

BOARD OF INQUIRY INTO THE McCRAE LANDSLIDE

Mr Mathew Hopwood-Glover

Third Witness Statement

Prepared for the purpose of a Board of Inquiry

23 July 2025

THIRD WITNESS STATEMENT OF MR MATTHEW GLOVER

Name:	Mathew Hopwood-Glover
Address:	2 Queen Street, Mornington, VIC, 3931
Occupation:	Municipal Building Surveyor
Date:	23 July 2025

1. I make this witness statement in response to the 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.
3. I have provided two other witness statements to the Inquiry, being my first witness statement dated 27 June 2025 (**First Statement**) and my second witness statement dated 17 July 2025 (**Second Statement**).

Question 1

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

4. I am currently employed in the Office of the Municipal Building Surveyor (**MBS**) within the Shire and have been employed in the Office of the MBS since 13 February 2023. I am currently on extended medical leave and have been on leave since 14 January 2025.

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
- 2.3.1 the period you held each of those roles.

5. My job title is Team Leader - Municipal Building Surveyor. This has been my role since 13 February 2023, and remains my role, notwithstanding I am on medical leave. While I am on leave, I am relieved of my responsibilities in this role.

6. My responsibilities when in office are to fulfil the functions of a municipal building surveyor under the *Building Act 1993* (Vic) (**Act**) and the *Building Regulations 2018* (Vic) (**Regulations**). These functions include:
- (a) responding to building-related emergencies, dangerous buildings and dangerous land, including issuing emergency orders;
 - (b) investigating suspected non-compliance with the Act and the Regulations, including exercising powers of entry, seizure, and testing, and to request documents;
 - (c) enforcing compliance with the Act and Regulations, including through issuing building notices and orders, and infringement notices; and
 - (d) issuing permits for the conduct of public entertainment in places of public entertainment, including concerning temporary structures.
7. Although I have the power under Part 3 of the Act to issue building permits, in my experience, all building permits concerning privately owned land in the Mornington Peninsula Shire are issued by private building surveyors. These private building surveyors are then responsible for determining whether the proposed building work complies with the Act and Regulations, inspecting the building work as it proceeds, and issuing the occupancy permit or final certificate.
8. Under section 216B of the Act, I may delegate any of my MBS 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. There are number of building surveyors and building inspectors in the Office of the MBS that have carried out these functions under my supervision.
9. As Team Leader – Municipal Building Surveyor, I am ultimately responsible for the Office of the MBS and leading the team within the office. When I was in office, Claudio Flores (Principal Municipal Building Surveyor), Jack Divers (Deputy Municipal Building Surveyor) and Bree Stone (Administrator) reported to me. The broad division of work was as follows: Mr Flores considered reports and consents for proposed building works in areas liable to flooding, Mr Divers dealt with many of the functions I outline above at paragraph 6, including concerning swimming pool compliance, and Ms Stone dealt with record keeping and other administrative functions. I had oversight of their work and generally would only be directly involved in an incident if it occurred when I was on call or if it involved a fatality, road closure or it was otherwise a significant event.

Question 4

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

10. A table has been prepared by the Shire of the individuals who comprised the Office of the MBS (including their names and roles) during my period of employment. This table appears at Schedule 1 to this statement. I have reviewed that table and it is correct to the best of my knowledge. I am informed by the legal representatives of the Shire that the rows shaded grey in the table are individuals that commenced working in the Office of the MBS after I went on medical leave on 14 January 2025.

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.**

11. I had limited involvement in dealing with the November 2022 Landslides. The November 2022 Landslides occurred before my time at the Shire. The response to the November 2022 Landslides by the Office of the MBS was being managed by Mr Flores when I was in office. Mr Flores had issued the relevant emergency orders and building notices, he was the point of contact for the affected residents, and I was comfortable with him continuing with that work.
12. I have inspected the site of the November 2022 Landslides on roughly two occasions. I do not recall the dates of the inspections, but I believe they may have occurred around March 2023. I attended the site inspections with Mr Flores and the purpose of my attendance was to obtain an understanding of what had occurred. When I inspected the site, I could see that vegetation had been removed through the landslide, the area looked stable, it was dry, and there had been no other failures in the vicinity that I could see since the November 2022 Landslides. I did not enter any of the affected buildings, being 2 Penny Lane and 3/613 Point Nepean Road. I stood on the Penny Lane Road reserve and could see the landslide material through the fence and that it had impacted the properties.
13. I had limited involvement in any 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. I was aware in my role that various stabilisation works were being considered by geotechnical engineers engaged by the Shire, the owners of 10-12 View Point Road, and the owners of 3/613 Point Nepean Road. I understand the proposed stabilisation works were aimed at minimising the risk of further landslides.

14. I did not issue any emergency orders, building notice or building orders in response to the November 2022 Landslide. However, I had several discussions with Mr Derek Rotter, the Shire's Engineers (including Alex Chisolm) and Mr Simon, with Mr Flores at times, where I raised whether the Shire could install 50MPA – 1450kg concrete traffic barriers (more commonly known as Jersey Barriers) chained together in the road reserve of Penny Lane to capture any other landslides. I suggested this solution which I thought might assist with the owners of 3/613 Point Nepean Road to move back into their own home. I recall these discussions occurred in around early 2024. The costs of the barriers to be placed in Penny Lane road reserve would exceed \$100,000. The Shire did not pursue this option and I was told by Mr Rotter, at times with Mr Chisholm present, that this was not feasible. I was not involved in any other steps taken to prevent or minimise the risk of a further landslide in the vicinity of the November 2022 Landslides site, beyond this. In my opinion, this responsibility rested with Mr Rotter and the Shire's engineers regarding an interim solution and endorsing any works. To my knowledge, ongoing inspections of the site of the November 2022 Landslide were to be managed by the Shire's engineers and Mr Rotter. I was aware that various stabilisation works were being considered by geotechnical engineers, the Shire's engineers and Mr Rotter, which I understood were aimed at minimising the risk of further landslides.

Question 6

As a result of the November 2022 Landslides, did you or the Office of the MBS make changes to the Shire's practices or procedures to prevent or mitigate landslides or landslips in the McCrae area?

- 6.1 If the answer to question 6 is yes, what were those changes?**
- 6.2 If the answer to question 6 is no, did you or the Office of the MBS consider making any changes?**
- 6.3 If the answer to question 6.2 is yes, what changes were considered and why were those changes not ultimately implemented?**
- 6.4 If the answer to question 6.2 is no, why did you or the Office of the MBS not consider making any changes?**

15. No. As a result of the November 2022 Landslides, neither I nor the Office of the MBS made changes to the Shire's practices or procedures to prevent or mitigate landslides or landslips in the McCrae area.
16. In the first half of 2023, Mr Flores prepared a 'Work Instruction' to provide guidance on how the MBS would determine what enforcement steps under the Building Act should be taken to protect occupants and the public, and ensure land affected by a landslip is made safe. A copy of the Work Instruction is [\[MSC.5005.0008.7325\]](#). This 'Work Instruction' was not finalised and

is marked as 'draft'. It is my understanding that the draft 'Work Instruction' documented the practices in place of the Office of the MBS and did not specifically change those practices. I do not know why the 'Work Instruction' was not finalised.

Question 7

In the period between November 2022 and 5 January 2025, please detail whether you considered that the Shire's Erosion Management Overlays should be extended to parts of the McCrae area. If you did not, please detail the reasons.

17. I did not consider whether the Shire's Erosion Management Overlays should be extended to parts of the McCrae area. I was not aware, prior to 5 January 2025, whether the area in the vicinity of 10-12 View Point Road was or was not subject to an Erosion Management Overlay. In my role as the municipal building surveyor, I did not have cause to specifically consider the application of the Erosion Management Overlays in the McCrae area. I did not consider whether the Shire's Erosion Management Overlays should extend to parts of the McCrae area because, in my opinion, that is a matter outside of my statutory functions as a municipal building surveyor under the Building Act. In my view, these are matters for the Shire's Strategic Planning team (Planning Scheme) and Development Assessment team.

Question 8

Please explain whether you have any knowledge in relation to why the Shire did not implement recommendation 211 of the 2018 Review of the MPPS: "Complete the comprehensive review and update of the Shire's landslip susceptibility data and modelling, and update the ordinance and mapping of the Shire's EMOs".

18. I have no knowledge of why the Shire did not implement recommendation 211 of the 2018 Review of the MPPS, and have no direct knowledge of that recommendation.

Question 9

Please detail your involvement (if any) in dealing with the 5 January 2025 Landslide at 10 – 12 View Point Road, McCrae, including but not limited to:

- 9.1 steps taken by the Office of the MBS to determine the cause of the 5 January 2025 Landslide;**
- 9.2 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;**
- 9.3 any evacuation orders or building orders that you issued; and**
- 9.4 any inspections that you undertook of the landslide site and / or affected properties.**

Question 9.1

19. I led the Office of the MBS's response to the 5 January 2025 Landslide. I was assisted in my response by Mr Flores and Mr Jones (building inspector). In my first statement at paragraphs 6 to 16, 21, 23 to 28, I set out some of my involvement after the 5 January 2025 Landslide, including my immediate response. I provide further detail below of the steps I took after the 5 January 2025 Landslide.
20. On 6 January 2025 [[MSC.5005.0042.1183](#)] I responded to a group email within the Shire to advise that Ms Littlejohn was aware of the 5 January 2025 Landslide having occurred, and that she was going to notify the Shire's CEO and Mayor of the incident.
21. At this point, I started to search and review the Council's GIS (Info Maps), Planning and Building approvals for 10-12 View Point Road and 3 Penny Lane. I was particularly interested in information regarding the retaining wall at 10-12 View Point Road, which was immediately above the likely starting point of the landslip on 5 January 2025. My searches identified that the Shire had no record of any planning or building permits for the two-metre-high retaining wall. I was concerned about the lack of a permit.
22. On 6 January 2025 when I was on site with Mr Pope and Mr Jones, I said to them that we would later investigate the illegal retaining wall structure since, at that point in time, finding the water source and assisting Mr Pope was the number one priority to place controls measures in place to prevent further damage to 3 Penny Lane.
23. It was apparent to me from my inspections of the site, and based on my discussions with Mr Pope, that a cause of the 5 January Landslide was the presence of water in the embankment. The water had wet the soil and caused it to give way. Consequently, I took steps in conjunction with Mr Pope to identify the source of the water that was surfacing in the head scarp. I took these steps to identify the cause of the 5 January 2025 Landslide with Mr Pope's direction and agreement. These steps were also aimed at understanding the water source to allow Mr Pope to develop a plan to reduce the risk of a further landslide caused by the water that was continuing to surface.
24. On 9 January 2025, I provided an Executive Leadership Update for work undertaken as recommended by Mr Pope to my Director and manager for dissemination to the Shire's leadership team and for the executive to advise any further actions/steps [[MSC.5005.0042.2288](#)].
25. In my first statement at paragraphs 23 to 25, I outline the investigations I carried out or were undertaken by officers of the Office of the MBS under my supervision, to identify the source of the water on the head scarp. Further to that evidence:
 - (a) on around 6 January 2025, Mr Pope roughly calculated the flow of water coming down the escarpment, by looking at how quickly it would fill a bottle. As a rough measure, it appeared to be running at about 13 to 15 litres per minute;

- (b) on around 8 January 2025, I identified, or it was brought to my attention by Mr Moran, that prior to Christmas an extensive water leak had occurred at Charlesworth Street. A post had been left in the McCrae Village Community Facebook Group regarding the leak. I passed this information on to Mr Pope [[MSC.5005.0042.1826](#)]. It was because of this report I undertook investigations around Charlesworth Street;
 - (c) I recall water was still bubbling up at Charlesworth Street when I went there and we took a number of samples;
 - (d) I spoke to the resident on the corner of Charlesworth and Waller Place, who advised that they believed the leak was reported to South East Water (**SEW**) in September 2024, and the following months, including the period leading up to Christmas, were also included in the Shire; and
 - (e) I understand that SEW undertook its own water testing. As mentioned in my First and Second Statements, Mr Daw from SES informed me on the night of January 5, 2025, that SEW had informed the SES that the water was not coming from a SEW asset. Through the SES, I requested that SEW provide the outcomes of the water tests as the SES were the Incident Controllers. I was not provided with these test results before 14 January 2025. I do not know if they were ever provided to the Shire.
26. These investigations that I and the Office of the MBS undertook after the 5 January 2025 Landslide were to assist Mr Pope, and to provide him with the necessary and requested documents and information.
27. In addition to investigating the source of the water, I examined the building works that had been carried out at 10-12 View Point Road to determine if and how these may have contributed to the 5 January 2025, Landslide. This work included:
- (a) considering the building permits issued for the property. The purpose of this was to understand what had been built on the property. Relevantly:
 - (i) on 6 January 2025, I received a copy of the last building permit issued for the property, which concerns an extension to the carport and store [[MSC.5005.0042.0961](#)], [[MSC.5005.0042.0962](#)], [[MSC.5005.0042.0965](#)], [[MSC.5005.0042.0967](#)] [[MSC.5005.0042.0968](#)], [[MSC.5005.0042.0973](#)], [[MSC.5005.0042.0975](#)] [[MSC.5005.0042.0976](#)], [[MSC.5005.0042.0985](#)], [[MSC.5005.0042.0986](#)] and [[MSC.5005.0042.0987](#)].
 - (ii) on 7 January 2025, I sent Mr Pope an email of the building permits and planning approval dating back to the 1970s that I thought might be useful as part of the investigations [[MSC.5005.0042.1301](#)] and [[MSC.5005.0042.1303](#)].

- (b) considering the historical subdivision documents for the area, and planning permits for 10-12 View Point Road. I understand that these documents have been produced to the Inquiry. From these documents, I identified that the septic tank location was based on this being constant, it appeared the contour line of the land had changed over time and that there had been removal of trees;
- (c) reviewing topographical mapping. I observed that the concrete retaining wall and garage on 10-12 View Point Road had been built in an area that was originally a gully. Having regard to this, I considered a large amount of fill had to have been placed in that gully area to allow the construction of the garage to occur, and the neighbouring property (6-8 View Point Road) appeared to have modified the scarp over time; and
- (d) Mr Pope was also concerned with fill being placed in this area. The removal of such fill would cause its own concern because the equipment required to remove the soil would increase the dead and live loads on the head scarp. Mr Borghesi's engineers (CivilTest) were working out a solution to remove the fill, and I informed CivilTest to liaise with Mr Pope; and
- (e) inspecting and investigating the concrete retaining wall. Below is a photograph I took of the concrete retaining wall on 6 January 2025. I knew, based on my investigations between 5 and 14 January 2025, no building permits had been issued for that retaining wall. I considered that a building permit may have been required for that structure because the retaining wall was 1m or more in height and therefore was not exempt under Schedule 3 of the *Regulations*. However, at that time, I was focused on investigating the cause(s) of the 5 January 2025 Landslide, addressing the landslide's impact, and mitigating the risk of a further landslide. I therefore did not take steps specifically directed at investigating the suspected non-compliance with the Building Act. I knew that I could undertake those investigations later, and addressing the 5 January 2025 Landslide was more important at that time, as was assisting Mr Pope with the Shire's records and inspections to find the water source. However, I discussed with Mr Borghesi what works had been carried out for the purpose of investigating how they may have contributed to the 5 January 2025 Landslide. Mr Borgehsi, a retired civil/structural engineer, told me on 6 January 2025 in the presence of Mr Jones:
 - (i) he had overseen the construction of the retaining wall;
 - (ii) the retaining wall piers were at least two (2) to three (3) metres in the ground, were on to the hard stuff, with a pier diameter of 600 mm and were approximately 500mm to 1000 mm from an existing timber retaining wall; and
 - (iii) the retaining wall was an engineered wall.



28. On 7 January 2025, I provided a Significant Incident Notification briefing to Davey Smith, Jacqueline O'Shea, Samantha Dalla-Santa, Dale Gilliatte, Renae Littlejohn, Rory McDonald, and Brett Fletcher from the Shire. Ms Littlejohn would pass this information to the CEO and the Mayor. I also provided the email chain to others at the Shire, including Mr Flores, Mr Jones, Legal, and Emily Harkin.
29. On 8 January, I sent an email to Rory MacDonald (my Manager), Renae Littlejohn (my Director) and Mr Flores, copied to the Shire's Assets and Infrastructure Director (Davey Smith), Claims and Insurance, Team Leader-Planning Compliance Jack Alford and the Manager of Community Safety, Health & Compliance (Dale Gilliatte), detailing proposed actions to be undertaken by the Office of the MBS [[MSC.5005.0042.1536](#)]. The first step was to discuss with the owners of 10-12 View Point Road and 3 Penny Lane a recommended proposed course of action developed by Mr Pope. I address this in my first statement at paragraph 16. The second step included:
- (a) notifying planning compliance to investigate possible works undertaken and placement of fill and the construction of two retaining walls without Planning Approval at 10-12 View Point Rd. I raised this because of concerns I had regarding the building works which in my view should have triggered a Planning Permit; and
 - (b) issuing the necessary enforcement/s in the immediate future on 10-12 View Point Rd for constructing two (2) retaining structures exceeding 1m (initial timber and concrete) in height without a building permit. I had formed the opinion that those works required a building permit and were not exempt under the *Building Regulation 2018*, Schedule 3.

30. On 9 January 2025, Mr Pope sent me an email [[MSC.5003.0001.7216](#)] providing me with information going back to the 1960s. Mr Pope referred to the SEW Mapp app which shows where the SEW main sewer trunk runs.
31. On 10 January 2025, I advised Ms Littlejohn and Rory Macdonald that I was heading back to site to undertake further investigations. I also emailed Mr Pope [[MSC.5031.0001.0316](#)] photographs of the dye testing in Prospect Hill Road and the potential water leak from the stormwater drainage between 2 View Point Road (Prospect Hill Road curb collector) to the inspection pit on the corner.

Question 9.2

32. I refer to my first witness statement and above regarding the investigations and steps that I and the Office of the MBS undertook after the 5 January 2025 Landslide. The Office of the MBS had covered all preliminary investigations in assisting Mr Pope to rule out water sources and the Office of the MBS had found key matters, such as the Charlesworth Street water leak and the potential blocked drain in Prospect Hill Road, which did not allow trace-dye to flow to the inspection pit. I consider it was then a matter for the Shire's engineering department to investigate the damaged road and blocked drain.

Question 9.3

33. I did not issue any evacuation orders, emergency orders, building notices or building orders in response to the 5 January 2025 Landslide.
34. It was my opinion at the time that I did not have power under the *Building Act* to issue any emergency orders, building notices or building orders unless building(s) and or structure(s) have been impacted.
35. Other than 3 Penny Lane, McCrae, there was no building or structure impacted by the 5 January Landslide. I did not issue an emergency order in respect of 3 Penny Lane, McCrae, because I knew the Morans had voluntarily vacated the property on the night of the 5th January, the property was secured via fencing. On the 6th January, I verbally discussed with the Morans that the property should not be occupied, and therefore, I did not consider an emergency order was necessary. I also did not issue a building notice or emergency order to the Morans because they were undertaking the works I had suggested. I said to the Morans that, should cooperation not be forthcoming, I would issue formal Notices/Orders for any works/actions. I recall speaking to Mr Daw on the night of the original landslide in the presence of Mr Jones, who asked if the lower house at 607-609 Point Nepean Road was in any danger. I recall saying, I cannot vacate them as their premises have not been affected by the landslip, and I have no power in this instance to vacate them under the Building Act; however, this would be the decision of the SES and to do so. Mr Daw stated that the SES team will remain on site until the following day to monitor for any changes to the site.

Question 9.4

36. I refer to my first witness statement and above regarding the inspections I undertook of the landslide site and affected properties.

Question 10

To the extent not detailed in response to question 9, please explain:

- 10.1 In respect of the 'Action Items' document that was provided to the owners of 3 Penny Lane McCrae, 10-12 View Point Road, and 607 Point Nepean Road:
- i. the basis for the recommended action items set out in that document; and
 - ii. the basis for the classification of the three properties as set out in the document.
- 10.2 Your discussions with Sue Gaylard, the Assessor appointed by RACV Insurance to assess the damage to 3 Penny Lane, McCrae.
- 10.3 Any consideration given to the risk of a further landslide occurring and damaging 3 Penny Lane, McCrae.
- 10.4 Your attendances at 3 Penny Lane, McCrae in the days between 5 January 2025 and 14 January 2025.

Question 10.1

37. I understand that the 'Action Items' document is [\[RES.0009.0001.0005\]](#) or [\[MSC.5016.0001.0056\]](#). I refer to paragraphs 15 and 16 of my first statement.
38. The basis for the recommended action items and the classification of the three properties, as set out in the 'Action Items' document was advice I received from Mr Pope of PSM on 7 January 2025 by email [\[MSC.5003.0001.7180\]](#), [\[MSC.5003.0001.7182\]](#), [\[MSC.5003.0001.7183\]](#) [\[MSC.5003.0001.7184\]](#) (PSM 2025 Preliminary Risk Assessment).

Question 10.2

39. I am informed by the solicitors for the Shire that the reference to "Sue Gaylard" in question 10.2 should be a reference to "Sue Scoble".
40. My phone records record that I spoke to RACV Insurance by phone on 5 January at 9:12am, 10 January at 8:58pm, and a number of times on 13 January 2025. To the best of my recollection, each of those discussions was with Sue Scoble. I also spoke to Ms Scoble at 3 Penny Lane in person a few times. Save for my call to her on 5 January 2025, the conversations concerned the works that were occurring or needing to occur to protect 3 Penny Lane from a further landslide.
41. I refer to paragraphs 16 and 23(d) of my first statement where I provide details of my conversations with Ms Scoble concerning the 'Action Items' list.
42. RACV took steps to try and divert the water. I address this in my first witness statement at paragraph 18. Diverting the water was the first priority. The next priority was protecting the

property if there was a further landslide or landslip. In the Action Items list, at the last dot point on the for 3 Penny Lane, I recommended (on Dane Pope's advice) that shipping containers be installed on the northern section of the soil.

43. On 13 January 2025, I spoke to Ms Scoble about these works. She said that RACV Insurance was in the process of coordinating the works for the shipping containers but was having some trouble finding a contractor to install them because they needed to be craned in. She was at the time working out a way for the works to be accommodated.
44. On 13 January 2025, I sent Dane Pope's contact details to Sue Scoble.
45. I understand, from my discussions with Ms Scoble, RACV Insurance engaged a civil engineer and structural engineer to provide assessments in respect of 3 Penny Lane and the landslide. I asked Ms Scoble to provide those assessments to the Shire. To the best of my knowledge, those assessments have not been provided to the Shire.
46. I recall from one of my discussions with Ms Scoble, the engineer engaged by RACV Insurance had located a water pipe on 10-12 View Point Road with flowing water. I do not recall any specific details of the location of the water pipe.

Question 10.3

47. The consideration I gave to the risk of another landslide was on the advice of Mr Pope. That consideration is set out above.

Question 10.4

48. I have addressed my attendances at 3 Penny Lane, McCrae in the days between 5 January 2025 and 14 January 2025 as part of my response to question 9 above.

Question 11

As a result of the 5 January 2025 Landslides, did you or the Office of the MBS make changes to the Shire's practices or procedures to prevent or mitigate landslides or landslips in the McCrae area?

- 11.1 If the answer to question 11 is yes, what were those changes?
- 11.2 If the answer to question 11 is no, did you or the Office of the MBS consider making any changes?
- 11.3 If the answer to question 11.2 is yes, what changes were considered and why were those changes not ultimately implemented?
- 11.4 If the answer to question 11.2 is no, why did you or the Office of the MBS not consider making any changes?

49. I can only speak to the period between 5 January 2025 and 14 January 2025.
50. In the period between the January 2025 Landslides, neither I nor the Office of the MBS:

- (a) made changes to the Shire's practices or procedures to prevent or mitigate landslides or landslips in the McCrae area; or
 - (b) considered making changes the Shire's practices or procedures to prevent or mitigate landslides or landslips in the McCrae area.
51. This is because at the time I held the opinion that the Office of the MBS and the MBS did not have powers to prevent or mitigate landslides unless a building or structure was impacted, and even then, the powers were limited to directing work be carried out in respect of the damaged building or structure.
52. Further, no changes were considered between 5 and 14 January 2025 because I and others within the Office of the MBS were, in that period, focused on responding to the 5 January 2025 Landslide and assisting Mr Pope. This response was both labour and time intensive, and involved liaising with the affected owners, conducting site inspections, and investigating the source of the water flow. Furthermore, I was unaware of the cause of the January 5, 2025, Landslide at that time, except that there was a significant flow of water from the escarpment. I did not have sufficient information, in my opinion, to properly consider what practices or procedures needed to change to prevent or mitigate a landslide or a landslide in the McCrae area generally; nor is it a function of the MBS under the Building Act. This would be a matter under a Planning Scheme, the SEMP for first responders and Geotechnical engineers in developing EMO's within Planning Schemes.
53. I have been on medical leave since 14 January 2025 (which was backdated to the injury date as the workcover claim was accepted) and cannot comment on whether the Office of the MBS has made or considered making any changes to its practices or procedures since that time.

Question 12

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.

54. The observations I made of the area of the 5 January 2025 Landslide between 5 and 14 January 2025 which I consider might be relevant to the Inquiry's work concerning the cause of the landslide are outlined above.
55. As a result of the investigations I undertook after the 5 January 2025 Landslide and my reflections of the 5 January 2025 Landslide I have considered the following:
- (a) the area was not subject to an EMO to regulate development;
 - (b) 3 Penny Lane was built so close to the slope/toe over old building works;
 - (c) development/building works in a gully with fill;

- (d) drainage with debris and trace-dye did not present (as detailed in my first witness statement);
- (e) there had been significant tree removal on 10-12 View Point Road;
- (f) there were no building permits for two retaining walls at 10-12 View Point Road;
- (g) the length of time to repair the water leak in Charlesworth Street;
- (h) SES de-activated services, where SES should have remained as incident controllers post 6 January 2025. The MBS role is only related to building/structural damage under the *Building Act* and 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. In my opinion, SES/Emergency Management Victoria should have issued evacuation orders to the other McCrae properties if they considered there was a danger. The role and responsibilities of the MBS 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; and
- (i) in my opinion, it was the responsibility of the Shire's engineers to advance the 2022 landslide geotechnical investigations to work on a long-term solution.

56. After the 14 January 2025 Landslide, I was visited in hospital by Mr Flores and Mr Divers, who gave me an update on what was occurring in respect of the McCrae Landslide. Mr Flores and Mr Divers advised me that a member of paid staff of SES had requested the Shire issue emergency orders to vacate several properties. I said to Mr Flores and Mr Divers we only have powers to do this if the building or structure has been affected, so be careful. It is and was my opinion, if SES or others want people out, this needs to be an order under emergency management provisions (such as the SEMP), not the *Building Act*. I believe under the pressure from the SES staff member, the Shire issued emergency orders on premises not directly impacted by structural damage. I considered this was not permitted as the MBS, and I consider that the BAB determination supports this position.

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Signed by Mathew Hopwood-Glover

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

Name	Hire Date	End Date	Position	Employment Type	Employment Status
Sharai Walker	8/11/2023	Current	Statutory Building Administration Officer	Full Time	Permanent
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
Matt Patterson	29/01/2025	Current	Building Surveyor – Special Projects	Casual	Temporary
Chelsea Ongarello	4/03/2025	Current	Statutory Building Administration Officer - Casual	Casual	Temporary
Dominic Cerreto	31/03/2025	Current	Deputy Municipal Building Surveyor	Casual	Temporary