

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, Nicole Rosie, Chief Executive at WorkSafe New Zealand, exempt Tauranga City Council from compliance with regulations 15.16, 15.17 and 15.40(1)(b) and 15.40(2)(i) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 from the requirements to have a cylinder import certificate, a pre-commissioning certificate, and from two prescribed marks for a cylinder that is, as of the date of signing this exemption, part of the built-in fire suppression system for its data centre at 1484 Cameron Road Tauranga housing a computer server.

I do so –

- being satisfied that:
 - a. it's not reasonably practicable for the applicant to comply with regulations 15.16, 15.17, and 15.40(1)(b) and (2)(i) of the Health and Safety at Work (Hazardous Substances) Regulations 2017;
 - b. the proposed conditions are suitable;
 - c. granting the exemption won't result in increased risks to health, safety, or welfare of workers or others; and
 - d. the relevant legislative and regulatory requirements have been satisfied, namely:
 - the requirements of section 220(2) of HSWA are met, subject to conditions to manage the risks to workers and other persons; and
 - the cylinder meets the criteria specified in regulation 15.18 for an exemption from regulations 15.16 and 15.17 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
- subject to the conditions listed in Appendix 1.

This exemption takes effect on **25 September 2019** and expires on **25 September 2024**.

Signed at Wellington this ~~23~~ day of September 2019.

A handwritten signature in black ink, appearing to be 'Nicole Posie', written in a cursive style.

Nicole Posie
Chief Executive
WorkSafe New Zealand

Appendix 1

Exemption Conditions

The application to grant an exemption has been decided as follows:

The exemption is granted to Tauranga City Council by WorkSafe in accordance with section 220 of the Health and Safety at Work Act 2015 to accept a Manchester Tank and Equipment Co cylinder that is part of the built-in fire suppression system for its data centre housing a computer server without a pre-commissioning certificate and an import certificate, and without two prescribed cylinder marks.

The exemption comes into effect on 25 September 2019 and expires on the 25 September 2024.

The exemption is subject to the following conditions:

1. This exemption is limited to the Manchester Tank and Equipment Co. cylinder that is part of the built-in fire suppression system for its data centre located at 1484 Cameron Road Tauranga housing a computer server.
2. By 12 March 2020, Tauranga City Council must ensure that the approval number LAB7719SP following is marked on the Manchester Tank and Equipment Co cylinder that is part of the built-in fire suppression system for its data centre, by an approved test station in accordance with regulation 15.60.
3. Tauranga City Council must ensure the filling pressure marked on the Manchester Tank and Equipment Co. cylinder does not exceed 24 bar.

