

## **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, Tony Hetherington, Head of High Hazards, Energy and Public Safety at WorkSafe New Zealand, exempt **Chemical Freight Services Limited** from compliance with regulation 11.34 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 for the building type and separation distance of its class 3.1 store at 4 Bostock Place, East Tamaki, Auckland.

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 listed in Appendix 1; and

This exemption takes effect on 14 February 2018 and expires on **14 February 2024** unless it is replaced sooner or revoked.

Signed at Wellington this .....<sup>5th</sup> day of February 2019.



Tony Hetherington  
Head of High Hazards, Energy and Public Safety  
WorkSafe New Zealand

## Appendix 1

### Exemption Conditions

The application to grant an exemption has been decided as follows:

The exemption is granted to Chemical Freight Services Limited by WorkSafe in accordance with section 220 of the Health and Safety at Work Act 2015 to Chemical Freight Services Ltd on the basis that WorkSafe:

- a. Is satisfied that the exemption sought is not broader than is reasonably necessary to address the matters that gave rise to it (pursuant to section 220(2)(a) of the HSWA); and
- b. Is satisfied that the exemption sought is not inconsistent with the purpose of the HSWA (pursuant to section 220(2)(b) of the HSWA) subject to conditions to manage the flammability risks to workers and other persons; and
- c. Accepts the structure of the class 3.1 flammable liquids store plus the fire protection system as equivalent to a Type D store under the Health and Safety at Work (Hazardous Substances) Regulations 2017; and
- d. Accepts reduced separation distance to the adjoining warehouse and nearby bunkers because the wall between the class 3.1 flammable liquids store and the adjoining warehouse provides a parapet that mitigates the reduced separation distance.

The site plan prepared by the Holmes Consulting Group site plan dated 19/12/2013, sheet number C01-05, rev C forms part of this decision.

The exemption comes into effect on 14 February 2019 and expires on **14 February 2024** unless it is replaced sooner or revoked. The exemption is subject to the following conditions:

- a. Chemical Freight Services Limited must maintain the layout of the site as shown in the site plan.
- b. Chemical Freight Services Limited must limit the volume of packages of class 3.1B and 3.1C flammable liquids held in the class 3.1 store (RL 12.425) to an aggregate quantity of 570,000 litres. No class 3.1A must be stored in the class 3.1 store.
- c. Chemical Freight Services Limited must only store flammable liquids in the class 3.1 store.
- d. Chemical Freight Services Limited must only store flammable liquids in packaging in accordance with NFPA 30:2016 *Flammable and Combustible Liquids Code* including ensuring all storage of class 3.1 flammable liquids is in metal containers up to a maximum capacity of 230 litres. No storage of flammable liquids in plastic containers or in IBCs is permitted.
- e. Chemical Freight Services Limited must wrap or strap all pallets of packages stored in racks higher than one level above the floor level rack.
- f. Chemical Freight Services Limited must maintain the fire rating of the class 3.1 store including the wall adjacent to the warehouse (RL 12.700) to the west of the class 3.1 store with no less than:
  - i. 240/240/240 fire rated walls extending parapets above the rooflines of the class 3.1 store and the warehouse of no less than 0.5 metres.
  - ii. -/240/60 personnel egress doors and a -/240/30 sliding vehicle access door opening to the south of the building.
- g. Chemical Freight Services Limited must maintain the certification for compliance of the fire protection sprinkler systems at all times as follows:

- i. with Chapter 16, Table 16.5.2.1 of NFPA 30: 2016 *Flammable and Combustible Liquids Code* for the foam fire protection system in the class 3.1 store
  - ii. with the provisions of NZ 4541:2007 *Automatic Fire Sprinkler Systems* for the sprinkler systems installed in the warehouse adjoining the class 3.1 store; and all other installed sprinkler systems on site are maintained and certified to the standard to which they were designed and installed.
- h. Chemical Freight Services Limited must ensure all roof panels of the class 3.1 store must be fire resistant for at least 2 metres from the parapet wall in common with the warehouse.
  - i. Chemical Freight Services Limited must provide on-site water supply for 40 minutes operation of the sprinkler system in the class 3.1 store.
  - j. Chemical Freight Services Limited must have available at all times sufficient foam stocks for 40 minutes of operation of the foam sprinklers with the maximum number of sprinklers operating in the class 3.1 store.
  - k. Chemical Freight Services Limited must provide 120 minutes of fire rating to the roof structural members of the class 3.1 store; OR must provide sprinkler protection of the roof structural members.
  - l. Chemical Freight Services Limited must ensure its mechanical ventilation system in the class 3.1 store is functional at all times.
  - m. Chemical Freight Services Limited must ensure its management of tertiary containment does not impair FENZ emergency response attending a fire at the site.
  - n. Chemical Freight Services Limited must maintain the electrical certification of the Ex rated lighting and hoist vehicles in the class 3.1 store at all times.
  - o. Chemical Freight Services Limited must not sublease any of its storage locations at 4 Bostock Place to any other operator or business.
  - p. Chemical Freight Services Limited must provide a copy of this decision to any compliance certifier engaged to issue a location compliance certificate for its site at 4 Bostock Place, East Tamaki.