

Notice of Exemption

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), Skibo Limited is exempted from compliance with regulation 11.33(1)(e) of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the HS Regulations) in relation to the building that is a retail shop at 8 Okara Drive, Whangarei (the Building).

Class 3.1 hazardous substances are held in the Building in the following areas:

- A public retail area, being the area at the front of the Building where the public have unrestricted access to class 3.1 substances stored on open shelves;
- A paint tinting station located adjacent to the DG workroom and paint mixing room;
- A dangerous goods (DG) workroom located at the rear of the Building; and
- A paint mixing room also located at the rear of the Building.

This exemption is subject to the following conditions:

Skibo Limited must –

- (1) not store or hold class 3.1B or 3.1C substances in the Building other than in the DG workroom, paint mixing room, public retail area and at the paint tinting station; and
- (2) limit the quantity of class 3.1B and 3.1C substances in the Building, not including any 3.1B and 3.1C substances held in the DG workroom and paint mixing room, to no more than 6,000 litres aggregate quantity, of which no more than 500 litres may be held at the paint tinting station; and
- (3) ensure containers of class 3.1B and 3.1C substances in the public retail area of the Building remain closed at all times; and
- (4) not hold any class 3.1A substances within the Building; and
- (5) maintain the DG workroom and paint mixing room in compliance with the requirements for a type 2 workroom as prescribed in regulation 11.1 of the HS Regulations; and
- (6) maintain a Type 4 fire alarm system (automatic fire alarm system, activated by smoke detectors and manual call points) within the Building in compliance with New Zealand Standard *Fire detection and alarm systems in buildings* (NZS 4512) as the standard was when the system was installed; and
- (7) within 6 months from the date this exemption takes effect, implement direct connection of the Type 4 alarm system to Fire and Emergency New Zealand (FENZ); and
- (8) maintain a minimum distance of 25 m between any container(s) holding class 3.1B or 3.1C substances (whether the container(s) is sitting on shelving or on the floor of the Building) in the public retail area and the southern wall of the Building that is a common wall with an attached building; and

- (9) within 1 month from the date this exemption takes effect, commission a competent person to undertake an assessment of the Building and the fire loading within the Building and to provide a report (the Report) to Skibo Limited with recommendations of further actions to be taken (if any) to minimise the spread and impact of a fire within the Building. Skibo must receive the Report and implement the recommended actions as soon as reasonably practical, and no later than 31 December 2026; and
- (10) provide a copy of the Report required by condition 9 to WorkSafe (to be sent to: hsapplications@worksafe.govt.nz) and FENZ within one month of the Report being provided to Skibo; and
- (11) not hold in the Building any substance that is incompatible with a class 3.1 substance in an amount beyond that prescribed in the HS Regulations that would activate the requirement to establish a hazardous substance location for that substance; and
- (12) delineate, such as by floor markings or signage, the public retail area from the restricted areas within the Building, including the DG workroom, paint mixing room and paint tinting station; and
- (13) provide a copy of this Notice of Exemption to any compliance certifier engaged to issue a location compliance certificate for any hazardous substance location at which class 3.1 B and 3.1C substances are present within the Building; and
- (14) hold a copy of the Notice of Exemption at the Building.

For the purpose of condition 9, a competent person means a person with the relevant skills, knowledge and technical experience to undertake the specified assessment, typically a person with a bachelor's degree in engineering (civil, mechanical, or structural) followed by a Master of Engineering in Fire Engineering. Key qualifications include Chartered Professional Engineer (CPEng) status, specialised diplomas (Level 6), and expertise in fire safety systems, risk management, and relevant legislation.

This exemption takes effect on 21 May 2026 and expires on 21 May 2031 unless it is replaced sooner or revoked. This exemption is given the reference SEP2314.

Signed at Wellington this 15th day of May 2026.



Kate Morrison
Head of Authorisations and Advisory
WorkSafe New Zealand