

## **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 Gull Autoworld 2012 Limited from compliance with regulation 11.22 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) in relation to the separation distance between the LPG cylinder filling station at Gull Paengaroa on the corner of Lemon Road and State Highway 33, Paengaroa ('the site') and the existing neighbouring building on the southern boundary of 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—

- (1) Gull Autoworld 2012 Limited must ensure that no more than 100 kilograms of LPG in cylinders is located at the LPG filling station; and
- (2) Gull Autoworld 2012 Limited must ensure that any LPG cylinders located at the LPG filling station are LPG cylinders that have been filled or are intended to be filled at the LPG filling station; and
- (3) Gull Autoworld 2012 Limited must ensure the cylinder filling point and any cylinders at the filling station are separated from the service station building by not less than 6 metres; and
- (4) Gull Autoworld 2012 Limited must ensure the cylinder filling point and any cylinders stored at the filling station are separated from the neighbouring building beyond the southern boundary by not less than 6 metres; and
- (5) For the purposes of condition (4) the separation distance may be measured in the horizontal plane around the end of the intervening wall; and

- (6) The separation distance in the condition (5) must not be calculated across the boundary with the neighbour unless there is an agreement in place with the neighbour in accordance with regulation 9 of the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
- (7) For the purpose of condition (5) the intervening wall must—
  - (a) have a minimum fire resistance rating of 180/180/180 minutes; and
  - (b) be vapour tight; and
  - (c) be higher than 0.6 metres above the point of connection to any cylinder that is filled; and
- (8) Gull Autoworld 2012 Limited must update the site plan prepared by GINZ Limited, Gull Paengaroa, drawing number 1.01 LP, dated 6/2018 to reflect site changes that may result from compliance with these conditions (if any); and
- (9) Gull Autoworld 2012 Limited must ensure that there are no flammable or combustible materials within 5 metres of the cylinder filling point; and
- (10) Gull Autoworld 2012 Limited must provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate at Gull Paengaroa; and
- (11) A copy of this exemption must be held at the site; and
- (12) Gull Autoworld 2012 Limited must maintain the site layout in accordance with the site plan GINZ Limited, Gull Paengaroa, drawing number 1.01 LP, dated 6/2018 once updated in accordance with condition (8) (as required); and
- (13) The four cylinders of LPG supplying the LPG filling station must have isolating valves installed as close as practical to the cylinder outlets and the isolating valves must be readily accessible, including readily accessible in the event of an emergency.

This exemption takes effect on 14 August 2020 and expires on 14 August 2025 unless it is replaced sooner or revoked.

Signed at Wellington this 12..... day of August 20.....



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