

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 Moga Holdings Limited** from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the above ground LPG tank (#122009) at 489 Pakuranga Road, Pakuranga, Auckland.

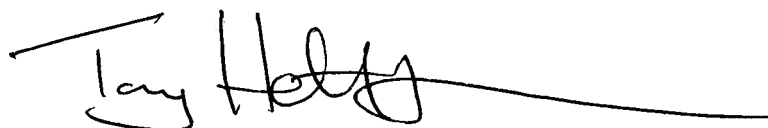
I do so –

- 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 an existing intervening wall.
- subject to the conditions that:
 1. The Parties must maintain the existing intervening wall separating the tank from the service station building.
 2. For the purposes of compliance with condition 1-
 - (a) the intervening wall must be vapour tight; and
 - (b) the intervening wall must have a minimum fire-resistance rating of 180/180/180 minutes; and
 - (c) the distance measured in the horizontal plane around each end by the direct line to a protected place must be at least 7.55 metres.
 3. The quantity of LPG at the LPG filling station on the site must not exceed 100 kg. Any quantities exceeding this threshold must be segregated by a distance of not less than 3 m
 4. The Parties must update the site plan prepared by BD Group Design Limited, Hazardous Atmosphere Zones (HAZ) Site Plan Drawing N09071-E007, revision B, dated 08/2005 (the Drawing) to include separation distances from public and protected places as prescribed in the Health and Safety at Work (Hazardous Substances) Regulation 2017.
 5. The layout of the site must be maintained as shown in the Drawing once updated in accordance with conditions 3 and 4.

6. A copy of this exemption must be provided 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.
8. The parties must comply with the condition to update the Drawing in accordance with condition 4, within 6 months.

This exemption takes effect on **30 September 2019** and expires on **30 September 2024** unless it is replaced sooner or revoked.

Signed at Wellington this 25th day of September 2019

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

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