

From: [Russell Malthus - Novo Group](#)
To: [Benjamin Rhodes](#)
Subject: RE: McMillan's explosives
Date: Tuesday, 10 February 2015 10:00:08 p.m.
Attachments: [Hazardous Substances Classes 1 to 5 Controls Regulations 2001.pdf](#)

Hi Ben

I was at a hearing today and will be at another one all day tomorrow.

I missed your call and got your message - tried to call you but no luck.

Sorry to tell you, the public aren't allowed within 42 m of the explosives.

The Approved Handler Certificate issued to Harley Winchester by Trevor McQuoid provides for <50 kg of Class 1.1D Blasting Explosives to be on site, in a hazardous substance location (the cabinet) which is surrounded by a 42 m "controlled zone" in accordance with the Hazardous Substances Classes 1 to 5 Controls Regulations, reg. 31. I've attached the regulations for reference. Regulation 31(1) states (my underlining):

(1) Except as provided in subclause (4), the person in charge of a hazardous substance location must—

(a) authorise to be in the hazardous substance location or its abutting controlled zone only—

(i) those persons necessary for the handling of class 1 substances; and

(ii) for limited periods only, persons carrying out maintenance, inspection, or management purposes, or site visitors under the direct supervision of an approved handler; and

(b) exclude from the hazardous substance location and controlled zone persons not authorised to be there.

Subclause 4 of reg 31 does not apply because the quantity stored (25 kg at present) exceeds the 5 kg threshold in Schedule 2 Table 5 for class 1.1 which activates requirements for establishing a hazardous substance location and a controlled zone to limit effects.

A “hazardous substance location” is defined as:

(a) in relation to a class 1 substance—

(i) means an area where an amount of the substance that is in excess of the relevant quantity specified in table 5 of Schedule 2 is manufactured, or is located for more than 2 hours:

A “controlled zone” is defined as:

controlled zone means an area abutting a hazardous substance location that is regulated so that—

(a) within the zone, the adverse effects of a hazardous substance are reduced or prevented; and

(b) beyond the zone, members of the public are provided with reasonable protection from those adverse effects

The 42 m distance is not specified in the regulations, and I suspect Trevor as either calculated it from equations in the regs or referred to a code of practice approved by the EPA. He should be able to advise what method would be acceptable to keep people out of the controlled zone - securely fencing off the north-west corner of the reverse sensitivity buffer perhaps?

Hope this helps.

Regards

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