

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 Rahui Pokeka Limited** from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the 5,000 litre above ground LPG tank (#113622) located at Mobil Huntly, 326 Great South Road, Huntly.

The site plan prepared by ECL Group Ltd, As Built – HSNO Drawing, revision 1, dated 09/2016 forms part of this decision.

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.

In granting this exemption, WorkSafe notes that:

- (a) the tank previously complied with Dangerous Goods Act 1974; and
 - (b) the risk due to the reduced separation can be managed with the existing intervening walls provided the footprint of the rear section of the service station is restored to the configuration at the time the LPG tank was installed.
- subject to the conditions listed in Appendix 1.

This exemption takes effect on 30 August 2019 and expires on 30 August 2024 unless it is replaced sooner or revoked.

Signed at Wellington this 28th 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 New Zealand in accordance with section 220 of the Health and Safety at Work Act 2015 to Rockgas Limited and Rahui Pokeka Limited (the Parties) to accept reduced separation to the onsite service station building from the 5,000 litre above ground LPG tank (the tank) (#113622).

The exemption comes into effect 30 August 2019 and expires on 30 August 2024 unless it is replaced sooner or revoked. The exemption is subject to the following conditions:

- (1) The Parties must maintain the existing intervening walls between the tank and the service station which are-
 - (a) the eastern and northern walls of the former CNG compressor compound; and
 - (b) the wall that was constructed to separate the original LPG filling station and the tank from the service station when the tank was installed; and
- (2) For the purposes of condition 1, the Parties must-
 - (a) verify the walls have a minimum fire-resistance rating of 180/180/180 minutes and provide WorkSafe a copy of the verification; and
 - (b) ensure the walls are vapour tight; and
- (3) For the purposes of condition 2(b) the Parties must remove the gas pipe that passes through the northern wall of the former CNG compound and make the wall vapour tight; and
- (4) The Parties must maintain the former CNG compressor compound as an open yard; and
- (5) The Parties must remove the roof between the service station and the intervening wall, described in condition 1(b), and maintain the area as an open yard; and
- (6) The Parties must remove any sheds that are closer than 8.0 metres from the tank; and
- (7) The Parties must ensure there are no combustible materials, including wooden fencing, in any area that is within 6.0 metres from the tank, and that is not behind an intervening wall; and
- (8) The Parties must update the site plan prepared by ECL Group Ltd, As Built – HSNO Drawing, revision 1, dated 09/2016 to include-
 - (a) building changes required by these conditions; and
 - (b) separation distances from public and protected places as prescribed in the Health and Safety at Work (Hazardous Substances) Regulation 2017; and
 - (c) an accurate north arrow; and
- (9) The Parties must maintain the layout of the site as shown in the site plan once updated in accordance with condition 9; and
- (10) 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
- (11) A copy of this exemption must be held at the site; and
- (12) The Parties must comply within the following timeframes from the date this exemption takes effect (being 30 August 2019) -
 - (a) where verification of the fire-resistance rating of the intervening walls is to be supplied to WorkSafe in accordance with condition 2(a); within 3 months of the abovementioned date; and

- (b) where the gas pipe is to be removed and the existing wall to be made vapour tight, in accordance with condition 3, this must be completed within 3 months of the abovementioned date; and
- (c) for the requirement to remove the roof in accordance with condition 5, this must be complied with within 3 months of the abovementioned date; and
- (d) for the requirement to remove any sheds in accordance with condition 6, this must be complied with within 1 month of the abovementioned date; and
- (e) for the requirement to ensure there are no combustible materials are near the tank, in accordance with condition 7, these must be removed within 1 month of the abovementioned date; and
- (f) for the requirement to update the site plan, in accordance with condition 8, this must be met within 9 months of the abovementioned date.