

# Psychoactive Substances Policy (Local Approved Products Policy)

Policy Owner:	Regulatory Manager
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## Introduction

This policy is made under the provisions of section 66 of the Psychoactive Substances Act 2013.

A Local Approved Products Policy (LAPP) is a set of policy criteria and decisions made by a Council in consultation with its community which may restrict the location of premises selling psychoactive products in its geographical area. This policy addresses community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Psychoactive Substances Act 2013.

A LAPP provides the Psychoactive Substances Regulatory Authority (the Authority) with a policy framework when making decisions on licence applications, to enable the Authority to better meet the purpose of the Psychoactive Substances Act 2013 (the Act) which states that “*The purpose of this Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances.*”

## Objectives

The purpose of this policy is to set a clear framework to be applied to all applications that the Authority’ considers when granting licenses for premises that sell approved products in the Waikato District.

The objectives of this policy are to:

- Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- Ensure that the Council and the community have influence over the location of retail premises in the district.

## Application

The policy applies to:

- Any application for a licence under section 16 of the Act to sell approved products from a retail premises from the date that this policy comes into force; and

This policy does not apply to retail premises where internet sales only are made or to premises where the sale of approved products is by wholesale only.

The requirements of the Resource Management Act 1991 and Hazardous Substances and New Organisms Act 1996 must be met in respect of any premises holding a licence.

## Definitions

<b>Approved location</b>	Means the area identified in Schedule 1 where premises from which approved products may be sold are permitted to be located.
<b>Approved product</b>	Means a psychoactive product approved by the Authority under section 37 of the Act.
<b>Authority</b>	Means the Psychoactive Substances Regulatory Authority established by section 10 of the Act.
<b>Licence</b>	Means a licence, granted under section 16 of the Act, that is in force and an interim licence granted under clause 8 of Schedule 1 of the Act.
<b>Psychoactive product or product</b>	Has the meaning given in section 8 of the Act.
<b>Psychoactive substance</b>	Has the meaning given in section 9 of the Act.
<b>Retail premises</b>	Means premises for which a licence to sell approved products by retail has been granted.
<b>Sell</b>	Includes every method of disposition for valuable consideration, for example: <ul style="list-style-type: none"> <li>a) offering or attempting to sell or giving in possession for sale, or exposing, sending, or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale;</li> <li>b) retailing;</li> <li>c) wholesaling and <b>sale</b> and <b>sold</b> have corresponding meanings.</li> </ul>
<b>Sensitive site</b>	Includes: <ul style="list-style-type: none"> <li>a) any library, museum, community hall, or recreational facility, owned and/or operated on behalf of the Council for the benefit of the community;</li> <li>b) any marae or place of worship;</li> <li>c) any school, kindergarten, early childcare centre, after school care facility or other educational institution;</li> <li>d) any premises occupied by a social service agency such as Work and Income, food bank or community houses;</li> <li>e) any medical facility or premises providing primary health care services;</li> <li>f) any premises providing counselling services to members of the community, including mental health and drug and alcohol counselling;</li> <li>g) any public reserve or stand alone public toilets;</li> <li>h) any property located in the living or residential zones in the Waikato District Plan.</li> </ul>
<b>The Act</b>	Means the Psychoactive Substances Act 2013.

## **Policy Statements**

This policy does not limit the number of retail premises or restrict the issue of new licences, provided the policy criteria outlined below are met.

### **Location of retail premises from which approved products may be sold**

The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in Schedule 1.

### **Location of retail premises in relation to other retail premises from which approved products are sold**

Retail premises from which approved products may be sold are not permitted within 500 metres of another retail premises from which approved products may be sold.

### **Location of retail premises in relation to premises or facilities of a particular kind**

Retail premises from which approved products may be sold are not permitted within 100 metres of a sensitive site.

#### **Note:**

1. Separation distances between retail premises shall be measured from the legal boundaries of each property containing the retail premises.
2. A property can potentially contain a retail premises so long as:
  - no part of the road front boundary of the property is within the 100m setback distance measured from the legal boundary of a sensitive site, and
  - no legal boundary of the property containing the retail premises is directly adjoining a sensitive site.
3. The LAPP only applies to the sensitive sites existing at the date the LAPP took effect. These sites are listed in Schedule 2.

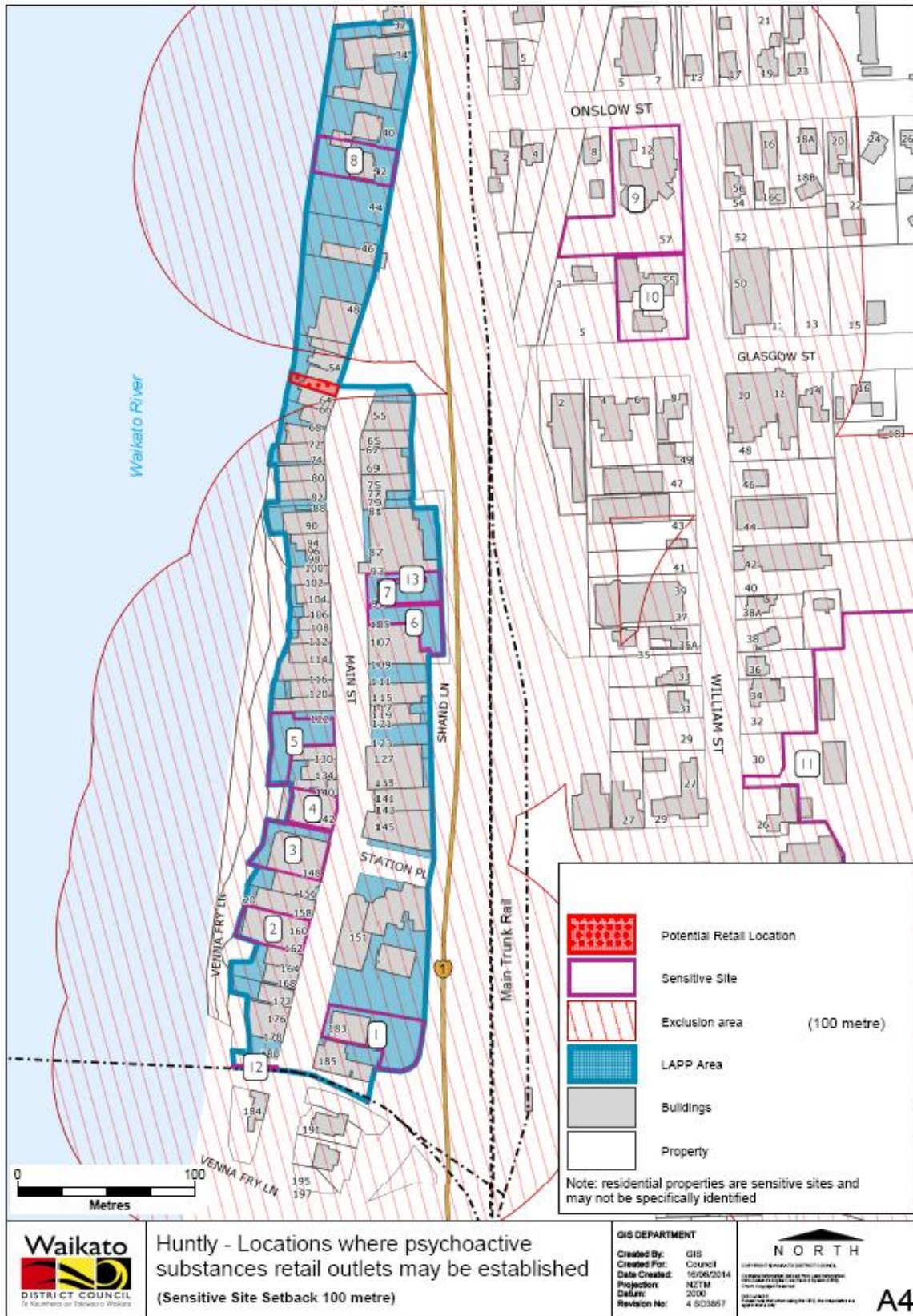
## **Policy review**

The policy will be reviewed:

- (i) every five years as required by the Psychoactive Substances Act 2013; or
- (ii) at the request of the Council; or
- (iii) in response to changed legislative requirements; or
- (iv) in response to any issues that may arise.

# Schedule I – Approved locations for retail premises from which approved products may be sold

Retail premises must be located within the business zone identified in the Waikato District Plan and are restricted to the area shown on the following map subject to complying with the proximity requirements to other retail premises and sensitive sites:



## Schedule 2 – List of Sensitive Sites shown on Policy Map

ID#	SITE NAME	TYPE	ADDRESS	TOWN
1	Huntly East Medical Centre	Social Support and Health Services	183 Main Street	Huntly
2	Work and Income	Social Welfare Agency	160 Main Street	Huntly
3	Huntly Civic Centre	Community Facility	148 Main Street	Huntly
4	Huntly Library	Community Facility	142 Main Street	Huntly
5	Garden Place	Reserve	124-128 Main Street	Huntly
6	BNZ Plaza	Reserve	105 Main Street	Huntly
7	Public Toilets	Community Facility	95 Main Street	Huntly
8	Dr John Gates Ltd	Social Support and Health Services	42 Main Street	Huntly
9	Trinity Church	Community Facility	12 Onslow Street	Huntly
10	Presbyterian Church	Community Facility	55 William Street	Huntly
11	Davies Park / Huntly South Sports Club	Community Facility	William Street	Huntly
12	Foot bridge over railway bridge	Community Facility	182 Main Street	Huntly
13	Huntly Footbridge	Community Facility	95 Main Street	Huntly