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## ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

### HAZARDOUS SUBSTANCES (DANGEROUS GOODS AND SCHEDULED TOXIC SUBSTANCES) (AMENDMENT) TRANSFER NOTICE 2006

PURSUANT TO THE HAZARDOUS SUBSTANCES  
AND NEW ORGANISMS ACT 1996

## **Hazardous Substances and New Organisms Act 1996**

### **Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) (Amendment) Transfer Notice 2006**

Pursuant to section 160A of the Hazardous Substances and New Organisms Act 1996, the Environmental Risk Management Authority gives the following notice.

#### **1 Title**

- (1) This notice is the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) (Amendment) Transfer Notice 2006.
- (2) In this notice, the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (Supplement to the *New Zealand Gazette*, 26 March 2004, No. 35, page 767, as amended by Supplements to the *New Zealand Gazette*, 1 October 2004, No. 128, page 3133, and 16 December 2005, No. 208, page 5289) is called “the principal notice”.

#### **2 Commencement**

This notice comes into force on 1 July 2006.

#### **3 Interpretation**

In this notice, words and phrases shall have the meanings ascribed to them in the principal notice.

#### **4 Deemed assessment and approval**

On the commencement of this notice, the hazardous substances “Propane, 1,1,1,3,3-pentafluoro” and “Aluminate (1-), tetrahydro-, lithium, (t-4)-, ethereal low flashpoint” are no longer subject to the provisions of Part 14 of the Act and are deemed to have been assessed and approved by the Authority under section 29 of the Act and to have the hazard classifications specified opposite their descriptions in Schedule 1 to this notice.

#### **5 Changes to hazard classifications and other matters**

The hazardous substances described in Schedules 1 and 2 to this notice are deemed to have the amended hazard classifications and other changes specified in those Schedules.

#### **6 Application of controls and changes to controls**

- (1) The controls set out in Schedule 3 to the principal notice are amended in the manner indicated in Schedule 3 to this notice.
- (2) The controls set out in Schedule 6 to the principal notice are amended in the manner indicated in Schedule 5 to this notice.

## 7 New obligations and restrictions

- (1) Insert, in clause 6 of the principal notice—
  - (a) immediately before “Schedule 8” in subclause (1), the words “Schedule 5A (Controls relating to the use of certain class 3, 4 and 5 dangerous goods),”; and
  - (b) immediately after subclause (1), the following new subclauses:
    - (2) No person may use a hazardous substance described in Schedules 1 and 2 to this notice as a pesticide or a veterinary medicine.
    - (3) Notwithstanding subclause (2), hazardous substances described in Schedules 1 and 2 to this notice may be used in the formulation of a pesticide or a veterinary medicine.
    - (4) For the purposes of subclauses (2) and (3)—
      - (a) **pesticide** includes, but is not limited to, a product intended for use as an acaricide, antifouling paint, avicide, fumigant, fungicide, insecticide, herbicide, miticide, molluscicide, piscicide, timber treatment preservative or vertebrate toxic agent
      - (b) veterinary medicine has the same meaning given to it in the Agricultural Compounds and Veterinary Medicines Act 1997.
- (2) The controls set out in Schedule 4 to this notice are imposed as controls under section 160B of the Act applying to the relevant hazardous substances described in Schedule 1 to the principal notice, and inserted immediately after Schedule 5 to the principal notice as a new Schedule 5A (Controls relating to the use of certain class 3, 4 and 5 dangerous goods).
- (3) The controls set out in Schedule 8 to the principal notice are amended in the manner indicated in Schedule 6 to this notice.
- (4) The controls set out in Schedule 9 to the principal notice are amended in the manner indicated in Schedule 7 to this notice.
- (5) The controls set out in Schedule 10 to the principal notice are amended in the manner indicated in Schedule 8 to this notice.
- (6) The controls set out in Schedule 12 to the principal notice are amended in the manner indicated in Schedule 9 to this notice.

## Schedule 1

### Amendments to Schedule 1 to the principal notice

#### Schedule 1, Table 1

Omit “methane” and substitute “methane or natural gas but excluding refrigerated liquid methane or natural gas”.

#### Schedule 1, Table 4

In the appropriate alphabetical order, insert the following:

Substance description	CAS number	UN Number	Hazard classification(s)
Propane, 1,1,1,3,3-pentafluoro	460-73-1		Not hazardous

#### Schedule 1, Table 5

For the hazardous substance “2-Octanol”, omit the UN number “1987”.

For the hazardous substance “Aluminate (1-), tetrahydro-, lithium, (T-4)-, ethereal” after “ethereal”, insert “very low flashpoint”.

In the appropriate alphabetical order, insert the following:

Substance description	CAS number	UN Number	Hazard classification(s)
Aluminate (1-), tetrahydro-, lithium, (T-4)-, ethereal low flashpoint	16853-85-3	1411	3.1B, 4.3A, 6.1B, 6.9A, 8.2C, 8.3A, 9.1D, 9.3C

For the hazardous substances listed in the first column of the table below, as appropriate—

- (a) omit the hazard classification(s) set out in the second column;
- (b) substitute the hazard classification(s) set out opposite to it in the third column;
- (c) insert the hazard classification(s) set out in the fourth column.

#### Changes to hazard classification(s)

Substance	Hazard classification omitted	Hazard classification substituted	Hazard classification inserted
1-Propene, 1,3-dichloro-			9.4B
2-Propenoic acid, ethyl ester			6.3A, 6.4A
Aluminium powder, coated PG II	9.3C		
Aluminium powder, coated PG III	9.3C		
Aluminium powder, uncoated PG II	9.3C		
Aluminium powder, uncoated PG III	9.3C		

Aluminium pyphoric	9.3C	
Benzenecarboperoxoic acid, 1,1-dimethylethyl ester	9.1A	9.1D
Formic acid (with more than 95% acid by mass)	6.5B	
Hydrogen peroxide, 8 – 20% aqueous solution	6.3A	
Naphthalene	6.7A	6.7B
Nitric acid, potassium salt	5.1.1B	5.1.1C
Paraformaldehyde	6.6A, 6.5A, 6.9A	6.6B, 6.9B

**Schedule 1, Table 6**

For the hazardous substance “Heavy fuel oils”, omit all references to “Heavy”.

For the hazardous substance “Diesel fuel (automotive gas oil and marine diesel fuel)”, after “60°C”, insert “including up to 20% of fatty acid esters, which are methyl or ethyl esters of long chain fatty acids derived from vegetable oils or animal fats”.

## Schedule 2

### Amendments to Schedule 2 to the principal notice

For the hazardous substance “sulphuric acid, fuming”, omit the CAS number “7664-93-9”, and substitute “8014-95-7”.

For the hazardous substances listed in the first column in the table below—

- (a) omit the hazard classification(s) set out in the second column; and
- (b) substitute the hazard classification(s) set out opposite to it in the third column.

#### Changes to hazard classification(s)

Substance	Hazard classification omitted	Hazard classification substituted
Formaldehyde, >5 – 25% aqueous solution	6.5A, 6.6A	6.6B
Phenol	6.6A	6.6B

Omit the entry for the hazardous substance “Formaldehyde, 0.25 – 5% aqueous solution” and substitute the following:

Substance description	CAS number	UN Number	Hazard classification(s)
Formaldehyde, 0.25 – <1% aqueous solution	50-00-0		6.3A, 6.4A, 6.5B, 9.2B
Formaldehyde, 1 – 5% aqueous solution	50-00-0		6.1E, 6.3A, 6.4A, 6.5B, 6.6B, 6.7A, 6.9B, 9.2B

### **Schedule 3**

#### **Amendments to Schedule 3 to the principal notice**

##### **Control – Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001**

###### **Regulation 7**

Immediately before the change to controls for regulation 8, insert the following:

Regulation 7      This regulation applies to liquefied petroleum gas as if subclauses (1) and (2) were omitted and the following substituted:

- (1)    Where a test certificate is required for a hazardous substance location comprising up to 300kg of liquefied petroleum gas under Regulation 81 of these regulations, that test certificate must be renewed at intervals of not more than 36 months.

##### **Control – Hazardous Substances (Emergency Management) Regulations 2001**

###### **Regulation 23**

Immediately after the change to controls for regulation 4, insert the following:

Regulation 23      This regulation applies to liquefied petroleum gas as if the following subclause was inserted:

- (2)    The fire extinguisher may be substituted by a hydrant system incorporating a 20mm diameter hose, fitted with a spray nozzle and of sufficient length to enable water to be directed to all sides of the tank or tanks.

##### **Control – Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004**

###### **Regulation 42**

Immediately after the change to controls for regulation 14A, insert the following:

Regulation 42      This regulation applies to road tank wagons containing liquefied petroleum gas as if the following subclause was inserted after subclause (5):

- (6)    When a liquefied petroleum gas tank wagon with a capacity of 12,000 litres or greater is parked for a period of time greater than one hour, fire fighting facilities must be provided, such facilities must include a spray system

capable of delivering water to the exposed surfaces of the tank at a rate of 600 litres per square metre per hour, and equipped with an automatic system that—

- (a) detects fire; and
- (b) starts delivering water to the tank; and
- (c) can be manually controlled from a safe location,

provided that if the tank wagon is parked whilst containing liquefied petroleum gas in gaseous form only, a hydrant system equipped with a monitor or equivalent means to direct water to all sides of the tank need only be provided.



## Schedule 4

### New Schedule 5A

After Schedule 5 to the principal notice, insert new Schedule 5A as follows:

#### Schedule 5A

#### Controls relating to the use of certain class 3, 4 and 5 dangerous goods

##### 1 Restriction on use in cosmetic products

- (1) The hazardous substance “2-Propenoic acid, 2-methyl-, methyl ester” is not be used as a component or ingredient of any cosmetic product.
- (2) For the purposes of this clause, **cosmetic product** means—

any substance or preparation intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity, with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance and/or correcting body odours and/or protecting them or keeping them in good condition.

##### 2 Restriction on sale of methylated spirits

- (1) No person may sell any methylated spirits, denatured with between 0.1% and 2% methanol unless—
  - (a) the label states that it contains methanol; and
  - (b) it also contains at least 10 mg per litre of denatonium benzoate and, if practicable, at least 1.56 mg per litre of methyl violet; or
  - (c) it is in a container whose capacity is at least 20 litres, and the seller believes, on reasonable grounds, that the buyer intends—
    - (i) to use it for an industrial or commercial purpose for which methylated spirits containing denatonium benzoate is unsuitable; or
    - (ii) to resell it, in containers whose capacity is at least 20 litres, for use for industrial or commercial purposes for which methylated spirits containing denatonium benzoate is unsuitable; and
  - (d) when it is packaged in quantities of less than 2.5 litre, the package must have clearly embossed on the shoulder or side of the container, the word “POISON” in capital letters, the height of the letters being not less than one-fifteenth of the greatest dimension of the container.
- (2) Subclause (1)(d) does not apply to a substance that is restricted to a place of work.

## **Schedule 5**

### **Amendments to Schedule 6 to the principal notice**

#### **Control – Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001**

##### **Regulation 61**

Omit, in the change to controls for regulation 61(8), the second reference to “Any aircraft that is being refuelled must comply with the Civil Aviation Rules”.

##### **Regulation 81**

Immediately after the controls specified for regulation 81, insert the following:

Regulation 81      This regulation applies to class 3.1 hazardous substances as if, at the end of paragraph (g), the expression “.” was omitted and substituted with the following:

; and

and the following new subclause was inserted:

- (h) the requirements of Schedule 10 (Controls relating to the adverse effects of unintended ignition of class 2 and class 3.1 hazardous substances) of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 are complied with.

#### **Control – Hazardous Substances (Packaging) Regulations 2001**

##### **Regulation 11**

Omit in the change to controls for regulation 11, “and in addition, packaging for” and substitute “The packaging for portable containers of”.

#### **Control – Hazardous Substances (Emergency Management) Regulations 2001**

##### **Regulation 21**

Immediately after the change to controls for regulation 14, insert the following:

Regulation 21      This regulation applies to an unattended dispensing station where there is stored petrol, aviation gasoline, racing gasoline, kerosene or diesel fuel, for self service refuelling as if the items in Schedule 3 of the regulations relating to classifications 3.1A, 3.1C and 3.1D were omitted.

**Regulation 25**

Immediately after the change to controls for regulation 14, insert the following:

Regulation 25     This regulation applies to a place where there is stored—

- (a)     at a farm of not less than 4 hectares, petrol, aviation gasoline, racing gasoline, kerosene or diesel fuel, in total quantities of less than 2000 litres and or located so that any spillage will not endanger any building, or flow into any stream, lake or natural water; or
- (b)     petrol, aviation gasoline, racing gasoline, kerosene or diesel fuel, in total quantities of less than 2000 litres, contained in a tank wagon or in secure containers, each individual container with a capacity of less than 250 litres, located so that any spillage will not endanger any building, or flow into any stream, lake or natural water and where the proposed or actual duration or the storage is for a continuous period of less than 14 days,

as if the item in Schedule 4 of the regulations relating to classifications 3.1A and 9.1B were omitted and the following substituted:

3.1A and 9.1B     2000 L

## Schedule 6

### Amendments to Schedule 8 to the principal notice

#### Clause 1

Immediately after subclause (3), insert the following:

- (4) For the purposes of this Schedule, low flashpoint diesel (low flash domestic heating oil and alpine diesel) shall be deemed to have a flammable classification of 3.1D.

#### Clause 2

In the appropriate alphabetical order, insert the following:

**AS/NZS 1170.2** means the standard *Structural Design Actions - Wind actions*;

**AS/NZS 1170.5** means the standard *Structural Design Actions - Earthquake Actions – New Zealand Standard*;

**BS EN 14015** means the standard *Specification for the design and manufacture of site built, vertical cylindrical, flat-bottomed, above ground, welded, steel tanks for the storage of liquids at ambient temperature and above*.

In the definition “**API 620: 2002**”, omit “: 2002”.

In the definition of “**stationary tank**”, in subclause (c)(iii) omit “compressed gas container” and insert “cylinder”.

#### Clause 8

Immediately after subclause (2)(b), insert “(ba) BS EN 14015; or”.

In subclause 2(c), omit “: 2002”.

Immediately after subclause (4)(a)(ii), insert “(iiA) BS EN 14015; or”.

In subclause 4(a)(iii) before “NZS 4203: 1992”, insert “until 31 December 2007 only,”.

Immediately after subclause 4(a)(iii), insert the following:

- (iv) AS/NZS 1170.2; or
- (v) AS/NZS 1170.5; or

**Clause 23**

Immediately after the second occurrence of “flammable classification”, omit “by not less than 1 metre.” and substitute “—

- (a) by not less than 1 metre; or
- (b) in accordance with a code of practice approved by the Authority under section 79 of the Act that specifies requirements that address the relevant risks of reducing the separation distance to less than 1 metre.”

**Clause 33**

At the end of paragraph (a), omit “or” and substitute “and”.

Immediately after paragraph (a), insert the following:

- (aa) the requirement that any permanently fixed equipment, structures or tanks, must be effectively bonded to the main body of earth so that the resistance to earth shall not exceed 10 ohms; or

In paragraph (b) after “(a)”, insert “and paragraph (aa)”.

**Clause 35A**

Immediately after “gravity”, insert “through a line having all connections gas tight and liquid tight”.

Immediately after “unless”, insert the following:

- 
- (a).

After “1985”, omit “.” and insert “; or” and insert the following:

- (b) the tank is filled in accordance with a code of practice approved by the Authority under section 79 of the Act.

**Clause 56**

In subclause (2)(a)(vi) after “the temperature”, insert “of the air above the engine”.

After subclause (2A), insert the following:

- (2B) Despite subclause (2)(a)(ii), a tank used to contain a class 3.1D substance may be directly filled utilising a connection that is both liquid tight and vapour tight and which seals without spillage when disconnected (dry break coupling) if—

- (a) the tank size is no greater than 15,000 litres; and
- (b) the fill point is clearly identified; and
- (c) there is a manual valve directly upstream of the coupling; and
- (d) the requirements of sections 5.3.2(a) to (f), 5.3.3 (a) to (c) and 5.3.4 of AS 1940 are met.

**Clause 58(3)**

In paragraph (d)—

- (a) after “500mm”, insert “unless it is impractical to use pipework of the type specified in subclauses 3(a) to 3(c) in which case not longer than 1 metre”; and
- (b) after “stainless steel”, insert “or high tensile steel”.

**Clause 68(1)(a)**

Immediately after “combustion of”, omit “—” and subclauses (a) and (b) and insert “class 3.1 hazardous substances”.

**Clause 75 (1)**

In paragraph (b), omit “non-return valve” and substitute “back flow prevention system”.

In paragraph (c), omit both references to “non-return valve” and substitute “back flow prevention system”.

**Clause 79(1)**

Immediately after “substance”, insert “but does not apply where the water capacity of the stationary tank is less than—

- (a) 12,000 litres for a stationary tank used or intended to be used to contain a class 2.1.1A flammable gas; or
- (b) 60,000 litres for a stationary tank used or intended to be used to contain a class 3.1 substance; or
- (c) 500 litres for a stationary tank used or intended to be used to contain a class 6.1A or 6.1B substance; or
- (d) 5000 litres for a stationary tank used or intended to be used to contain other hazardous liquids.”

**Clause 84(a)(i)**

Immediately after “alterations”, insert “(other than minor repairs or alterations)”.

**Clause 90(a)**

In paragraph (a)(i) after “repaired”, insert “(other than minor repairs)”.

In paragraph (a)(ii) after “altered”, insert “(other than minor alterations)”.

**Clause 91(2)(a)(iii)**

Omit “2000” and substitute “2,500”.

**Clause 92**

In subclause (1) at the end of paragraph (b), omit “.” and substitute “; or” and insert:

- (c) a code of practice approved by the Authority in accordance with clause 100(2)(c).

In subclause (2)(d) after “contains a ”, insert “class 3.1D, or”.

In subclause (2)(d) after “class 2, or class 3”, insert “other than class 3.1D”.

**Clause 93(1)**

Immediately after paragraph (a)(i)(B), insert the following

- (BA) BS EN 14015; or”.

**Clause 100(2)**

In paragraph (b), omit “.” and substitute “; or” and insert the following:

- (c) it complies with a code of practice approved by the Authority under section 79 of the Act that specifies requirements equivalent to the requirements set out in either Parts 2, 6, 13, 15, 16, 17 or 18 or Parts 2, 3, 4, 5, 9, 13, 15, 16, 17, and 18 of this Schedule.

**Clause 101(b)(ii)**

In subsubparagraph (B), omit “.” and substitute “; or” and insert the following:

- (C) variations to the requirements of Parts 3 to 18 of this Schedule, compliance with which may be deemed to be in compliance with those parts of this Schedule.

**Schedule 7****Amendments to Schedule 9 to the principal notice****Clause 1(4)**

Omit “The” and substitute “If a group consists of more than one stationary container, the”.

Omit “a” and substitute “the”.

**Clause 1(6)(b)**

Omit “its walls” and substitute “the walls that form a subdivision of the secondary containment system”.

**Clause 5**

In clause 5(1) omit “secondary tank” and substitute “stationary tank”.

**Clause 5(1)(a)**

Immediately after “2001”, insert “including the provisions of clause 1 of this Schedule”.



## Schedule 8

### Amendments to Schedule 10 to the principal notice

#### Clause 2

Omit “NZS 4232.2 (1998)” and substitute “NZS 4232.2:1988”.

In the definitions of “**type 1 building**”, “**type 2 building**” and “**type 3 building**”, in each case—

- (i) omit “NZS 4232.2 (1998)” and substitute “NZS 4232.2:1998”; and
- (ii) immediately after “dwelling” insert “; and” and insert the following:
  - (c) that has a secondary containment system with a capacity of at least 100% of the total pooling potential.

In the definitions of “**type C building**” and “**type D building**”, in each case in subclause (a)—

- (i) omit “is made of brick, block concrete, or reinforced concrete that” and;
- (ii) after “minutes”, insert “ and which is made of structurally strong materials such as brick, block concrete or reinforced concrete.”

#### Clause 7(1A)

Omit “Cylinders” and substitute “For cylinders” and after “liquefiable gas”, insert “the building”.

#### Clause 8

At the end of this clause insert the following:

- (2) Notwithstanding the above, a tank fill zone need not be separated from the boundary of the controlled zone by any more than 15 metres.

#### New clause 12A

Immediately after clause 12, insert the following:

#### **12A Storage of packages holding class 3.1 hazardous substances in a store in a building**

- (1) Substances of hazard classification 3.1 may be situated in a store inside a building provided that they are stored—
  - (a) in a room with the walls and ceiling constructed with a 60/60/60 fire resistance rating and—

- (i) not more than 450 litres is situated in the store; and
    - (ii) the substances are stored in containers, each not exceeding 20 litres capacity; or
  - (b) in a room with the walls and ceiling constructed of reinforced concrete or equivalent with a 120/120/120 fire resistance rating and—
    - (i) not more than 2000 litres is situated in the store; and
    - (ii) the substances are stored in containers, each not exceeding 60 litres capacity, provided that one container of a maximum capacity of 250 litres may be located in the store; or
  - (c) in a type D building which shall have no openings to the interior of the building except for a door that is self-closing in the event of a fire and which opens into a type 1, type 2 or type 3 building.
- (2) For subclause (1), where the quantity of class 3.1 hazardous substances in the store does not exceed 2000 litres, the door may open into the building if—
- (a) the door of the room has a fire resistance rating of -/60/60 in the case of storage in accordance with subclause (1)(a) and -/120/120 in the case of storage in accordance with subclause (1)(b); and
  - (b) the door is fitted to be self-closing in the event of a fire near the doorway; and
  - (c) there are no combustible materials within 3 metres of the doorway; and
  - (d) no portion of any structure within 3 metres of the doorway is constructed of combustible materials; and
  - (e) the door is kept closed except when goods are being placed in, or removed from, the store.
- (3) A building constructed in accordance with subclause (1)(c) or a building which has more than two walls in common with another building that is an area of regular habitation shall have walls constructed of reinforced concrete or equivalent with a fire resistance rating of 240/240/240 and shall not contain more than—
- (1) 5000 litres of class 3.1A and 3.1B substances in aggregate, in containers exceeding 60 litres capacity; or
  - (2) 10,000 litres in aggregate in the case of all other storage of class 3.1A and 3.1B substances in containers not exceeding 60 litres capacity and/or class 3.1 C substances in containers not exceeding 250 litres capacity.

**Clause 15(2)**

In paragraph (c), omit “.” and substitute “; or” and insert the following:

- (d) a paint mixing room that complies with AS/NZS 4114.

**Clause 16**

In subclause (1), omit “type 1, or type 2, or type 3 building” and substitute “type of building specified in subclauses 15(2)(a) to (d)”.

In subclause (2)(a), after the second reference to “building”, insert “or paint mixing room that complies with AS/NZS 4114”.

**Clause 20(1A)**

Omit “Cylinders” and substitute “For cylinders”.

**Clause 20(2)**

Immediately after “greater than 100kg”, omit “or more”.

**Clause 21**

Immediately after paragraph (b), insert “Notwithstanding the above, a tank fill zone need not be separated from the boundary of the controlled zone by any more than 15 metres”.

**New clauses 25A and 25B**

Immediately after clause 25, insert the following:

**25A Storage of packages holding class 3.1 hazardous substances in a store in a building**

- (1) Substances of hazard classification 3.1 may be situated in a store inside a building provided that they are stored—
  - (a) in a room with the walls and ceiling constructed with a 60/60/60 fire resistance rating and—
    - (i) not more than 450 litres is situated in the store; and
    - (ii) the substances are stored in containers, each not exceeding 20 litres capacity; or
  - (b) in a room with the walls and ceiling constructed of reinforced concrete or equivalent with a 120/120/120 fire resistance rating and—

- (i) not more than 2000 litres is situated in the store; and
    - (ii) the substances are stored in containers, each not exceeding 60 litres capacity, provided that one container of a maximum capacity of 250 litres may be located in the store; or
  - (c) in a type D building which shall have no openings to the interior of the building except for a door that is self-closing in the event of a fire and which opens into a type 1, type 2 or type 3 building.
- (2) For subclause (1), where the quantity of class 3.1 hazardous substances in the store does not exceed 2000 litres, the door may open into the building if—
- (a) the door of the room has a fire resistance rating of -/60/60 in the case of (1)(a) and -/120/120 in the case of (1)(b) or (1)(c); and
  - (b) the door is fitted to be self-closing in the event of a fire near the doorway; and
  - (c) there are no combustible materials within 3 metres of the doorway; and
  - (d) no portion of any structure within 3 metres of the doorway is constructed of combustible materials; and
  - (e) the door is kept closed except for when goods are being placed into or removed from the store.
- (3) A building constructed in accordance with subclause (1)(c) or a building which has more than two walls with a fire resistance rating of 240/240/240 in common with another building that is an area of regular habitation shall not contain more than—
- (a) 5000 litres of class 3.1A and 3.1B substances in aggregate, in containers exceeding 60 litres capacity; or
  - (b) 10,000 litres in aggregate in the case of all other storage of class 3.1A and 3.1B substances in containers not exceeding 60 litres capacity and / or 3.1 C substances in containers not exceeding 250 litres capacity.

## **25B Deemed compliance with Parts 2 and 3 of this Schedule**

Where a building to which the public have access holds a class 3.1 substance that is—

- (a) available for retail sale; and
- (b) contained in closed containers of capacity not exceeding 10 litres; and

- (c) the quantities are not greater than the quantities specified in Table 4 of Schedule 3 to the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001,

the separation distance specified in Parts 2 and 3 of this Schedule from the building may be zero.

#### **Clause 28(2)**

In paragraph (c), omit “.” and substitute “; or” and insert the following:

- (d) a paint mixing room that is in compliance with AS/NZS 4114.

#### **Clause 29**

In subclause (1), omit “type 1, or type 2, or type 3 building” and substitute “type of building specified in clauses 28(2)(a) to (d)”.

In subclause (2)(a) after the second reference to “building”, insert “or paint mixing room that is in compliance with AS/NZS 4114”.

In subclause (4), omit “200 litres” and substitute “250 litres”.

In subclause (4)(b), omit “of minimum fire resistance rating of 120/120/120 minutes” and substitute “constructed of fire resisting materials”.

In subclause 4(c), omit “despite the requirements of regulation 58 of the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001,”.

#### **Clause 32**

Omit “from an area of high intensity land use”.

#### **Clause 33**

Omit subclause (1) and substitute the following:

- (1) In respect of a hazardous substance under Part 2 or Part 3 of this Schedule, the Authority may reduce the separation distance required or vary other matters—
- (a) upon application by the person in charge of a place at which a hazardous substance is located; or
- (b) by approving a code of practice under section 79 of the Act that specifies requirements equivalent to the requirements specified in this Schedule.

Immediately after “met” in subclause (4), substitute “or other such matters as it thinks fit”.

**Clause 35**

In subclause (1)(ii), omit “.” and substitute “; and” and insert the following:

- (iii) the reduced separation distance may be applied only to one side or two adjacent sides.

In subclause 2(a)(iv), omit “or” and substitute “and”

In subclause 2(b)(iii), omit “or” and substitute “and”

Immediately after subclause (2)(b), insert the following new paragraph:

- (c) in the case of cylinders, above ground tanks or cylinder filling stations which are located in proximity to a high density traffic route, the high density traffic route shall be considered as being an area of low intensity land use until such time as an upgrade takes place and the site is reconfigured.

## Schedule 9

### Amendments to Schedule 12 to the principal notice

#### Control – Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001

##### Regulations 56A, 89A and 107A

In each of the above regulations, omit subclause (3) and substitute—

(3) Subclause (1)(c)—

- (a) applies to pilots, aircrew, and airline ground personnel loading and handling a hazardous substance within an aerodrome; but
- (b) does not apply to the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.

##### Regulation 83

Insert the following:

Regulation 83     The regulation applies to hazardous substances at a transit depot which are being transported under clause 2.3 of the Land Transport Rule Dangerous Goods 2005 Rule 45001/1 as if regulation 83(d) were omitted for separation distances between the substances being transported.

##### Regulation 89A

In subclause (1)(b)(ii), omit “Good” and substitute “Goods”.

#### Control – Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001

##### Regulation 9A

Omit subclause (3) and substitute—

(3) Subclause (1)(c)—

- (a) applies to pilots, aircrew, and airline ground personnel loading and handling a hazardous substance within an aerodrome; but
- (b) does not apply to the storage and handling of a hazardous substance in any place that is not within an aerodrome, or within an aerodrome by non-airline ground personnel.