

Your property and the potential for soil contamination

The implications of past land use

Since the 2010-2011 Canterbury earthquakes, Environment Canterbury has sped up a project to identify properties in Canterbury which, because of past land use, may have soil which is contaminated by chemicals or hazardous substances.

This factsheet provides background on how potentially contaminated land is identified, how the information is recorded and used, and provides some answers to commonly asked questions.

Regional councils throughout New Zealand are required to identify land which is potentially contaminated, and Environment Canterbury has been doing this by researching past land uses.

Soil contamination can occur on properties where hazardous substances or chemicals are stored, used or disposed of. These can stay in the soil for many years. A range of industries traditionally used hazardous substances or chemicals, including market

gardens and orchards, timber treatment businesses, dry cleaners, and service stations. Old landfill sites where domestic and industrial wastes were disposed of are also potentially contaminated.

By identifying properties where these activities have taken place, we build up a picture of where soil is more likely to have been contaminated. Decades of aerial photographs and information on past land use are used to develop our understanding. As we identify this land, we record details on our online database that stores and manages this land use information, the Listed Land Use Register www.llur.ecan.govt.nz.

My property is on the Listed Land Use Register. What do I need to do?

Properties listed on the Register have been used for activities where hazardous chemicals or substances are most likely to have been stored, used or disposed of. We have

conducted a desk-top exercise to identify these properties, and so it's a record of land which may be contaminated. In many cases contamination will not have occurred. The flow chart over the page provides guidance on actions you may want to take, depending on what you are doing with your property.

How has the land included on the Register been identified?

The range of past uses of land which guides all regional councils is the Ministry for the Environment's Hazardous Activities and Industries List (known as HAIL). For more information on the list of activities, search for 'hazardous activities' at www.mfe.govt.nz.

We have identified the location, extent and relevant information about each site as accurately as possible, using historic aerial photographs matched with current maps. We have also checked council files, when available.



Follow common sense backyard hygiene in your garden.

We are confident we have found the majority of sites that are able to be identified in this way. However, we do update the Listed Land Use Register when new information comes to hand.

What does this mean for me?

Inclusion on the register indicates that activities took place on the land which may have involved hazardous chemicals, and so it is possible soil contamination occurred. However, it is also possible no contamination occurred.

If my property is on the Register, what does it mean for my health?

The Canterbury District Health Board advises that everyone with a garden, whether or not the property is on the Listed Land Use Register, should follow some common sense precautions to minimise potential health risks. This guidance is provided at www.cph.co.nz/HAIL.

If you follow the health board’s precautions, the risk of exposure to contaminants in soil is likely to be low. Your risks may be slightly higher if:

- you eat the eggs of your free range chickens
- you grow and eat root vegetables in ground-level gardens (not raised beds)
- young children play in and may eat your garden soil.

If these activities apply, you may like to change the way you use your garden, or you can opt to have the soil tested (see the flow chart below for more detail).

City and town drinking water supplies are tested regularly to make sure they meet the New Zealand Drinking Water Standards. If you are on a reticulated water supply, the inclusion of your property on the Register has no impact on the quality of your drinking water.

How do I find out if my land is actually contaminated?

The only way to be sure one way or the other is to engage a consultant to undertake a detailed site investigation. Such an investigation should:

- Assess the area, extent and nature of soil contamination at the site.
- Evaluate whether soil contaminant concentrations exceed human health standards and guideline values established in the government’s National Environmental Standard (see www.mfe.govt.nz) and other sources.
- Identify and assess potential risks from identified contaminants to public health and the environment.

Investigations should be carried out by a suitably qualified and experienced practitioner who specialises in contaminated land investigations.

If you do choose to get a site investigation done, you need to tell us before the investigation takes place and then provide the investigation report to us. Details on how to do this can be found online at www.ecan.govt.nz/HAIL.

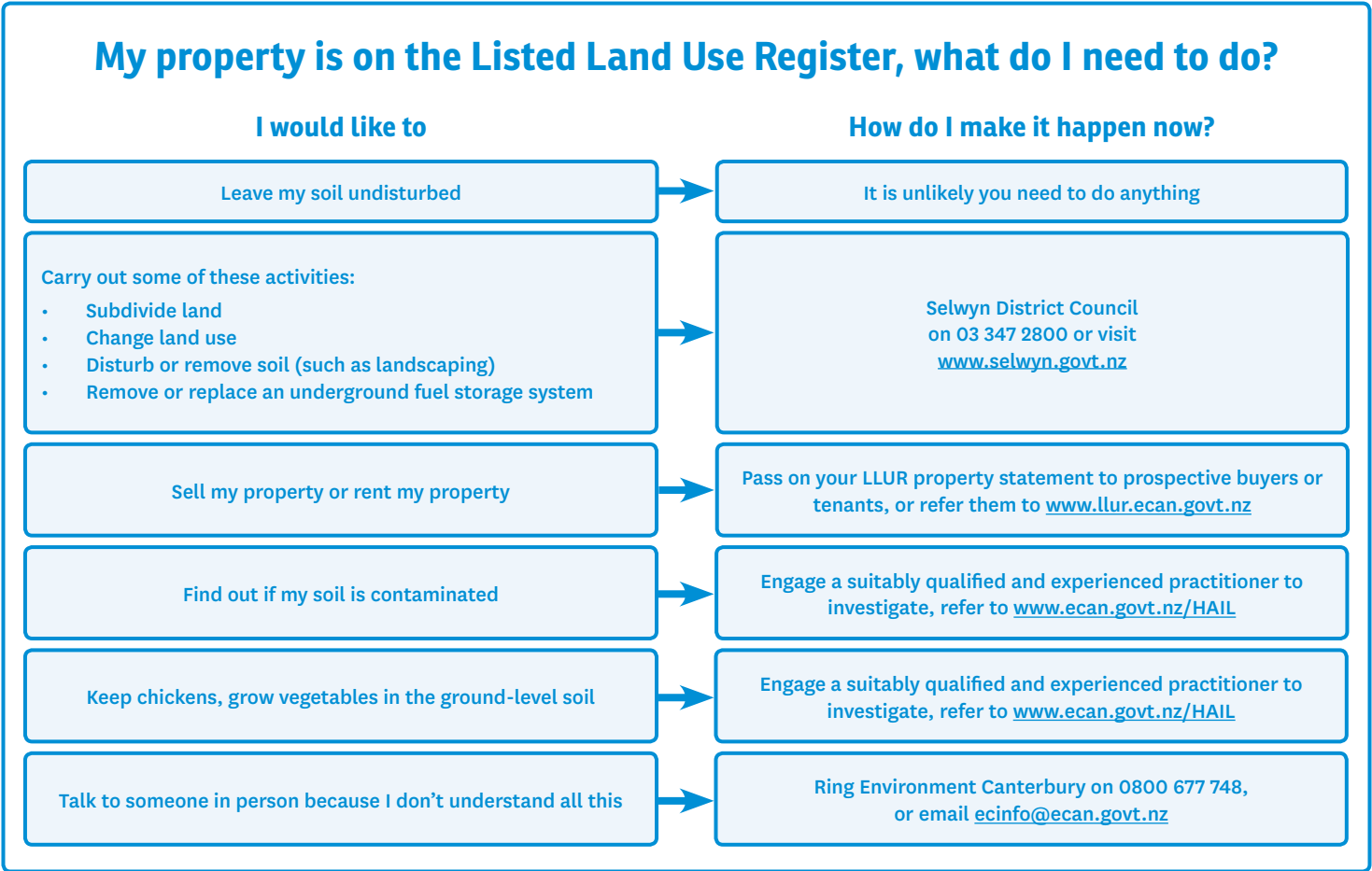
If you find your soil is contaminated, we can provide advice on what you should do next. Investigating, managing or remediating contaminated land is generally the landowner’s responsibility, even if the contamination was caused by a previous owner.

What if I believe my land has been wrongly included on the Register?

Can I be removed from it?

Let us know if you have information, such as a consultant’s site investigation, that shows no hazardous activity has taken place on your property.

If we have incorrectly identified a hazardous activity or industry on your property, your property will not be removed from the Listed Land Use Register, but it will be categorised as “Verified Non-HAIL” (i.e. we have verified it has not been used for an activity on the government’s Hazardous Activities and Industries List). This helps ensure that the same site is not re-identified in the future.





If you have a report which shows the land is not contaminated, your property will also remain on the database but with this information included. If you have the soil tested, please send us any reports so we can confirm the Listed Land Use Register category. You can read more about site categories at www.ecan.govt.nz/HAIL.

Who uses the Listed Land Use Register?

Environmental consultants and engineers working on sites request information from the Register, as do potential property buyers (or their lawyers).

Your local council accesses the information too when assessing resource consent applications under the Resource Management Act or Building Act.

Environment Canterbury uses the information to prioritise sites for further investigation, management and remediation, to aid with planning and to help assess resource consent applications. These are some of our responsibilities under the Resource Management Act.

Is the information recorded on my LIM?

The Selwyn District Council sometimes records information about hazardous activities or contaminated land on a Land Information Memorandum (LIM). However, the information on the Listed Land Use Register is not automatically or routinely added to LIMs by councils. City or district councils may choose to include information on the LIM, particularly if there has been an investigation, site management or remediation undertaken at the site.

Who needs to know my property is on the Register?

If you are renting or selling your property it is important that you let the prospective tenant or buyer know your land is on the Register. If you are not sure what you need to tell the other party, you should seek legal advice.

A series of brochures has been developed for New Zealanders which contain advice for all parties involved in buying and selling property. Visit www.ecan.govt.nz/HAIL for a link to the following brochures:

Buying a property: Advice for prospective purchasers

Selling a property: Advice for vendors

Valuing a property: Advice for valuers

Conveyancing property: Advice for lawyers.

What if I have recently built my house?

If soil contamination was identified, then your builder/contractor had a requirement to deal with it under the Building Code. Check with them to see if they carried out any remediation of your land. Then contact Selwyn District Council to get the information updated on your Land Information Memorandum and Environment Canterbury to update the Listed Land Use Register.

Environment Canterbury and the Selwyn District Council both have a range of relevant information on their websites:

www.ecan.govt.nz/HAIL

www.selwyn.govt.nz

Environment Canterbury identifies land which may be contaminated from current or historical uses

Land uses which may be hazardous include former orchards and market gardens, landfills, timber treatment and other industrial sites where harmful chemicals were often used, stored or disposed of. Environment Canterbury records these sites on the Listed Land Use Register www.llur.ecan.govt.nz.

Not all land which has been used for these hazardous activities or industries will be contaminated. The only way to find out is to have the soil tested. For more information, visit www.ecan.govt.nz/HAIL.

Who does what regarding potentially contaminated land?

Environment Canterbury Environment Canterbury's identifies land in Canterbury that has been used for activities on the Hazardous Activities and Industries List (www.mfe.govt.nz). Once identified, properties are added to the Listed Land Use Register (www.llur.ecan.govt.nz).	Contact: Phone: 03 353 9007 or 0800 677 748 Email: ecinfo@ecan.govt.nz www.ecan.govt.nz
Selwyn District Council As the local authority for Selwyn District, the Selwyn District Council provides property owners with consenting advice about their land. They are responsible for managing changes to your property under the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil. Contact the Council if your property is on the Listed Land Use Register and you want to: subdivide land; change the land use; disturb the soil; sample the soil to determine contamination; or remove or replace an underground fuel storage system.	Contact: Phone: 03 347 2868 Email: planninginfo@selwyn.govt.nz www.selwyn.govt.nz
Canterbury District Health Board/Community & Public Health agency Provides community with public and personal health information.	Contact: www.cph.co.nz/HAIL
Ministry for the Environment The Ministry for the Environment provides leadership on land contamination across central and local government. The Ministry has created a National Environmental Standard (NES) and guidelines to assist in the management of contaminated land in New Zealand.	Contact: Phone: 0800 499 700 Email: info@mfe.govt.nz www.mfe.govt.nz
Ministry of Business, Innovation and Employment Provides technical guidance on repairing and rebuilding homes affected by the Canterbury earthquakes.	Contact: www.mbie.govt.nz www.business.govt.nz/lbp for information on licensed building practitioners