

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, Tony Hetherington, Head of High Hazards, Energy and Public Safety at WorkSafe New Zealand, exempt Naylor Street Auto Services (1997) Ltd from compliance with regulation 11.22 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for the current site at 101 Naylor Street, Hillcrest, Hamilton ('the site').

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—

Naylor Street Auto Services (1997) Ltd must –

- (1) maintain at minimum separation distance of at least 5.2 metres (the current distance) between the filling station and the retail building; and
- (2) ensure that cylinders of LPG are not stored adjacent to the cylinder filling station; and
- (3) not use the forecourt cylinder filling station to fill LPG cylinders with a capacity of more than 9 kilograms of LPG; and
- (4) ensure that there are no more than two LPG cylinders at the forecourt cylinder filling station; and
- (5) ensure that LPG cylinders with a capacity of 4 kilograms of LPG or greater are filled with the ullage tube closed; and
- (6) provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate for the new flammable liquids store; and
- (7) hold a copy of this exemption at the site.

This exemption takes effect on 25 January 2021 and expires on 25 January 2026 unless it is replaced sooner or revoked.

Signed at Wellington this 18th day of December 2020

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