

25 January 2022

Dedico Development Services
Suite 2, Level 20, 100 Williams Street
Sydney
NSW, 2011

Attention: John Green

Dear John,

RE: Removal of Tree 50 & 51 on Gloucester Walk.

Attached are staging plans detailing the methodology for the structural demolition and reconstruction alongside Gloucester Walk. This methodology is based on the condition that tree 50 & 51 have been removed.

Additionally, a one page sketch explaining the risks associated with carrying out the works with the trees in place has been attached.

Furthermore, RCC would like to clarify our position on the matter. RCC are bound by the Workplace Health and Safety Regulations 2017 to undertake risk assessments for works and implement a hierarchy of control measures to ensure the safety of the works employed within the construction sites we are responsible for, and for members of the public surrounding our construction sites.

“Part 3.1-

35 Managing risks to health and safety

A duty holder, in managing risks to health and safety, must—

- (a) eliminate risks to health and safety so far as is reasonably practicable, and*
- (b) if it is not reasonably practicable to eliminate risks to health and safety—minimise those risks so far as is reasonably practicable.*

36 Hierarchy of control measures

- (1) This clause applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.*
- (2) A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this clause.*
- (3) The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following—*
 - (a) substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk,*
 - (b) isolating the hazard from any person exposed to it,*
 - (c) implementing engineering controls.”*

RCC have undertaken an internal risk assessment of the works and reviewed the proximity of trees 50 & 51. There are two major safety **hazards** identified.

1. Collapse of existing soft ground material inwards resulting in significant injury or death to workers.
2. Instability of tree roots results in overturning of tree over Gloucester walk and the residents below.

The **probability** of these hazards occurring without adequate control measures put in place is high. A view which is supported by the Arborist (Landscape Matric) in their letter dated 24th January 2022.

The **consequence** of these hazards is severe (likely to result in major injury or death).

RCC are bound by the WHS Regulations hierarchy of controls measures which states that a person in control of an activity shall seek to 'eliminate' a risk in the first instance, so long as this is reasonably practicable.

In RCC's opinion, the risks identified above can be **eliminated** reasonably practicably by removing the trees 50 & 51. Furthermore, there are no other alternative control measures or methods of construction that are reasonably practicable to implement. This has been investigated and summarised in SCP's letter of advice dated 19th January 2022.

In conclusion, RCC believe that should the works proceed without the removal of the trees and an incident occurred which caused injury or death, then a court of law would confidently argue that in hindsight it was reasonably practicable to remove the trees and eliminate the risk of collapse occurring. It could be determined that RCC and others were in breach of the WHS Regulations and is not a position which RCC supports.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Ben Wilderink', written in a cursive style.

Ben Wilderink, Senior Project Engineer