

## Jacqui Mackle

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**Subject:** FW: LOCAL GOVERNMENT OFFICIAL INFORMATION REQUEST - NOTIFICATION OF DECISION

**From:** Jacqui Mackle

**Sent:** Tuesday, April 2, 2024 3:56 PM

**Subject:** FW: LOCAL GOVERNMENT OFFICIAL INFORMATION REQUEST - NOTIFICATION OF DECISION

**RE: Local Government Official Information Request – Notification of Decision - LGOIMA Reference 24-00038**

We refer to your Request for information under the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) regarding *how many chimney smoke complaints were made in 2023, 2022, 2021 and 2020 Also I would like to know how these complaints were resolved* which was received by the Bay of Plenty Regional Council (**Council**) on Friday 29<sup>th</sup> March 2024 and acknowledged by Council on 2 April 2024 (**Request**).

Council has now made a decision on your Request and has decided to provide the following information:

In the requested period (2020 – 2023) our Warranted Compliance Officers responded to 259 calls made into our Pollution Hotline regarding indoor burning practices and subsequent smoke emissions from Chimneys/ Flues:

	Number of Complaints	Number Substantiated*	Number attended onsite
2020	72	7	26
2021	90	7	33
2022	50	7	21
2023	47	1	22

\*Substantiated means that an Officer found evidence that our Regional Rules had been breached

The rules that our Officers are assessing against is found in the Council’s Natural Resources Plan (Air Quality) which states:

### **AIR – SFB – Solid fuel burners**

#### **Policy**

##### **AIR-SFB-P8 Solid fuel burners — Ngā pāka ahi**

Avoid significant adverse *effects* on the *environment* from the operation of **solid fuel burners** installed in **dwelling houses** or buildings by avoiding:

- (1) excessive discharge of **particulates** (eg. caused by burning wet wood or restricting oxygen flow to the fire)
- (2) any discharge that is noxious or dangerous, offensive or objectionable (eg. burning painted or **treated timber** or *waste*).

#### **Rule**

**AIR-SFB-R27****Solid fuel burners outside the Rotorua Airshed – Permitted — Ngā pāka ahi i waho o te Takiwā Hau o Rotorua – E whakaaehia ana**

The discharge of *contaminants* to air from a **solid fuel burner** installed in any **dwelling house** or building outside the boundary of the **Rotorua Airshed**, is a permitted activity provided:

- (1) The discharge from the **solid fuel burner** complies with the regulations of the National Environmental Standards for Air Quality and any local bylaw
- (2) The **solid fuel burner** is operated so that all reasonable steps are taken to minimise the amount of smoke discharged
- (3) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**
- (4) No materials either listed in AIR-R17 or prohibited by the National Environmental Standards for Air Quality regulations are burned.

Following on from our telephone conversation (with regards to your request on knowing how these complaints were resolved) you have agreed to me summarising our response to these type of complaints.

Where possible our Officers attend the subject site to undertake an assessment of compliance with our rules for indoor burning, in some cases this is not possible for several reasons including health and safety concerns for staff (aggressive persons, animals), the complaint is lodged after the fact and we were unable to gather any evidence to support the claim etc. Due to Covid restrictions in 2020 and a portion of 2021 onsite attendance was only carried out if the probable affects were deemed more than minor. For those incidents not attended in person education letters were sent or the subject person(s) were contacted via telephone or email to raise the issue and highlight our rules.

Please note that you have the right to lodge a complaint with the Ombudsman under section 27(3) of the Act. The Ombudsman's Office can be contacted by calling 0800 802 602, emailing [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or online at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Our LGOIMA responses may be published on the Council website. If we do this, we will not publish the requester's personal or contact details. Please contact us if you have any concerns.

If you contact the Council about this Request, please quote the BOPRC reference number above.

Yours faithfully

**Jacqui Mackle**

Compliance Officer – Incident Response Team  
**Bay of Plenty Regional Council Toi Moana**

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