

BOARD OF INQUIRY INTO THE McCRAE LANDSLIDE

David Kotsiakos

Witness Statement

Prepared for the purpose of a Board of Inquiry

13 June 2025

WITNESS STATEMENT OF MR DAVID KOTSIAKOS

Name:	David Kotsiakos
Address:	2 Queen Street, Mornington, VIC, 3931
Occupation:	Municipal Building Surveyor
Date:	13 June 2025

1. I make this witness statement in response to the Seventh Request to Produce a Witness Statement dated 2 June 2025 (**Notice**). This statement has been prepared with the assistance of lawyers and Shire officers.
2. Except where I otherwise indicate, I make this statement from my own knowledge. Where statements are not made from my own knowledge, I believe them to be true to the best of my information and belief, and I have set out the sources of my belief.

Question 1

Please specify the period during which you were employed in the Office of the Municipal Building Surveyor (MBS) within the Shire.

3. I have been employed in the Office of the MBS within the Shire during two periods as follows:
 - (a) 7 September 2004 to 21 January 2022; and
 - (b) 28 January 2025 to present.
4. Between those two periods (being approximately 22 January 2022 to 27 January 2025), I was:
 - (a) employed at the Shire of Nillumbik between approximately end of January 2022 to December 2022 as the Municipal Building Surveyor;
 - (b) employed at the City of Glen Eira between approximately December 2022 to January 2023 as an assistant building surveyor, working predominately on building cladding compliance issues;
 - (c) employed at the Victorian Building Authority, working on the Statewide Cladding Audit, as a senior building surveyor between approximately January 2023 to mid 2024; and
 - (d) employed at the State Building Surveyor Office from approximately mid 2024 to my commencement with the Shire working predominately on building cladding issues and regulatory reforms.

Question 2

Please set out the roles you held within the Office of the MBS during the period you were employed there, including:

- 2.1 your job title;**
- 2.2 your responsibilities; and**
- 2.3 the period you held each of those roles.**

5. During each of my periods of employment in the Office of the MBS of the Shire, my job title has been as follows:
 - (a) Deputy Municipal Building Surveyor, from approximately 7 September 2004 to 2009;
 - (b) Municipal Building Surveyor, from 2009 to January 2022 and from 28 January 2025 to present.
6. I have also held the following leadership roles within the Office of the MBS:
 - (a) Manager Statutory Building – Municipal Building Surveyor between approximately 24 May 2010 and 30 July 2021; and
 - (b) Casual Team Leader – Statutory Building / Municipal Building Surveyor between approximately 31 July 2021 and 21 January 2022.
7. My responsibilities have changed during my time at the Shire.
8. When I was the Deputy Municipal Building Surveyor, I was responsible for supporting the then MBS and stepping in when he was not available.
9. As the Municipal Building Surveyor, I have overall responsibility for the Office of the MBS and the discharge of the MBS's statutory functions under the *Building Act 1993* (Vic) (**Act**). When I returned to the Shire on 28 January 2025, my work concerned the whole of Shire. However, since approximately 31 March 2025, the significant majority of my work – I estimate 98% - has been focused on dealing with the November 2022 Landslides, and the 5 January 2025 Landslide and the 14 January 2025 Landslide (collectively, **January 2025 Landslides**). I detail that work in response to questions 4 and 5 below. The volume of work involved in responding to these landslides has been very significant. As a consequence, I cannot be involved in all building surveying matters across the whole Shire. The Deputy Municipal Building Surveyor is currently responsible for running the usual operations of the Office of the MBS, although I remain ultimately responsible and have oversight of that work. I provide an overview of the role and responsibilities of the Office of the MBS in response to question 3 below.
10. The work I have done in response to the November 2022 Landslides and the January 2025 Landslides includes:

- (a) reviewing security fencing arrangements already in place and understanding on-site / remote monitoring arrangements;
- (b) considering the evacuation emergency orders, issued prior to my return to the Shire, on 19 properties within the vicinity of the January 2025 Landslides and whether they were still appropriate;
- (c) cancelling the evacuation emergency orders made in relation to 11 of the 19 properties;
- (d) re-issuing evacuation emergency orders over six properties impacted by the January 2025 Landslides as they expired (noting that each evacuation emergency order expires after 14 days) or as otherwise required (for example, following the Building Appeals Board determination for Case No. 455878 on 30 April 2025);
- (e) monitoring the 19 properties in the vicinity of the site of the January 2025 Landslides for any hazards and considering what building notices or emergency orders, if any, need to be issued to address any hazards identified;
- (f) monitoring the three properties impacted by the November 2022 Landslides for any hazards and considering what building notices or emergency orders, if any, need to be issued to address any hazards identified;
- (g) undertaking building inspections of properties within the exclusion zone for the November 2022 Landslides and the January 2025 Landslides;
- (h) investigating the various components that may have played a role in contributing to the November 2022 Landslides and the January 2025 Landslides, including:
 - (i) drainage and water courses in the vicinity of the November 2022 Landslides and the January 2025 Landslides and along the relevant section of the McCrae escarpment to understand the water flows in the area; and
 - (ii) conditions, foliage removal, buildings (including dwellings, basement, retaining walls, staircase and decking) and land fill in the vicinity of the November 2022 Landslides and the January 2025 Landslides to understand their potential role in those landslides;
- (i) investigating options for removing debris from Penny Lane and properties impacted by the November 2022 Landslides;
- (j) considering various monitoring data, expert reports and peer review reports prepared on behalf of the Shire or residents of impacted properties; and
- (k) discussing various notices, orders and expert reports with property owners (in person and by telephone) and arranging site inspections by property owners, insurers and / or experts.

Question 3

Please explain the role and responsibilities of the Office of the MBS.

11. The MBS is a statutory position under the Act and the *Building Regulations 2018* (Vic) (**Regulations**). Every local government must appoint a MBS in order to administer Parts 3, 4, 5, 7 and 8 of the Act and Regulations within its municipal district.
12. Under section 216B of the Act I may, by instrument, delegate any of my MBS's functions under the Act or the Regulations to any person employed or engaged by the Shire who is registered as a building surveyor or a building inspector. I, and those employees at the Shire who assist me to carry out my functions under the Act or the Regulations, including those in administrative roles, fall within the department called the 'Office of the MBS'. I, and other officers within the Office of the MBS, are employed by the Shire. But in exercising our powers under the Act and/or Regulations I, and the other officers, must act independently of the Shire.
13. Consistent with the objectives of the Act, the role of the Office of the MBS is directed at protecting the safety and health of people who use buildings and places of entertainment in the Shire. The Office of the MBS is responsible for ensuring buildings in the Shire are safe for people to use. In my experience at the Shire, private building surveyors administer building permits for building works. The Office of the MBS is particularly focused on compliance of building works, the safe conduct of public events, and responding to emergency events involving buildings, such as fires, floods or here landslides.
14. Many of the MBS's powers are vested in them directly by the Act and the Regulations, rather than being delegated to them by the Shire. This means that, while the MBS is supported in their role by the Shire, the MBS is independent from the Shire and cannot be directed by the Shire in the discharge of their statutory powers. Statutory powers are vested in the MBS in this way to ensure that they can make independent decisions about matters such as emergencies, and risks or dangers to life, safety, or health.
15. Some of the particular responsibilities of a MBS (and by extension those of the Office of the MBS) are set out a document published jointly by the Municipal Association of Victoria, the Victorian Building Authority and the Victorian Municipal Building Surveyors Group Inc in 2025 titled "Local government's role in building control – An introduction for councillors" [https://www.mav.asn.au/__data/assets/pdf_file/0018/27027/Local-Governments-Role-in-Building-Control-An-Introduction-for-Councillors-V2.pdf]. I have read that document and, based on my experience, I consider that the list of the functions and powers of the MBS (at page 4) provides a good representation of the responsibilities I have had as the MBS at the Shire.

Question 4

Please specify who comprised the Office of the MBS (including names and roles) during the period you were employed there.

16. A table has been prepared by the Shire of the individuals who comprised the Office of the MBS (including their names and roles) during the periods I have been employed there, which appears at Schedule 1 to this statement. I have reviewed that table and it is correct to the best of my knowledge and recollection.

Question 5

Please detail your involvement (if any) in dealing with the landslides which occurred at 10 – 12 View Point Road, McCrae on 14 November 2022 and 15 November 2022 (the November 2022 Landslides), including but not limited to:

- 5.1 steps taken by the Office of the MBS to determine the cause of the November 2022 Landslides;**
- 5.2 steps taken by the Office of the MBS to prevent or minimise the risk of a further landslide in the vicinity of the landslide site;**
- 5.3 any emergency orders, building notices or building orders that you issued; and**
- 5.4.1 any inspections that you undertook of the landslide site and / or affected properties.**

17. I was not employed by the Shire when the November 2022 Landslides occurred and I was not involved in the Office of the MBS's immediate response to the November 2022 Landslides.
18. To date, I have not issued any emergency orders, building notices or building orders relating to the November 2022 Landslides.
19. It is not the role of the Office of the MBS to determine the cause of the November 2022 Landslides but rather to determine the components that may have played a role in contributing to the landslides. Therefore, I have not been involved in any steps to determine the cause of the November 2022 Landslides. I did not commission any geotechnical reports concerning the cause of the November 2022 Landslides, although I am aware such reports have been obtained by the Shire. When I started in my role with the Shire on 28 January 2025, I reviewed the geotechnical reports received by the Shire concerning the November 2022 Landslides. Some of these reports expressed views regarding the cause of the November 2022 Landslides. The reports I reviewed are those prepared by:
- (a) Davin Slade of Stantec, engaged by the Shire;
 - (b) Dane Pope of PSM Consult Pty Ltd, engaged by the Shire;
 - (c) Civiltest Pty Ltd, engaged by the owners of 10-12 View Point Road, McCrae; and
 - (d) Logocon, engaged by the owners corporation of 611-615 Point Nepean Road, McCrae.

20. I am informed by the legal representatives of the Shire that the geotechnical reports commissioned by the Shire have been provided to the Board.
21. I have inspected the site of the November 2022 Landslides on a number of occasions, including on or around 10 February 2025, 28 February 2025, 7 March 2025, 1 April 2025, 10 April 2025, 22 May 2025 and 30 May 2025.
22. On 28 January 2025, shortly after I rejoined the Office of the MBS, the then Deputy MBS, Jack Divers, took me to the sites of the November 2022 Landslides and the January 2025 Landslides. This was not an inspection of the kind identified in the above paragraph. Rather, the purpose of my site visit was to obtain an overview of what had occurred. I was not carrying out any investigations. I wanted to get a feel for the overall site, the contour and fall of the land, and the size and nature of the landslide. I did not take any notes of this inspection and I did not enter too far onto the land. Mr Divers also showed me where he understood the cracked kerb was located that the owners of 10-12 View Point Road, McCrae say allowed water to enter the embankment and the water main leak (relevant to the January 2025 Landslides). We also walked up Margaret Street. Our visit was cut short by the detection of a gas leak outside 22 View Point Road, McCrae.
23. More recently (in roughly the last 3 or 4 months), I have turned to dealing with the November 2022 Landslides because there are still two families that are not in their homes, being those of 2 Penny Lane, McCrae and 3/613 Point Nepean Road, McCrae. I have met with the owners of those properties and have been involved in discussions with them regarding some options to get them back into their homes, including removal of debris and options to mitigate the risk of further landslides impacting their homes. I am also facilitating the owners of 2 Penny Lane, McCrae and 3/613 Point Nepean Road, McCrae gaining access to their properties to obtain their belongings and for the removal of their fridges.
24. I attended 10-12 View Point Road, McCrae on various occasions to inspect the staircase, deck, wooden retaining walls and stone walls to assess what works are required to remediate those areas. I have also attended the property to consider what works may be required by the owners of 10-12 View Point Road, McCrae to remediate and stabilise the site of November 2022 Landslides in order to avoid further damage to Penny Lane and the properties located below 10-12 View Point Road, McCrae.
25. Most recently, on 3 June 2025, I met with the body corporate of 613 Point Nepean Road, McCrae on 22 May 2025 and the owners of 10-12 View Point Road, McCrae to discuss remediation works (see the table of meetings/inspections at Schedule 2 of this statement for notes of these meetings).
26. The November 2022 Landslides site and the surrounding area along the escarpment (from around 4 to 22 View Point Road, McCrae) is subject to monitoring for movement and water

through sensors, including tilt sensors, GPS sensors and piezometers. I receive weekly reports from PSM reporting on the data from these sensors. This work is directed at identifying soil movement which may indicate that another landslide may be imminent, as well as ongoing investigations by PSM into the cause of the January 2025 Landslides.

27. It is my practice to take field notes of (or have Thomas McMahon, Statutory Building Administration Officer, take field notes of) some inspections and meetings (generally those I consider I may need a record of), but not every inspection or meeting. The table of meetings/inspections at Schedule 2 of this statement identifies any inspection notes made.

Question 6

Please detail your involvement (if any) in dealing with the 5 January 2025 Landslide, including but not limited to:

- 6.1 steps taken by the Office of the MBS to determine the cause of the 5 January 2025 Landslide;**
- 6.2 steps taken by the Office of the MBS to prevent or minimise the risk of a further landslide;**
- 6.3 any evacuation orders or building orders that you issued; and**
- 6.4 any inspections that you undertook of the landslide site and / or affected properties.**

28. I was not employed by the Shire when the 5 January 2025 Landslide occurred and I was not involved in the Office of the MBS's immediate response to the 5 January 2025 Landslide.
29. I did not issue any evacuation orders, building notices or building orders in respect of the 5 January 2025 Landslide.
30. I have inspected the site of the 5 January 2025 Landslide on a number of occasions. I do not recall how many times.
31. I have been involved in the steps taken by the Office of the MBS to determine the components that may play a role in contributing to the 5 January 2025 Landslide. During my early inspections of the 5 January 2025 Landslide site there was obvious water in the embankment. In light of this, my investigations have particularly focused on potential sources and the flows of water in the area, including:
- (a) I have undertaken desktop research on drain lines and contours within the relevant section of the McCrae escarpment, involving the review of LiDAR data and drone images;
 - (b) on 28 January 2025, I walked up to the end of Margaret Street, McCrae where the old line of Kings Creek is, to observe the condition of that area. The purpose of this was to investigate whether water from a burst SEW water main that had occurred at the end of 2024 may have travelled to that area;

- (c) I have undertaken a review of aerial photographs [MSC.5069.0001.0001] and other photographs taken by Shire officers between 5 and 14 January 2025 [MSC.5058.0001.0282] to look for any irrigation systems at or near the site of the 5 January 2025 Landslide that may have been a source of the water observed to be emerging at the landslide site or may have contributed to the 5 January 2025 Landslide; and
 - (d) I have had discussions with the owners of 10-12 View Point Road, McCrae and in particular Mr Gerrard Borghesi about whether anything unusual had happened in the days immediately before the 5 January 2025 Landslide.
32. I have also undertaken the following steps to look for components that may have contributed to the 5 January 2025 Landslide other than water:
- (a) I have reviewed the historical and recent aerial photographs to look for any changes in the level of the soil and any vegetation removal in the vicinity of the site of the landslide (see [MSC.5069.0001.0001]);
 - (b) I have reviewed photographs taken by Shire officers on 6 January 2025 [MSC.5058.0001.0282] to look for any other conditions at or near the site of the 5 January 2025 Landslide that may have contributed to the 5 January Landslide, including new sleeper and star picket garden terracing walls; and
 - (c) on 25 March 2025, I attended 10-12 View Point Road, McCrae to inspect the excavation of the basement of the dwelling at that address, including investigating how and where the excavated materials were disposed of (see the table of meetings/inspections at Schedule 2 of this statement for notes of these meetings).
33. My involvement in the investigation of the components contributing to the 5 January 2025 Landslide is ongoing.

Question 7

Please detail your involvement (if any) in dealing with the 14 January 2025 Landslide, including but not limited to:

- 7.1 steps taken by the Office of the MBS to determine the cause of the 14 January 2025 Landslide;**
- 7.2 steps taken by the Office of the MBS to prevent or minimise the risk of a further landslide;**
- 7.3 any evacuation orders or building orders that you issued; and**
- 7.4 any inspections that you undertook of the landslide site and / or affected properties.**

34. I was not employed by the Shire when the 14 January 2025 Landslide occurred and I was not involved in the Office of the MBS's immediate response to the 14 January 2025 Landslide.
35. However, I have subsequently been involved in investigations into the components that may have played a role in contributing to the 14 January 2025 Landslide. The steps I have taken in respect of the 5 January 2025 Landslide, summarised above, have also gone towards investigating the components contributing to the 14 January 2025 Landslide. In addition to those steps:
 - (a) I have attended 10-12 View Point Road, McCrae on numerous occasions to inspect the garden beds, the concrete and steel retaining wall, and the wooden retaining wall behind it, at the landslide site; and
 - (b) I have spoken with Mr Borghesi about what happened between 5 January 2025 and 14 January 2025, including the changes he noticed in the vicinity of the landslide site on 13 January 2025 when he was watering the veggie garden at the top of the scarp (including stress cracks in the ground of the veggie garden above the the wooden and concrete retaining walls and a paling falling off the boundary fence near 6 View Point Road, McCrae).
36. In addition to investigating the components contributing to the January 2025 Landslides, I have taken steps to prevent or minimise the risk of a further landslide, including:
 - (a) requesting that Mr Pope install piezometers in certain areas to monitor ground water flow, which data is relevant to my consideration of what work might be required to rectify the site of the January 2025 Landslides;
 - (b) meeting with the owners of 14-16 View Point Road, McCrae and 18-20 View Point Road, McCrae on 18 February 2025 to seek to obtain their consent to the installation of monitoring devices on their land (see the table of meetings/inspections at Schedule 2 for notes of these meetings);
 - (c) meeting with the relatives of the owner of 6 View Point Road, McCrae on 9 May 2025 and 20 May 2025 to discuss remediation works required to stabilise the head scarp, with various experts also attending (see the table of meetings/inspections at Schedule 2 for notes of these meetings);
 - (d) requesting the Shire have the piles under the dwelling at 6 View Point Road, McCrae modshock tested to inform me of the exact depth of the piles and a rough idea of the outside shape of the piles;
 - (e) requesting the Shire engage specialist structural engineers, TTW Engineers, to undertake a structural analysis of the dwelling at 6 View Point Road, McCrae. The purpose of this analysis is to understand what would occur to the dwelling if further soil

were to move from underneath the dwelling. This includes an analysis of how the movement of soil may impact the piles and expected structural damage to the dwelling. This analysis will better inform me of the level of risk to 603 Pt Nepean Road, McCrae and what remediation works may be required at 6 View Point Road, McCrae;

- (f) issuing emergency orders, building notices and building orders in respect of the properties in the exclusion zone. These are summarized in the table at Schedule 2; and
- (g) in particular, on 14 March 2025, issuing an emergency order on the owners of 10-12 View Point Road, McCrae [MSC.5017.0001.0213] in respect of the failed concrete and steel retaining wall at the site of the January 2025 Landslides, requiring the performance of make safe works. This was followed on 15 April 2025 by a building notice [MSC.5017.0001.0361] in respect of that retaining wall. On 27 May 2025, I also issued a building notice [MSC.5058.0001.0116] in respect of unauthorised building work carried out in the basement of the dwelling on that property on the basis of building works were in progress of being carried out without a building permit.

37. Since January 2025, I have conducted inspections of many of the properties in the exclusion zone. On 10 February 2025, I undertook a walkthrough with Mr Pope of the properties at 22 View Point Road, 18-20 View Point Road, 14-16 View Point Road, 4 View Point Road, and 599-601 Point Nepean Road, McCrae. During this walkthrough, I made notes of the condition of the dwellings and features of the land that I observed, such as the occurrence of hill creep, stress fractures in road surfaces, hollows in lawns, the presence of natural springs, and the presence of ground water in some places on the escarpment (see the table of meetings/inspections at Schedule 2).

38. I have also inspected:

- (a) 10-12 View Point Road, McCrae on 27 February 2025, 20 March 2025, and 20 March 2025 (see the table of meetings/inspections at Schedule 2 for notes of these meetings); and
- (b) 3 Penny Lane, McCrae on 8 and 10 April 2025 (see the table of meetings/inspections at Schedule 2 for notes of these meetings).

39. Just as my involvement in investigating the 5 January 2025 Landslide is ongoing, so is my involvement in dealing with the 14 January 2025 Landslide.

Question 8

To the extent not detailed in response to question 7, please outline your involvement in investigating the source of water flow from the escarpment following the 14 January 2025 Landslide.

40. In addition to my involvement outlined above, I have also:

- (a) requested and witnessed Mr Pope undertake a number of dye tests at various locations;
- (b) requested that PSM insert boreholes for groundwater testing at some locations;
- (c) inspected the sewer lines and their fall in some locations;
- (d) with Thomas McMahon, Statutory Building Administration Officer, investigated the water at the surface of 4 View Point Road, McCrae, which may be connected to water coming out of the side of the landslide gully, which investigation is ongoing; and
- (e) reviewed footage of the Shire's stormwater drainage network in the general area but particularly in View Point Road, McCrae.

Question 9

Please set out any observations you have made of the areas of the November 2022 Landslides and the 5 and 14 January 2025 Landslides which you consider might be relevant to the Inquiry's work in considering the cause(s) of those landslides.

Area of the 2022 November Landslides

41. In the course of inspecting the site of the November 2022 Landslides, I have made the following observations that might be relevant to the Board of Inquiry's work in considering the cause or causes of those landslides in addition to those set out above:
- (a) I have noticed that there is an area approximately 4 m to the east of the wooden staircase at 10-12 View Point Road, McCrae which continues to show the presence of an unusual amount of moisture. I am not sure why this is the case, and have been taking steps to investigate this, including exposing the old septic tank rein drains and installing a bore directly above this area to try to track the water. This was the site of a small landslide in the mid-1970s and spoil from the basement excavation has been tipped over this area. CivilTest refers to this area as a progression of the 2022 November Landslides so it is an area of particular interest to me;
 - (b) based on historical and recent aerial shots from 2016 [TBC], I have observed that it appears that vegetation (including trees, bushes, shrubs and ground cover) has been progressively removed from 10-12 View Point Road, McCrae. The overall coverage and canopy can be seen to reducing year after year;
 - (c) based on the Stantec Report and my observations, the first slide on 14 November 2022 was quite shallow. The Stantec Report refers to a sliding of a sheet of weathered granite. I have observed that there is about 500 mm of soil over the top of the weathered granite in the area;
 - (d) based on photos taken by other Council officers on 6 January 2025 [MSC.5058.0001.0282] and my observations, new trees and seedlings have been

planted on the slopes (mainly the upper slopes) of the property at 10-12 View Point Road, McCrae. This has been done through the creation of small ledges of soil behind lengths of sleepers held in place by star pickets. Those areas of soil hold water and allow it to seep down to the lower soil layers. Based on my review of the Stantec Report, I understand that there is a thin layer of clay on top of the hard granite. Given the shallow depth of the soil, the star pickets terminate likely at the hard granite. The star pickets would act as a conduit for the water straight to that fine silty clay which would make the interface with the hard granite slippery; and

- (e) when I first inspected the 2022 Landslide site, there were a couple of natural soil pipes (also known as yabbie holes) in the embankment with water running out of them. The soil in that area was wet. It has since dried up and currently appears stable.

Site of the January 2025 Landslides

42. Through my involvement in dealing with the January 2025 Landslides, I have also made a number of observations of the site of those landslides that are relevant to the Board of Inquiry's work in considering the cause or causes of those landslides. These include:

- (a) the January 2025 Landslides occurred within a gully that has been progressively filled over the last approximately 100 years, with various works having been undertaken in and around the sites of the January 2025 Landslides. From aerial photos, I have observed that:
 - (i) since 2016, a considerable amount of fill has been placed in the gully when the workshop at 10-12 View Point Road, McCrae was built;
 - (ii) between November 2021 and April 2022, fill has been placed in the location of the 5 January 2025 Landslide;
 - (iii) between November 2021 and April 2022, timber retaining walls have been installed with fill being placed behind the retaining walls, as well as considerable fill having been used to build up to create the area of the veggie patch;
 - (iv) as at December 2022, new garden beds have been created and filled below the timber retaining wall;
 - (v) as at August 2023, terraces have been created in and around the site of the 5 January 2025 Landslide; and
 - (vi) as at February 2024, the concrete retaining wall has been installed and the veggie patch has been expanded through the use of additional fill.
- (b) the approximately 2km section of the McCrae escarpment has dried up except for five areas showing sub-surface moisture:

- (i) the area approximately 4m east of staircase at 10-12 View Point Road, McCrae (see paragraph 41(a));
 - (ii) coming out approximately half way down the scarp north of the dwelling at 6 View Point Road where swamp reeds are now growing;
 - (iii) the rear of 565 Point Nepean Road, McCrae;
 - (iv) the rear of 575 Point Nepean Road, McCrae; and
 - (v) the rear of 591 Point Nepean Road, McCrae.
- (c) the water emanating from the various soil hole sites in the 14 January 2022 Landslide site at 10-12 View Point Road, McCrae was either clear or cloudy and smelly, depending on the soil hole location. On the western side the water was crystal clear with no obvious smell and on the eastern side it was cloudy with some smell. This suggested to me that the water was running into the head scarp from more than one source;
- (d) after following the old line of Kings Creek to the end of Margaret Street, McCrae on 28 January 2025, I noticed that the ground at the top of Margaret Street, McCrae next to 22 View Point Road, McCrae and the turning circle at the end of View Point Road, McCrae, which is a fairly flat area, was sodden. The ground underneath my feet was squelching and when I lifted my foot off the ground there was visible water in my foot print. This indicates to me that the ground was oversaturated. On the same day, I also walked in the back gardens of 15, 15A, 17 and 19 Coburn Avenue, McCrae which were also saturated. At a similar time (i.e. approximately 2 weeks after the 14 January 2025 Landslide), the head scarp at 6 and 10-12 View Point Road, McCrae was not saturated (see observations in paragraph 42(e) below);
- (e) on 3 or 4 February 2025, I also observed some natural soil pipes (or yabbie holes) in the embankment at the site of the January 2025 Landslides, two high up on the left of escarpment (near the dwelling at 6 View Point Road, McCrae) and two on the right of the escarpment further forward towards Port Phillip Bay. There was water running out of these soil pipes down the escarpment, each forming a small channel until they merged into one larger channel under the debris of the dwelling on 3 Penny Lane, McCrae. Aside from the soil pipes and channels, the head scarp and site of the January 2025 Landslides was wet but not saturated. The volume of water coming out of the yabbie holes was a lot less than the volume of water that appeared to be travelling down the old King Creek line based on the ground saturation observed at the top of Margaret Street (see paragraph 42(d) above);
- (f) from the “1862 Coastal Survey – Port Phillip Martha Cliff to South Channel” **[MSC.5003.0002.1225]**, I observed the old Kings Creek line running from the Boulevard,

under the Freeway, down Charlesworth Street then heading in a westerly direction between Coburn Avenue and View Point Road, then westerly to the intersection of Margaret Street and Point Nepean Road before running in a northerly direction across Point Nepean Road and discharging into Port Phillip Bay. From the Shire's GIS mapping system, I observed that all of the sewer and storm water drains are laid within that old creek line and from various activities undertaken in the area, I have observed the old creek line seems to be filled with sandy material. Since any water finding its way into the creek line would have remained within the creek line due to the relative impermeability of the natural creek walls, this could be reason for my observation regarding saturation of ground in Margaret Street, McCrae in paragraph 42(d) above;

- (g) on 10 February 2025, I observed the removal of a pittosporum tree that had died over December 2024-January 2025 from the lush front garden of 4 View Point Road, McCrae near the boundary of 6 View Point Road, McCrae. There was water evident in the root ball hole and it smelt like it had sewage in it. I have since been advised by the owner of 4 View Point Road, McCrae that South East Water has recently installed a sleeve around the sewer main in the front garden of that property so the smelly water may have come from the sewer main. It was unclear to me where this water disappeared to and whether it contributed to the January 2025 Landslides. Possibilities included that water had (i) dissipated into the ground, (ii) travelled through the ground under the dwelling at 6 View Point Road, McCrae and flowed out into the scarp of the January 2025 Landslides site (see paragraph 42(b)(ii) or (iii)) travelled under ground under the dwelling at 6 View Point Road, McCrae and there had been captured in the household sewerage trench, travelling down the trench to pool in a pocket at the connection to the house connection drain. At the house connection drain, I had a bore hole and piezometer installed. Dye was dropped into the bore hole and came out at the top of the eastern section of the head scarp of the January 2025 Landslides site (higher up the scarp than the area described in paragraph 42(b)(ii)); and
- (h) from photos taken by other Council officers on 6 January 2025 **[MSC.5058.0001.0282]**, I have observed signs of the aftermath of soil liquification (including a lighter patch of soil that has been wetter than the surrounding soil and appearance of a slide mark) and moisture levels suggesting where the 5 January 2025 Landslide "let go". These are high up in the embankment of western part of the gully under the then remaining retaining walls (these are now gone), not in the base of the gully.

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Signed by David Kotsiakos

Schedule 1**Question 4 – Office of the MBS Personnel**

Name	Hire Date	End Date	Position	Employment Type	Employment Status
Bree Stone	1/07/2009	Current	Coordinator - Office of the MBS	Full Time	Permanent
Sam Whitworth	13/11/2009	Current	Building Technical Officer	Full Time	Permanent
Kate Provis	4/02/2013	Current	Building Technical Officer	Part Time	Permanent
Vickie Hogan	9/10/2013	Current	Building Technical Officer	Full Time	Permanent
Carlos Perez	19/01/2015	24/10/2023	Building Surveyor Limited	Full Time	Permanent
Claudio Flores	10/08/2015	Current	Principal Building Surveyor	Full Time	Permanent
Carol George	12/01/2016	Current	Building Technical Officer	Full Time	Permanent
Kerrie Green	25/01/2016	30/08/2024	Senior Building Administration Officer	Full Time	Permanent
Paul Bucknell	24/07/2017	Current	Senior Building Surveyor	Full Time	Permanent
Ben Essing	8/10/2019	4/12/2023	Senior Building Surveyor	Full Time	Permanent
Sally Jenkins	13/09/2021	Current	Statutory Building Administration Officer	Part Time	Permanent
Katja Matthews	13/09/2021	Current	Statutory Building Administration Officer	Part Time	Permanent
Zelie Foley	26/04/2022	Current	Senior Building Administration Officer	Full Time	Permanent
Hayley Christensen	26/04/2022	Current	Statutory Building Administration Officer	Part Time	Permanent
Maddi Skinner	26/09/2022	Current	Statutory Building Administration Officer	Full Time	Permanent
Murray Eva	19/12/2022	Current	Building Inspector (Unlimited)	Full Time	Permanent
Annabelle Weyermann	9/01/2023	Current	Cadet - Building Surveyor	Part Time	Permanent
Matt Glover	13/02/2023	Current	Team Leader - Municipal Building Surveyor	Full Time	Permanent
Jarrad Gray	12/07/2023	Current	Building Surveyor - Special Projects	Casual	Temporary
Jackie Petrovski	4/09/2023	Current	Statutory Building Administration Officer	Full Time	Permanent
Sharai Walker	8/11/2023	Current	Statutory Building Administration Officer	Full Time	Permanent

Name	Hire Date	End Date	Position	Employment Type	Employment Status
Anna Williams	4/12/2023	Current	Statutory Building Administration Officer	Casual	Temporary
Thomas McMahon	4/12/2023	Current	Statutory Building Administration Officer	Full Time	Permanent
Jack Divers	4/12/2023	21/03/2025	Deputy Municipal Building Surveyor	Full Time	Permanent
Maharlia Pakoti	21/03/2024	Current	Assistant Building Surveyor	Full Time	Permanent
James Jones	11/04/2024	Current	Building Inspector	Full Time	Permanent
David Kotsiakos	28/01/2025	Current	Municipal Building Surveyor	Casual	Temporary
Chelsea Ongarello	4/03/2025	Current	Statutory Building Administration Officer - Casual	Casual	Temporary
Dominic Cerreto	31 March 2025	Current	Deputy Municipal Building Surveyor	Full Time	Contractor
Matt Patterson	29 January 2025	Current	Building Surveyor – Special Projects	Casual	Temporary

Schedule 2

Table of inspections and meetings

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
28/01/2025	<u>Site of the January 2025 Landsides</u>	David Kotsiakos and Jack Divers viewed the water main leak, road damage, gas leak, and walked up to Margaret Street.	
06/02/2025	<u>1/613 Point Nepean Road MCCRAE VIC 3938</u>	Meeting with Peter Archer.	
07/02/2025	<u>599 Point Nepean Road MCCRAE VIC 3938</u>	Meeting with Architect (George).	
10/02/2025	<u>22 View Point Road MCCRAE VIC 3938</u> <u>18-20 View Point Road MCCRAE VIC 3938</u> <u>14-16 View Point Road MCCRAE VIC 3938</u> <u>4 View Point Road MCCRAE VIC 3938</u> <u>599-601 Point Nepean Road MCCRAE VIC 3938</u>	Walk through of properties with Mr Dane Pope of PSM.	20250210 - Cover page - David and Dane walk through.pdf [MSC.5058.0001.0200] 20250210 - Dane Pope and David Kotsiakos - Walk Through.docx [MSC.5058.0001.0073] 4 View Point Road 20250210_105409.jpg [MSC.5058.0001.0209] 20250210_110415.jpg [MSC.5058.0001.0210] 20250210_110541.jpg [MSC.5058.0001.0211] 20250210_110548.jpg [MSC.5058.0001.0212] 20250210_110557.jpg [MSC.5058.0001.0213] 20250210_110835.jpg [MSC.5058.0001.0214]

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
			20250210_111243.jpg [MSC.5058.0001.0215] 20250210_111312.jpg [MSC.5058.0001.0217] 20250210_111500.jpg [MSC.5058.0001.0216] 14-16 View Point Road 20250210_091956.jpg [MSC.5058.0001.0260] 20250210_092007.jpg [MSC.5058.0001.0261] 20250210_092010.jpg [MSC.5058.0001.0262] 20250210_092057.jpg [MSC.5058.0001.0263] 20250210_092129.jpg [MSC.5058.0001.0264] 20250210_092453.jpg [MSC.5058.0001.0265] 20250210_093538.jpg [MSC.5058.0001.0266] 18-20 View Point Road 20250210_090331.jpg [MSC.5058.0001.0225] 20250210_090428.jpg [MSC.5058.0001.0207] 20250210_090435.jpg [MSC.5058.0001.0208] 20250210_090847.jpg [MSC.5058.0001.0206]

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
			22 View Point Road 20250210_084010.jpg [MSC.5058.0001.0267] 20250210_084013.jpg [MSC.5058.0001.0268] 20250210_084035.jpg [MSC.5058.0001.0269] 20250210_084407.jpg [MSC.5058.0001.0270] 20250210_084641.jpg [MSC.5058.0001.0271] 20250210_084733.jpg [MSC.5058.0001.0272] 20250210_084804.jpg [MSC.5058.0001.0273] 20250210_085133.jpg [MSC.5058.0001.0274]
18/02/2025	<u>14-16 View Point Road</u> <u>MCCRAE VIC 3938</u>	Meeting with owners to discuss the obtaining of a risk to life assessment and the installation of monitoring devices.	20250218 - 14-16 View Point Road - 18 Feb.docx [MSC.5058.0001.0069]
18/02/2025	<u>18-20 View Point Road</u> <u>MCCRAE VIC 3938</u>	Meeting with owners to discuss the obtaining of a risk to life assessment and the installation of monitoring devices.	20250218 - 18-20 View Point Road MCCRAE - 18 Feb 2025.docx [MSC.5058.0001.0071]
27/02/2025	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Inspection of the property for the purposes of inspecting the fridge and making a dilapidation report.	20250227 - 10-12 View Point Road inspection.docx [MSC.5058.0001.0147] 20250227_110040.jpg [MSC.5058.0001.0218] 20250227_110101.jpg

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
			[MSC.5058.0001.0219] 20250227_110143.jpg [MSC.5058.0001.0220]
28/02/2025	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Meeting with owners.	
28/02/2025	<u>3 Penny Lane MCCRAE VIC</u> <u>3938</u>	Inspection of the site of the January 2025 Landslide.	20250228_090146.jpg [MSC.5058.0001.0245] 20250228_090149.jpg [MSC.5058.0001.0246] 20250228_090153.jpg [MSC.5058.0001.0247] 20250228_090157.jpg [MSC.5058.0001.0248] 20250228_090240.jpg [MSC.5058.0001.0249] 20250228_090246.jpg [MSC.5058.0001.0250] 20250228_090304.jpg [MSC.5058.0001.0251] 20250228_090345.jpg [MSC.5058.0001.0252] 20250228_090351.jpg [MSC.5058.0001.0253] 20250228_090355.jpg [MSC.5058.0001.0254] 20250228_090401.jpg [MSC.5058.0001.0255] 20250228_091328.jpg [MSC.5058.0001.0256] 20250228_091422.jpg

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
			[MSC.5058.0001.0257] 20250228_091433.jpg [MSC.5058.0001.0258]
28/02/2025	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Allow residents to get items from their house.	20250228_091836.jpg [MSC.5058.0001.0231]
28/02/2025	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Allow residents to get items from their house.	20250228_101442.jpg [MSC.5058.0001.0227] 20250228_101452.jpg [MSC.5058.0001.0226] 20250228_101812.jpg [MSC.5058.0001.0229]
28/02/2025	<u>McCrae Yacht Club</u>	Community meeting.	
4/03/2025	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Meeting with owners.	20250304_084227.jpg [MSC.5058.0001.0221] 20250304_084307.jpg [MSC.5058.0001.0223] 20250304_084320.jpg [MSC.5058.0001.0222] 20250304_084421.jpg [MSC.5058.0001.0224]
4/03/2025	<u>3/613 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Allow residents to get items from their house.	20250304_084445.jpg [MSC.5058.0001.0281]
4/03/2025	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Checking to see if we could access the property.	20250304_084542.jpg [MSC.5058.0001.0228] 20250304_094611.jpg [MSC.5058.0001.0232] 20250304_094720.jpg

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
			[MSC.5058.0001.0230]
7/03/2025	<u>Reserve off Bayview Road MCCRAE VIC 3938</u>	Meeting with John Bolch and Owners of 6 View Point to inspect water leak.	20250307_101416.jpg [MSC.5058.0001.0233] 20250307_101419.jpg [MSC.5058.0001.0234] 20250307_101430.mp4 [MSC.5058.0001.0240] 20250307_101606.jpg [MSC.5058.0001.0235] 20250307_101644.mp4 [MSC.5058.0001.0237] 20250307_101658.jpg [MSC.5058.0001.0236]
07/03/2025	<u>3/613 Point Nepean Road MCCRAE VIC 3938</u>	Meeting with owners.	
07/03/2025	<u>McCrae Yacht Club</u>	Community meeting.	
13/03/2025	<u>3 Penny Lane MCCRAE VIC 3938</u>	Meet owners at council offices.	
14/03/2025	<u>6 View Point Road MCCRAE VIC 3938</u>	Meet owners at council offices.	
14/03/2025	<u>603 Point Nepean Road MCCRAE VIC 3938</u>	Meet owners at council offices.	
14/03/2025	<u>McCrae Yacht Club</u>	Community meeting.	
20/03/2025	<u>10-12 View Point Road MCCRAE VIC 3938</u>	Inspection of property, including for the purpose of contractors scoping rectification works. Owners served with notice of entry in respect of the basement of the dwelling.	20250320 - 10-12 View Point Road - 20 March.docx [MSC.5058.0001.0067]
21/03/2025	<u>McCrae Yacht Club</u>	Community meeting.	

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
25/03/2025	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Inspection of the basement of the dwelling, the retaining wall and garden beds at the site of the January 2025 Landslides, and the southern staircase down the hill.	20250325 - 10-12 View Point planning and building inspection notes.docx [MSC.5016.0001.0454] 20250325_153828 (2).jpg [MSC.5058.0001.0167] 20250325_153840 (1).jpg [MSC.5058.0001.0168] 20250325_154046 (2).jpg [MSC.5058.0001.0169] 20250325_154133 (2).jpg [MSC.5058.0001.0170] 20250325_154150 (1).jpg [MSC.5058.0001.0171] 20250325_154212 (1).jpg [MSC.5058.0001.0172] 20250325_154249 (1).jpg [MSC.5058.0001.0173] 20250325_154256 (1).jpg [MSC.5058.0001.0174] 20250325_154429 (1).jpg [MSC.5058.0001.0175] 20250325_154444 (1).jpg [MSC.5058.0001.0176] 20250325_154513 (1).jpg [MSC.5058.0001.0177] 20250325_154611 (1).jpg [MSC.5058.0001.0178] 20250325_154621 (2).jpg [MSC.5058.0001.0179]

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
			20250325_154627 (1).jpg [MSC.5058.0001.0180] 20250325_155320 (1).jpg [MSC.5058.0001.0181] 20250325_155420 (2).jpg [MSC.5058.0001.0182] 20250325_155431 (2).jpg [MSC.5058.0001.0161] 20250325_155447 (1).jpg [MSC.5058.0001.0162] 20250325_155527 (1).jpg [MSC.5058.0001.0163] 20250325_155533 (1).jpg [MSC.5058.0001.0164] 20250325_161540 (1).jpg [MSC.5058.0001.0165] 20250325_161638.jpg [MSC.5058.0001.0166]
28/03/2025	<u>McCrae Yacht Club</u>	Community meeting.	
1/04/2025	<u>3/613 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Meeting with residents to give them access.	
1/04/2025	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Meeting to conduct inspection and check if property is safe for residents to get belongings.	20250401_144132.jpg [MSC.5016.0001.2063] 20250401_144145.jpg [MSC.5016.0001.1432] 20250401_144351.jpg [MSC.5016.0001.1914] 20250401_144435.jpg [MSC.5016.0001.0526]

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
			20250401_144453.jpg [MSC.5016.0001.1098]
1/04/2025	<u>2 Penny Lane and 3/613 Point Nepean Road</u>	Meeting with residents to give them access.	
3/04/2025	<u>607-609 Point Nepean Road MCCRAE VIC 3938</u>	Meeting with residents to give them access.	20250403_124053.mp4 [MSC.5058.0001.0183] 20250403_125351.jpg [MSC.5058.0001.0195] 20250403_125401.jpg [MSC.5058.0001.0196] 20250403_125421.jpg [MSC.5058.0001.0197]
7/04/2025	<u>3 Penny Lane MCCRAE VIC 3938</u>	Meeting with residents to give them access.	
8/04/2025	<u>3 Penny Lane MCCRAE VIC 3938</u>	Inspection of the property in respect of demolition. Meeting with Reg Chadwick Demolitions.	20250408 - Inspections regarding demolitions and removal of 3 Penny Lane.docx [MSC.5058.0001.0075]
10/04/2025	<u>3 Penny Lane MCCRAE VIC 3938</u>	Inspection of the property in respect of demolition. Meeting with City Circle Demolitions.	20250408 - Inspections regarding demolitions and removal of 3 Penny Lane.docx [MSC.5058.0001.0075]
10/04/2025	<u>10-12 View Point Road MCCRAE VIC 3938</u>	Attendance at property to get some items from the dwelling.	
10/04/2025	<u>607-609 Point Nepean Road MCCRAE VIC 3938</u>	Attendance at property to empty the house.	

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
22/04/2025	<u>10-12 View Point Road MCCRAE VIC 3938</u>	Attendance at the property to make safe.	
22/04/2025	<u>6 View Point Road MCCRAE VIC 3938</u>	Attendance at the property to start make safe process.	20250422_103826.jpg [MSC.5058.0001.0279]
9/05/2025	<u>6 View Point Road MCCRAE VIC 3938</u>	Meeting with insurance company (forensic engineer).	20250509 – 6 View point road – inspection.docx [MSC.5067.0001.0186] 20250509_135218.mp4 [MSC.5058.0001.0275] 20250509_151538.jpg [MSC.5058.0001.0204]
20/05/2025	<u>6 View Point Road MCCRAE VIC 3938</u>	Meeting with TTW.	20250520_113528.jpg [MSC.5058.0001.0205] 20250520_113534.jpg [MSC.5058.0001.0202] 20250520_113539.jpg [MSC.5058.0001.0203] 20250520_113547.jpg [MSC.5058.0001.0201]
20/05/2025	<u>4 View Point Road MCCRAE VIC 3938</u>	This image was taken during our inspection at 6 View Point Road of 4 View Point Road.	shared image.jpg [MSC.5033.0001.0010]
22/05/2025	<u>316 Point Nepean Road MCCRAE VIC 3938</u>	Meeting with the insurer of the body corp and their contractors to discuss remediation works and monitoring.	20250522 - Meeting with Insurance of 613 Body Corp.docx [MSC.5058.0001.0145]
22/05/2025	<u>3/316 Point Nepean Road MCCRAE VIC 3938</u>	Meeting with owners to allow them to retrieve items.	

Date	Property	Description	Meeting/inspection notes/photographs – Document IDs
30/05/2025	<u>10-12 View Point Road MCCRAE VIC 3938</u>	Meeting with owners to allow them to retrieve items from the dwelling and to discuss remediation works.	20250530 - proposed meeting With Gerry and Bronwyn (A13743213).docx [MSC.5058.0001.0146]
30/05/2025	<u>3 Penny Lane MCCRAE VIC 3938</u>	Meeting to discuss removal of dirt.	20250530_143239.jpg [MSC.5058.0001.0259]
30/05/2025	<u>2 Penny Lane MCCRAE VIC 3938</u>	Meeting to discuss removal of dirt.	
3/06/2025	<u>10-12 View Point Road MCCRAE VIC 3938</u>	Meeting with owners to discuss remediation works.	20250603 - Remediation works notes 10-12 View Point.docx [MSC.5058.0001.0160]
4/06/2025	<u>4 View Point Road MCCRAE VIC 3938</u>	Meeting with owners to discuss life safety risk assessments.	20250606 - Inspection with 14-16VPR and 4 VPR [MSC.5058.0001.0198]
4/06/2025	<u>14-16 View Point Road MCCRAE 3938</u>	Meeting with owners to discuss life safety risk assessments.	20250606 - Inspection with 14-16VPR and 4 VPR [MSC.5058.0001.0198]

Schedule 3

Table of emergency and evacuation orders

Date	BO/EO Number	Property	Description of the order	Document Number
14/02/2025	EO-015/25	<u>4/613 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-015/25 dated 17/01/2025	[MSC.5017.0001.0237, 1]
14/02/2025	BN-009/25	<u>4/613 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-009/25 dated 17/01/2025	[MSC.5017.0001.0237, 2]
14/02/2025	EO-017/25	<u>22 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-017/25 dated 17/01/2025	[MSC.5017.0001.0122, 1]
14/02/2025	BN-021/25	<u>22 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-021/25 dated 17/01/2025	[MSC.5017.0001.0122, 2]
14/02/2025	EO-003/25	<u>4 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-003/25 dated 17/01/2025	[MSC.5017.0001.0102, 1]
14/02/2025	BN-010/25	<u>4 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-010/25 dated 17/01/2025	[MSC.5017.0001.0102, 2]
14/02/2025	EO-016/25	<u>2 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-016/25 dated 17/01/2025	[MSC.5017.0001.0163, 1]
14/02/2025	BN-017/25	<u>2 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-017/25 dated 17/01/2025	[MSC.5017.0001.0163, 2]
14/02/2025	EO-018/25	<u>617 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-018/25 dated 17/01/2025	[MSC.5017.0001.0011, 1]
14/02/2025	BN-020/25	<u>617 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-020/25 dated 17/01/2025	[MSC.5017.0001.0011, 2]
14/02/2025	EO-020/25	<u>16 Prospect Hill Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-020/25 dated 17/01/2025	[MSC.5017.0001.0048, 2]
14/02/2025	BN-018/25	<u>16 Prospect Hill Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-018/25 dated 17/01/2025	[MSC.5017.0001.0048, 1]

Date	BO/EO Number	Property	Description of the order	Document Number
20/02/2025	EO-029/25	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0118]
20/02/2025	BN-030/25	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building, or land should not be prohibited until such time the area identified on the attached aerial image has been made safe to the satisfaction of the MBS.	[MSC.5017.0001.0105]
20/02/2025	EO-032/25	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0086]
20/02/2025	BN-033/25	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building, or land should not be prohibited until such time the area identified on the attached aerial image has been made safe to the satisfaction of the MBS.	[MSC.5017.0001.0201]
20/02/2025	EO-031/25	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5021.0001.0009]
20/02/2025	BN-032/25	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building, or land should not be prohibited until such time the area identified on the attached aerial image has been made safe to the satisfaction of the MBS.	[MSC.5017.0001.0031]
20/02/2025	EO-030/25	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0357]
20/02/2025	BN-031/25	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building, or land should not be prohibited until such time the area identified on the attached aerial image has been made safe to the satisfaction of the MBS.	[MSC.5017.0001.0003]
20/02/2025	EO-028/25	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0189]
20/02/2025	BN-029/25	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or	[MSC.5017.0001.0220]

Date	BO/EO Number	Property	Description of the order	Document Number
			occupation of any building, or land should not be prohibited until such time the area identified on the attached aerial image has been made safe to the satisfaction of the MBS.	
21/02/2025	BN-022/25	<u>18-20 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-022/25 dated 17/01/2025	[MSC.5017.0001.0017, 1]
21/02/2025	EO-019/25	<u>18-20 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-019/25 dated 17/01/2025	[MSC.5017.0001.0017, 2]
21/02/2025	BN-003/25	<u>2/613 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-003/25 dated 17/01/2025	[MSC.5017.0001.0149, 2]
21/02/2025	EO-010/25	<u>2/613 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Emergency Order EO-010/25 dated 17/01/2025	[MSC.5017.0001.0149, 1]
21/02/2025	EO-006/25	<u>14-16 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-006/25 dated 17/01/2025	[MSC.5017.0001.0161, 1]
21/02/2025	BN-012/25	<u>14-16 View Point Road</u> <u>MCCRAE VIC 3938</u>	Cancellation of Building Notice BN-012/25 dated 17/01/2025	[MSC.5017.0001.0161, 2]
06/03/2025	EO-029/25.01	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0165]
06/03/2025	EO-032/25.01	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0151]
06/03/2025	EO-031/25.01	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0170]
06/03/2025	EO-030/25.01	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0174]
06/03/2025	EO-028/25.01	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5058.0001.0001]
14/03/2025	EO-037/25	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order requiring the owner/occupier to undertake demolition work, and associated required works, to the retaining wall located on the eastern side of the property sufficient to return the land behind the retaining wall as close as	[MSC.5017.0001.0213]

Date	BO/EO Number	Property	Description of the order	Document Number
			<p>is safe to the existing geometry prior to the construction of the retaining wall.</p> <p>The order also requires the owner/occupier to obtain building permits or planning permits prior to the commencement of any works and the works must be undertaken to the satisfaction of the MBS.</p> <p>Upon completion of the work, sufficient evidence must be provided to the MBS to confirm the works have removed the danger to life or property.</p>	
20/03/2025	EO-029/25.02	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0323]
20/03/2025	EO-032/25.02	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0352]
20/03/2025	EO-031/25.02	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0098]
20/03/2025	EO-030/25.02	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0013]
20/03/2025	EO-028/25.02	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0364]
04/04/2025	EO-029/25.03	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0299]
04/04/2025	EO-032/25.03	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0391]
04/04/2025	EO-031/25.03	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0081]
04/04/2025	EO-030/25.03	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0385]
04/04/2025	EO-028/25.03	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 14 February 2025.	[MSC.5017.0001.0019]

Date	BO/EO Number	Property	Description of the order	Document Number
15/04/2025	BN-050/25	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	<p>Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why the owner/occupier should not be required to carry out the following work in relation to the building/land:</p> <ol style="list-style-type: none"> 1. Undertake demolition work, and any associated works, to the retaining wall located on the eastern side of the property 2. By no later than 25 April 2025, submit to the MBS a scope of works detailing the works to be undertaken in accordance with paragraph 1 above. 3. By no later than 9 May 2025, submit to the MBS details of the methodology to be adopted by appointed contractors to undertake the works. 4. By no later than 16 May 2025, submit a copy of the engineering design to the MBS with written confirmation from a RPEV registered professional engineer confirming the scope of the works and methodology is consistent with the engineered design. 5. To the extent necessary obtain building permits and planning permits prior to commencement of any works and by 6 June 2025. 6. The works the subject of this notice must be completed by 20 June 2025 and undertaken to the satisfaction of the MBS. 7. Upon completion of the work, sufficient evidence must be provided to the satisfaction of the MBS to confirm the works have removed the danger to life or property. 	[MSC.5017.0001.0361]
22/04/2025	BN-053/25	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	<p>Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why the owner/occupier should not be required to carry out the following work in relation to the building/land:</p> <ul style="list-style-type: none"> • Demolition and rectification must follow geotechnical and engineered design standards, with documentation submitted to Council. • By 6 May 2025: Submit a detailed scope of works to the Municipal Building Surveyor. 	[MSC.5058.0001.0097]

Date	BO/EO Number	Property	Description of the order	Document Number
			<ul style="list-style-type: none"> By 20 May 2025: Apply for a building permit including all required documentation. By 25 May 2025: Begin supervised works under a registered professional engineer. Supervision must cover all aspects of the works until completion. Completion deadline: 30 June 2025, with satisfactory evidence submitted to the MBS. 	
07/05/2025	EO-029/25.04	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 7 May 2025.	[MSC.5058.0001.0123]
07/05/2025	EO-032/25.04	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 7 May 2025.	[MSC.5058.0001.0092]
07/05/2025	EO-031/25.04	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 7 May 2025.	[MSC.5058.0001.0046]
07/05/2025	EO-030/25.04	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 7 May 2025.	[MSC.5058.0001.0025]
07/05/2025	EO-028/25.04	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land for 48 hours from 12 pm on 7 May 2025.	[MSC.5058.0001.0005]
21/05/2025	EO-047/25	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the buildings and land for 48 hours from 12 pm on 21 May 2025.	[MSC.5058.0001.0133]
21/05/2025	BN-058/25	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building, outbuildings, deck and staircase, rock retaining walls and garden walls and land should not be prohibited.	[MSC.5058.0001.0128]
21/05/2025	BN-059/25	<u>6 View Point Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building and land should not be prohibited.	[MSC.5058.0001.0101]
21/05/2025	EO-042/25	<u>6 View Point Road</u>	Emergency order prohibiting entry into the buildings and land for 48 hours from 12 pm on 21 May 2025.	[MSC.5058.0001.0106]

Date	BO/EO Number	Property	Description of the order	Document Number
		<u>MCCRAE VIC 3938</u>		
21/05/2025	BN-065/25	<u>3 Penny Lane</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building should not be prohibited.	[MSC.5058.0001.0077]
21/05/2025	EO-043/25	<u>3 Penny Lane</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the buildings and/or land for 48 hours from 12 pm on 21 May 2025.	[MSC.5058.0001.0082]
21/05/2025	BN-056/25	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of any building should not be prohibited.	[MSC.5058.0001.0051]
21/05/2025	EO-044/25	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the buildings and/or land for 48 hours from 12 pm on 21 May 2025.	[MSC.5058.0001.0056]
21/05/2025	BN-055/25	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of the building and land to the sides and rear of the building should not be prohibited.	[MSC.5058.0001.0031]
21/05/2025	EO-046/25	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the buildings or land on either side of the building or to the land to the rear of the building for 48 hours from 12 pm on 21 May 2025. The order also requires within 7 days access to the land on either side or to the rear of the building is to be prevented by erecting a fence or barrier at least 1.8 metres in high	[MSC.5058.0001.0036]
21/05/2025	BN-054/25	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or occupation of the building and land to the sides and rear of the building should not be prohibited.	[MSC.5058.0001.0010]
21/05/2025	EO-045/25	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land on either side of the building or to the land to the rear of the building for 48 hours from 12 pm on 21 May 2025. The order also requires within 7 days access to the land on either side or to the rear of the building is to be prevented by erecting a fence or barrier at least 1.8 metres in high	[MSC.5058.0001.0015]
27/05/2025	BN-073/25	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Building Notice requiring the owner to show cause within 30 days of the date of service of the notice why entry, use, or	[MSC.5058.0001.0116]

Date	BO/EO Number	Property	Description of the order	Document Number
			<p>occupation of any building and land should not be prohibited; and why building work, protection work or work required by the Building Regulations 2018 should not be required to be carried out regarding:</p> <p>a. Undertake the necessary building work to bring the alterations to the subfloor structure and stump footings into compliance with the building regulations and National Construction Code after first obtaining a building permit from a registered building surveyor. OR</p> <p>b. Undertake the necessary building work to reinstate the dwelling back to its original approved condition by undertaking the following:</p> <p>i. Remove the alterations to the subfloor structure, install stump footings and reinstate the removed earth in compliance with the building regulations and National Construction Code after first obtaining a building permit from a registered building surveyor; and</p> <p>ii. Remove the storeroom within the subfloor area after first reinstating the subfloor structure in compliance with the building regulations and National Construction Code after first obtaining a building permit from a registered building surveyor.</p>	
04/06/2025	EO-047/25.01	<u>10-12 View Point Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the dwelling and land for 48 hours from 12 pm on 4 June 2025.	[MSC.5058.0001.0138]
04/06/2025	EO-042/25.01	<u>6 View Point</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the buildings and land for 48 hours from 12 pm on 4 June 2025.	[MSC.5058.0001.0111]
04/06/2025	EO-043/25.01	<u>3 Penny Lane</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the buildings and land for 48 hours from 12 pm on 4 June 2025.	[MSC.5058.0001.0087]
04/06/2025	EO-044/25.01	<u>607-609 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the buildings and/or land for 48 hours from 12 pm on 4 June 2025.	[MSC.5058.0001.0061]
04/06/2025	EO-046/25.01	<u>605 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land on either side of the building or to the land to the rear of the building for 48 hours from 12 pm on 4 June 2025. The order	[MSC.5058.0001.0041]

Date	BO/EO Number	Property	Description of the order	Document Number
			also requires within 7 days access to the land on either side or to the rear of the building is to be prevented by erecting a fence or barrier at least 1.8 metres in high	
04/06/2025	EO-045/25.01	<u>603 Point Nepean Road</u> <u>MCCRAE VIC 3938</u>	Emergency order prohibiting entry into the building or land on either side of the building or to the land to the rear of the building for 48 hours from 12 pm on 4 June 2025. The order also requires within 7 days access to the land on either side or to the rear of the building is to be prevented by erecting a fence or barrier at least 1.8 metres in high	[MSC.5058.0001.0020]