain size.

The amount of legal work so far is

astounding. Lismore surveyors and consultants Aspect North, now called Land Partners were hired to reconstruct the paper planning trail that led to the ultimate Land and Environment Court decision, and the volumes created in the process make an edition of the Encyclopedia Britannica look like a learn-to-read volume, with enough paperwork to fill six wheelie bins.

Ah, to be a barrister in this game!

Whether the land is ever developed is a complex question. Despite refusal by developers to remediate the site, nature has done her best – pushing up new trees and undergrowth. From the ground the site is obvious bush. From the air, the layout of the subdivision is still clearly visible.

The land is zoned for future residential use and is listed on the NSW Government's future development

strategy – but it still carries that court order, upheld a decade ago, calling on substantial remediation.

The man at the centre of the legal conflict, Al Oshlack, recalls his time in court with pride. After all, the case set a number of legal precedents and is referred to among legal circles regularly.

But the law firm that acted for the dedicated Green campaigner, is still owed \$40,000 in legal costs which they are certain will never come their way.

“For myself the Iron Gates case was many years’ work,” he said last week. “But a lot came from that. Al Oshlack v Iron Gates Pty Ltd and

Richmond River Shire Council was a landmark case for environmental planning in NSW.”

Mr Oshlack, who is currently involved with environment versus development issues on the Tweed, said he originally challenged the council's development approval for failing to have a proper fauna impact study.

The council won that case, in the land and environment court, but legal costs were not awarded. The council appealed that decision and

were awarded costs.

Mr Oshlack applied for a legal grant and appealed that decision to the high court of Australia, overturning the decision that set precedent for individuals taking legal action on behalf of the environment.

When Ingles Group started clearing the Iron Gates property in 1996 Oshlack and company took the Queensland developers to court on the basis that the clearing work was illegal.

The upshot of that case was the remediation order.

An earlier case involved late Bundjalung elder Laurie Wilson versus the Richmond River shire Council over the access road that now extends west from the end of Wattle Street. Road construction destroyed a midden of importance to the Bundjalung culture. While the court found in favour of Mr Wilson, it did not give an order to remediate. Thus, the road remains – useful for dog walkers and learner drivers. Its former copper-log fencing proved a boon for the local handyman and the lush bush lining the road remains a handy dumping ground for garden refuse.