

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 SAI Group Limited** from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the 4,325 L above ground LPG tank (Indeng tank, #122008) at Mobil Puhinui, 286 Puhinui Road, Papatoetoe, Auckland.

I do so –

- being satisfied that:
 - a. the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it; and
 - b. the exemption is not inconsistent with the purpose of the Act; and
- subject to the conditions specified on the following page.

This exemption takes effect on **14 December 2018** and expires on **14 December 2023** unless it is replaced sooner or revoked.

Signed at Wellington this 14th day of December 2018



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

Exemption Conditions

The exemption is granted to Rockgas Limited and SAI Group Limited (the Parties) for the 4,325 L above ground LPG tank (Indeng tank, #122008) located at Mobil Puhinui, 286 Puhinui Road, to have reduced separation distance to protected places.

The site plan by ECL Group Ltd drawing titled HSNO DRAWING, revision 1, dated 29/07/2016 forms part of this decision.

The exemption subject to the following conditions:

1. The Parties must maintain the intervening wall that was installed in 2018 between the tank and the workshop so that it continues to meet the requirements set out in Schedule 1, Clause 11(4)(a) of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
2. The Parties must relocate the LPG filling station at 286 Puhinui Road so that it meets the separation distance requirements set out in regulation 11.22 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
3. The Parties must ensure the site plan by ECL Group Ltd drawing titled HSNO DRAWING, revision 1, dated 29/07/2016 is amended to:
 - i. include the intervening wall that was installed in 2018; and
 - ii. include the new location of the LPG filling station; and
 - iii. identify the separation distances to public and protected places required by Regulations 11.21 and 11.22 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
4. The Parties must maintain the layout of the site as shown in ECL Group Ltd drawing titled HSNO DRAWING, revision 1, dated 29/07/2016 and amended as per Condition 1.
5. The Parties must provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate for the LPG tank at Mobil Puhinui, 286 Puhinui Road, Papatoetoe, Auckland.
6. The exemption is revoked if:
 - a. there is a change to the layout of the site as shown in ECL Group Ltd drawing titled HSNO DRAWING, revision 1, dated 29/07/2016 and amended as per Condition 1; or
 - b. there is a change in any of the on-site buildings; or
 - c. any of the conditions are not complied with.