

## Exemption from provisions of Health and Safety at Work (Hazardous Substances) Regulations 2017

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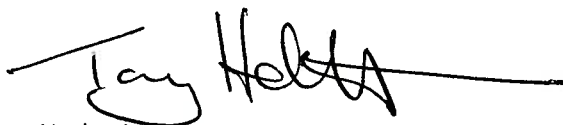
In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Tony Hetherington, Head of High Hazards, Energy and Public Safety at WorkSafe New Zealand, exempt **Genesis Energy Ltd** from compliance with regulations 11.20 and 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the separation distances to protected places of its LPG tank and LPG storage area at 62-66 Clayton Road, Rotorua.

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 risks from the LPG filling operation are managed with the construction of the 240/240/240 fire-rated boundary wall and the reconfiguration of the site.
- subject to the conditions listed in Appendix 1.

This exemption takes effect on **28 February 2019** and expires on **28 February 2024** unless it is replaced sooner or revoked.

Signed at Wellington this 20th day of February 2019



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

## Appendix 1

### Exemption Conditions

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

The exemption is granted to Genesis Energy Ltd by WorkSafe in accordance with section 220 of the Health and Safety at Work Act 2015 for the LPG filling operation (comprising an above ground tank, a filling shed and a cylinder storage area) located at 62-66 Clayton Road, Rotorua and shown in the BTW Company Ltd drawing number 17988.12 6T, sheet 2, revision 12 included with the application, to have reduced separation distance to protected places subject to the following conditions:

1. Genesis Energy Ltd must construct and maintain an intervening wall on the boundary between the LPG filling operation and 74 Clayton Road, Rotorua so that:
  - a. The wall has a fire-resistance rating of 240/240/240 minutes;
  - b. The wall is vapour-tight;
  - c. The wall is 1.8 metres high or 0.6 metres above the top surface of the tank whichever is the highest; and
  - d. The distance measured in the horizontal plane around the end of the intervening wall by the most direct line to 74 Clayton Road must at least meet the relevant requirements of table 2 or 4 in Schedule 12 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
2. Genesis Energy Ltd must update the BTW Company Ltd drawing number 17988.12 6T, sheet 2, revision 12 to include the intervening wall on the boundary and to show separation distances to protected and public places prescribed in the Health and Safety at Work (Hazardous Substances) Regulations 2017.
3. Genesis Energy Ltd must maintain the layout of the site as shown in BTW Company Ltd drawing number 17988.12 6T, sheet 2, revision 12 once it has been updated to reflect the relocation of the 6 tonne tank, the cylinder storage area and the filling shed, the intervening wall on the boundary and the separation distances.
4. Genesis Energy Ltd must maintain a written agreement with the owners or operators of 58 Clayton Road, allowing the separation distances to extend onto that property.
5. Genesis Energy Ltd must limit the quantity of LPG stored at the cylinder storage area to no more than 5,000 kg.
6. Genesis Energy Ltd must locate the cylinder storage area no closer than 3 metres to the 240/240/240 FRR boundary wall.
7. Genesis Energy Ltd must limit the quantity of LPG at the filling shed to no more than 100 kg at any time.
8. Genesis Energy Ltd must locate the LPG filling shed no closer than 6 metres to the 240/240/240 FRR boundary wall (based on regulation 11.22 of the Health and Safety at Work (Hazardous Substances) Regulations 2017).
9. Genesis Energy Ltd must locate the cylinder storage area no closer than 5 metres to the LPG filling shed (based on Table 9.3.3 of AS 1596:2014). The cylinder storage area must be clearly

delineated by permanent markings or equivalent and written operating procedures must ensure this distance is maintained.

10. Genesis Energy Ltd must locate the 6 tonne LPG tank no closer than 10 metres to the 240/240/240 FRR boundary wall (based on Table 4, Schedule 12 of the Health and Safety at Work (Hazardous Substances) Regulations 2017).
11. Genesis Energy Ltd must locate the tank fill point no closer than 10 metres to the 240/240/240 FRR boundary wall (based on Table 4, Schedule 12 of the Health and Safety at Work (Hazardous Substances) Regulations 2017).
12. Genesis Energy Ltd must provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate for the LPG tank or filling station or cylinder storage area at 62-66 Clayton Road, Rotorua.
13. A copy of this exemption document must be held on-site and available to authorised persons.