

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, exempts **Rockgas Limited and Jas & Jas Enterprises Limited** from compliance with regulation 11.21 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the 7,500 litre above ground LPG tank at the Caltex Chartwell service station located at 145 Comries Road, Chartwell, Hamilton.

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
- subject to the conditions specified on the following page.

This exemption takes effect on **10 December 2018** and expires on **10 December 2023** unless it is replaced sooner or revoked.

Signed at Wellington this 10th day of December 2018



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

Exemption Conditions

The exemption is granted to Rockgas Limited and Jas & Jas Enterprises Limited (the Parties) for the 7,500 L above ground LPG tank located at Caltex Chartwell, 145 Comries Road, Chartwell, Hamilton to have reduced separation distance to protected places.

The site plan by BD Group Design Ltd drawing number N05371-E006, revision B dated 6/2005 forms part of this decision.

The exemption is subject to the following conditions:

1. The Parties must maintain the concrete block wall as shown in BD Group Design Ltd drawing number N05371-E006, revision B dated 6/2005, which is part of the service station and workshop building, at a fire resistance rating of at least 180/180/180.
2. The Parties must permanently mark and maintain an exclusion zone on the ground extending from the screen wall against the roads at least 6.0 metres (the separation distance to public places) from the LPG tank and ensure that there are no ignition sources, no combustible materials and no staff work areas within this exclusion zone. A sign stating that these items are excluded must be displayed within the zone. The sign must meet the requirements of regulation 2.5(2)(c) of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
3. The Parties must maintain the layout of the site as shown in BD Group Design Ltd drawing number N05371-E006, revision B dated 6/2005.
4. The Parties must put in place a written agreement that must include IMLM Limited and that sets out requirements for how the parties will consult, co-operate and co-ordinate activities in accordance with their obligations under section 34 of the Health and Safety at Work Act 2015. A copy of the signed agreement must be provided to WorkSafe no later than 20 working days from the date of this decision.
5. The Parties must provide a copy of this exemption and the written agreement under condition 4 to any compliance certifier engaged to issue a location compliance certificate for the LPG tank at Caltex Chartwell, 145 Comries Road, Chartwell, Hamilton.
6. The exemption is revoked if:
 - a. there is a change to the layout of the site as shown in BD Group Design Ltd drawing number N05371-E006, revision B dated 6/2005; or
 - b. there is a change in use of any of the on-site buildings; or
 - c. any of the conditions are not complied with.