



# CONTAMINATED LAND

## Fact Sheet 2

## Are you selling or buying a property that may be contaminated? Read this first.

### Selling?

When selling a property:

- You must reveal any information you know about contamination, if you are asked.
- You must not mislead a prospective purchaser about the state of the property.

### Buying?

It is important to find out about potential contamination before you buy a property. If you don't investigate the potential for contamination and subsequently find that the property is contaminated, you may be responsible for cleaning it up.

- The law is "buyer beware" – request information from your local council and regional council and refer to the information sources below.
- It is important to ask the vendor and real estate agent about potential land contamination, and ideally, get written answers.
- If you are unsure whether a property is contaminated, get advice from a suitably qualified and experienced practitioner (SQEP) – an environmental consultant with expertise in contaminated land.

### Information sources:

The Ministry for the Environment's Hazardous Activities and Industries List (HAIL)<sup>1</sup> provides guidance on activities and industries which have the potential to cause contamination. To determine whether these activities have taken place requires either:

- Sourcing dangerous goods files, property files, resource consent databases and relevant registers at the city, district and regional councils; or

- Engaging a professional (known as an SQEP) to conduct a preliminary site investigation (PSI).

Useful information may include:

- Land Information Memorandum (LIM) – ask the city or district council for this to obtain information on the property.
- The property file held by the city, district, and regional council – these may contain useful information about the property, e.g. past land use activities.
- Historical search of Certificates of Title – these provide information on previous owners of the property.
- Ministry for the Environment's Hazardous Activities and Industries List (HAIL).
- Historic aerial photographs – these can be reviewed to determine if the property was previously used for the storage or use of hazardous substances (e.g. fuel storage areas, underground tanks, old sheep dips, market gardens, orchards and greenhouses). Aerial photographs may be available from the local city, district or regional council.
- Building reports – consider the age of buildings and building materials used, e.g. lead/arsenic/cadmium based paint, contaminated cladding or building materials, asbestos, treated timber, etc.

### What questions should I ask?

If you are buying a property, you should ask the current owners or agent the following questions:

- What are the current and previous uses of the land?
- Has the property currently, or in the past, been used for any activity that could cause soil or groundwater contamination? (See Factsheet 1 for the list of HAIL activities)
- Has the use of the land changed since the current owner occupied the property?
- Have any contamination investigations been carried out in the past? (Request to view a copy of any previous reports.)
- Are you aware of any potentially contaminating substances in the building materials or elsewhere on the property, e.g. lead paint, asbestos?
- Are any hazardous substances used or stored on the property in quantities greater than small amounts, and how are they stored?

<sup>1</sup> [www.mfe.govt.nz/issues/managing-environmental-risks/contaminated-land/is-land-contaminated/hail.html](http://www.mfe.govt.nz/issues/managing-environmental-risks/contaminated-land/is-land-contaminated/hail.html)

<sup>2</sup> [www.mfe.govt.nz/laws/standards/contaminants-in-soil/hail-contaminants.pdf](http://www.mfe.govt.nz/laws/standards/contaminants-in-soil/hail-contaminants.pdf)

- Are there any above-ground or underground storage tanks on the property that may have contained hazardous substances?
- Is potentially contaminated fill material present on the property?

### What can I do if my property is contaminated?

Seek further advice from an environmental consultant with expertise in contaminated land, known as a SQEP; your lawyer and your local and regional councils.

More information can be found in the other fact sheets in this series:

#### **Contaminated Land Fact Sheet One**

Are you planning to undertake earthworks, subdivision, change of land use, selling or buying a property etc?

#### **Contaminated Land Fact Sheet Three**

Are you about to subdivide or change the land use of a potentially contaminated property?

#### **Contaminated Land Fact Sheet Four**

Are you carrying out earthworks on a potentially contaminated property?

**These factsheets can be downloaded from [www.wasteminz.org.nz](http://www.wasteminz.org.nz)**

## Further Information

#### **Risks from Contaminated Land**

[www.mfe.govt.nz/issues/managing-environmental-risks/contaminated-land/index.html](http://www.mfe.govt.nz/issues/managing-environmental-risks/contaminated-land/index.html)

#### **Users' Guide: National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

[www.mfe.govt.nz/publications/rma/users-guide-nes-for-assessing-managing-contaminants-in-soil/guide-nes-for-assessing-managing-contaminants-in-soil.pdf](http://www.mfe.govt.nz/publications/rma/users-guide-nes-for-assessing-managing-contaminants-in-soil/guide-nes-for-assessing-managing-contaminants-in-soil.pdf)