

# **BOARD OF INQUIRY INTO THE McCRAE LANDSLIDE**

## **Second Witness Statement**

**Mathew Hopwood-Glover**

**Prepared for the purpose of a Board of Inquiry**

**17 July 2025**

## SECOND WITNESS STATEMENT OF MATHEW HOPWOOD-GLOVER

<b>Name:</b>	Mathew Hopwood-Glover
<b>Address:</b>	2 Queen Street, Mornington, VIC, 3931
<b>Occupation:</b>	Municipal Building Surveyor
<b>Date:</b>	17 July 2025

1. I make this witness statement in response to the Request to Produce a Witness Statement dated 9 July 2025 (**Notice**). This statement has been prepared with the assistance of lawyers and Shire officers.
2. This statement is true and correct to the best of my knowledge and belief. I make this statement based on matters within my knowledge and documents and records of the Shire that I have reviewed. I have also used and relied upon data and information produced or provided to me by officers within the Shire.
3. I provide a response in relation to Questions 1, 2 and 3 of the Notice.
4. I have provided one other witness statement to the Board, being my first witness statement dated 27 June 2025.

### Question 1

**Who at the Shire decided that it was appropriate for the site to be handed over from VicSES to the Shire at that time and why was it considered appropriate?**

5. The VicSES was the control agency for the response to the 5 January 2025 Landslide and primarily responsible for managing the response to the 5 January 2025 Landslide. The 5 January 2025 Landslide did not involve a formal transfer of control of the site from VicSES to the Shire. Rather, VicSES decided when it deactivated its role and function as the Incident Controller. In my opinion, this was similar to other incidents (i.e Vehicle building impacts) I have attended where once the VicSES deemed it was safe it deactivated its services. The Office of the MBS on the night of 5 January was there to provide a response and professional support to VicSES under the **Building Act** 1993 (Vic) for building safety under Table 17 of the SEMP. During this period the VicSES was still the lead agency and Incident Controllers. As noted above, the 5 January 2025 Landslide did not involve a formal transfer of control of the site from VicSES to the Shire or the MBS and so there was no formal 'handover' of the site. To the extent there was a handover to the MBS to undertake the duties under the **Building Act** for the building impact damage to 3 Penny Lane, the Shire did not decide that it was appropriate for

the site to be handed over from VicSES to the Shire or that VicSES should deactivate its role. The decision by VicSES to leave the site was made by VicSES as the Incident Controllers to deactivate its services, once they undertake and determine site conditions.

6. The sequence of events was:

- (a) on 5 January 2025 at around 9:15pm, I received a call from Brett Fletcher (the Municipal Emergency Management Officer) of the Shire, who said that VicSES had requested the assistance of the MBS and asked that I attend the site. I attended the site that night and met with Mark Daw of VicSES. Mr Daw asked me to check the damage at 3 Penny Lane, McCrae and whether 607-609 Point Nepean Road was safe to occupy. At the time of the incident, I considered I did not have the power to issue an emergency order on 607-609 Point Nepean Road, unless the building or structure on the land was impacted by the landslide. The house on 607-609 Point Nepean Road, McCrae had not been impacted by the landslide and as a consequence I told Mr Daw that it was a matter for VicSES whether 607-609 Point Nepean Road was safe. Mr Daw told me that the Morans had vacated 3 Penny Lane, McCrae. Mr Daw told me that VicSES had looked at the water meters in the View Point Road area to try to identify where the water was coming from and no leaks had been identified. He also said that South East Water had tested the water. On 5 January 2025, Mr Daw said VicSES would stay overnight to monitor the area for a further landslide; and
- (b) on 6 January 2025, I attended the site again. I refer to paragraphs 7 and 8 of my first statement. I inspected 3 Penny Lane. I met with Dane Pope. I subsequently met with Mr Daw of VicSES and Mr Daw's supervisor or commander, whose name I do not recall, on site. Mr Daw's supervisor said something to the effect that there was nothing else VicSES needed to do and that VicSES had no further business as the Incident Controller; and the site falls under the *Building Act*. The conversation was short and there was no handover documentation or actions directed by VicSES.

## Question 2

**Who at the Shire decided that Mr Glover was the appropriate person at the Shire to have responsibility for the site and why was he considered to be the most appropriate person?**

- 7. I did not have responsibility for the whole of the site and the Shire did not make a decision that I was the appropriate person to have responsibility for the site. Rather, my functions as the MBS were activated by the incident because the dwelling at 3 Penny Lane was impacted by the landslide and an assessment and determination regarding the occupancy of that damaged residential building was required of me. No other person within the Shire, other than the MBS

or a delegate of the MBS, has the power under the *Building Act 1993* (or other statute) to conduct this assessment.

8. I led the Office of the MBS's response to the 5 January 2025 Landslide.
9. I am aware that under the State Emergency Management Plan (**SEMP**), in the recovery phase of an emergency, the Shire is the Recovery lead agency for the activity of "*Survey and make a determination regarding occupancy of damaged residential buildings (when safe to do so)*" (see Table 17, Buildings and assets). However, the Shire has no other power to do what is in Table 17 of the SEMP other than pursuant to the powers and functions conferred on the MBS under the *Building Act* where buildings or structures are damaged. As a result, this "responsibility" must be read in the context of the actual powers conferred on the MBS under the *Building Act*. The recent Building Appeal Board Decision *10-12 View Point Road McCrae – Determination and Orders*, 30 April 2025, demonstrates the significant limits, according to the BAB, of these powers."
10. On 6 January 2025, I engaged Mr Pope to provide a Preliminary Assessment on 3 Penny Lane and whether 10-12 View Point Road was safe to occupy and what mitigation steps should be undertaken to protect 3 Penny Lane from further damage and if controls could be considered to add protection to 607-609 Point Nepean Road. I requested this advice from Mr Pope to assist me in carrying out my functions under the *Building Act*. Mr Pope wanted to know where the water was coming from (as did I) and I was assisting Mr Pope by undertaking investigations into the source of the water. I address this in my first statement. I kept Ms Renae Littlejohn and Mr Rory MacDonald, who I reported to within the organisational structure of the Shire, among others, informed about what I was doing on site and Ms Littlejohn endorsed my approach and information sharing with the Shire.
11. As 3 Penny Lane was related to building damage, the tasks necessary to be undertaken by the Morans fell under the *Building Act* once VicSES deactivated.
12. Subsequently, on 6 January 2025, I identified that there were two (2) retaining walls at 10-12 View Point Road that in my opinion at the time required building permits and for which there were not building permits. At this point, I asked Mr Pope to look at both 10-12 View Point Road and 3 Penny Lane in more detail as part of a wider action proposal.

**Question 3**

**Did anyone at the Shire have the role of supervising Mr Glover when he had responsibility for the site from 6 January 2025? If so, please provide their details, qualifications and their role at the Shire.**

13. No one at the Shire had the specific role of supervising me when I was carrying out my functions as the MBS. My powers and responsibilities as the MBS are vested in me under the *Building Act*, and the Shire cannot direct how I discharge those powers and responsibilities.
14. During the relevant period, I reported to Mr MacDonald, who was the Acting Manager – Development Services, for human resources purposes, pursuant to the Shire’s organisational structure, but I was not supervised in respect of my functions under the *Building Act*. Mr MacDonald reported to Ms Littlejohn, who held the role of Director – Planning & Environment. I am informed that Mr MacDonald holds a Bachelor of Laws and a Masters in City and Regional Planning, both from the University of Glasgow. I do not know Ms Littlejohn’s qualifications, and she no longer works at the Shire.

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**Signed** by Mathew Hopwood-Glover