

14 July 2021

Kia ora

**Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) – reference: 8525949 (OIR: 2021-297)**

I refer to your information request we received on 2 July 2021 for the following:

1. ***A list of complaint types that are referred to Greater Wellington Regional Council (GWRC), e.g. all smoke complaints are currently referred to GWRC, please provide a comprehensive subject list of complaint types KCDC currently refers to GWRC.***

We would refer a customer to GWRC for multiple requests types that are relevant to Regional Councils. This would include:

- Discharge to air
- Discharge to land and water
- Breaches of local regional plans and the Proposed Natural Resources Plan.
- Pest management

More information in relation to the role of a regional Council can be found here:

[Greater Wellington's role and functions | Greater Wellington Regional Council \(gw.govt.nz\)](#)

2. ***A copy of the instructions on the council's Knowledge base (internally known as K-base) for complaints about smoke from chimneys.***

**Smoke Nuisance from chimneys – instructions for staff**

<u>Description</u>
 <b>Smoke Nuisance.docx</b>
Location: System\Monitoring\Public Health • Author: Alison Tong • Last Changed: 7-Jun-2019 1:05 PM

Complaints about discharge to air (e.g. Smoke from a domestic chimney) are a **regional council issue** -- please advise callers to phone Greater Wellington Regional Council (0800 496 734) or even handshake the call through.

If customers feel that they are not getting the help they need with this issue, then they can only contact the Greater Wellington Regional Council and discuss their rules **covering discharge to air**. We do not have the jurisdiction to help them.

Fire Emergency New Zealand have determined that all smoke nuisance complaints belong to regional council - 0800 496 734.

3. ***A copy of instructions specified on K-base for any other smoke or fire complaints i.e. incinerators, outdoor fires etc.***

**Fires in back garden causing a nuisance – instructions for staff**

Obtain details and send a service request to 'Environmental Standards', 'Smoke Nuisance' and email to the 'Compliance Duty Officer'.

4. ***A copy of the documentation including meeting minutes, emails and all other written/electronic records relating to the decision to refer smoke complaints regarding domestic chimneys/indoor fires to GWRC.***

We have decided to refuse this part of your request under Section 17(e) of the Act, the information requested does not exist or cannot be found.

5. ***A copy of the documentation including meeting minutes, emails and all other written/electronic records relating to the decision to amend the website to specifically include "Reporting a smoke nuisance" on this page:***

<https://www.kapiticoast.govt.nz/services/a-z-council-services-and-facilities/fires/>

Please refer to Attachment 1. You will see that the personal details of other parties have been withheld from this information. The decision to withhold this information is made under section 7(2)(a) of the Act which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons.

In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

6. ***A copy of the policy that details KCDC's responsibilities under the Health Act as per the following statement under the "Reporting a smoke nuisance" which further specifies "Council can investigate this through our responsibilities under the Health Act 1956."***

The provision is not through a local policy but through the powers and duties of a local authority through Health Act 1956. [Health Act 1956 No 65 \(as at 29 June 2021\), Public Act – New Zealand Legislation](#). Please see refer to Part 2 section 23 of this link.

7. ***A copy of all documentation including meeting minutes, emails and all other written/electronic records between GWRC and KCDC regarding smoke from domestic chimneys in the last 5 years.***

We have decided to refuse this part of your request under Section 17(e) of the Act, the information requested does not exist or cannot be found.

8. ***Confirmation of the date the web page:***  
<https://www.kapiticoast.govt.nz/services/a-z-council-services-and-facilities/fires/>  
***was first updated to include the statement "Council can investigate this through our responsibilities under the Health Act 1956".***

Prior to the latest update on 7 May 2021, the website information was as follows:

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## Reporting a smoke nuisance

Nuisance might include an offensive or objectionable smoke or smell beyond the boundary of the property where the controlled fire is taking place. Council can investigate this through our responsibilities under the [Health Act 1956](#).

If you're experiencing nuisance from a controlled fire, you can [contact us](#) to investigate at the time.

You have the right to request the Ombudsman to review our decisions. Complaints can be sent by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz), by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'J. Jefferson', with a long horizontal flourish extending to the right.

**James Jefferson**  
Group Manager Regulatory Services  
Te Kaihautū Ratonga Whakaritenga