

WORKSAFE

Mahi Haumaru Aotearoa

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, Darren Handforth at WorkSafe New Zealand, exempt EMULCO Limited from compliance with regulation 11.28(1) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for the kerosene/diesel tank at the site at Charlotte Jane Quay, Port Lyttelton, Christchurch ('the site'). This exemption shall be referenced as SEP2012.

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—

EMULCO Limited must –

- (1) within 12 months of this exemption coming into force, construct an intervening wall so that the distance between the kerosene/diesel tank and the emulsion processing building is at least 6.10 metres when measured in a horizontal plane around the intervening wall; and
- (2) ensure the intervening wall described in (1):
 - a) has a fire resistance rating of at least 240/240/240 minutes; and
 - b) is 0.6 metres higher than the body of the kerosene/diesel tank.
- (3) provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate; and
- (4) hold a copy of this exemption at the site.

This exemption takes effect on 21 May 2021 and expires on 21 May 2026 unless it is replaced sooner or revoked.

Signed at Wellington this 18 day of May 2021



Darren Handforth
Head of High Hazards, Energy, and Public Safety
WorkSafe New Zealand