

BOARD OF INQUIRY INTO THE MCCRAE LANDSLIDE

Statement of Kellie Anne Moran

I, Kellie Anne Moran of
as follows:

I/S

Private Tutor, say

1. I am one of the registered owners of the property located at 3 Penny Lane, McCrae in the State of Victoria (the **Property**). I own the Property jointly with my husband, Nicholas James Moran (**Nick**).
2. I make this statement to provide the Board of Inquiry with my recollections of the landslide that occurred at the Property on 5 January 2025, and its aftermath.

Purchase of the Property

3. Prior to purchasing the Property, Nick and I attended an inspection of it on 3 March 2023. The Property was listed for sale with Belle Property Dromana (**Belle Property**), and the Director of Belle Property, Grant McConnell, showed us through the Property on that date. When we stepped out onto the balcony of the second floor, I noticed temporary fencing opposite the driveway to the garage. The fencing appeared to commence at the corner of the retaining wall in front of the Property and moved along Penny Lane. I could only see what I thought was bushland beyond the fence. I asked Mr McConnell why there was temporary fencing near the garage, and he told me that one of the neighbours was conducting works on his property. He did not elaborate any further, which caused me concern.
4. Whilst Nick and I travelled back to Melbourne after inspecting the Property, I searched "Penny Lane, McCrae" in Google on my phone, and found several news articles that referred to a landslide having occurred in the area in 2022. I do not recall specifically what the articles said, but my understanding of them was that there had been a period of significant rain which had caused a landslide. I relayed that information to Nick, who was driving, and Nick told me he would contact Belle Property to find out more.
5. Shortly after, Nick informed me that
 - (a) he had phoned Carol Charkas, a Sales Assistant from Belle Property, to ask for details about the landslide and its impact on the Property (if any) and
 - (b) Ms Charkas told him she would make enquiries with the Vendor and revert to him.

6. On 5 March 2023, Nick showed me an email that Ms Charkas had sent him, which contained:
 - (a) an email that she had received from the Vendor of the Property; and
 - (b) an email that the Vendor had received from a Civil Engineer employed by Mornington Peninsula Shire Council (**the Council**).
7. I understood from those emails, that
 - (a) In November 2022, there had been a landslide at 10-12 View Point Road – the property directly above the Property.
 - (b) The landslide had occurred following heavy rain, and investigations into it had revealed that its likely causes were issues with the Council's drainage on View Point Road and a burst water pipe at 10-12 View Point Road.
 - (c) The burst pipe had been rectified and the drainage issues were being attended to by the Council.
 - (d) The Property was not impacted in any way.
8. Nick then arranged for the usual enquiries and searches in relation to the Property, to be undertaken through Landchecker, and obtained a detailed property report. Nick and I reviewed the results of those searches, which identified no drainage or other issues associated with the Property, and agreed that we could proceed with the purchase.
9. Following completion of the purchase on 5 May 2023, I furnished the inside of the Property and Nick arranged for smoke detectors and fans to be installed. We did not otherwise undertake any works on the Property as it did not require any renovations.
10. Annexed to this Statement and marked "**KM-1**" is a Title Search for the Property confirming Nick and I are its registered owners.
11. We began to use the Property regularly with our children, extended family and friends, shortly after completion of the purchase, including on weekends and public holidays. I spent two weeks at the Property during the school holidays in June 2023, and then a further three weeks there during the school holidays in September 2023. Nick often stayed at the Property during the week, as he was able to work from home, and the children and I travelled to the Property on weekends. In the weeks leading up to 5 January 2025, the Property was very rarely vacant. Nick and I and our children stayed there frequently, along with members of our extended family and friends.

12. Within about 6 months of us purchasing the Property, Nick and I met Jon McLean, a neighbour whose property had been impacted by the landslide in November 2022. Jon was tidying his garden at the time, and we had a general conversation during which Jon told us that he had not been able to return to his property since the November 2022 landslide. I saw Jon from time to time thereafter, outside his property, and had brief conversations with him about the 2022 landslide and its aftermath, including about issues as between some neighbours and the Council in relation to remediation works. I had no concerns about our Property as a result of the conversations. My understanding was that the November 2022 landslide was unconnected with our Property.

5 January 2025 Landslide

13. I had been staying in the Property with Nick, our children, and members of our extended family in the lead up to 5 January 2025. Our extended family left the Property on 5 January 2025, and in the evening, I went out for dinner with Nick and our three children. Following dinner, Nick, our youngest daughter Keira, and our son, left McCrae to drive back to Melbourne as they were scheduled to work the following day. Nick and Keira drove in one car and our son drove separately. I returned to the Property with my eldest daughter, Isabella, at around 7.30 pm.
14. After entering the Property, Isabella went to the third floor, where she had been sleeping while we had guests staying with us, to collect her belongings and move them into one of the bedrooms on the second floor. Isabella had come down to the second floor and was walking towards the hallway to the left of the living room to take her things into one of the bedrooms, when I heard a rumbling sound. I thought it was the beginning of a storm and so I stepped out onto the second-floor balcony to collect towels that were hanging there. I then heard Isabella yell "Mum" and I turned to see her facing the window to the back of the living area, with her back to me. The house began to vibrate as the noise grew louder and within seconds, I heard the sound of what I now know was dirt and debris smashing into our Property, and saw the rear of the second floor of the Property being pushed into the house toward where Isabella was standing.
15. I was initially in shock. I entered the house to ensure Isabella's wellbeing and when I looked up, I saw that a tree and a lot of greenery were at our living room window. I looked around and then saw that the laundry door and cupboards to the left of the staircase had been pushed into the hallway, completely blocking all access to the bedrooms in that part of the house. I noticed mud on the ground near the laundry and heard water trickling. I was unsure where the water was coming from or what had occurred and I said to Isabella "we need to get out". Isabella and I found our dog and exited the Property through the front door.

16. A photograph of the damage to the laundry and hallway, showing water starting to pool near the laundry, is annexed to this Statement and marked 'KM-2'.
17. At around 7.41 pm, I called '000'. When asked what service I required – police, fire or ambulance – I was unsure how to respond. I recall saying words to the effect of *"I think there has been a landslide at my house"*. The operator asked questions to ascertain what had occurred and I told them the house had been shaking. I confirmed no one was injured or trapped, and the operator directed my call to the Victorian State Emergency Service (VicSES).
18. The VicSES operator also asked what I was calling in relation to, and again, I stated that I thought there had been a landslide at my house. The operator asked if a retaining wall had fallen and I told them no, but that the damage to the house appeared to be serious. I reiterated that I thought it was a landslide and that part of my house had been pushed inside. The operator asked if I was safe and I confirmed my daughter and I were safe and standing outside of the house on Penny Lane. The operator confirmed the VicSES would send assistance.
19. Isabella and I then walked up the external stairs on the right-hand side of the Property to inspect what had occurred. Those stairs provide access to the back of our Property and border the land owned by 10-12 View Point Road. We could not see much but registered that a tree had fallen and the vegetation that had covered the mountain area behind our Property had been pulled away. As we came back down the stairs, we could see through the windows that water was starting to run down the internal stairs from the second floor to the ground floor of the Property.
20. I became very concerned about the water affecting the power and looked under the stairs for the main switchboard. I could not locate it and so I called '000' a second time at around 7.54 pm. My call was again directed to the VicSES and I told the operator that there was water pooling in my Property and that I was concerned the power needed to be switched off as soon as possible. I asked for urgent assistance and was told the VicSES responders were on their way.
21. I phoned Nick at that point and told him there had been a landslide at the Property and he needed to return. I do not now recall the specifics of that conversation.
22. The first of the VicSES responders arrived shortly after at around 800 pm. One of them introduced themselves to me as "Peter" and told me he was a local volunteer. I told him I was concerned about water pooling inside the house and he climbed the external stairs to the right-hand side of the Property to inspect what had occurred, and to see the water

pooling inside. He then entered the house, located the main switchboard, and turned off the power to the house. He came back outside to where I was standing to confirm he had switched off the power.

23. Another of the VicSES responders who arrived shortly after, approached me and introduced himself as Mark Daw. He told me he was taking control of the response and was going to inspect the properties above ours to try to find out what had occurred. At around the same time, Peter told me that the VicSES had contacted the Council and South East Water (SEW) to apprise them of the situation. He explained that SEW would need to switch off water to the Property and had been asked to do so.
24. Several VicSES responders were beginning to enter the house and walk up the external stairs to the right-hand side of the Property to inspect the situation, whilst several others continued to arrive. I recall there being a large number of people at the Property at that point. Some of the responders explained to me that they were moving our furniture away from the water as best they could, and were going to try to use sandbags to prevent the water spreading any further throughout the Property.
25. At around 8:05 pm, Nick and Keira arrived at the Property and Nick began liaising with the VicSES representatives.
26. I was aware that there had been construction occurring at neighbouring properties, because I could hear it in the weeks leading up to 5 January 2025. I could not see what works were being undertaken or which property they were being undertaken at, and in circumstances where I was unaware of any issues at any property in the vicinity, the fact that my neighbours may have been renovating their property was inconsequential to me.
27. The VicSES responders allowed Nick and I to enter the Property to collect some of our personal belongings later in the evening. I left the Property with Isabella and Keira to return to Melbourne, at around 9.30 pm. Nick remained at the Property with the VicSES representatives.

Lead up to 14 January 2025 Landslide

28. Neither Nick nor I were provided with an evacuation notice following the 5 January 2025 landslide, and no one from the Council or the VicSES told us that it was not safe for us to be at the Property in the immediate aftermath.

Monday 6 January 2025

29. I returned to the Property at around 2.00 pm on 6 January 2025. Nick had travelled to the Property earlier that day and I followed in the afternoon to collect my daughter's car which was still parked there. Several VicSES responders were at the Property when I arrived. I noticed that the water had been diverted around the back of the house and to its side, using sandbags, so that it was no longer running directly through the house. The water continued to flow consistently, as it had the night before.
30. Mr Daw and a man who was introduced to me as Matt Glover from the Council, arrived at the Property shortly after I had arrived. Mr Daw told me that the VicSES was handing over control of the situation to the Council. My understanding was that neither the VicSES nor the Council knew the source of the water at that point.
31. I recall seeing a third man arrive at the Property and walk around to inspect it. He then spoke with Mr Glover. Nick told me that he was a geotechnical engineer named Dane Pope, who Mr Glover had told him about the night before. I did not speak with Mr Pope at all that day.
32. At one point in the afternoon, Paul Willigenburg, who was living in the house directly in front of our Property, approached Nick and me to ask what had occurred and enquire as to our wellbeing. During that conversation, Paul told us that he had noticed drains at the bottom of Penny Lane filling with water in December. He told us that was strange in circumstances where there had been no rain in the area during that period and the drains had remained dry since works had been undertaken on View Point Road following the November 2022 landslide. He had notified the Council that the drains were filling with water on 16 December 2024. To the best of my recollection, Paul told us he had not received any response from the Council to that notification.

Wednesday 8 January 2025

33. On 8 January 2025, I arrived at the Property with Nick and our 3 children at around 9.30 am. We were accompanied by several family members and friends, and we spent the morning removing furniture and other items from the Property. RACV Insurance (RACV) had notified us by this point that our contents were not insured, and we were concerned about mould and other damage to our belongings, given the water that had been through the house.
34. Throughout the day, I joined the McCrae Community Facebook page and very quickly saw several posts from residents complaining about a large pothole on Charlesworth Street that had been filling with water in December. Given that the Council and the

VicSES had not been able to ascertain the source of the water entering our Property, this interested me and I showed Nick the posts. I then sent screenshots of the posts to Nick for him to send to Mr Glover.

35. We all left the Property to have lunch at around 1.00 pm, and I returned to the Property at around 2.00 pm. When I arrived, the son of the owner of 2 Penny Lane was standing outside his house and I walked over to chat with him. I then noticed an elderly man walk towards our Property and look inside. We exchanged words to the following effect:

Me: *"Hi, can I help you?"*

Him: *"No, just having a look".*

Me: *"I'm the owner of that property. Can I help with anything?"*

Him: *"I heard you've got a water issue".*

36. I asked the man's name and he told me he was *"the Borghesi's neighbour"*. He then walked away.

37. Nick returned to the Property at around 5.00 pm that day and I relayed the conversation above to him. We then decided to have cameras installed at the Property.

Thursday 9 January 2025

38. On 9 January 2025, I attended the Property with Nick because RACV had arranged for a senior assessor named Sue Gaylard to attend and inspect the Property at 9.00 am. Ms Gaylard arrived with a builder and she and the builder toured the Property and made notes in relation to it.
39. Shortly after, at around 10.30 am, Mr Glover arrived at the Property with two apprentices and a builder. Mr Glover brought a report with him that outlined key issues he wanted us and our insurer to address to ensure the Property was safe. A copy of the report is annexed to this Statement and marked **"KM-3"**.
40. Nick and I stood in the living room on the second floor of the Property with Mr Glover, Ms Gaylard and the builder who had accompanied her, to discuss action items arising from the report, while Mr Glover's apprentices inspected the outside of the Property.
41. From that discussion, I understood the Council to be focused on:
- (a) *First*, dealing with the ongoing water flow issue. It was still not clear to us or to the Council where the water was coming from. Mr Glover told us that he believed

the water was coming from a natural spring. He proposed to remove part of our deck and place pipes underneath it that would carry the water from our Property towards the retaining wall at the front of our Property, and into the drains on Penny Lane.

- (b) *Second*, removing the dirt from behind our Property. Mr Glover told us that he believed the retaining wall at the back of our Property was still intact, but that the dirt and rubble which had come down from the mountain during the landslide on 5 January 2025, had filled the gap between that retaining wall and our house. He told us that he was concerned the weight of that dirt and rubble would become too heavy for our house to bear. Notwithstanding that concern, Mr Glover did not tell us there was a risk of another landslide occurring. Ms Gaylard told us that the dirt and rubble would need to be removed by hand because there was no way to safely have machinery taken up to it.
- (c) *Third*, securing the retaining wall at the front of our Property, by placing two shipping containers in front of it. This was a plan devised by Mr Glover and Dane Pope. Mr Glover told us that he was concerned that the amount of water still running from our Property would place pressure on the front retaining wall and affect the house in front of ours. Ms Gayland said that she disagreed with this proposal and was concerned about the logistics of having two shipping containers brought up to the front of our Property.

42. At one point, Ms Gaylard asked Mr Glover to speak with her in private outside, and they left the room. I did not know what they were discussing, but it made me uncomfortable that representatives of the insurer and the Council were having discussions about our Property that we were not privy to.

43. Later in the day, when we were leaving the Property, Ms Gaylard reiterated to Nick and me that she did not think the use of shipping containers would be helpful, due to the weight and logistics of getting them onto the Property, but said words to the effect of, "*don't worry, we'll work it out*".

Monday 13 January 2025

44. Between 10 and 12 January 2025, Nick had discussions with Mr Glover and Ms Gaylard about the source of the water coming into our Property. I was not involved in those conversations but Nick relayed the pertinent points to me. I understood that Mr Glover maintained the view that the source of the water was a natural spring and that Ms Gaylard disagreed.

45. On 13 January 2025, at around 12.15 pm, Ms Gaylard phoned Nick, and both Nick and I spoke with her. Ms Gaylard told us at that point that she believed the source of the water was in fact a pipe located underneath the retaining wall on 10-12 View Point Road. She explained that if the water was coming from a natural spring, its flow would be inconsistent and in keeping with the spring's ebbs and flows. However, the water flow at our Property had not changed in volume or pace, which indicated that it was coming from a pipe. Ms Gaylard stated that she had taken photographs of the pipe and we asked to receive them from her. To date, we have not received those photographs.
46. I did not observe any change in the rate of water flow onto our Property from after the first landslide.

Tuesday 14 January 2025

47. I received a phone call from Nick at around 9.30 am on 14 January 2025. He told me there had been a second landslide at the Property and that the entire Property had collapsed. He told me we needed to drive to McCrae and I told him I would be home as soon as possible.
48. I arrived at home approximately 15 minutes later, and Nick and I immediately left Melbourne for McCrae. During the drive, we listened to news reports of what had occurred over the radio, and I received several phone calls and text messages from friends and family who were hearing about the landslide through various news channels.
49. Nick and I arrived at the roadblock that had been set up as a result of the landslide at around 10.19 am. The police officers patrolling the land block would not permit us to enter the area. The roadblock was approximately 1 kilometre away from the Property and so I could not see it while we waited there.
50. Nick phoned Mr Daw from the VicSES to ask if he could assist us to enter the vicinity of the Property and once we were allowed access, we were approached by the police officer in charge who advised us we could enter. I was concerned about Paul and Denise Willigenburg who were renting the property in front our Property, at 607-609 Pt. Nepean Road, McCrae. I asked the police officers present "Where are Paul and Denise?" One of the police officers asked me who Paul and Denise were and I told him they were our neighbours.
51. Mr Daw then approached us and led us to a tent that the VicSES had set up. My primary concern was whether anyone had been injured and I again asked Mr Daw where Paul and Denise Willigenburg were. Mr Daw then pointed toward some shrubs where they were standing, and I went to join them as media had started to arrive.

52. At around 10.26 am, I received a phone call from a phone with "no caller ID", which I did not answer. I received a second phone call at around 11.10 am from a landline phone number that I did not recognise. My phone records indicate that I answered that phone call, though I do not now recall who I spoke with. In any case, the same number phoned Nick moments later and when Nick returned the phone call, he spoke with a representative of the Council. Nick relayed to me that the Council was offering assistance to those who owned properties in the impacted area of the landslide, and that the Council representative he had spoken with did not know that we were the owners of the Property that had collapsed. I do not recall what time a representative from the Council spoke with us directly, as the owners of the Property.
53. At no point in time between 5 and 14 January 2025, had anyone from the Council advised us that there was an imminent risk of another landslide occurring.

Dated:

Irrelevant & Sensitive

Kellie Anne Moran