

Notice of Exemption

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), Rockgas Limited is exempted from compliance with regulation 11.21(3)(a) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for the separation of the LPG tank (tank number 121156; serial number 4309) ('the tank') located at Lot 10 DP477452, (GPS coordinates 45.858107, 170.361873), 180 Duke Road North, Mosgiel ('the site'), to the neighbouring protected place at Lot 3 (DP477452), subject to the following conditions.

Rockgas Limited must –

- (1) no later than 12 months from the date when the exemption takes effect, as specified in the *Gazette* notice (6 September 2024) construct an intervening wall ('the wall') on the northern boundary between the tank and the neighbouring protected place located at Lot 3, 180 Dukes Road North, Mosgiel, 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 at least 0.6 metres above the top surface of the tank; and
 - (d) the wall shall be of sufficient length that the distance measured in the horizontal plane around each end of the wall by the most direct line to the protected place must at least meet the requirements of table 3, column 2 in Schedule 12 of the HS Regulations, giving consideration to the calculation of separation distances of intermediate capacities as specified in regulation 11.38; and
- (2) within 6 months from the date when the exemption takes effect, as specified in the *Gazette* notice, notify WorkSafe in writing that it has obtained the written consent of the landowner of Silverstream Services to the construction of the wall as set out in condition (1);
- (3) within 6 months from the date when the exemption takes effect, as specified in the *Gazette* notice, notify WorkSafe in writing that it has all other necessary resource or building consents to build the wall as set out in condition (1); and
- (4) notify WorkSafe (at hsapplications@worksafe.govt.nz) when the wall required by condition (1) has been constructed; and
- (5) maintain the wall in accordance with the requirements of condition (1) for the duration of this exemption; and
- (6) maintain the following safety measures on the tank:
 - (i) a fusible link to shut down the LPG supply to the vapourisers when it is actuated, and
 - (ii) an excess flow valve or an orifice not greater than 1.4 mm the outlets of the tank; and
 - (iii) a non-return valve on the inlets to the tank, and
- (7) ensure there are annual maintenance inspections on the tank, retain records of those inspections for the duration of this exemption plus two years; and

- (8) within one month of resource consent being granted for the construction of the wall as set out in condition 1, update the site plan of the tank separation distances (location 1768430; series: 0005) to ensure that it accurately reflects the features at the site, including the wall as will be built and the shed where the deluge controls are located; and
- (9) ensure the position at which a tank wagon must park to refill the tank is clearly delineated on the ground; and
- (10) ensure the site plan drawing of the tank separation distances (location: 17684300; series: 0005) shows the parking position of the tank wagon; and
- (11) ensure that agreements and procedures are in place so that Rockgas is able to temporarily close the access road to the tank in each direction by a distance of no less than 8 metres from the parked tank wagon when the tank is being refilled; and
- (12) ensure the road is closed when the tank is being refilled as set out in condition 11; and
- (13) provide a copy of this exemption and the updated site plan required by conditions (8) and (10) to any compliance certifier engaged to issue a location compliance certificate for the site.

The exemption ceases to be valid if:

- (i) any of the conditions are not complied with; or
- (ii) there is any reconfiguration of the building located at Lot 3, 180 Dukes Road North, Mosgiel that would mean the distance from the tank to the reconfigured building is less than the prescribed separation distance of the HS Regulations, giving consideration to condition 1; or
- (iii) any other building or structure is built where the distance from the tank to that building or structure is less than the prescribed separation distance of the HS Regulations.

This exemption takes effect from the date specified in the *Gazette* notice required by section 221 HSWA, which will be 6 September 2023 and expires on 6 September 2028 unless it is replaced sooner or revoked. This exemption has the reference SEP2201.

Signed at Wellington this 31st day of August 2023



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