

Dear Sir,

Breach of Duty of Care by the West Gippsland Management Authority (GCMA).

In August 2024, the Wellington Shire Council (WSC) disseminated correspondence to approximately 300 affected property owners in Victorian East Coast towns, including Loch Sport, Port Albert, and Port Welshpool, apprising them of the anticipated impacts stemming from the revised flood overlay guidelines. See attached document.

The following outlines the timeline and key occurrences contributing to the revision of the guidelines:

- 2011 a review by the Victorian Government focused on flood response, recovery, emergency warnings, and evacuations. A key outcome was a commitment to develop guidelines for standardizing flood mapping. Ref: See attached
- ABC reported in **2013 new flood overlay in limbo**, that was passed 2 years ago by the Vic. Gov. REF: Attached document
- The **Victorian Floodplain Management Strategy (VFMS)**, launched in **April 2016**. The VFMS sets the direction for floodplain management and emphasizes the use of planning controls to manage risk. Ref: link at <https://shorturl.at/rDHMM>
- In October 2021, the state government changed its planning rules, **but WGCMA continued using an older flood risk measure (based on a 0.2-metre sea level rise) until early 2024**. Ref: attached WSC document Talking Points
- In February 2024, WGCMA updated its approach to match the state government's policy, which considers a sea level rise of 0.8 metres. **This is when the WSC found out about the changes**. Ref: attached WSC document Talking Points
- **Council wasn't officially told that WGCMA would start using 2100 sea level estimates (0.8 metres) in 2024**. Ref: attached WSC document Talking Points
- **In August 2024**, Council sent letters to approximately **300** affected property owners in coastal towns to inform them about future potential impacts. **This was done in collaboration with the WGCMA, who acknowledged the lack of communication back in February of the same year**. Ref:

IMPACT

- Stress and Uncertainty
- Sense of Injustice
- Impact on Lifestyle
- Impact on community retirement plans.
- No community consultation or notice of potential changes to flood overlay guidelines
- Section 32 for properties purchase from 2011 to 2024 were based on the 2040 levels.
- The 2040 levels permitted the development at 1.5m levels

Failure

The sale of property was permitted during this period. The West Gippsland Catchment Management Authority (WGCMA) and the Victorian Government have demonstrably breached their duty of care.

Outcome Required:

- **The Wellington Planning Scheme, incorporates the 2040 flood levels as scientifically predicted.**
- **The revised flood level guidelines are explicitly incorporated into the Section 32 Statement.**

Yours Sincerely



Henry Luiz
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13 June 2025

Attached documents

- WSC flood overlay Aug 24
- Talking Points - Flood Overlay Wellington Shire - 8 March 2025
- WSC FAQ letter - April 25
- 14 November 2024 – Response to my letter questioning the change
- ABC Report -I Amendment C33 2013
- Review 2010-11 flood warnings and response final report cp1to3
- Email to the WGCMA