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SAFETY REPORT - (WH&S + COMMON LAW DUTY OF CARE)

19 October 2016



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SAFETY REPORT

WH&S + COMMON LAW DUTY OF CARE

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Address: 22 Central Avenue, Manly SP7114

Name of Safety Inspector: Rodney Chong

Date of inspection: 19 October 2016

Part 1: Items requiring rectification

Part 1 lists those items that we have identified as requiring some form of rectification. We have also provided recommended control measures to either eliminate, substitute, or otherwise to minimise the hazard and its risk. Control measures other than those recommended may also be adopted.

A Risk Assessment for each identified item has been carried out in order to assist the Property Owner or Owners Corporation in prioritising any rectification works.

Although we make recommendations to rectify, modify or eliminate potential hazards, it is entirely up to the Property Owner or Owners Corporation to decide their own course of action. Legal advice should be obtained to determine whether it is 'reasonably practicable' to maintain, renew, replace or repair any item in order to rectify a hazard, or for an Owners Corporation whether a resolution under s62(3) of the Strata Schemes Management Act is appropriate.

1. Line marking is not visible.

Directional line markings have faded which could cause a traffic or pedestrian hazard.

General Location: Entry and exit driveways

Control measures: In the short term directional line markings should be re-applied regularly. In the long term, put controls in place to prevent the recurrence of the hazard.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
Minor injury	3	4	5	6

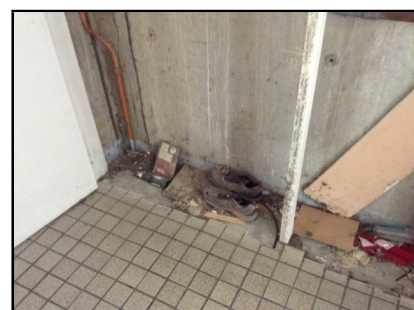
2. Utility cabinet appears to be not maintained.

Debris is evident in the electrical riser cabinet which may increase the risk of a fire hazard.

General Location: Ground floor near mail boxes

Control measures: In the short term ensure regular inspection/maintenance is carried out in the utility cabinet. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
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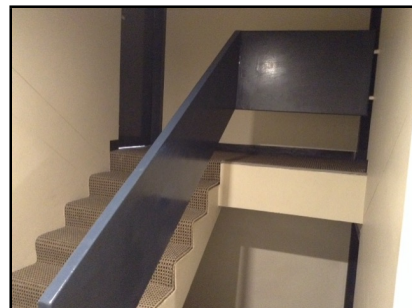
3. Balustrade appears to be inadequate.

It would appear that the existing balustrades do not meet the current standards, which may be different than the standards applying at the time of installation causing a potential fall hazard.

General Location: Internal stairs to the units

Control measures: In the short term if reasonably practicable, the balustrades should be replaced with ones that comply with the current standards. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
Minor injury	3	4	5	6

4. Balustrade appears to be inadequate.

It would appear that the existing balustrades do not meet the current standards, which may be different than the standards applying at the time of installation causing a potential fall hazard.

General Location: Balconies

Control measures: In the short term if reasonably practicable, the balustrades should be replaced with ones that comply with the current standards. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
Minor injury	3	4	5	6

5. Broken glass is present.

Broken glass in windows was noted on the property which may cause an injury to people.

General Location: Laundry windows on the roof top

Control measures: In the short term have a glazier attend the site to replace any windows with broken glass as soon as possible. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
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6. Balustrade appears to be inadequate.

It would appear that the existing balustrades do not meet the current standards, which may be different than the standards applying at the time of installation causing a potential fall hazard.

General Location: Roof top stairwell opposite pool

Control measures: In the short term if reasonably practicable, the balustrade should be replaced with one that complies with the current standards. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
Minor injury	3	4	5	6

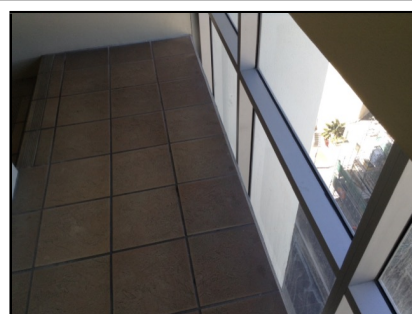
7. Gaps between the windows and the stair landing are evident.

The gaps between the windows and the stair landing may increase the risk of a fall hazard.

General Location: Stair landing between level 9 and roof top

Control measures: In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
Minor injury	3	4	5	6

8. Window appears unsafe.

It appears the openable window in the common area is less than 1.7m above the floor which may increase the risk of a fall hazard.

General Location: Level 7 lift lobby

Control measures: In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, put a regular inspection regime in place to ensure that the hazard does not recur.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
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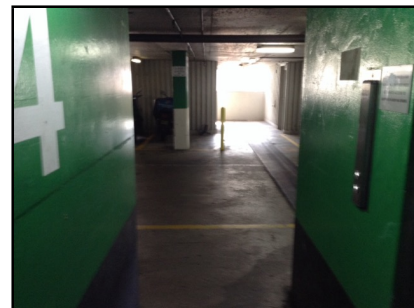
9. Low visibility for pedestrians and vehicles.

Obstruction may reduce the visibility for drivers to observe the pedestrians exiting out of the elevator area which may result in a pedestrian hazard.

General Location: Car park driveway near the third elevator

Control measures: In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
Minor injury	3	4	5	6

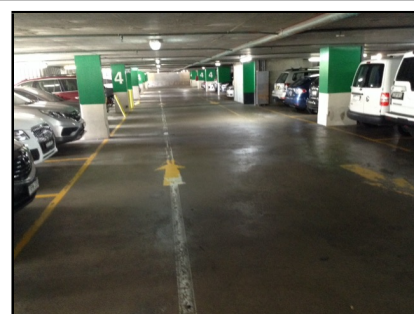
10. Speed humps are inadequate.

Speed humps may reduce the risk of vehicular and/or pedestrian hazard.

General Location: Car park driveways

Control measures: In the short term install new speed humps in the appropriate critical areas. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
Minor injury	3	4	5	6

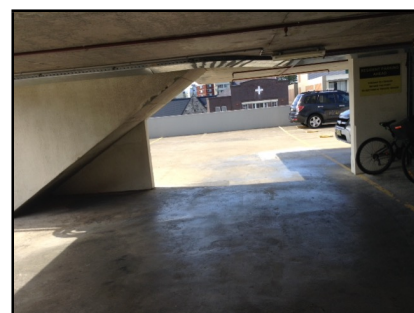
11. Inadequate signage for low clearance.

It appears there is no signage to indicate the low clearance at the entry of the car park which may cause injury to people or damage to vehicles.

General Location: Near private car spaces 935 & 934

Control measures: In the short term the low clearance hazard can be either clearly marked, isolated by way of barriers, removed, or protection provided to the likely strike area(s) as one of many possible solutions. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
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12. Driveway appears to be unsafe.

The ticket booth placed before the steep and curved driveway at the entry of the car park may increase the risk of a traffic hazard.

General Location: Driveway/ramp entry to the car park

Control measures: In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.

Timeframe to rectify: **Short**



OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
Fatality / disability	1	1	2	3
Serious injury	1	2	3	4
Moderate injury	2	3	4	5
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Part 2: Explanation

The Risk Management Process

There are varying methods of risk management and we have considered AS4360:2004 Risk Management, ISO 31000:2009, Risk Management, AS4801:2001 Occupational Health and Safety Management Systems, WorkCover NSW Hazpak and Risk Management at Work - Guide 2001, amongst other documents.

This safety report does do the following:

1. **Identifies hazards** listed in our 360 point checklist
2. **Assesses risk** associated with those hazards
3. Provides an **Overall Risk Rating**
4. Provides a recommended **priority** or timeline for rectification of risk items
5. Provides a recommended **Safety Action Plan**

Risk Assessment

We have primarily adopted two factors to assess overall risk. These are the propensity to **injury** and the **likelihood** of that injury occurring. There are four levels for each factor. They are:

<u>Injury</u>	<u>the non-rectification of this risk item could result in</u>
Fatality	fatality or permanent disability
Serious injury	long term illness, broken limbs, internal injury or off work for more than one week
Major injury	medical attention and off work for several days ie a cut hand, or sprained ankle
Minor injury	first aid required

<u>Likelihood</u>	<u>the hazard could cause harm</u>
Very likely	at any time
Likely	at some time
Unlikely	rarely
Very unlikely	probably never will

An **example** of likeliness may relate to the comparison of two trip hazards, one being located in the main entry into the foyer of a building (Very Likely) and the other being in the back corner of a car park where people rarely walk (Unlikely). The combination of the above considerations (injury and likelihood) gives an overall risk rating.

For the purpose of this Report we have utilised the Hazpak Priority Table to produce our WH&S Reports Risk Assessment Matrix which considers the degree of injury, and the degree of likelihood of risk of exposure to a hazard. Set out below is our WH&S Reports Risk Assessment Matrix.

OVERALL RISK RATING	Very Likely	Likely	Unlikely	Very unlikely
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Priority of Risk

An Overall Risk Rating of 1 (Top Priority) would require immediate attention and 'it is extremely important to do something about this hazard as soon as possible'. In comparison, an Overall Risk Rating of 6 (Low Priority) requires action but 'may not need your immediate attention' and do something about this hazard when possible.

This allows hazards to be compared in relation to their risk rating which may also assist in the assessment of the priority of the rectification of those hazards.

Control measures

There are a number of ways to deal with a hazard. Here are five typical controls:

Elimination	remove the hazard or cause of the hazard - the best way to deal with a hazard
Substitution	use a different piece of equipment or safer material to reduce the risk
Engineering	structurally change the environment ie barriers, guards, enclosures to reduce risk
PPE	personal protective equipment ie sun hats, safety goggles, gloves to reduce risk
Administrative	documentation of the correct procedures or instructions for carrying out a task safely, or limiting the exposure to a hazard

All work to rectify a hazard should be carried out in a workman-like manner by a suitably qualified person. Likely control measures listed in this report are generally one of many potential solutions. A contractor or the Owner should choose their own method of rectifying any hazard.

Time to rectify

We provide a recommended time frame for elimination, rectification or minimisation of a hazard as simply (1) Short term; (2) Medium term; or (3) Long term. The actual time within the recommended time frames would vary depending on the hazard and the risk element. For example, a broken window in the entry door would have a Short term recommendation which would be an immediate response to the hazard which may be within days of receiving this report, whereas short term for a leaning timber fence may be a repair within six months.

The context of that risk is important. In high traffic areas, the timeframe for repair would be expected to be sooner rather than later, when compared to a low traffic area. Note that if the problem is obvious and the risk of injury is high, then acting to control and minimise the risk immediately, even if the act is an interim measure only, is more prudent than leaving the risk uncontrolled and waiting for the perfect control measure that ultimately eliminates the risk.

For example, a storm water pipe discharge at the rear of the property where people rarely go may attract be 'short term' being an expected repair within six months, where an equivalent storm water discharge at the front of the property that is used more often may attract a 'short term' repair within a few weeks.

Safety Action Plan

We provide a recommended Safety Action Plan in Part 5 of this report which the Owners Corporation can add to or modify, and provides a suggested timeline and priority of work to be completed. It is entirely up to the Property Owner or Owners Corporation to determine their own priority level as they are more intimately aware of their property, and whether it is 'reasonably practicable' to carry out rectification works. Note that just because an item is low priority does not mean that it should be completed a long time down the track if it can be fixed easily and quickly now.



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Property Owners Obligations

This Safety Report deals with your general obligations under the Work Health and Safety Act 2011 and the Work Health and Safety Regulations 2011. This Report does not ensure compliance with every possible aspect of the Act or Regulations. In addition to legislative requirements, the Property Owner and Owners Corporation has 'duty of care' requirements under Common Law or other statutes, and we consider some of these additional issues within this Report.

This Safety Report is not an audit. An audit will have a comprehensive list of generally prescriptive requirements satisfying various legislation and potentially common law safety issues. This report is not all encompassing and does not drill down to specific requirements in every possible Act that may affect safety within the subject property.

Certain assumptions have been made as to what constitutes common property where no plans have been made available. In this instance some items of common property may be excluded from this report. If any substantial changes to the common property are made we suggest this report be returned to us for updating. This report is current only on the day of inspection and relates to the condition of the common property of the strata plan only. Varying safety experts may have differing opinions of items that require a certain standard for compliance to our opinions.

A visual inspection only has been carried out of easily accessible and visible common property areas. We do not carry out an invasive inspection. That is, we do not dig, gouge, dismantle, move or remove any items located in the common property. We do not climb onto the roof or in the ceiling spaces or into the underfloor areas. We do not identify or comment on the structural integrity, building compliance, rot, defect, fire safety items or infestation of the improvements, and if you have any concerns in this regard we suggest an expert in that particular field be consulted.

We have assumed that at the time of construction the building complied with relevant statutory controls and local council building regulations. We make no comment as to whether the building complies with current statutory building regulations such as the Building Code of Australia.

Important and Good Practice items

Throughout our checklist we have considered those items that if repaired or rectified would then comply with either legislative requirements or common law, such as a pool fence being self closing. In addition, we may comment upon simply good practice items such as emergency phone numbers on the notice board or having visible street numbers.

General

The subject property may well have its own safety problems. After commissioning this Report the property will still have those same problems. It is entirely up to the Property Owner or Owners Corporation to determine the 'reasonably practicable' approach of which items require rectification and in which priority order.

We are not liable nor accept responsibility for differing opinions that other safety experts may have nor items that may be considered 'missed'. We utilise a very comprehensive 360 point checklist that has been prepared, designed and each item considered by both our Senior Safety Assessor and a senior WorkCover Inspector with over 20 years experience in workplace safety. This Report considers both Important and Good Practice items according to our 360 point checklist.



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Simply obtaining a safety report does not change the Property Owner or Owners Corporation's risks or hazards associated with their property, i.e. there is no change to the risk to a Property Owner or Owners Corporation before or after obtaining a Safety Report, nor does it exclude, take away or minimise the obligations and responsibilities under the Work Health and Safety Act 2011 as a person in the control or management of a workplace. The commissioning of a Safety Report is not an insurance policy to the benefit of the Property Owner or Owners Corporation as we do not cover you for liability of the risks or hazards of your property. That is, there is no transfer of risk from the Property Owner or Owners Corporation to us. We do not accept liability for injury to persons or damage to property. The recommendations in the Safety Report need to be acted upon and the priority of items needing rectification is to be determined by the Property Owner or Owners Corporation.

This Report is for the use of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this Report. Neither the whole nor any part of this Report or any reference thereto may be included in any published document, circular or statement or published in any way without our written approval of the form and context in which it may appear. This Safety Report has been prepared on the basis of instruction being for a Safety Report only and for no other purpose. A comprehensive report should be commissioned if a party requires a more detailed report or for use in litigation matters. We reserve the right to review or withdraw our Report at any time. This Report does not cover the property's structural condition or environmental contamination, nor is it a quantitative survey. This Report does not cover fire safety, nor Council compliance in any respect (flooding, building, etc) nor should it be construed as such.

Lighting

Inspection of the property was carried out during the day, therefore it is difficult to assess and comment upon the amount or quality of light available in the common property areas at night. The Report may refer to areas where there was likely insufficient lighting in common property areas which may be a hazard to pedestrian or vehicular movement.

Fire Safety

We are not fire safety experts and do not comment on the condition or adequacy of the fire fighting equipment on the premises as this is an area requiring annual inspections by other specialists. We have assumed at the time of construction and inspection that the fire fighting equipment for the premises complied with relevant current legislation. A general visual inspection may identify fire safety items that are damaged or missing.

Electrical

A general visual inspection only of the main switchboard is carried out by our Inspector. Inspection of the electrical board is an area requiring inspections by an electrical specialist. We recommend that an electrical specialist be engaged on a regular basis. Any Residual Current Devices (RCD) should also be tested at the same time. If RCDs are not installed, we strongly recommend that they be installed.

Inaccessible areas

Plant rooms and plant machinery may not have been accessible during our inspection. We do not ordinarily make comment on the safety aspects of plant and machinery items and suggest an inspection be undertaken by a machinery and plant specialist. Generally, access to roof cavities, ceiling spaces, and underfloor areas do not comply with safety legislation (no fall arresting devices) and locked common property areas are not inspected and we therefore do not make comment on these areas.



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Work at heights

When work is undertaken at height, it is the Property Owner or Owners Corporation's responsibility to ensure that safety anchorage points and safety railings of a permanent nature are properly maintained.

General Work Health and Safety principles list the following control measures in priority order:

- (i) The provision and maintenance of a stable and securely fenced work platform (such as scaffolding or other form of portable work platform)
- (ii) If complying with (i) is not reasonably practicable, the provision and maintenance of secure perimeter screens, fencing, handrails or other forms of physical barriers that are capable of preventing the fall of a person.
- (iii) If complying with (ii) is not reasonably practicable, the provision of other forms of physical restrains that are capable of arresting the fall of a person from a height of more than two metres.

Depending on the level of control, it can be the responsibility of both the contractor and Property Owner or Owners Corporation to ensure that contractors are licensed, insured, competent in the type of work they plan to undertake and their equipment is well maintained and safe.

Services

A general visual inspection only of services such as electrical, gas, water services was undertaken. Only obvious visual hazards have been detailed. Comment on the technical safety of these items is not made in this Report. If concerns exist for the safety of any of these services then a suitably qualified expert should be consulted.

Balconies

When access is provided, a visual inspection only of a typical balcony is undertaken and any obvious corrosion, deterioration, water ponding, etc will be provided in this Report. We do not comment on whether balconies comply with current standards such as the Building Code of Australia and assume that at the time of construction and inspection the building complied with the relevant legislation, controls and standards. A thorough measurement of rail loadings and structural integrity of the balconies is not carried out and if the Property Owner or Owners Corporation has concerns about the integrity of any balcony they should engage a structural engineer.

Slip hazards

A thorough assessment of the slipperiness of flooring was not carried out as this requires specialised testing equipment. We therefore do not make comment as to whether the flooring complies with requirements of AS/NZS 4663:2004 Slip Resistance Measurement of Existing Pedestrian Surfaces or similar Standards. Any comments on the flooring are from a visual inspection only. If slip incidents have occurred on the flooring we recommend anti-slip treatments be applied.

Child Safety Window Devices

The Building Code of Australia requires new buildings to have child proof window safety devices installed and legislation will require safety devices to be installed on existing buildings. Generally we do not inspect individual lots and do not comment on those windows. Prudence dictates that safety devices be installed on all windows for both child safety and general security.



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Part 3: Areas inspected and found to be generally satisfactory

From a broad point of view and unless specifically identified elsewhere in this Report the following items were found to be generally satisfactory.

Building structure

From a WH&S perspective and relating to the building structure, no major hazards which may pose a risk to safety were identified.

Housekeeping

The general housekeeping within the property was considered satisfactory, and the property presented neat and tidy.



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Part 4: Safety Action Plan

(Note that the priority of rectification works should be decided by the Owner's Corporation after taking appropriate legal advice)

This Safety Action Report should be read in conjunction with the complete Safety Report.

Likely Control Measure	Who's responsible	Date to commence	Time to complete	Work complete signed off by	Signed off date
1 In the short term directional line markings should be re-applied regularly. In the long term, put controls in place to prevent the recurrence of the hazard.					
2 In the short term ensure regular inspection/ maintenance is carried out in the utility cabinet. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					
3 In the short term if reasonably practicable, the balustrades should be replaced with ones that comply with the current standards. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					



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Part 4: Safety Action Plan

(Note that the priority of rectification works should be decided by the Owner's Corporation after taking appropriate legal advice)

This Safety Action Report should be read in conjunction with the complete Safety Report.

Likely Control Measure	Who's responsible	Date to commence	Time to complete	Work complete signed off by	Signed off date
4 In the short term if reasonably practicable, the balustrades should be replaced with ones that comply with the current standards. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					
5 In the short term have a glazier attend the site to replace any windows with broken glass as soon as possible. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					
6 In the short term if reasonably practicable, the balustrade should be replaced with one that complies with the current standards. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					



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Likely Control Measure	Who's responsible	Date to commence	Time to complete	Work complete signed off by	Signed off date
7 In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					
8 In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, put a regular inspection regime in place to ensure that the hazard does not recur.					
9 In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					



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(Note that the priority of rectification works should be decided by the Owner's Corporation after taking appropriate legal advice)

This Safety Action Report should be read in conjunction with the complete Safety Report.

Likely Control Measure	Who's responsible	Date to commence	Time to complete	Work complete signed off by	Signed off date
10 In the short term install new speed humps in the appropriate critical areas. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					
11 In the short term the low clearance hazard can be either clearly marked, isolated by way of barriers, removed, or protection provided to the likely strike area(s) as one of many possible solutions. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					
12 In the short term, obtain specialist advice on the most appropriate means to deal with the hazard. In the long term, ensure that the subject area or item is properly and regularly maintained and repaired.					