

Application for exemption from Part 11 requirements for separation distance and/or building type

Under Regulation 11.40 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 and section 220 of the Health and Safety at Work Act 2015

If there is insufficient information provided for WorkSafe New Zealand to fully assess the application, it will be returned to the applicant

Section 6 of this application form is to be completed and signed by the compliance certifier

Email: hsapplications@worksafe.govt.nz **Post:** Hazardous Substances Team, WorkSafe New Zealand, PO Box 165, Wellington 6140

1. Applicant details

Full legal name:

Trading name: (if different from above)

New Zealand Business Number (NZBN):

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Mobile phone:

Email:

Applicant's postal address:

Contact person

Name:

Work phone:

Mobile phone:

Email:

Applicant's postal address:

Other parties to this application (use another page if more than one)

All PCBUs directly responsible for managing the risk

Full legal name:

Trading name: (if different from above)

New Zealand Business Number (NZBN):

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Contact person

Name:

Work phone:

2. Application costs and invoicing details

A fee as set out in Schedule 2 of the Hazardous Substances Regulations will be charged. You will be emailed an invoice for payment on receipt of your application. Payments should be made by internet banking into our Westpac Account Number 03 0251 0040445 00 following receipt of an invoice from WorkSafe. Overseas applicants are required to pay all associated bank fees.

Please provide the company name and address for invoicing:

Please provide the company email address for invoicing:

3. Authorisation

I state that:

- I have the authority to make this application
- To the best of my knowledge, this application is complete, accurate and correct

Signature:

Print name:

Capacity in which signed:

Date: DD / MM / YEAR

Application for exemption from Part 11 requirements for separation distance and/or building type

4. The application

Before WorkSafe can grant an exemption under Section 220 of the Health and Safety at Work Act 2015, we need to be satisfied that the:

- extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it, and
- exemption is not inconsistent with the purpose of the Health and Safety at Work Act 2015.

Site for which the application applies

Physical address:

Description of the hazardous substances, location and the activities of the site:

Compliant site plan must be provided (Regulation 3(3))

What regulation(s) are you seeking an exemption from?
(state the specific regulation from which an exemption is sought)

Assessment of the options

Detail all options that have been considered which would enable compliance with the Hazardous Substances Regulations. Explain why other options have been discounted: (use more pages if necessary)

Assessment against S220 of HSWA

Why is it not reasonably practicable to comply with the regulation(s) above?

Assessment of risks

What are the risks from being exempt and how will you mitigate the risks? (check the exemption is not inconsistent with ensuring the health and safety of workers and others - do not detail regulatory requirements)

Application for exemption from Part 11 requirements for separation distance and/or building type

Provide details of the measured separation distances from the hazardous substance location to site boundaries and adjacent facilities: (please also mark on a scaled site plan)

Provide details of staff numbers and their training at the hazardous substance location and staff numbers in adjacent on-site facilities:

Provide details of the other mitigating features: (eg ventilation and vapour monitoring)

5. Supporting details

Matters under Regulation 11.40

In considering whether to grant an exemption under Section 220 of the Health and Safe at Work Act, WorkSafe must have regard to the following matters.

- a. The quantities/container sizes and location of the flammable substances relevant to this application and other hazardous substances located at the site: (please attach inventory)

Do you have any agreements with neighbours: (as per Regulation 9)

Yes (provide a copy) No Not applicable

Provide a list of all on-site protected places including offices and details of emergency egress:

Inventory attached (Regulation 3.1)

Application for exemption from Part 11 requirements for separation distance and/or building type

b. The type, capacity and location of any fire fighting facilities at the location and adjoining on-site facilities: (please attach a copy of any current certification for sprinkler systems)

d. If this application applies to above-ground stationary tank(s), details of the design and construction of the tank(s), including fire-resistance rating if applicable:

c. The fire-resistance rating (FRR) of the structures that contain or are adjacent to the flammable substances relevant to this application: (walls, floor, roof, ceiling, windows and doors with evidence of FRR, extent and height of intervening walls, parapets)

e. List supporting attachments: (should include site plans, drawings, fire engineers reports, other certificates, reports, photos, agreements with neighbours, previous DG approvals etc)

● If your application for an exemption involves a variation to the building type specified in the regulations, you must obtain advice from Fire and Emergency New Zealand (FENZ).

You must submit your draft application with supporting information to FENZ, so that when your application is received by WorkSafe, it includes the FENZ advice.

Application for exemption from Part 11 requirements for separation distance and/or building type

6. Compliance certifier details

Compliance certifier name:

Approval number:

Inspection date: DD / MM / YEAR

Compliance certifier report

(including comments on why the site is not compliant with Health and Safety at Work (Hazardous Substances) Regulations 2017 and adequacy of mitigation to be provided to ensure health and safety of workers and other persons)

Signature of compliance certifier:

Date: DD / MM / YEAR