

Guidance for compliance certifiers when assessing existing LPG installations for location compliance certification

WorkSafe New Zealand has been advised that a large number of existing LPG installations, which are coming up for renewal of their location compliance certificates, may not meet the regulatory requirements relating to separation distances.

Existing LPG installations

For the purpose of this guidance, 'existing LPG installations' means:

- LPG cylinders and above ground tanks installed prior to 1 April 2004, which were constructed with an intervening wall, **and/or**
- LPG above ground tanks that were commissioned prior to 2 September 2010 with or without an intervening wall.

Existing LPG installations that were compliant with the legislation prevailing at the time they were installed may not comply with the current regulatory requirements for separation distances under the Health and Safety at Work (Hazardous Substances) Regulations 2017 (HS Regulations).

While a longer-term solution is being developed, compliance certifiers may wish to consider whether conditional location compliance certificates would be appropriate in particular cases. This option is available if the compliance certifier is satisfied that a failure to meet a relevant requirement is minor. See regulations 6.23(3)(b) and 6.24 of the HS Regulations for more detail on this discretion.

This document provides guidance to compliance certifiers when considering a conditional location compliance certificate as an option for existing LPG installations.

1. LPG cylinders and above ground tanks that were installed prior to 1 April 2004 with an intervening wall

There are transitional provisions in clause 11 of Schedule 1 of the HS Regulations. These provisions enable existing LPG installations to continue to operate as long as they previously complied with clause 35 of Schedule 10 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.

Under the transitional provisions of the HS Regulations the intervening wall requires a fire-resistance rating (FRR) of 240/240/240 to enable a reduced separation to a protected place. It now appears that walls installed prior to 1 April 2004 were typically not constructed to this 240/240/240 FRR requirement.

A compliance certifier considering a conditional location compliance certificate for existing LPG installations that do not have a 240/240/240 FRR intervening wall, must ensure that:

- a. The separation distance to any protected place is **at least 50%** of the prescribed separation distance in table 2 (cylinders) or table 3 (above ground tanks) of Schedule 12 of the HS Regulations, **and**
- b. The separation distance, when measured by the shortest path about the ends of the wall, complies with the prescribed separation distances in table 2 (cylinders) or table 3 (above ground tanks) of Schedule 12 of the HS Regulations, **and**
- c. Either:
 - i. The intervening wall:
 1. Is at least 140 mm thick, free standing, and constructed of reinforced concrete or solid-filled, reinforced concrete block (**Note:** concrete columns with unreinforced panels in between are not suitable), **or**
 2. Is a concrete or concrete block wall that is part of the structure of an on-site protected place, which complied with the requirements of the building code when the LPG installation was commissioned, **or**
 - ii. There is written evidence of an approval for the LPG installation from a local authority or Department of Labour inspector, **and**
- d. All other prescribed requirements for location compliance certification of Regulation 10.34 are met.

2. LPG above ground tanks that were commissioned prior to 2 September 2010 with or without an intervening wall

The Environmental Protection Authority's 2010 reassessment of LPG increased the separation distances to both public and protected places for tanks between 1,000 and 20,000 litres water capacity. These distances were incorporated into Table 4 of Schedule 12 of the HS Regulations. Some LPG above ground tanks installed prior to 2 September 2010 may not meet the separation distances of Table 4.

Compliance certifiers considering conditional location compliance certificates for existing LPG installations must ensure that:

- a. The separation distance is **at least equal to** the prescribed separation distances in Table 3 of Schedule 12 of the HS Regulations (the separation distance that applied at the time of installation), **and**
- b. Any intervening wall (for separation to a protected place) complies with the specifications described in section 1, paragraph (c) above, **and**
- c. All other prescribed requirements for location compliance certification of Regulation 10.34 are met.

This is guidance only. Compliance certifiers may, of course, refuse to issue a location compliance certificate, and in that case, must notify WorkSafe of details of the non-compliances at the site.