

Notice of Exemption

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), Rockgas Limited is exempted from compliance with regulation 11.21(3)(a) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for the separation of the LPG tank (tank number 121156; serial number 4309) ('the tank') located at Lot 10 DP477452, (GPS coordinates 45.858107, 170.361873), 180 Duke Road North, Mosgiel ('the site'), to the neighbouring protected place at Lot 3 (DP477452), subject to the following conditions.

Rockgas Limited must –

- (1) no later than 12 months from the date when the exemption takes effect, construct an intervening wall ('the wall') on the northern boundary between the tank and the neighbouring protected place located at Lot 3, 180 Dukes Road North, Mosgiel, so that:
 - (a) the wall has a minimum fire resistance rating of 240/240/240 minutes; and
 - (b) the wall is vapour tight; and
 - (c) the wall is at least 0.6 metres above the top surface of the tank; and
 - (d) the wall shall be of sufficient length that the distance measured in the horizontal plane around each end of the wall by the most direct line to the protected place must at least meet the requirements of table 3, column 2 in Schedule 12 of the HS Regulations, giving consideration to the calculation of separation distances of intermediate capacities as specified in regulation 11.38; and
- (2) within one month of its issuance, notify WorkSafe (at hsapplications@worksafe.govt.nz) that the building consent for the wall required by condition (1) has been issued; and
- (3) as soon as practicable, notify WorkSafe when the wall required by condition (1) has been constructed; and
- (4) maintain the wall in accordance with the requirements of condition (1) for the duration of this exemption; and
- (5) maintain the following safety measures on the tank:
 - (i) a fusible link to shut down the LPG supply to the vapourisers when it is actuated, and
 - (ii) an excess flow valve or an orifice not greater than 1.4 mm on the outlets of the tank; and
 - (iii) a non-return valve on the inlets to the tank, and
- (6) ensure there are annual maintenance inspections on the tank, and retain records of those inspections for the duration of this exemption plus two years; and
- (7) within one month of the wall required by condition (1) having been constructed, update the site plan of the tank separation distances (location 17684300; series: 0850) to ensure that it accurately reflects the features at the site, including the wall as built and the shed where the deluge controls are located; and
- (8) maintain the ground markings which clearly delineate the position at which a tank wagon must park to refill the tank; and

- (9) ensure the site plan drawing of the tank separation distances (location: 17684300; series: 0850) shows the parking position of the tank wagon when the tank is being refilled; and
- (10) ensure that agreements and procedures are in place so that Rockgas is able to temporarily close the access road to the tank in each direction by a distance of no less than 8 metres from the parked tank wagon when the tank is being refilled; and
- (11) ensure the road is closed when the tank is being refilled as set out in condition (10); and
- (12) ensure that every driver of a tank wagon refilling the tank has received information and training to enable the driver to park in the delineated area required by condition (8) and to temporarily close the access road in accordance with condition (11); and
- (13) provide a copy of this exemption and the updated site plan required by conditions (7) and (9) to any compliance certifier engaged to issue a location compliance certificate for the site.

The exemption ceases to be valid if:

- (i) there is any reconfiguration of the building located at Lot 3, 180 Dukes Road North, Mosgiel that would mean the distance from the tank to the reconfigured building is less than the prescribed separation distance of the HS Regulations, giving consideration to condition (1); or
- (ii) any other building or structure is built where the distance from the tank to that building or structure is less than the prescribed separation distance of the HS Regulations.

This exemption takes effect from the date specified in the *Gazette* notice required by section 221 HSWA, which will be 7 March 2025 and expires on 7 March 2030 unless it is replaced sooner or revoked. This exemption has the reference SEP2402.

Signed at Wellington this 4th day of March 2025



Kate Morrison
Head of Authorisations and Advisory
WorkSafe New Zealand