

**THIS IS FACT SHEET TWO IN A SERIES. SHOULD YOU REQUIRE ADDITIONAL INFORMATION, OTHER FACT SHEETS ARE LISTED BELOW //**

This series of fact sheets has been put together to provide targeted information on your responsibilities, as well as the responsibilities of other parties (e.g. the council, contractors, buyers and vendors of property) in managing the potential risks from contaminated land.

If you have any questions please contact your local council in the first instance (contact details provided on the rear of this brochure).

Other fact sheets in the series:

**FACT SHEET 1 //**

General Information

**FACT SHEET 3 //**

Are You About to Subdivide or Change the Landuse for a Contaminated Site?

**FACT SHEET 4 //**

Are You Carrying Out Earthworks on a Contaminated Site?

**FACT SHEET 5 //**

Are You Interested In Consent Conditions for Contaminated Sites?

// FOR FURTHER INFORMATION

**QUALITY PLANNING WEBSITE**

[www.qualityplanning.org.nz](http://www.qualityplanning.org.nz)

**MINISTRY FOR THE ENVIRONMENT**

[www.mfe.govt.nz/rma/public/consent-apply/index.html](http://www.mfe.govt.nz/rma/public/consent-apply/index.html)

**SEE ALSO ENVIRONMENT WAIKATO FACT SHEETS WITH INFORMATION FOR PROPERTY BUYERS**

[www.ew.govt.nz/enviroinfo/hscs/contam/managingsites](http://www.ew.govt.nz/enviroinfo/hscs/contam/managingsites)



WasteMINZ and the Contaminated Land Management Sector Group would like to acknowledge the contributions from URS and Tonkin & Taylor in the production of these resources.

// CONTACT DETAILS

# ARE YOU BUYING OR SELLING A CONTAMINATED SITE?

**READ THIS FIRST //**



# ARE YOU BUYING OR SELLING A CONTAMINATED SITE?

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

When selling a property you must reveal any information you know about potential contamination on the site. If you know about potential contamination and fail to reveal the information to a buyer legal action may be brought against you.

## // RESPONSIBILITIES

### AS A VENDOR/LAND AGENT

- > Must disclose any information they hold in relation to the site on request.
- > Must not mislead a prospective purchaser about the state of their property.

### AS A PURCHASER

- > The law is 'buyer beware' – request a Land Information Memorandum (LIM) from your local council and/or request information from the regional council.
- > It is important to ask the vendor and real estate agent about potential contamination (and ideally get written answers).
- > If you are unsure if a site is contaminated it may be advisable to get a Site Investigation Report from an environmental consultant.

### AS AN ENVIRONMENTAL CONSULTANT

- > Complete a Preliminary Site Inspection Report or Site Investigation Report that is consistent with the Ministry for the Environment guidelines.

### AS A CITY/DISTRICT COUNCIL

- > May hold information about hazardous substances and potential contamination at the site that can be released to the purchaser.

### AS A REGIONAL COUNCIL

- > May hold information about potential contamination at the site (e.g. pollution incidents, contamination status on the site or existing consents for discharges of contaminants).
- > May assist with information on acceptable levels of contamination in soil.

## // POSSIBLE INFORMATION SOURCES

- > Land Information Memorandum (LIMs) – ask the city or district council for these to obtain information on the property.
- > Property file or bag held by the city, district or regional council – these may contain useful information about the property and any site or register notes.
- > Historical search of Certificates of Title – these provide information on previous owners of the site.
- > HAIL<sup>1</sup>
- > Historic aerial photographs – these can be reviewed to determine if the site was previously used for the storage or use of hazardous substances (e.g. fuel storage areas, underground tanks, old sheep dips, market gardening and greenhouses). Aerial photographs may be available from the local city, district or regional council.

## // WHAT QUESTIONS SHOULD I ASK?

If you are buying a potentially contaminated site 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 purpose that could cause soil or groundwater contamination (i.e. HAIL activities)?
- > Are any chemicals used or stored on the property in quantities greater than small amounts and how are they stored?
- > Have any contamination investigations been carried out in the past? (Request to view a copy of any previous reports).
- > Has the use of the land changed since the current owner occupied the property?
- > Are you aware of any potentially contaminating substances in the building materials or elsewhere on the site (e.g. lead paint, asbestos)?
- > Are there any above-ground or underground storage tanks on the property that may have contained hazardous substances?

<sup>1</sup> Ministry for the Environment's Hazardous Activities and Industry List (HAIL) – see [www.mfe.govt.nz/issues/hazardous/contaminated](http://www.mfe.govt.nz/issues/hazardous/contaminated)