

Blue Mountains Conservation Society Inc.

Planning and Development Resource Kit



Information sheet: How to collect evidence

Note: It is illegal to go on to private land without the owner's (or builder's) permission. Any evidence gained in this illegal way will not be admissible in the event of a court case. You can take photos from the road or an adjoining property (with the owner's permission).

You can email your evidence and a statutory declaration or statement outlining what you saw to the Council or relevant authority (see 'Scenarios'). Include where and when you gathered the evidence and other details you noted (see below). But it will be up to the Council or other public authorities to take further action if the works/activities are believed to be illegal.

WHAT TO DO:

- **Take photos and/or videos with your camera or mobile phone**

It is a good idea to use the 'date photos' feature on your camera/phone or have a witness to the photographs who can verify date and place.

Land clearing and/or building works: Take photos of the cleared area and vegetation refuse pile (if any), sediment controls (if any), nearby creeks which could be affected by sediment, damage to watercourses by vehicles and bulldozers, any machinery on site and their number plates etc.

Creek pollution: Take photos of the creek and source of the pollution if you can see it.

Backyard burning: Take photos of the fire, identifying the property.

Illegal rubbish dumping: Take photos of the pile and any identifying evidence you find in the pile (e.g. envelopes or bills with names and addresses). If you see a vehicle driving away, photograph the vehicle including a close-up of the number plate and, if possible, the vehicle in relation to a feature that can be used later to identify the location.

Illegal trail bike riding in public reserves, crown lands or national parks: Record in a diary every time (or as much as possible every time you hear or see illegal trail bikes) the date, time, duration of activity, number of bikes, description of bikes (e.g. colour, type), description of rider (clothes/helmet colour and type), bike registration number (if any). Take photos if you can. Report this regularly (with evidence) to local police.

Encroachment on to a Council property or reserve: Take photographs of the encroachment (vegetation clearing, structures, vehicles, tracks, rubbish etc) to send to the Council.

- ***Take detailed notes***

Record the address, lot number or street. Take detailed notes of what you saw e.g. the number of trees cut down, registration number plates of vehicles. Note the date and time you saw the works, pollution or backyard burning.

- ***Draw a sketch map of the site***

For land clearing or building works you can draw a map of the site with features that can help you identify where you are: watercourses, vegetation communities, rock outcrops, boundary fences or markers, dams, power lines, tracks, the street /roads or nearby streets/roads. **Sketch where the disturbance is** in relation to these features. You will need this information when you try to identify the block, look at the Council's interactive maps and view the development approval documents (if any).

- ***Talk to workers on the site***

You can approach workers on the site and ask them what they are doing. However, if they ask you to leave the site you must. If you can, find out who they are and record this before you forget. Note that if it is a building site covered by a standard construction contract, it is the builder not the owner who has legal possession of the site, so it is the builder whose permission is required to go on to the site.