

# Notice of Exemption

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In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), Handley Industries 2022 Limited is exempted from the requirements to comply with regulations 11.29(1) and 11.36(2)(c) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for class 3.1B or 3.1C substances to be stored in a type D store and used or held in a type 3 workroom located at 77 Hillside Road, Glenside, Auckland ('the site'), subject to the following conditions.

Handley Industries 2022 Limited must–

- (1) ensure the floor and walls of the workroom and store have a minimum fire-resistance rating of 240/240/240 minutes; and
- (2) ensure the roof of the store have a minimum fire-resistance rating of 240/240/240 minutes; and
- (3) ensure the roof of the workroom has a minimum fire-resistance rating of 60/60/60 minutes; and
- (4) ensure there is a parapet wall of at least 0.6 metres between the workroom and the attached store; and
- (5) no later than 30 September 2023, ensure all personnel doors within the workroom and store are self-closing and have a fire-resistance rating of -/240/30 minutes or the highest fire resistance rating currently available in New Zealand; and
- (6) no later than 30 September 2023, ensure the external roller door on the southern wall of the workroom has a fire resistance rating of at least -/240/- minutes, where closure of the roller door is activated on the detection of temperatures in the workroom at or above 75°C; and
- (7) no later than 30 September 2023, ensure the external sliding door of the store has a fire resistance rating of -/240/30 minutes or the highest fire resistance rating currently available in New Zealand; and
- (8) no later than 30 September 2023, ensure the internal sliding door connecting the workroom and the store has a fire resistance rating of no less than -/240/60 minutes, where closure of the sliding door is activated on the detection, in either the workroom or the store, of temperatures at or above 75°C; and
- (9) ensure the workroom is not occupied either in whole or in part as a dwelling; and
- (10) ensure the store is part of a secondary containment system, compliant with the requirements of regulation 10.30 of the HS Regulations; and
- (11) ensure the workroom has a secondary containment system with a capacity of at least 100% of the total pooling potential of liquids permitted in the workroom; and
- (12) limit the quantity of class 3.1B and class 3.1C flammable liquids in the workroom to 7,500 litres (aggregate quantity); and
- (13) limit the quantity of class 3.1B and class 3.1C flammable liquids in the store to 20,000 litres (aggregate quantity), with a maximum container size of 20 litres; and

- (14) not store or use any class 3.1A flammable liquids at the site; and
- (15) ensure the workroom is separated from any protected place by a distance of not less than 5 metres; and
- (16) ensure the roller door opening of the workroom is separated from any protected place, other than the warehouse and associated office/reception marked as such on the site plan prepared by Environmental Resources, version number 001, dated 13 July 2021, by a distance of not less than 15 metres; and
- (17) maintain sufficient ventilation in the workroom to ensure that, at any time, the vapour levels do not exceed 20% of the lower explosive limit (LEL) of the class 3.1B and class 3.1C flammable liquids used in the workroom; and
- (18) maintain vapour detection monitoring to set to alarm at 20% of the LEL. On sounding of the alarm, the workroom must be shut down and operation of the workroom must not commence until adjustments have been made to return and maintain the vapour levels at less than 10% of the LEL; and
- (19) maintain no less than three ABE fire extinguishers with a capacity not less than 30B across all areas where flammable liquids are used or stored. These fire extinguishers must maintain current certification at all times; and
- (20) maintain a Type 3 fire alarm system (automatic fire alarm system activated by heat detectors and manual call points) in compliance with NZS 4512:2021, with direct connection to Fire and Emergency New Zealand; and
- (21) restrict use of the workroom control room situated in the workroom to the requirements of workroom product testing and quality control, and restrict use of the records storage room situated in the workroom to the requirements of receipting raw materials and filling batch sheets; and
- (22) ensure the area around the entrance and exit into and out of the workroom via the roller door is kept clear of any combustible material for a distance of 3 metres in all directions; and
- (23) within one month of coming into compliance with conditions (5), (6), (7), and (8), provide evidence to WorkSafe NZ (to [hsapplications@worksafe.govt.nz](mailto:hsapplications@worksafe.govt.nz)) that doors of the fire resistance rating required by those conditions have been installed; and
- (24) provide a copy of this exemption to any compliance certifier engaged to issue a location compliance certificate for the site; and
- (25) within one month of the first location compliance certificate being issued for the site to Handley Industries 2022 Limited, provide a copy of that certificate to WorkSafe; and
- (26) hold a copy of this exemption at the site.

The exemption ceases if:

- (i) any of these conditions are not complied with; or
- (ii) there is a change in the layout of the site from that shown in the site plan prepared by Environmental Resources, version number 001, dated 13 July 2021, as provided in Appendix 6.

This exemption takes effect on 13 February 2023 and expires on 13 February 2028 unless it is replaced sooner or revoked. This exemption is given the reference SEP2104.

Signed at Wellington this 9<sup>th</sup> day of February 2023

A handwritten signature in black ink, appearing to read 'Darren Handforth', written in a cursive style.

Darren Handforth  
Head of High Hazards, Energy, And Public Safety  
WorkSafe New Zealand