

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 Nomore Limited** from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the 7,480 litre above ground LPG tank at Mobil Lake Road, 29 Hall Street, Frankton, Hamilton.

I do so because—

- (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.

Worksafe also note that the risks to the health and safety of workers and others can be managed by the existing vapour barrier and the use of a fire-resistance rated wall that is either the existing service station wall (if the minimum fire-resistance rated wall of 180/180/180 minutes is achieved) or a new and independent wall.

- subject to the conditions listed in Appendix 1.

This exemption takes effect on 22 August 2019 and expires on 22 August 2024 unless it is replaced sooner or revoked.

Signed at Wellington this 20th day of August 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 by WorkSafe in accordance with section 220 of the Health and Safety at Work Act 2015 to Rockgas Limited and Nomore Limited (the Parties) to accept reduced separation to the onsite service station building and the neighbours building on the south-west boundary from the above ground LPG tank (#113800) at Mobil Lake Road, 29 Hall Street, Frankton, Hamilton.

The site plan prepared by ECL Group Ltd, HSNO Drawing, drawing number 050, revision 2, dated 03/2018 forms part of this decision.

The exemption comes into effect 22 August 2019 and expires on 22 August 2024 unless it is replaced sooner or revoked. The exemption is subject to the following conditions:

- (1) The Parties must maintain an intervening wall that separates the above ground LPG tank (#113800) and any connections, associated pipework, and operable fittings in line of sight of the service station building that is EITHER:
 - (a) the existing service station wall facing the tank; OR
 - (b) a new and independent wall; and
- (2) For the purposes of condition 1(a) the existing service station wall must have a minimum fire-resistance rating of 180/180/180 minutes; or
- (3) For the purposes of condition 1(b) a new and independent wall must-
 - (a) have a minimum fire resistance rating of 240/240/240 minutes; and
 - (b) be at least 1.8 metres high and no less than 0.6 metres above the top of the tank; and
- (4) The Parties must maintain the existing vapour barrier so that it is and remains vapour tight; and
- (5) The Parties must ensure the hand valve for the fixed water spray system for the LPG tank can be safely accessed in the event of a nearby fire, and is clearly signposted; and
- (6) The Parties must update the site plan prepared by ECL Group Ltd, HSNO Drawing, drawing number 050, revision 2, dated 03/2018 to include-
 - (a) separation distances from public and protected places as prescribed in the Health and Safety at Work (Hazardous Substances) Regulation 2017; and
 - (b) any new and independent wall that is constructed in accordance with condition 1; and
- (7) The Parties must maintain the layout of the site as shown in the site plan, once updated, in accordance with condition 6; and
- (8) 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; and
- (9) A copy of this exemption document must be held at the site and readily available; and
- (10) The parties must comply within the following timeline from the date this exemption takes effect (being 22 August 2019):
 - (a) where a new and independent wall is constructed in accordance with condition 1, this wall must be constructed within 9 months of the abovementioned date; and
 - (b) the requirement to have the hand valve for the fixed spray system safety located and signposted, in accordance with condition 5, this must be done within 3 months of the abovementioned date; and

- (c) the requirement to update the site plan in accordance with condition 6, must be achieved within 9 months of the abovementioned date.