

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, exempt **United Paints Limited** from compliance with regulations 10.28, 11.30, 11.34, 11.36 and 11.37 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the building type and separation distance of its paint manufacturing workrooms and stores at 29 Empire Road, Belfast, Christchurch, as detailed in the conditions.

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 **21 September 2018** and expires on **21 September 2023** unless it is replaced sooner or revoked.

Signed at Wellington this 21 day of September 2018



Simon Humphries

Acting Deputy General Manager Investigations and Specialist Services

WorkSafe New Zealand

Exemption Conditions

1. The exemption is granted for the mill workroom, dispersing workroom, finished goods store, small DG store and nitrocellulose store to have non-fire-rated external doors provided that United Paints Limited meets the following conditions:
 - a. Within 3 months of the date of this exemption United Paints Limited must have a zone marked on the ground extending 3 metres externally from:
 - i. the external south-facing doorway on the mill workroom; and
 - ii. the external east-facing doorway on the dispersing workroom; and
 - iii. the external east-facing doorway on the finished goods store; and
 - iv. the small DG store doorway; and
 - v. the nitrocellulose store doorway; and
 - vi. United Paints Limited must ensure that there are no ignition sources, no combustible materials and no staff work areas within the 3 metre exclusion zone. A sign signalling these items are excluded must be displayed within each exclusion zone.
2. The exemption is granted for the mill workroom and the dispersing workroom to have a lesser fire-rated door between them provided that:
 - a. Within 6 months of the date of this exemption United Paints Limited must:
 - i. establish written operating procedures to ensure that the fire-rated sliding door between the workrooms is normally closed; and
 - ii. mark a zone on the workroom floors in an arc extending 3 metres from both sides of the sliding door. United Paints Limited must ensure there are no ignition sources, no combustible materials and no staff work areas within the 3 metre exclusion zone. A sign signalling these items are excluded must be displayed within the exclusion zones.
 - b. Within 6 months of the date of this exemption United Paints Limited must install a personnel egress door with a fire-resistance rating of -/240/60 in the west wall of the dispersing workroom with direct access to the open air.
3. The exemption is granted for the inwards goods store to have a roof with a fire-resistance rating of 120/120/120.
4. The exemption is granted for the mill workroom, dispersing workroom, small DG store and nitrocellulose store to have non-fire-rated roofs provided that United Paints Limited meets the following conditions:
 - a. Within 12 months of the date of this exemption United Paints Limited must upgrade all windows in the dispersing workroom to meet NZS 4232.2:1998 *Fire resisting glazing systems*.
 - b. The fire rated parapet walls extending at least 400 mm above the roof line must be maintained between:
 - i. the dispersing workroom and the finished goods store; and
 - ii. the mill and dispersing workrooms; and
 - iii. the mill workroom and the nitrocellulose and small DG stores.
 - c. The aggregate quantity of flammable liquids being stored or used in the mill workroom is limited to 7,500 litres of class 3.1B and 3.1C.

- d. The aggregate quantity of flammable liquids being stored or used in the dispersing workroom is limited to 7,500 litres of class 3.1B and 3.1C.
 - e. The aggregate quantity of flammable liquids being stored in the finished goods store is limited to 20,000 litres of class 3.1B and 3.1C.
 - f. The aggregate quantity of flammable liquids being stored or used in the small DG store is limited to 3,100 litres of class 3.1B and 3.1C.
 - g. The quantity of class 4.1.3 substances being stored in the nitrocellulose store is limited to 800 kg.
5. United Paints Limited must submit its new emergency response plan to Fire and Emergency New Zealand for review.
 6. United Paints Limited must maintain the layout of the site as shown in the Bryne & Wauty drawing number 741-A-010, Rev 0.
 7. United Paints Limited must provide a copy of this decision to any compliance certifier engaged to issue a location compliance certificate for its site at 29 Empire Road, Belfast, Christchurch.
 8. The exemption is revoked if:
 - a. there is a change to the layout of the site as shown in the Bryne & Wauty drawing number 741-A-010, Rev 0; or
 - b. there is a change in use of any buildings; or
 - c. any of the conditions are not complied with.