

Application for a determination on a reduction in separation from packages of class 6 or 8 substances

This form must be used to apply for a determination under regulation 13.43A of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations). The determination relates to the reduction of the separation distances prescribed in regulations 13.41 and 13.43 of the Regulations between an onsite protected place and a hazardous substance location holding packages (see note 1) of class 6 and/or 8 substances.

If a class 6 substance also has a class 2 or 3 classification, the applicable separation distances are those for the class 2 or 3 classification not the class 6.

If the substances are held in stationary tanks, then a determination from WorkSafe to reduce the separation distance is not required. The separation distances for tanks of class 6 and 8 substances are outlined in Part 17 of the Regulations (see note 2).

When completed, send this form and the required supporting information to:

Email: hsapplications@worksafe.govt.nz

Post: Hazardous Industries (Certifications) Team, WorkSafe New Zealand, PO Box 165, Wellington 6140

1. Applicant details

Full legal name:

Trade name:

New Zealand Business Number (NZBN):

Physical address: (include postcode)

Postal address: (if different from physical address)

Contact person details

Contact name:

Work phone:

Mobile phone:

Email:

2. Required information

Summary information

Provide a summary of the matter for which a reduced separation is sought including:

- the relevant hazardous substances
- protected places in the vicinity of the hazardous substance location where the substance are being stored, and
- the control measures that manage the risk associated with the reduced separation distance.

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Matters to be addressed

For WorkSafe to complete an assessment of your application, the information requested in the table below must be provided. This must be provided in the form of supporting documents containing the relevant information.

The documents referenced may be the compliance certifier's report (see section 2.3.) or any document that clearly illustrates the relevant information. All referenced documents must be provided with a completed copy of this application form. Where possible, references should be made to the specific section of the document where the information is contained.

MATTER	DOCUMENT REFERENCE
	<p>State where and in what document the information can be found (for example, Appendix A, page 1, paragraph 1 of document 1)</p>
An inventory of the hazardous substances stored at the site	
Safety data sheets for each of the specific substances stored at the hazardous substance location that are relevant to the separation distance	
The hazards and risk associated with the class 6 and 8 substance(s) at the hazardous substance location	
Regarding workers operating at the hazardous substance location or adjacent areas (see note 7): <ul style="list-style-type: none"> - How many workers there are 	
<ul style="list-style-type: none"> - The work activities that are carried out and how often the workers are there in a typical day 	
<ul style="list-style-type: none"> - The usual location relative to the hazardous substance location of the work activities 	
<ul style="list-style-type: none"> - What training the workers have received and their knowledge of hazardous substances (required by regulation 4.5) 	
The controls that mitigate the risks associated with the proposed reduced separation (for example, intervening walls) and their proposed effectiveness (see note 5)	
The presence of any fire protection measures or firefighting controls at the hazardous substance location or adjacent areas	
The presence of any other emergency equipment or facilities at the hazardous substance location or adjacent areas (for example, measures that would help contain a spill or allow workers to safely exit the workplace)	
A detailed site plan that shows the hazardous substance location, protected places, separation distances etc	

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Compliance certifier's report

A report from an authorised compliance certifier (see note 6) must be provided. The scope of this report is detailed in regulation 13.43A(3) (c) of the Regulations.

Compliance certifier's name:

TST number: (see note 8)

3. Summary of supporting documents

List and identify all of the supporting documents that have been supplied with this application:

4. Declaration

I certify that:

- I have the authority to make this application.
- To the best of my knowledge, all the information that has been provided with this application is accurate.
- I have read and understand WorkSafe's [Privacy statement and policy](#)

Signature:

Print name:

Capacity in which signed:

Date: DD / MM / YEAR

5. Notes

1. Packaging means one or more containers in which a substance may be encased, covered, enclosed, contained or packed, and any other components or materials necessary for the containers to perform their containment and other safety functions.
For the purposes of regulation 13.43A this includes small containers, drums, and IBCs but does not include stationary containers.
2. If substances are held in stationary containers, the separation distances set in regulation 17.28 and 17.29 may also be reduced to onsite protected places subject to appropriate risk assessment and control as provided in the AS/NZS standards *AS/NZS 4452:1997 The storage and handling of toxic substances* and *AS 3780: 2008 The storage and handling of corrosive substances*.
3. A hazardous substance location (HSL), in relation to a class 6 or 8 substance, means an area where a quantity of the substance exceeds the relevant quantity specified in regulation 13.38 is located for more than 24 hours (or 2 hours if the substance is subject to tracking provisions). An HSL does not include a vehicle, a ship, or an aircraft while it remains under the direct control of its driver, master, or pilot and under the jurisdiction of the Land Transport Rules, the Maritime Rules, or the Civil Aviation Rules (as the case may be); or a transit depot.
4. A protected place is defined in the HS Regulations as:
[A protected place]
 - a. includes:
 - i. a dwelling, residential building, place of worship, public building, school or college, hospital, child care facility, or theatre, or any building or open area in which persons are accustomed to assemble in large numbers, whether within or outside the property boundary of a place where a hazardous substance location is situated:
 - ii. any factory, workshop, office, store, warehouse, shop, or building where persons are regularly employed, whether within or outside the property boundary of a place where a hazardous substance location is situated:
 - iii. a ship lying at permanent berthing facilities:
 - iv. a public railway; but
 - b. does not include a small office or other small building associated with a place where storage, handling, use, manufacture, or disposal of a class 2, 3, 4, 5, 6, or 8 substance is a major function.
5. It is the responsibility of the applicant to propose and identify the actions (control measures) that mitigate the risks associated with the reduced separation. These alternative control measures cannot be matters that you are already required to comply with under the HS Regulations.
6. A compliance certifier who is engaged as part of this process must be authorised by WorkSafe to certify locations containing class 6 and 8 substances. The report they supply must have regard to their view on the following matters:
 - the location and operation of the protected place
 - the appropriateness of the proposed alternative controls
 - the extent to which minimum separation distances may be reduced.
7. Any matter that relates to certification or qualifications (such as workers training) must be supported by evidence.
8. The TST number is the WorkSafe authorisation number for the compliance certifier. You can ask the certifier for this number, or you can find it from the public register of authorised compliance certifiers: [worksafe.govt.nz](https://www.worksafe.govt.nz)