

FACT SHEET

Buying and Selling Properties

In relation to this fact sheet, also read the fact sheet on subdivisions.

By law all information including the possible presence of contaminants must be disclosed by a vendor or its agents. A lot of information is available publicly by the New Zealand government and local bodies. A typical example where many estate agents appear to fail is to mention the presence of lead paint on houses build prior to the early 80-ies, even though there is an abundance of information leaflets available from the District Health Boards. The fact that most of these houses have elevated lead in the garden soil around the house and often seriously elevated levels in the house dust is less known. However this is more due to a lack of interest than due to a lack in availability of information.

New Zealand's law is based on a 'Buyer Beware Policy'. This means all contaminated land risks transfer to the new owner when the purchase agreement is signed unconditionally. An initial site assessment just prior to purchase is often a lot cheaper than having to finance the full remediation later. See the DIY site assessment fact sheet and other fact sheets related to specific site usage. The future owners liability can be limited by requesting written statements or answers to questions about the property and its contaminant status. In case of doubt, ask EPA or engage an experienced consultant. Ensure the consultant carrying out the site assessment ('on your property') has experience and is not just providing the quote and checking the final report written by a junior with little experience.

Regional Councils are building up a database on potentially contaminated properties and are a good source of information. Unfortunately the Minister for the Environment does not allow a LIM report to contain information about potential contamination while the LIM can have information about potential flooding. LIM reports are therefore unreliable in relation to potential contaminant issues affecting properties.

Note your property may be now or has been in the past close to potentially contaminating activities on neighbouring properties. These might be residential properties that have been involved in repairing old cars, storing old batteries along fences, burning wood (treated CCA timber or leaded paint) and can seriously affect the property next door. Migration of contaminants through groundwater is more common than is realised. An upstream service station, workshops, dry-cleaners and many other solvent using activities can have a serious health effect from vapours coming out of the soil and into your new house. So take the activities in the (upstream part of the) neighbourhood into account (past and present) when assessing if there could be a potential contamination problem. Note in New Zealand there is no requirement based on a potentially contaminating activity to carry out a site assessment, thus most contaminated properties will be largely unknown / unmapped.

As is mentioned in the fact sheet 'DIY site assessment' one of the first steps is to collect anecdotal information by talking to neighbours, the local shop owners, previous owners (get names from title documents) historic (aerial) photographs from local library or councils, local newspaper archives may have an index system on street or neighbourhood name, etc..

The oldest aerial photographs date back to the 30-ies. Many orchards and glasshouse areas were then in suburbs where now 'established' housing estates are present. As lead-arsenate was the pesticide of choice in that time and the residues will not degrade in time, they are most likely still present in the soil. Combined with lead from paint flakes, sanding and general surface corrosion of paint these older estates very often have a heavy metal (arsenic, copper, lead, zinc) contamination problem. Before buying it is wise to have this contamination quantified. There are several options for quick surveys on the market. EPA can point you in the right direction.

Check-out the other fact sheets (sheep-dip, horticultural land, commercial land, etc) if there is a likelihood that your property is located on a subdivision that might have had such a land use in the past. Note that even though New Zealand is a relative young country it has a significant industrial past. Many small towns have had their own gasworks. Not only are these sites contaminated, a lot of material produced at these sites is seriously contaminated by today's standards, however at the time was seen as 'useful' and often free material in the early days. For example 'Billy Blue', a

limy whitish-bluish material was extensively used as fill, garden and farm paths often many miles from the gasworks site. High levels of cyanide often preserved under a layer of coal tar (high in poly aromatic hydrocarbons) make this material quite dangerous in today's mind set.

Asbestos cement was also widely used and the waste often used as hardfill in paths. Every time you drive over such a path the asbestos fibres released from the asbestos cement by crushing fly around freely in the dust behind (and in) the car, house and garden. Large areas of Manakau have been excavated for the purpose of removing asbestos.

In summary

- 1 Always assume a property is contaminated unless proven otherwise.
- 2 Trace the land-use back to 'native bush' if possible. Having been 'just pasture' is no proof of being uncontaminated, given high cadmium and DDT levels in many New Zealand pastures.
- 3 Always check all sources of information (local & regional councils, local library, neighbours, historical photographs, aerial photographs, etc. Do not rely on the LIM as potential contamination is not allowed to be mentioned.
- 4 Take a wide perspective of the neighbourhood / town. Were contaminating activities present in the (distant) past? Could waste products be used on your future property?
- 5 Seriously consider the age of the building(s). If old then lead paint residues are likely to taint the garden soil around the house. If new, but in an old neighbourhood, ask the questions: was there an older house on site? Where was it located? If it burned down, are there (tar-like) residues you have to test for, lead-paint etc.
- 6 See other fact sheets if the property or any of the neighbouring properties is or could have been used for commercial activities (esp. Commercial sites, Sheep-dip, Orchards, Subdivisions)
- 7 Be vigilant in checking the whole property (i.e. from peg to peg, not fence to fence) for signs of distressed vegetation, bare patches, waste burning areas presence of incinerators, presence of coals / ashes in garden beds, etc.

Note:

When uncertain you can ask EPA a question for free. When anything suspect is present please note that professional advice will likely cost less than a remediation of the site at the time you want to sell it, or to counter any health effects incurred by living on the property.