Contaminated land

Notice of intention to enter land

This notice is provided by a prescribed responsible person or a person (a consultant), to notify the land owner and any occupier of an intention to enter the relevant land in accordance with section 395 of the Environmental Protection Act 1994 (EP Act).

**This notice must be given to the land owner and occupier at least five business days prior to entering the land.**

To:

NAME OF LAND OWNER / OCCUPIER

Name of prescribed responsible person or consultant:

NAME OF PERSON AND/OR CONSULTANT

The above-mentioned prescribed responsible person or a consultant (acting on behalf of the person) will be entering the relevant land located at:

ADDRESS

being Lot number(s) on Plan number(s) .

on: / / between the hours of: .

**Purpose of the entry**

The Department of Environment and Science has required the prescribed responsible person to prepare or commission a draft site/amended site management plan relating to the management of contaminated land at the premises. Access to the land is required in order to comply with this requirement.

The land must be entered for the following reasons:

The following will be adhered to by the prescribed responsible person or the consultant (whichever is applicable) at all times during this period:

* The land will only be entered to conduct works that are necessary for complying with the requirement to prepare or commission a draft site/amended site management plan.
* Buildings used for residential purposes will not be entered.
* All reasonable steps will be taken to ensure that as little inconvenience as possible is caused, with as little damage as is practicable in the circumstances.

**Note:** Should any loss or damage be incurred because of entry of the land by the prescribed responsible person or consultant, the EP Act states that the affected person is entitled to be paid by the prescribed responsible person or consultant reasonable compensation because of the loss or damage—that is agreed between the parties; or if an agreement can’t be reached, as decided by a court.

Signed: Date:

PRESCRIBED RESPONSIBLE PERSON / CONSULTANT

**Information for the land owner / occupier**

This notice advises you of a person’s intent to enter the land in order to conduct certain activities, as provided for under the *Environmental Protection Act 1994*. All reasonable effort should be made to allow the person access to the land, necessary to conduct the required works.

**Information for the prescribed responsible person / consultant**

Consent from the owner/occupier to enter the land should be sought as a first option. A record of consent should be made.

If consent can’t be obtained and if the matter goes to court, you will need to produce evidence of the service of this notice. The notice must be served at least five business days prior to entering the land.

When providing reasons for entering the land, details of the types of work that will be conducted should be given. For example, to conduct land surveys, take soil samples or drill bore holes. Details of any machinery that will be used that has the potential to cause an inconvenience should be provided. Time spent accessing the land must be kept to only that which is necessary to appropriately undertake the works.