

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 **Orsan Enterprises Limited** (the Parties) from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the above ground LPG tank (#121107) at 222 Great South Road, Drury, Auckland.

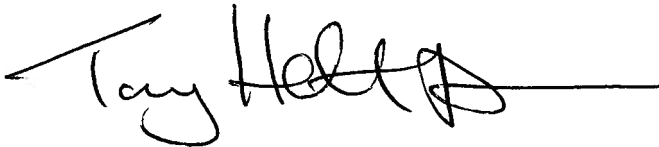
I do so –

- 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
 - c. the applicants are not reasonably able to comply with the regulatory requirements; and
 - d. equivalent health and safety can be assured by the use of intervening walls.
- subject to the following conditions:
 1. The Parties must ensure that the intervening wall, including any extensions to the wall, that separate the LPG tank from the neighbouring properties on the southern and eastern boundaries:
 - (a) is and remains vapour tight; and
 - (b) has a minimum fire-resistance rating of 180/180/180 minutes.
 2. The Parties must extend the intervening wall on the southern boundary within 9 months from the date this exemption takes effect to ensure the distance measured in the horizontal plane from the tank around the end of the intervening wall by the most direct line to the southern boundary is at least 8m.
 3. The Parties must extend the intervening wall on the eastern boundary within 9 months from the date this exemption takes effect to ensure the distance measured in the horizontal plane from the tank around the end of the intervening wall by the most direct line to the eastern boundary is at least 5m.
 4. The Parties must relocate the skip and waste container within 1 week from the date this exemption takes effect to a location not within 6m of the LPG tank.

5. The Parties must maintain the site to ensure no waste or incompatible material is stored within 6 m of the LPG tank.
6. Within 6 months from the date this exemption takes effect, the Parties must update the site plan prepared by ECL Group Ltd, HSNO Drawing , ECL Project No 4081-DI-150602, revision 1, dated 07/2016 (the Drawing) to reflect the changes under conditions 1-4 and to include separation distances from public and protected places.
7. The Parties must maintain the layout of the site located at 222 Great South Road, Drury, Auckland as shown in the amended Drawing.
8. The Parties must provide a copy of this exemption and letter to any compliance certifier engaged to issue a location compliance certificate for the above ground LPG tank.
9. A copy of this exemption must be held at the site and be readily available.

This exemption takes effect on **21 October 2019** and expires on **21 October 2024** unless it is replaced sooner or revoked.

Signed at Wellington this 15th day of October 2019



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