**Victorian Government response to McCrae Landslide Board of Inquiry**

**Introduction**

On 14 January 2025, a significant landslide occurred in McCrae, destroying one property at 3 Penny Lane, damaging other properties nearby and seriously injuring a local council worker. This landslide followed earlier landslides and landslips in the McCrae area in January 2025 and November 2022.

The Victorian Government established the McCrae Board of Inquiry (Inquiry) in February 2025 and on 18 March 2025, appointed Renée Enbom KC to constitute the Inquiry. The Terms of Reference for the Inquiry are available here: [Terms of reference | McCrae Landslide Inquiry](https://www.mccraeinquiry.vic.gov.au/terms-reference). In summary, the key objectives of the Inquiry were to:

* determine the cause(s) of the McCrae Landslide;
* determine the adequacy of measures taken to prevent and minimise landslides and landslips in the McCrae area, including reviewing responses to the 2022 and 2025 events; and
* identify measures to be undertaken for the prevention or mitigation of the risk of similar landslide events occurring in McCrae in the future.

The Inquiry conducted 13 days of public hearings, received 86 public submissions and heard evidence from residents, local authorities, state government bodies and geotechnical experts.

**Inquiry report**

The Inquiry delivered its final report to the Governor on 9 September 2025 (see <https://www.mccraeinquiry.vic.gov.au/>). The Report makes 30 recommendations. 12 are directed to Victorian Government, 3 are joint recommendations for the Mornington Peninsula Shire Council (Shire) and South East Water (SEW), 8 are for the Shire and 7 are for SEW.

The Victorian Government will engage with SEW and the Shire, where appropriate, to support their consideration of the recommendations directed to them.

**Victorian Government response**

The Victorian Government’s response to the 12 recommendations directed to it is in the table below.

Overall, the Victorian Government supports the recommendations of the Inquiry directed at the Victorian Government in full or in principle. In summary:

* Recommendations 1, 28, 29 and 30 are supported in full
* Recommendations 17, 18, 19, 20, 23, 24, 25 and 26 are supported in principle

**Victorian Government response to McCrae Board of Inquiry Report**

| **Recommendation** | **Victorian Government Response** | **Rationale** |
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| **Recommendation 1: Appointment of a mediator**  The Board of Inquiry recommends a Victorian Government Minister appoint an experienced mediator to engage in a structured process with the Shire, SEW, affected landowners and any other necessary parties, with a view to reaching agreement in relation to appropriate landslide mitigation and remediation works at and around the site of the McCrae Landslide. | Support in full | An independent mediator will be appointed by the Victorian Government. |
| **Recommendation 17: The SEMP and the landslide sub-plan to the SEMP**  The Board of Inquiry recommends the Victoria State Emergency Service (the VicSES) progress the development of a landslide sub-plan to the SEMP.  In this context, it is also recommended the Emergency Management Commissioner consider consequential amendments to the SEMP, including making water corporations and local councils participating agencies for landslide mitigation activities, such activities should include the:   1. identification of landslide risk; 2. development of operational and maintenance plans and processes for water assets; and 3. sharing of information between water corporations and local councils to assist in the identification of landslide risk and the management of water assets. | Support in principle | VicSES has recently undertaken a state level emergency risk assessment in close consultation with Emergency Management Victoria (EMV). The results of the risk assessment support the development of a landslide subplan for the State Emergency Management Plan (SEMP). VicSES will be progressing work to develop this subplan on behalf of the Emergency Management Commissioner. Necessary consequential amendments to the SEMP will also be considered. |
| **Recommendation 18: Landslide training and education programs**  The Board of Inquiry recommends Emergency Management Victoria, the VicSES, and the Inspector-General for Emergency Management update existing training and education programs to incorporate and reflect the development of the landslide sub-plan and any related amendments made to the SEMP. | Support in principle | It is standard practice that changes to the SEMP and to SEMP subplans flow through into educational and training materials as well as operational doctrine.  This recommendation has a relationship to recommendation 17.  Note: The Inspector General for Emergency Management will not have a role in relation to updating existing training and education programs as this would fall outside of their statutory functions under the *Emergency Management Act 2013.* |
| **Recommendation 19: Emergency management plans**  The Board of Inquiry recommends Victorian regional and municipal emergency management planning committees, including the Southern Metropolitan and Mornington Peninsula Committees, review their emergency management plans to ensure that landslide risk management is appropriately addressed. This includes reviewing and updating previous risk assessments, and where landslide risk is identified, water corporations should be represented on the committee. | Support in principle | The Minister for Emergency Services’ Guidelines for preparing State, Regional and Municipal Emergency Management Plans require that Regional and Municipal Emergency Management Plans ‘be tailored to the specific identified risks and needs of that planning area’.  The *Emergency Management Act 2013* also requires that Regional and Municipal Emergency Management Plans be reviewed ‘as required and at least every three years’.  The *Emergency Management Act 2013* empowers regional and municipal emergency management planning committees to invite community representatives onto their committees, including representatives of water corporations.  EMV will continue to support regional and municipal emergency management planning committees to review their plans to ensure they are reflective of all relevant identified risk including landslide risks. |
| **Recommendation 20: Addressing data gaps on landslide risk**  The Board of Inquiry recommends the Victorian Government develop and implement  a project that addresses data gaps on landslide risk. As part of the project, the Victorian Government should explore options for how landslide risk data can be shared and made broadly accessible, including by those living in areas with landslide risk for use in mitigating and managing the risk.  Consideration should be given to all options, including:   1. the creation of an online data resource 2. engaging with Geoscience Australia to explore opportunities, such as a partnership, aimed at resuming online data collection of Victorian landslides which was ceased in 2018 3. the provision of technical or financial assistance to local government authorities where necessary 4. statewide mapping of landslide susceptibility, in coordination with relevant government departments. | Support in principle | The Victorian Government will undertake further work to have a fulsome view of requirements for this recommendation.  This recommendation is related to recommendations 23 and 25. |
| **Recommendation 23: Early identification of landslide risk**  The Board of Inquiry recommends the Victorian Government, local councils and relevant stakeholders work together to identify pathways for early identification of landslide risk and ensure escalation processes and procedures are well understood. This is a matter which may be most appropriately addressed as part of the development of the landslide sub-plan to the SEMP. | Support in principle | The Victorian Government will undertake further work to have a fulsome view of requirements for this recommendation.  This recommendation is related to recommendation 20 and 25. |
| **Recommendation 24: Emergency management planning committee debriefing**  The Board of Inquiry recommends municipal emergency management planning committees review their procedures to ensure that, following landslide incidents there is appropriate debriefing which includes actively considering opportunities to improve mitigation, planning and preparedness measures. | Support in principle | The SEMP requires that the control agency for an emergency is responsible for organising and conducting an operational debrief with participating agencies as soon as practicable after response activities conclude, in proportion to the scale of the emergency.  As the Control Agency for landslides, VicSES are responsible for debriefing after a landslide event.  A multi-agency After Action Review, including Council and Police was conducted by VicSES post the McCrae incident that will inform future responses.  The Minister for Emergency Services’ *Guidelines for preparing State, Regional and Municipal Emergency Management Plans* also require that Regional and Municipal Emergency Management Plans ‘be tailored to the specific identified risks and needs of that planning area’. This could include consideration of any relevant learnings from operational debriefs following the response to an emergency.  The *Emergency Management Act 2013* requires that Regional and Municipal Emergency Management Plans be reviewed ‘as required and at least every three years.’ |
| **Recommendation 25: Obtaining insights and expanding other programs**  The Board of Inquiry recommends the Victorian Government consider how insights from the Victorian Coastal Monitoring Program could be applied to landslides and explore options to expand or build on the program, including by monitoring areas identified as being highly susceptible to landslides. | Support in principle | The Victorian Government will undertake further work to have a fulsome view of requirements for this recommendation.  This recommendation is related to recommendation 20 and 23. |
| **Recommendation 26: Strengthening the land use planning system**  The Board of Inquiry recommends the Victorian Government review and strengthen the management of landslide risk within the land use planning system to ensure Victorians can have confidence that areas at risk of landslide are subject to proportionate, timely and consistent planning controls.  Consideration should be given to:   1. developing consistent principles for the application of planning overlays, including threshold requirements such as slope gradient 2. identifying consistent tolerable levels of residual risk to the community 3. the appropriateness of continuing to combine landslide risk and coastal erosion within a single overlay 4. building internal geotechnical engineering expertise in the Department of Transport and Planning to support appropriate technical review and applications to amend planning schemes 5. providing technical and financial support when appropriate to municipal councils to support the identification of landslide risk for the purpose of planning scheme amendments 6. developing planning practice notes and guidance 7. incorporating the Australian guidelines for landslide developed by the Australian Geomechanics Society 8. providing planning authorities with best practice guidance on how to consider cross- cutting hazards such as bushfire and landslide 9. requiring more frequent reviews of hazard-related planning controls such as overlays, to ensure they reflect changing environmental impacts. | Support in principle | The Victorian Government supports improving the planning system response to landslide risk to ensure planning policy, strategy and statutory provisions are responsive to landslide risk.    This recommendation is supported in principle as it is subject to obtaining the required technical information (recommendation 20) to inform state planning tools and guidance outlined in parts (a), (b), (c), (f), (g), (h) and (i).    Improvements to the planning system are identified in Plan for Victoria (Action 19) and the Built Environment Climate Change Adaptation Action Plan, 2022-2026 (Action 1) and are subject to resourcing, including technical expertise held outside government and Victorian Government policy decisions. |
| **Recommendation 28: Progressing the interim EMO**  The Board of Inquiry recommends the Victorian Minister for Planning ensure that the Shire’s application for an interim EMO schedule (Recommendation 27) proceeds expeditiously, including by constituting herself to act as the planning authority if deemed appropriate and necessary to achieve this outcome. | Support in full | The Department of Transport and Planning (DTP) notes the Board of Inquiry has recommended the Shire Council apply for an interim Erosion Management Overlay (recommendation 27). Once received, DTP will progress the assessment expeditiously. |
| **Recommendation 29: Landslide mitigation roles and responsibilities**  The Board of Inquiry recommends the Victorian Government develop guidance materials clarifying the roles and responsibilities of local councils, municipal building surveyors and residents in respect of landslide mitigation works following landslides and more generally. | Support in full | Guidance will be developed by government that addresses the roles and responsibilities requiring clarification. This will support all councils in delivering their role in relation to landslides in a consistent manner. The implementation of this recommendation is reliant on the delivery of Recommendation 17 and will commence once Recommendation 17 is completed. |
| **Recommendation 30: Management of landslide risk on private land**  The Board of Inquiry recommends the Victorian Government consider the current regulatory environment for how local government and private landowners manage risks on and from private land susceptible to landslides, both to the wider community and the environment. | Support in full | The Building Appeals Board (BAB) decision of *Borghesi & Anor v. Municipal Building Surveyor for the Shire of Mornington* [2025] (VBAB 60) identified limitations within the *Building Act 1993*. This decision highlighted that relevant building surveyors, including municipal building surveyors (MBS), are limited in their power to direct private landowners to undertake work to make land safe following an event such as a landslide or erosion, which occurs on private land but does not directly affect a building or a land where building work is proposed.    The Victorian Government is undertaking work to strengthen legislative requirements in the *Building Act 1993* to address this limitation. This activity will support enforcement activity to be issued to private landowners to stabilise dangerous private land and minimise risks to occupants and community. |