

## 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 Challenge Matamata Limited and Rockgas Limited from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the 4,876 litre above ground LPG tank #113624 at 118 Broadway, Matamata.

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 removal of the LPG tank nearest 6 Gouk Street will achieve full separation distance to the buildings at 6 Gouk Street; and
  - d. the installation of a 240/240/240 fire-resistance rated wall will mitigate for the reduced separation distance to the neighbouring property at 13 Gouk Street.
- subject to the conditions listed in Appendix 1; and

This exemption takes effect on **13 March 2019** and expires on **13 March 2024** unless it is replaced sooner or revoked.

Signed at Wellington this 8<sup>th</sup> day of March 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 Challenge Matamata Limited and Rockgas Limited (the Parties) by WorkSafe in accordance with section 220 of the Health and Safety at Work Act 2015 for the 4,876 litre above ground LPG tank (Scott tank, #113624) located at 118 Broadway, Matamata and shown in BD Group Design Limited drawing Site Layout Plan Hazardous Atmosphere Zones, number E01, revision A, dated 12/2008 included with the application, to have reduced separation distance to a protected place subject to the following conditions:

1. The Parties must remove the above ground LPG tank that is nearest 6 Gouk Street.
2. The parties must construct and maintain an intervening wall between the above ground LPG tank #113624 and the boundary with 13 Gouk Street so that-
  - a. The wall has a minimum fire-resistance rating of 240/240/240 minutes; and
  - b. The wall is vapour-tight; and
  - c. The wall is more than 1.8 metres high or 0.6 metres above the top surface of the tank; and
  - d. The minimum distance measured in the horizontal plane around each end of the wall by the most direct line from the tank to 13 Gouk Street must be no less than 8.0 m.
3. The parties must update BD Group Design Limited drawing Site Layout Plan Hazardous Atmosphere Zones, number E01, revision A, dated 12/2008 to reflect the removal of the above ground LPG tank that is nearest 6 Gouk Street, the new intervening wall, and to show separation distances to protected and public places prescribed in the Health and Safety at Work (Hazardous Substances) Regulations 2017.
4. The Parties must maintain the layout of the site as shown in BD Group Design Limited drawing Site Layout Plan Hazardous Atmosphere Zones, number E01 (once updated as per above).
5. The Parties must ensure all flammable or combustible liquids are separated from the above ground LPG tank #113624 by at least 6 m.
6. The Parties must ensure any LPG cylinders are separated from the above ground LPG tank #113624 by at least 3 m.
7. The Parties must provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate for the above ground LPG tank #113624 at 118 Broadway, Matamata.
8. A copy of this exemption document must be held on-site and available to authorised persons.

A Location Compliance Certificate cannot be issued under regulation 6.23 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 until Conditions 1 to 8 have been complied with.