

Submission from the LPG Association

	Clause	Issue	Proposed amendment	LPG Association comments
8	15.71 (2) (f)	Cylinder location requirements for supply of LPG	Correct wording "not located with 1 metre" to "not located within 1 metre".	Support
10	Sch. 25,	table 2 Separation distances for above ground stationary tanks containing class 2.1.1 liquefied gases	Correct unit reference in heading of column 1 from "Water capacity (L) of tank A" to "Water Capacity (000 L) of tank A".	Support
22	Sch. 1, cl 11	Separation of class 2.1.1 liquefiable gas cylinders and above ground tanks from protected and public places (where tanks were installed and approved prior to 2004).	<p>Add to cl. 11 (1) "installed and approved before 1 April 2004" following "cylinders or above ground tanks"</p> <p><input type="checkbox"/> Change cl. 11 (2) (a) reference from "subpart 1 or 2 of Part 11" to "tables 2 or 3 of Schedule 12" to make reference more direct</p> <p><input type="checkbox"/> Change cl. 11 (4) (a) (ii) from "the wall that does not comply with subparagraph (i)" to "the wall that is not included in subparagraph (i)"</p>	<p>We support the intended move to reduce referring back to the Transfer Notice No. 35. The early introduction of this regulation change is crucial for the ongoing legal operation of those installations affected by this change.</p> <p>The Transfer Notice No. 35 (1) intent to provide approval in accordance with section 9 of the Dangerous Goods Act 1974 for cylinders or above ground tanks in use immediately before the date of commencement is supported however the Transfer notice 35 may prove to be inconsistent with the Dangerous Goods Act and the proposed and support amendment, i.e.</p> <p>The wording referenced in cl 35 of the 2004 Transfer Notice suggests a prescribed "licence" document is issued in addition to approval. We believe the Dangerous Goods Act identifies the clear intent for approval without a prescribed license form, i.e. "Section 9. Licensing of premises for storage of dangerous goods, (1) A local licensing authority may, on application <u>in such' form as it may require</u> and after receiving any prescribed fees, grant licences for the storage of dangerous goods within the district of that local licensing authority.", and this should be reflected in the regulations.</p> <p>cl 35 (2)(a)(i) of the 2004 Transfer Notice cannot be applied as a requirement to the proposed new subclause (for "fire resistance rating of at least 180/180/180 minutes, or is at least 140 mm thick and constructed of reinforced concrete or solid-filled reinforced concrete block."</p>

23	Sch. 1, cl 11	<p>Separation of class 2.1.1 liquefiable gas cylinders and above ground tanks from protected and public places (where tanks were installed and approved prior to 2004).</p>	<p>Add a new subclause allowing certain intervening walls for liquefiable gas cylinders and tanks installed and approved prior to 2004 to be recognised in calculating separation distances.</p> <p>To recognise this, we propose adding a subclause to cl. 11 allowing liquefiable gas cylinders and above ground tanks installed and approved prior to 2004 to be compliant with separation requirements from protected places where:</p> <ul style="list-style-type: none"> <input type="checkbox"/> There is a intervening wall that was installed prior to 2004 which has a fire resistance rating of at least 180/180/180 minutes, or is at least 140 mm thick and constructed of reinforced concrete or solid-filled reinforced concrete block; and <input type="checkbox"/> There is a separation distance measured around that intervening wall between the tank and the protected place of at least that prescribed by tables 2 or 3 of Schedule 12 of the HSW (Hazardous Substances) Regulations 2017; and <input type="checkbox"/> There is a direct separation distance between the tank and the protected place of at least 50% of that prescribed by tables 2 or 3 of Schedule 12 of the HSW (Hazardous Substances) Regulations 2017. 	<p>Support and again the early introduction of this regulation change is crucial for the ongoing legal operation of those installations affected by this change</p> <p>We recommend removing reference to 240/240/240 as a minimum from the criteria in proposed change to Schedule 1 subclause cl 11 (4) for intervening walls. i.e.;</p> <p>cl. 11 (4) (a)</p> <p>(i) There is a intervening wall that was installed prior to 2004 which has a fire resistance rating of at least 180/180/180 minutes, or is at least 140 mm thick and constructed of reinforced concrete or solid-filled reinforced concrete block, at least that length of the wall that separates the cylinder or tank in a line of sight from the area being protected; and</p> <p>'(ii) for the length of the wall that is not included in subparagraph (i), be constructed of fire-resistant materials as a minimum standard; and</p> <p>(iii) be vapour-tight; and</p> <p>(iv) be more than 1.8 metres high or 0.6 metres above the top surface of the tank; and</p> <p>(v) There is a separation distance measured around that intervening wall between the tank and the protected place of at least that prescribed by tables 2 or 3 of Schedule 12 of the HSW (Hazardous Substances) Regulations 2017.</p> <p>"</p> <p>This would provide a common approach as well as allow for separation distances to be measured around not only the rated wall but also a vapour tight fire-resistant wall.</p> <p>We also propose adding words to clarify that a building wall can be considered as an intervening wall, to match the DG Regulations 1980 definition of screen wall: "Screen wall" means a wall or other barrier of such substance and so, constructed or placed as to be efficient for the purpose of preventing the spread of fire from anyone place to another or to divert flammable vapours; and includes the wall of a protected work if the wall is adequate for that purpose</p> <p>(d) an intervening wall includes the wall of a protected place.</p>
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24	Sch. 1	Separation of class 2.1.1 liquefiable gas tanks from protected and public places (where tanks installed and approved prior to 2 September 2010)	Add a new clause to Sch. 1 allowing tanks installed prior to 2 September 2010 to be compliant if they meet the separation requirements in table 3, Schedule 12 rather than table 4, Schedule 12 (as required by reg. 11.21).	Support and again the early introduction of this regulation change is crucial for the ongoing legal operation of those installations affected by this change.
26	4.2 (3)	Issue of compliance certificates for certified handlers	Amend so certificates remain valid for 5 years from “date of coming into force specified in the certificate”, in place of five years from “date of issue”.	Support
New	17.13(1)(a)	Referencing error		Amend to reference section 5.3 and 5.5 of AS/NZS 1596:2014.
New	15.69(4)	Maximum filling ratio for cylinders and tanks refers to AS/NZS1596 which is incorrect for NZ temperatures		Amend by using the original wording from the Dangerous Goods Regulations par 18,19, with respect to filling ratio and the table of ratios for different liquefiable gases. This is consistent with Worksafe COP 29 Flammable gas and oxygen tank wagons
New	11.22	Duties to separate filling stations from public places and public places		<p>The Dangerous goods Regulations had special provisions for isolation distances of cylinder filling on service stations which needs to be reinstated:</p> <p>53.(d) The area where vehicles or mobile equipment stand while being refuelled is so located that the part where the transfer of the liquefied gas to the fuel tank is effected is (i) Not less than 3 m from the storage tank or cylinder: (ii) Not less than 6 m from any protected work, or, where the wall of the protected work has a fire resistant rating of not less than 1 hour and there are no openings in the wall within 6 m of the dispensing point, 3 m: (iii) Not less than 3 m from any public place: (iv) Not less than 2 m from any dispenser of other fuels: (e) A guard rail or some other form of barrier is provided to ensure maintenance of isolation distances, and for the protection of equipment against damage</p>

				60 (3) Notwithstanding the foregoing provisions of this regulation, where cylinders are being charged with dangerous goods of Class 2 (d) but the total quantity stored of those dangerous goods does not exceed 250 kg at any one time, the charging operation may be carried out in accordance with subclauses (d) and (e) of regulation 53 of these regulations.
27	5.3 (3) (b)	Requirements for fire hydrants to manage risks of LPG, propane, butane and isobutene tanks	<p>Amend 5.3 (3) (b) so the types of hydrants that will meet the requirements of 5.3 (3) are:</p> <ul style="list-style-type: none"> - Hydrant systems with hoses enabling a flow of 0.33 L/sec; or - Hydrant systems that incorporate hoses with a 19 mm nominal bore 	We propose that “hydrant systems” be replaced with “hydrant systems or hose reels”, as this will clarify that this relates to fire hose reels. The terms <i>hydrant</i> and <i>hose reel</i> are not synonymous

33	16.41	Restriction on where workers can leave tank wagons unattended	<p>Amend so workers are only required to place tank wagons in transit depots or hazardous substances locations when unattended if the substance the wagon contains would otherwise need to be stored in such locations.</p>	<p>Support the proposed changes, however we believe inclusion for secure temporary parking in emergency situations is needed. Currently there are no options available under the regs when a depot location is unavailable or impractical.</p> <p>We propose a new subclause to 16.41 (1) for temporary secure parking in an emergency for tank wagons. Proposed subclause would align with the LPGA Empty tank wagon parking guide draft and allow for emergency temporary parking where it's not practical to park at a Hazardous Substance Location.</p> <p>I.e. proposed new subclause to 16.41 (1) for temporary secure parking in an emergency.</p> <p>Despite subclause 16.41 (1), a tank wagon temporarily parked, less than 24 hours, may be left unattended provided;</p> <ul style="list-style-type: none"> • all of the valves on the tank wagon are closed; and • the tank wagon is located at least 30 m way from any protected place; and • Ensure that a hazardous area is established at the place that complies with AS/NZS 60079.10.1:2009 • emergency response information is carried and available; and • the tank wagon is appropriately secured from access by persons other than those permitted by the PCBU; and • the tank wagon is parked so that it can be readily driven or towed away in an emergency without recourse to reversing; • Warning signage is visible; and • Suitable and available fire protection. <p>Proposed subclause criteria reference material: 16.41 (d) (ii) and (iii), 16.43, 10.6 (1), 10.3 (1)(b), 15.73 (1)(b) and (c). We believe this provides not only a safe means for tank wagon parking but also rest and recovery for the driver as well</p>
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New	10.34	Proposed amendment to allow for temporary LPG cylinder storage for events.	<p>The Association believes that it is not reasonable to require a location certificate for LPG, when it is only present at a location temporarily., for a show, cultural event or sports event.</p> <p>There are hundreds around the country each year and issuing a location certificate requires the current regulations to be “interpreted” to allow certification.</p>	<p>It should be would be a separate clause under 10.34, which currently has similar provisions for fuel.</p> <p>We are happy to work with MBIE and WorkSafe to come up with suitable wording.</p>
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New	10.34(1)(c)	Proposed amendment to allow for clarification of LPG handler		<p>We believe a “handler”, as per 10.34(1)(c), needs to be clarified further. this currently includes workers at the location who ‘handle’ LPG. Handling in this context should relate to the PCBU who is connecting and disconnecting cylinders to an LPG installation.</p> <p>The intent is to exclude persons who are simply swapping or picking up a cylinder that is stored but not connected to a system.</p>
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