



Circular

Division: Land and Property Information

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Changes to Central Register of Restrictions - Unexploded Ordnance Sites

The Environmental Protection Authority (EPA) recently advised of the repeal of the *Unhealthy Building Land Act 1990* (the Act) effective from Monday 28 April 2003.

In its advice, the EPA confirmed that the repeal of the Act renders unnecessary the requirement to provide a warranty in terms of the Act in any contract for the sale of land. It will therefore also be unnecessary to search the Central Register of Restrictions (CRR) regarding the Act. From 28 April 2003, local councils will provide information concerning low lying, flood prone or potentially contaminated land under section 149(2) of the *Environmental Planning and Assessment Act 1979*.

In addition to maintaining CRR records concerning the Act, the EPA has in the past recorded information in the CRR as to whether land is potentially affected by unexploded ordnance (UXO). The EPA assumed responsibility for disseminating UXO information on behalf of the Department of Defence following an agreement between the Premier of NSW and the Prime Minister of Australia in November 1990.

LPI is currently in discussion with the Department of Defence regarding the ongoing provision of UXO information from the CRR, and the EPA is assisting LPI in confirmation of affected parishes.

Interim arrangements have been developed to ensure potential property purchasers are made aware of any UXO sites which may affect a property. Until ongoing arrangements are finalised, practitioners wishing to ascertain the 'UXO status' of a property should continue to select the EPA when making CRR inquiries. There will be no charge by LPI or EPA for this inquiry at this stage.

The following text will appear on CRR certificates where information supplied to LPI by the EPA indicates no interest in UXO:

"The EPA currently has no advice from the Department of Defence that indicates the subject property is located in an area that was mined during World War II under Regulation 55 of the National Securities Regulations."

As in established practice, when a CRR certificate indicates the EPA **has** a possible or actual interest, your inquiry should be referred to the EPA for clarification. LPI's Property Information Inquiry Service will maintain current procedures for such referrals and it is anticipated that Information Brokers and other property inquiry providers will do likewise.

The EPA has agreed to continue to process any inquiries referred to them regarding possible UXO sites until new arrangements between LPI and the Department of Defence are finalised. Further information will be provided to CRR users when new arrangements apply.

Any inquiries in regard to this matter may be directed to Mr Neil Hindmarsh, Manager, Property Information on telephone 02 9228 6848 or email neil.hindmarsh@ditm.nsw.gov.au.

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