

## **Exemption from provisions of Health and Safety at Work (Hazardous Substances) Regulations 2017**

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Simon Humphries, Acting Deputy General Manager, Investigations and Specialist Services of WorkSafe New Zealand, exempts **McKenzie Balfour and Associates Ltd** from compliance with regulations 11.30 and 11.34 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for vary the building and separation requirements for its 10 bunkers for class 3.1 flammable liquids located on the eastern and southern boundaries located at 6 Caerphilly Place, Hillsborough, Christchurch.

I do so –

- being satisfied that:
  - a. the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it; and
  - b. the exemption is not inconsistent with the purpose of the Act; and
- subject to the conditions specified on the following page:

This exemption takes effect on **6 August 2018** and expires on **6 August 2023** unless it is replaced sooner or revoked.

Signed at Wellington this 03 day of August 2019



Simon Humphries  
Acting Deputy General Manager, Investigations and Specialist Services  
WorkSafe New Zealand

## Exemption Conditions

- a. The walls of the warehouse must have a fire resistance rating of not less than 180/180/180 minutes.
- b. The doors of the bunkers must have a fire resistance rating of not less than -/180/60 minutes.
- c. The doors on the ten bunkers must be normally closed and McKenzie Balfour & Associates Ltd must have written operating procedures to ensure this.
- d. Subject to McKenzie Balfour & Associates Ltd obtaining a written agreement with a neighbour under regulation 9 for a separation distance to extend across the boundary, each bunker on that boundary may hold up to a maximum of:
  - i. 14,200 litres in aggregate of class 3.1 flammable liquids provided all class 3.1A and 3.1B flammable liquids are stored in packages of less than 60 litres
  - ii. 7,500 litres in aggregate of class 3.1 flammable liquids where package size for class 3.1A and 3.1B is 60 litres and greater; OR
- e. Where a written agreement with a neighbour under regulation 9 for a separation distance to extend across the boundary is not obtained, each bunker on that boundary may hold up to a maximum of:
  - i. 5,750 litres in aggregate of class 3.1 flammable liquids provided all class 3.1A and 3.1B flammable liquids are stored in packages of less than 60 litres
  - ii. 2,500 litres in aggregate of class 3.1 flammable liquids where package size for class 3.1A and 3.1B is 60 litres and greater.
- f. The area between the bunkers and the warehouse and corrosives store must be kept clear and must be kept free of any structures.
- g. A printed copy of the site emergency response plan including a site map and key staff cell phone numbers must be available for FENZ staff for use during any emergency at the site.
- h. The site inventory of hazardous substances and all safety data sheets must be remotely accessible by nominated McKenzie Balfour & Associates Ltd staff.
- i. McKenzie Balfour & Associates Ltd must provide a copy of this decision to any compliance certifier engaged to issue a location compliance certificate for its site at 6 Caerphilly Place, Hillsborough, Christchurch.
- j. This approval is revoked if:
  - i. There is a change to the layout of the site as shown in Appendix 2; or
  - ii. There is a change in land use over the eastern or southern boundary; or
  - iii. any of the conditions are not complied with.