

Notice of Exemption

In accordance with section 220 of the Health and Safety at Work Act 2015, Foodstuffs South Island Limited (Foodstuffs) is exempted from compliance with regulations 10.28(1)(a) [only as is applies to class 4.1.1B substances], 10.31, 11.25(d)(i), 11.29(1), 11.42(1), 13.31, and 13.43(3)(b) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) in relation to the ambient distribution centre located at 17 Hickory Place, Hornby, Christchurch 8042.

For the purpose of this Notice of Exemption, "warehouse storage area" refers to the racking areas of the Foodstuffs ambient distribution centre and, for the purpose of conditions (1) and (2), a "competent person" refers to a person with the appropriate knowledge of metallurgy and/or fire protection to make the assessment associated with condition (1)(b).

The exemption is subject to the following conditions:

Foodstuffs must –

- (1) ensure class 2.1.2 flammable aerosol products held at a hazardous substance location in the warehouse storage area are stored in an area:
 - (a) enclosed by chain-link fencing from floor or blockwork to roof of minimum 2.9 mm or 9 gauge wire diameter with a maximum 50 mm diamond mesh; or
 - (b) that has been assessed by a competent person as providing a level of protection to workers and other persons within the warehouse storage area that is equivalent to the level of protection provided by condition (1)(a).

Compliance with condition (1), and by extension condition (2), must be met no later than 18 months from the commencement of this exemption; and

- (2) if electing to follow condition (1)(b):
 - (a) obtain a written report from the competent person detailing their assessment and conclusion that an equivalent level of safety is achieved or can be with modifications to the storage are, including the nature of those modifications; and
 - (b) complete any modifications required by the competent person's report to achieve an equivalent level of safety; and
 - (c) provide the competent person's report to any compliance certifier engaged to issue a location compliance certificate for the site; and
- (3) ensure no cylinder of water capacity greater than 120 ml holding a class 2.1.1A substance is stored in the warehouse storage area. Notwithstanding this requirement, one or more vehicles in which a class 2.1.1 substance is used for the motive power of the vehicle may be used within the warehouse storage area; and

- (4) ensure class 3.1B and 3.1C substances held at a hazardous substance location in the warehouse storage area are stored in racking containing in-rack sprinklers, face sprinklers, and horizontal barriers of 0.7 mm steel plate (or an equivalent material) between racking levels.

Compliance with the requirement for face sprinklers and horizontal barriers must be met no later than three months from the commencement of this exemption; and

- (5) ensure class 3.1B or 3.1C substances held at a hazardous substance location in the warehouse storage area are separated from a protected place that is external to the warehouse storage area by a distance of at least 6.5 meters. This distance may be measured in a horizontal plane around an intervening wall of fire resistance rating 240/240/240 minutes; and
- (6) ensure class 4.1.1B substances held at a hazardous substance location in the warehouse storage area are stored in racking containing in-rack sprinklers and horizontal barriers of 0.7 mm steel plate (or an equivalent material) between racking levels; and
- (7) ensure class 4.1.1B substances held at a hazardous substance location in the warehouse storage area are separated from a protected place that is external to the warehouse storage area by a distance of at least 6 meters. This distance may be measured in a horizontal plane around an intervening wall of fire resistance rating 240/240/240 minutes; and
- (8) ensure class 8.2B substances held at a hazardous substance location in the warehouse storage area are separated from a protected place that is external to the warehouse storage area by a distance of at least 3 meters. This distance may be measured in a horizontal plane around an intervening wall of fire resistance rating 120/120/120 minutes; and
- (9) have available within the warehouse storage area temporary spill containment that must be located immediately adjacent to:
- (a) every hazardous substance location at which class 3.1 substances are present; and
 - (b) every hazardous substance location at which class 8.2 substances are present.

The temporary spill containment must be capable of containing:

- (c) in the case of a class 3.1 substance, a spill of 10% of the aggregate quantity of all class 3.1 substances present at that hazardous substance location, and
 - (d) in the case of a class 8.2 substance, a spill of 10% of the aggregate quantity of all class 8.2 substances present at that hazardous substance location; and
- Any personnel who could be expected to deploy this temporary spill containment must receive the information, training, and instruction necessary to do so safely, quickly and effectively.
- (10) ensure that, in the event of a spill of a class 3.1 substance, all ignition sources in the immediate area of the spill are removed or isolated, until such time as the spilled

substance has been removed and an assessment by the Health and Safety Manager or other person(s) with delegated responsibility for health and safety operations within the warehouse storage area shows that there is no residual risk of unintended ignition from the spilled class 3.1 substance; and

- (11) ensure any racking within the warehouse storage area that holds a pooling hazardous substance at a hazardous substance location is protected in such a way as to prevent any pallet holding a pooling hazardous substance from being pushed through or off the racking. A pooling substance has the meaning as given in regulation 3 of the HS Regulations; and
- (12) ensure that all parts of the warehouse storage area, regardless of whether a part of the area stores hazardous or non-hazardous products, have roof sprinklers that comply with the requirements of NZS 4541:2007; and
- (13) ensure no hazardous substance is held in the warehouse storage area that is in individual inner packaging where that individual inner packaging has a capacity of greater than 5 litres or 5 kg. Individual inner packaging must remain closed at all times; and
- (14) ensure that, as a rolling average over a 14-day period, for each class of substance specified in Schedule 1 to the Notice of Exemption, no more than the corresponding maximum quantity for that class of substance in Schedule 1 is held in the warehouse storage area; and
- (15) despite condition (14), ensure that for each class of substance specified in Schedule 1 to the Notice of Exemption, no more than 110% of the corresponding maximum quantity for that substance in Schedule 1 is held in the warehouse storage area; and
- (16) ensure no hazardous substance having one or more of the following hazard classes are present in the distribution centre: Class 1 (other than those products referred to in regulation 4(2) of the Hazardous Substances (Fireworks) Regulations 2001), class 3.1A, class 3.2A, class 3.2B, class 3.2C, class 4.1.2 (other than class 4.1.2G), class 4.2A, class 4.2B, class 5.1.1A, class 5.2A, class 5.2B, class 6.1A, class 6.1B, class 6.1C, class 6.7A, and class 8.2A; and
- (17) ensure any person that works or may otherwise be in the warehouse storage area, who is not required to have received information, training, and instruction in accordance with Regulation 4.5, has received information on the hazardous substances in the warehouse storage area and training and instruction on how to respond to all reasonably foreseeable emergencies involving these substances; and
- (18) provide a copy of this Notice of Exemption, and all associated Schedules to the Notice of Exemption, to any compliance certifier engaged to issue a location compliance certificate for any hazardous substance location within the distribution centre; and
- (19) hold a copy of this exemption, and all associated Schedules to the Notice of Exemption, at 17 Hickory Place, Hornby, Christchurch 8042.

Schedule 1 forms part of this Notice of Exemption.

This exemption takes effect on 31 March 2026 and expires on 31 March 2031 unless it is replaced sooner or revoked. This exemption is given the reference HS2204.

Signed at Wellington this 19th day of March 2026.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Sharon Thompson
Chief Executive
Worksafe New Zealand

Schedule 1 to the Notice of Exemption

Class (HSNO Classification—GHS Classification)	Maximum Quantity
2.1.1A—Flammable gases: high hazard	500 kg
2.1.1B—Flammable gases: medium hazard	1,000 kg
2.1.2A—Flammable aerosols	45,000 L
3.1B—Flammable liquid: high hazard	3,000 L
3.1C—Flammable liquids: medium hazard	3,000 L
4.1.1B—Readily combustible solids and solids that may cause fire through friction: low hazard	3,000 kg
8.2B—Substances that are corrosive to dermal tissue	4,000 kg or L