

## 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 **Rockgas Limited and JR Fuels Limited** from compliance with regulations 11.21 and 11.22 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the 7,350 L above ground LPG tank and LPG filling station at Rockgas Thames, 208 Pollen Street, Thames.

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. by maintaining the existing intervening walls and by improving the ventilation of the existing LPG filling shed or building a new shed which meets the requirements of the Health and Safety at Work (Hazardous Substances) Regulations 2017 this exemption will not result in lesser health and safety outcomes.
  
- subject to the conditions listed in Appendix 1.

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

Signed at Wellington this 18 day of July 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 JR Fuels Limited (the Parties) to accept reduced separation to the on-site service station building from the above ground LPG tank (#118789) and LPG filling station at Rockgas Thames, 208 Pollen Street, Thames.

The site plan prepared by BD Design Group Ltd, Hazardous Substance Location and Controlled Zone Site Plan (HSL & CZ), drawing number N06971-E006, Rev B, dated 12/2005 (the Drawing) forms part of this decision.

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

1. The LPG tank, Starshop and workshop are located in accordance with the Drawing.
2. The Parties must ensure all walls of the service station buildings located within 9.6 metres from the LPG tank measured in a direct line are—
  - (a) maintained as constructed; and
  - (b) vapour tight.
3. The Parties may operate a cylinder filling station that is EITHER—
  - (a) a new filling station that complies with the Health and Safety at Work (Hazardous Substances) Regulations 2017; OR
  - (b) the existing filling station in accordance with conditions 4, 5 and 6 which has the fill point located against the northern wall of the workshop building.
4. For the purposes of condition 3(b) the Parties must ensure the cylinder filling station—
  - (a) is separated from any protected place within 6 metres of the fill point in accordance with condition 5; and
  - (b) is adequately ventilated in accordance with condition 6; and
  - (c) has no more than 100 kg of LPG in cylinders located within 5 metres of the footprint of the shed.
5. For the purposes of condition 4(a) the Parties must ensure the walls within 6 m of the fill point are—
  - (a) maintained as constructed; and
  - (b) vapour tight.
6. For the purposes of condition 4(b) the Parties must modify the existing northern wall of the filling shed so that it is fully open except for any elements necessary to ensure the integrity of the structure.
7. The Parties must install a fire hose that—
  - (a) has an internal diameter of at least 19 mm; and
  - (b) is able to deliver water to any area external to the service station buildings that is within 6 metres of the cylinder filling point and the tank and to all surfaces of the tank and fittings; and
  - (c) can be safely accessed.
8. The Parties must ensure that, unless there is an intervening wall, the tank, the fittings and filling station are separated from any combustible materials by a distance of at least 6 metres.

9. The Parties must update the Drawing to include—
  - (a) the 9kg bottle swap cage; and
  - (b) any changes to the site layout required to meet these conditions; and
  - (c) separation distances from public and protected places as prescribed in the Health and Safety at Work (Hazardous Substances) Regulation 2017.
10. The Parties must maintain the site layout as shown in the Drawing once updated in accordance with these conditions.
11. The Parties must provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate for the LPG facilities at 208 Pollen Street, Thames.
12. A copy of this exemption must be held at the site.
13. The Parties must comply with the following timelines from the date this exemption takes effect—
  - (a) where there is a requirement to modify the northern wall of the filling shed under condition 6, within 6 months; and
  - (b) where there is a requirement to install a fire hose under condition 7, within 6 months; and
  - (c) for the requirement to update the Drawing under condition 9, within 9 months.