

McGuinnessLegal

Our Ref: PMcG:RL:2318

5 July 2023

Attention: Claims Manager
RACV Home Claims

By email only: racvnomec

Dear Sir/Madam

**Re: Our clients: Paul
Your insured: Mr &
RACV Claim No
McCrae Landslip**

Personal Information

We advise that we act on behalf of Paul and Denise Willigenburg (our "clients"). Our clients own the property 611 – 615 Point Nepean Road, McCrae which has been impacted by the landslip.

We have contacted Sue Scoble who indicated that your department should be communicate with.

The writer has some experience with 2 Supreme Court cases of significant landslip on the Mornington Peninsula.

The matters were complicated, expensive, litigious and time wasting. You may have on your file our letter 12 July 2023, addressed to your clients, (a copy of which is attached).

We ask that you contact us and indicated whether you are prepared to disclose your geotechnical report information, having regard to our client's desire to keep costs to a minimum and above all, resume occupation of their premises.

We invite you to set out the scope of works and timeframe together with the geotechnical reports which you may have.

If you do not agree to so disclose, we will select our options of forum and application in VCAT or in the Supreme Court. We emphasise, we prefer not to litigate.

We look forward to your response within 7 days. ✓

Regards

Paul McGuinness

McGuinness Legal Pty Ltd

Encl.

cc. Gerry Borghesi -

Personal Information

McGuinnessLegal

Our Ref: PMcG:RL:23183091

26 July 2023

Claudio Flores
Mornington Peninsula Shire

Email: Claudio.flores@mornpen.vic.gov.au

Dear Claudio

**Re: Our clients: Paul and Denise Willigenburg
McCrae Landslip**

Attached is my letter to RACV.

I now need a response within 7 days, favourable and accommodating where RACV and the Shire advise my clients:-

1. What has been done.
2. On what basis ie. including with what technical report support work has been done and will be done, including provision of all reports.
3. Whether the Shire and RACV are in complete agreement and if not, particularise if there are any outstanding issues (in relation to the remediation).
4. The timeframe for the works.

A collective agreement to provide all material to my office within a further 14 days from the date of this correspondence so that I can make a decision as to whether I need to institute proceedings for provision of information so that we may assess the basis for and the proposed works including costs.

Unfortunately, time constraints are pressing as previously advised.

Regards

Paul McGuinness

Redacted

McGuinness Legal Pty Ltd

Encl.

cc. RACV – racvhomereclaims@iaq.com.au

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From: [Kunal Sood](#)
To: [Rhonda Locandro](#)
Subject: RE: McCrae Landslide - McGuinness Legal
Date: Thursday, 24 August 2023 8:32:17 AM
Attachments: [image009.jpg](#)
[image010.jpg](#)
[image001.gif](#)
[image002.gif](#)
[image003.gif](#)
[image004.gif](#)
[image005.gif](#)
[image006.jpg](#)

Dear Mr McGuinness,

I refer to previous correspondence in this matter.

Conscious of the inconvenience caused to your clients due to the temporary dislocation, we are constantly reviewing the situation and considering if there is any change of circumstances that warrant the lifting of the emergency order issued by Council's building surveyor.

To provide you an update, the rectification works, which will ensure the safety of all impacted parties, are expected to commence in middle to late September.

We appreciate your clients' patience and apologise for any inconvenience.

Yours sincerely

KUNAL SOOD | Senior Legal Counsel

Email: kunal.sood@mornpen.vic.gov.au <<mailto:kunal.sood@mornpen.vic.gov.au>>

Phone: 03 5950 1379 Personal Information

Private Bag 1000, Rosebud VIC 3939 | 90 Besgrove Street, Rosebud VIC 3939

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 <<https://www.mornpen.vic.gov.au/emailcampaign>>

Mornington Peninsula Shire acknowledges and pays respect to the Bunurong people, the Traditional Custodians of these lands and waters.

We are committed to carbon neutrality.

From: Kunal Sood
 Sent: Thursday, 3 August 2023 10:55 AM
 To: 'rhonda@mcguinnesslegal.com.au' <rhonda@mcguinnesslegal.com.au>
 Subject: FW: McCrae Landslide - McGuinness Legal

Dear Mr McGuinness,

We refer to your attached letter dated 26 July 2023.

At this stage, we are unable to comply with your "request for information" in the manner proposed. As indicated earlier, please feel free to make an application under the Freedom of Information Act 1982 (FOI Act) <https://www.legislation.vic.gov.au/in-force/acts/freedom-information-act-1982/110>. The Act enables any member of the community to request information held by the Government and their agencies. If, and when, your clients make an application under the FOI Act, the same will be processed as per Council's standard protocol.

Yours sincerely

Kunal

KUNAL SOOD | Senior Legal Counsel

Email: kunal.sood@mornpen.vic.gov.au <<mailto:kunal.sood@mornpen.vic.gov.au>>

Phone: 03 5950 1379 | Personal Information

Private Bag 1000, Rosebud VIC 3939 | 90 Besgrove Street, Rosebud VIC 3939

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 <[https://urldefense.com/v3/https://www.instagram.com/ourpeninsula/_!!C5rN6bSF!Ed_N4S2d6_2JxjEO6AF4JDLFy7bH0OWnIK15qTNldHcsDWIOp-TIb_9nLMCPN9GuPWL4-6jdTs9vDJPl4ewiPZnJl1sYjCYpTUE9cOZp0\\$](https://urldefense.com/v3/https://www.instagram.com/ourpeninsula/_!!C5rN6bSF!Ed_N4S2d6_2JxjEO6AF4JDLFy7bH0OWnIK15qTNldHcsDWIOp-TIb_9nLMCPN9GuPWL4-6jdTs9vDJPl4ewiPZnJl1sYjCYpTUE9cOZp0$)>
 <[https://urldefense.com/v3/http://twitter.com/MornPenShire_!!C5rN6bSF!Ed_N4S2d6_2JxjEO6AF4JDLFy7bH0OWnIK15qTNldHcsDWIOp-TIb_9nLMCPN9GuPWL4-6jdTs9vDJPl4ewiPZnJl1sYjCYpTU1EHkap0\\$](https://urldefense.com/v3/http://twitter.com/MornPenShire_!!C5rN6bSF!Ed_N4S2d6_2JxjEO6AF4JDLFy7bH0OWnIK15qTNldHcsDWIOp-TIb_9nLMCPN9GuPWL4-6jdTs9vDJPl4ewiPZnJl1sYjCYpTU1EHkap0$)>
 <<https://www.mornpen.vic.gov.au/emailcampaign>>

Mornington Peninsula Shire acknowledges and pays respect to the Bunurong people, the Traditional Custodians of these lands and waters.

We are committed to carbon neutrality.

From: Rhonda Locandro <rhonda@mcguinnesslegal.com.au <<mailto:rhonda@mcguinnesslegal.com.au>> >
 Sent: Wednesday, 26 July 2023 12:55 PM
 To: Claudio Flores <claudio.flores@mornpen.vic.gov.au <<mailto:claudio.flores@mornpen.vic.gov.au>> >
 Cc: racvhomeclaims@iag.com.au <<mailto:racvhomeclaims@iag.com.au>>
 Subject: Our clients: Willigenburg

Dear Claudio,

Please see attached.

Kind Regards

Rhonda Locandro

Personal Assistant to Paul McGuinness

3 Eighth Avenue, Rosebud Victoria 3939

T: 03 5986 6445

F: 03 5986 6687

E: rhonda@mcguinnesslegal.com.au <<mailto:rhonda@mcguinnesslegal.com.au>>

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Think before you print.

• “PLEASE NOTE: Due to COVID-19 restrictions, we require proof of double vaccination status for face-to-face appointments. If you are unable to confirm your double vaccination status, please ring the office on (03) 5986 6445 and we will make alternative arrangements to support you.”

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<<https://news.mornpen.vic.gov.au/envirostatement.png>>

Our Ref: PMcG:SEP:23183091
Your Ref:

25 August 2023

Mr Kunal Sood
Senior Legal Counsel
Mornington Peninsula Shire

BY EMAIL: kunal.sood@mornpen.vic.gov.au

Dear Mr Sood

McCrae Landslide

Thank you for your response dated 24 August 2023.

Please note I have left two messages on your mobile and one on the landline.

The concern remains that we are not privy to the critical documents and planning proposals for the works that appear to be commencing within a matter of a few weeks.

As foreshadowed, we have no option but to insist _____gs unless we are able to have a meaningful conversation and a resolution of matters in an amicable and cooperative context with all parties proceeding with and sharing good faith.

If I am not available on the landline please ring

Personal Information

Regards,

Redacted

Per Paul McGuinness
Principal

Encl.