

BOARD OF INQUIRY INTO THE McCRAE LANDSLIDE

Submissions of the Mornington Peninsula Shire Council on the mitigation of further landslides

Prepared for the purpose of a Board of Inquiry

22 August 2025

A Background

1. The Mornington Peninsula Shire Council (**Shire**) makes these submissions in response to topic 3 of the invitation to make submissions issued by the Board of Inquiry into the McCrae Landslide (**Board**) on 15 July 2025. These submissions concern the measures required to prevent or reduce a further landslide.

B Recommended finding(s) of the Board

2. There is no one answer for what measures may be undertaken to prevent or mitigate the risk of similar landslide events to the McCrae Landslide occurring in the future.¹ Darren Paul and Dane Pope each put forward viable concepts directed at mitigation and/or remediation.² It should be noted, however, that while Mr Paul stated that a future landslide may still occur with his proposal in place,³ Mr Pope considered his mitigation solution would prevent a future landslide in the same area associated with a rainfall event similar to November 2022 or water infiltration of the magnitude associated with the Bayview Road water main burst.⁴
3. In circumstances where a detailed design has not been developed for the concept design of either Mr Paul or Mr Pope, the Board should not recommend one design solution over another. The Board should instead find that there are feasible measures available to prevent or mitigate the risk of similar landslide events to the McCrae Landslide occurring in the future and that, if implemented, those measures should enable individuals affected by the McCrae Landslide to return to their homes.⁵ In the Shire's submission, the measures should be further explored, with priority given to community safety and the mitigation of the risk of similar landslide events to the McCrae Landslide occurring in the future in the McCrae area. Aesthetics should not be prioritised at the expense of ensuring ongoing safety for residents. Mitigation should be prioritized over rectification, given the pre-Landslide form of the land was susceptible to landslide.

C Proposed remediation solutions on Shire land

4. The Shire makes the following additional submissions in respect of works proposed on Shire land.

C.1 Groundwater wells

5. Mr Paul's proposal for groundwater interception is a concept only,⁶ and a detailed assessment will be required to determine its feasibility.⁷ There are several limitations to the proposal,⁸ some of which call into question the utility of the system.
6. As part of any developed, detailed design to give effect to Mr Paul's proposal, consideration will need to be given to the ongoing maintenance of the wells, monitoring of groundwater levels, and the

¹ T1356:42-1357:5. Mr Paul and Mr Pope both agreed under examination that there is no single correct answer as to what mitigation works should be undertaken.

² Exhibit CA-87, Darren Paul, *McCrae Landslide Remediation and Mitigation Report*, 12 August 2025 (**Paul Remediation Report**); Exhibit CA-86, Dane Pope, Letter re McCrae Landslide dated 11 August 2025, Appendix F (**Pope Mitigation Report**); T1377:15-35 (Paul); 1378:3-7 (Pope). Mr Paul and Mr Pope each considered the other's proposal would adequately mitigate the risk of a landslide at the McCrae Landslide site.

³ T1356:17-40; T1391:13-1392:47.

⁴ T1355:47-1356:15.

⁵ T1355:13-23 (Pope); T1355:25-37 (Paul).

⁶ Paul Remediation Report, [25].

⁷ Ibid.

⁸ Paul Remediation Report, [25] and [27(c)]; Pope Mitigation Report, [6.4].

maintenance, installation and operation of pumps in the rare event they are required.⁹ The groundwater wells are proposed to be placed on Shire owned land. However, the Shire is not responsible for the control of groundwater in the McCrae area.¹⁰ These are matters which require input from all stakeholders. Further, environmental approvals may be required for the proposed discharge of groundwater into the stormwater system and consideration given to the capacity of the stormwater system to support the additional water volume.

C.2 Gabion wall

7. Mr Paul's proposal for the gabion wall at the toe of the escarpment will not prevent a further landslide.¹¹ Its objective is to absorb the energy of a landslide of a similar magnitude to the 2022 Landslide¹² (cf. the McCrae Landslide) and reduce the risk of debris impacting the properties downhill of the wall. It is a concept only,¹³ and will require detailed engineering to ensure it meets applicable safety requirements. As part of any developed, detailed design, consideration will also need to be given to the ongoing maintenance and design life of the wall and its effect on access through the Penny Lane Reserve. It is also to be observed that part of the gabion wall is proposed to be placed on 3 Penny Lane.¹⁴ It is not only proposed to be placed on Shire owned land.

D Conclusion

8. Mr Paul and Mr Pope gave useful expert evidence demonstrating that viable solutions exist to prevent or mitigate the risk of similar landslide events to the McCrae Landslide occurring in the future. However, each expert made clear that his proposal was at an early stage of development. It is apparent from their evidence that more work would need to be done to further develop any proposed design and that this further work may lead to changes in the proposed solution. In the Shire's submission, on the basis of the expert evidence before the Board, it is not possible for the Board to recommend that a particular proposal be adopted in preference to another. The Board does not have sufficient information before it to take such a step.

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⁹ T1362:3-1363:33.

¹⁰ The Crown has the right to control all groundwater in Victoria: *Water Act 1989* (Vic) s 7.

¹¹ Paul Remediation Report, [31].

¹² Ibid. The 2022 Landslide was approximately 20 tonnes, while the McCrae Landslide was approximately 120 tonnes.

¹³ Paul Remediation Report, [16].

¹⁴ See, Paul Remediation Report, Appendix A, Figure 3a and Figure 4a.