

# Notice of Exemption

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In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), Altex Coatings Limited is exempted from compliance with regulation 11.36(2) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) for a workroom to be used to manufacture solvent based paints (class 3.1B substances), to be constructed at 91-111 Oropi Road, Tauranga, subject to the following conditions. For ease of reference, the processing area is the 'workroom' and existing warehouse building is the 'existing building'.

Altex Coatings Limited must—

- (1) ensure the workroom is constructed in accordance with the concept drawing 2937301 - AR-A03 dated 25 August 2021, unless any proposed deviation from or addition to the concept drawing has been advised to WorkSafe and has been approved by WorkSafe in writing; and
- (2) ensure the area within 15 metres of the workroom is configured in accordance with the drawing 2937301 - AR-A02 dated 25 August 2021; and
- (3) ensure the workroom (called processing area on plan 2937301 - ARA03) is separated from the existing warehouse building by at least 6 metres; and
- (4) ensure the workroom is separated from protected places other than those in (1) above by at least 15 metres; and
- (5) ensure the western wall of the existing warehouse building, which faces the workroom, is upgraded so that it is constructed with a fire resistance rating of 120/120/120; and
- (6) ensure the quantity of class 3.1 flammable liquids within the workroom does not exceed 100,000 litres; and
- (7) ensure the perimeter walls of the workroom have a minimum fire resistance rating of 240/240/240 minutes, and extend above the roof as a parapet by at least 1 metre; and
- (8) for the purposes of condition (7), ensure the failure of any component with a fire resistance rating of less than 240/240/240 minutes that is connected to the perimeter walls must not jeopardise the stability of the perimeter wall; and
- (9) ensure the roof of the workroom is made of fire-resistant materials; and
- (10) ensure the structural beams providing the roof support of the workroom have 90 minute fire protection; and
- (11) ensure every external personnel door of the workroom opens towards the outside of the building, are self-closing, and have a fire-resistance rating of -/240/60 minutes or, if doors of this rating are not available in New Zealand, the highest fire resistance rating currently available; and
- (12) ensure the internal door connecting the drum store and the workroom has a fire resistance rating of no less than -/240/60 minutes, where closure of the door is activated on the detection, in either the workroom or the drum store, of temperatures at or above 75°C;


- (13) ensure the roller doors, on the northern wall and one on the southern wall, are self-closing and have a fire resistance rating of -/240/- where closure of the roller door is activated on the detection of temperatures in the workroom at or above 75°C; and
- (14) ensure the openings of the roller doors have no combustible materials within 3 metres outside of the building, and
- (15) ensure every window in the perimeter wall of the workroom is designed, constructed and installed in compliance with NZS 4232.2:1988; and
- (16) ensure all storage and handling areas of class 3.1 flammable liquids within the workroom are protected by a fire suppression system that is designed, installed and maintained to the applicable requirements of AS-4487 2013, Condensed aerosol fire extinguishing systems – Requirements for system design, installation and commissioning and test methods for components; and
- (17) ensure a safety assessment of the fire suppression system in condition (16) is completed and forwarded to WorkSafe within 6 months prior to commissioning of the facility demonstrating compliance with all aspects of section 5 of AS-4487 2013 "Safety" (which is equivalent to Chapter 5 "Safety Requirements" of NFPA 2010:2020); and
- (18) ensure each ancillary room attached to the workroom, such as a control room, switch room or compressor room has fixed fire-fighting facilities; and
- (19) ensure hazardous substances are not located in any area under a canopy that is attached to the workroom except for those hazardous substances which are being loaded into or out of the workroom or attached store; and
- (20) ensure the workroom has a secondary containment system with a capacity of at least 100% of the aggregate capacity of the hazardous liquids in the workroom, and which enables any released liquid to be contained without spreading through a wall opening; and
- (21) ensure 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
- (22) ensure flammable vapours in the workroom are monitored and that detection is 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 vapour levels at less than 10% of the LEL; and
- (23) ensure the installation of a Type 4 fire alarm system (automatic alarm system activated by smoke sensors and manual call points) in compliance with the latest gazetted version of NZS 4512, with direct connection to Fire Emergency New Zealand; and
- (24) ensure the workroom is not occupied in part or in whole as a dwelling; and
- (25) the workroom complies with the requirements of Appendix B of AS1940: 2017 *The storage and handling of flammable and combustible liquids*, notwithstanding these conditions, and where any of those requirements conflict with these conditions or the HS Regulations (other than regulation 11.36(2)), these conditions and the HS Regulations take precedence; and

(26) a copy of this exemption and the covering letter from WorkSafe to Altex Coatings Limited is held at the site and is provided to any compliance certifier engaged to issue a location compliance certificate.

This exemption becomes invalid if there is any reconfiguration of buildings or structures within or adjacent to the proposed workroom not permitted by this exemption or if there is any change in land use of properties adjacent to 91-111 Oropi Road.

This exemption takes effect from the date specified in the *Gazette* notice required by section 221 HSWA, which will be 7 March 2023 and expires on 7 March 2028 unless it is replaced sooner or revoked. This exemption is given the reference SEP1840.

Signed at Wellington this 3<sup>rd</sup> day of March 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