

This is one in a series of four brochures:

- Contaminated land – Buying a Property
- Contaminated land – Selling a Property
- Contaminated land – Valuing a Property
- Contaminated land – Conveyancing a Property

### Where can I get more information?

- Visit your regional or unitary council's website.
- Call your local district or city council and ask for a LIM Report (Land Information Memorandum). Please be aware that Council records are not always complete - a site may be contaminated even if the LIM does not indicate this.
- Have a look at the Ministry for the Environment website at [www.mfe.govt.nz](http://www.mfe.govt.nz). Check out the full HAIL under Contaminated Land Management Guidelines - Schedule A at [www.mfe.govt.nz/issues/hazardous/contaminated/guidelines.html](http://www.mfe.govt.nz/issues/hazardous/contaminated/guidelines.html)
- Have a look at historical aerial photographs (available from NZ Aerial Mapping).
- Have a look at the historical certificate of title (Land Information NZ).
- Call your regional or unitary council and ask about site files.

# Contaminated Land

## WHAT YOU NEED TO KNOW WHEN CONVEYANCING A PROPERTY



### You have been asked to convey a property which may be contaminated.

#### What is a contaminated site?

It is a site where *hazardous substances* occur at a concentration sufficiently **above background levels** to cause an immediate or long-term **hazard to human health or the environment**.

Experience has shown that sites previously used as industrial, agricultural or horticultural land are more likely than others to contain areas of contamination. Land can become contaminated when hazardous substances are leaked, spilt or disposed of. Often the contamination was unintentional and occurred despite following recommended management practices. In the past, the use, handling and storage of hazardous chemicals were often of a lesser standard than required today.

#### Why is contamination a problem?

Some contaminants break down in the soil very slowly, while some don't break down at all, so they may be present on a site for a very long time. Some contaminants pass through the food chain and concentrate in the tissues of fish, birds, livestock or humans.

If your **environment** is contaminated, your **health** may be affected by:

- direct contact with contaminated soil (through contact with the ground or breathing in dust)
- consuming food or water (eating food grown on contaminated land or drinking water polluted from runoff into streams or ground water).

As well as endangering your health, hazardous substances can:

- limit the use of the land
- cause corrosion to building structures
- reduce land values.

### How do I find out if the land is contaminated?

- Find out about the **previous uses** of the land you are conveyancing, or of any neighbouring land.
- Check out the **HAIL** in this brochure to see if your site has the potential to be contaminated based on past activities.
- Check with your **local district or city council** for any information they may have about the area.
- Contact the **contaminated sites staff** at your regional or unitary council and ask if they hold any information on the site you are conveyancing.
- Get a site investigation done - the level of risk can only be assessed on a site-by-site basis.
- Ask questions of the vendor and real estate agent.

### Who is responsible for a contaminated site?

The **landowner is generally responsible and liable** for cleaning up a contaminated site, even if contamination was caused by a previous owner. It is therefore in the interests of both the vendor and the purchaser to investigate the property thoroughly.

### What if it might be a contaminated site?

Advise your client to have the land tested by an experienced contaminated site investigator. Your regional or unitary council may be able to advise you of consultants experienced in this work. Otherwise look in the Yellow Pages under Environmental Consultants. Your regional or unitary council can also advise how to best manage and clean up a contaminated site.

You may wish to advise your client on ways of managing the transaction, such as asking questions of the vendor and real estate agent or making agreements over liability for the site and any clean up that may be needed.

### Regional / Unitary Council role

Regional and unitary councils are responsible for regulating discharges of contaminants into the environment. Discharges from contaminated land may require resource consents. Councils can also provide advice and information for the public and other government agencies about the safe management of contaminated land.



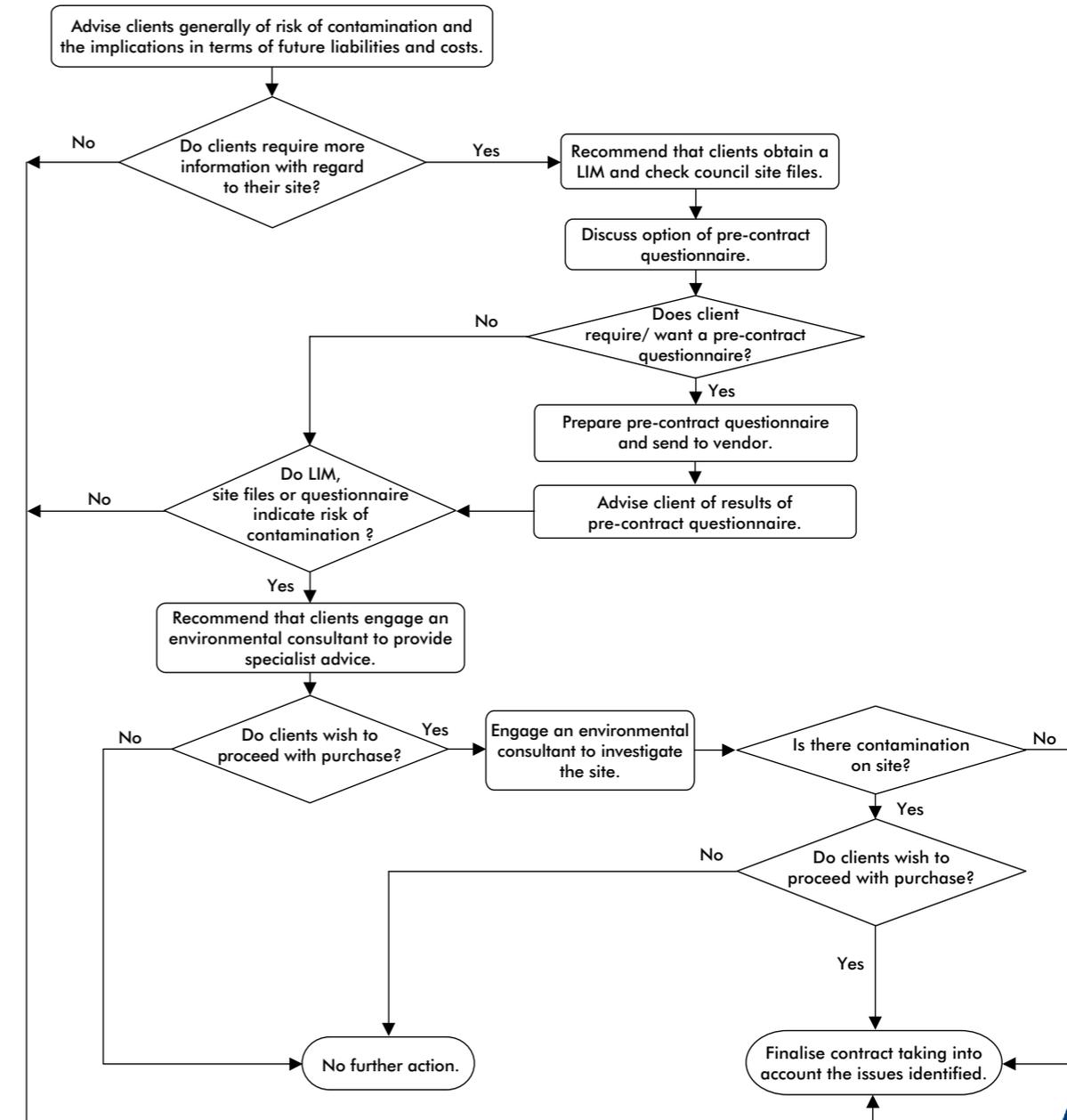
## Hazardous Activities and Industries List (HAIL)

This list shows the main land uses or industries which typically use hazardous substances that could cause contamination. Whether or not a specific site is contaminated will depend on the past and present management of the hazardous substances. Please be aware that even if the property has been used for an activity or industry that does not appear on the list, it may still be contaminated.

- |   |  |
|---|--|
| 1 Abrasive blasting                                       | 41 Railway yards   |
| 2 Acid or alkali plant                                    | 42 Sawmills  |
| 3 Agrichemical spray contractors                          | 43 Scrap yards   |
| 4 Airports  | 44 Service stations  |
| 5 Analysts - commercial analytical laboratory sites       | 45 Smelting or refining  |
| 6 Asbestos products                                       | 46 Tannery, fellmongery or hide curing   |
| 7 Asphalt or bitumen                                      | 47 Transport depots  |
| 8 Battery manufacturing or recycling                      | 48 Storage tanks for fuel and chemicals  |
| 9 Brake lining manufacturers                              | 49 Waste storage, treatment or disposal  |
| 10 Cement or lime manufacturing                           | 50 Wood treatment and preservation   |
| 11 Cemeteries   | 51 Wool, hide and skin merchants   |
| 12 Chemical manufacturing                                 | 52 Any site that has been, or could have been, subject to the migration of hazardous substances present in soil or water on adjacent sites |
| 13 Coal and coke yards                                    | 53 Any other facility or activity that stores, uses or disposes of hazardous substances  |
| 14 Concrete and cement                                    |  |
| 15 Defence works and establishments                       |  |
| 16 Drum and tank re-conditioning                          |  |
| 17 Dry cleaning plants                                    |  |
| 18 Electrical transformers                                |  |
| 19 Electronics - manufacturing, repairing, reconditioning |  |
| 20 Engine reconditioning                                  |  |
| 21 Explosive production or bulk storage                   |  |
| 22 Fertiliser manufacturing                               |  |
| 23 Foundry operations                                     |  |
| 24 Gasworks   |  |
| 25 Gun, pistol or rifle ranges                            |  |
| 26 Iron and steel works                                   |  |
| 27 Landfill sites   |  |
| 28 Livestock dips or spray races                          |  |
| 29 Market gardens, orchards or glass houses               |  |
| 30 Metal treatment or coating                             |  |
| 31 Mining and mineral processing                          |  |
| 32 Motor vehicle workshops                                |  |
| 33 Paint manufacturing and formulation                    |  |
| 34 Pest control   |  |
| 35 Pesticide manufacturing                                |  |
| 36 Petroleum industries                                   |  |
| 37 Pharmaceutical manufacturing                           |  |
| 38 Port activities  |  |
| 39 Power stations and switchyards                         |  |
| 40 Printing   |  |



## Conveyancing Property? Advice for Lawyers



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