

Exemption from provisions of Health and Safety at Work (Hazardous Substances) Regulations 2017

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Tony Hetherington, Head of High Hazards, Energy and Public Safety at WorkSafe New Zealand, exempt **Rockgas Limited** and **Heartland Fuels & Energy Ltd** from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for reduced separation distance to protected places from the above ground LPG tank (#119136) at 108 Whitford Road, Somerville, Auckland.

I do so having had regard to the prescribed requirements in regulation 11.40 of the HS Regulations; and being satisfied that the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the proposed exemption, and that the exemption is not inconsistent with the purpose of the Act; and subject to the following conditions—

The site plan prepared by BD Group Design Ltd, Caltex Somerville, Hazardous Substance Location & Controlled Zones, Site Layout Plan (HSL & CZ) Drawing N08370-ABE06, revision A, dated 10/2010 (the Drawing) forms part of this decision.

1. The Parties must ensure the intervening wall separating the LPG tank from the neighbouring building:
 - (a) is and remains vapour tight; and
 - (b) has a minimum fire-resistance rating of 180/180/180 minutes.
2. The Parties must ensure that the distance measured in the horizontal plane around each end of the intervening wall, by the direct line to the boundary, is at least 7.45 metres.
3. The Parties must install a functioning firehose reel within 20 metres of the LPG tank within 3 months from the date this exemption takes effect.
4. The Parties must update the Drawing to include the separation distances from public and protected places, within 9 months from the date this exemption takes effect.
5. The Parties must maintain the layout of the site located at 108 Whitford Road, Somerville as shown in the Drawing once updated in accordance with condition 4.
6. The Parties must provide a copy of the letter dated 18 October 2019 to each applicant and this exemption to any compliance certifier engaged to issue a location compliance certificate for the above ground LPG tank.
7. A copy of this exemption must be held at the site and be readily available.

This exemption takes effect on **25 October 2019** and expires on **25 October 2024** unless it is replaced sooner or revoked.

Signed at Wellington this 18th day of October 2019

A handwritten signature in black ink, appearing to read 'Tony Hetherington', with a long horizontal flourish extending to the right.

Tony Hetherington
Head of High Hazards, Energy and Public Safety
WorkSafe New Zealand