

Local Approved Products Policy

– Psychoactive Substances

This policy is made under the provisions of Section 66 of the Psychoactive Substances Act 2013. The purpose of this policy is to set a clear framework to be applied to all applications that the Psychoactive Substances Regulatory Authority considers when granting licenses for premises that sell approved products in the Waitaki District.

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1. INTRODUCTION AND OVERVIEW

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 (the ‘Act’).

A LAPP provides the Psychoactive Substances Regulatory Authority (Authority) with a policy framework when making decisions on licence applications to sell psychoactive products in the Waitaki District, to enable the Authority to better meet the purpose of 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.”

2. POLICY PURPOSE, OBJECTIVES, AND SCOPE

The purpose of this policy is to set a clear framework to be applied to all applications that the Psychoactive Substances Regulatory Authority considers when granting licenses for premises that sell approved products in the Waitaki 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 Council and the community have influence over the location of retail premises in the District.

The policy applies to any application for a licence as defined in the Act to sell approved products from a retail premise from the date that this policy comes into force.

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

3. STRATEGIC ALIGNMENT

This policy assists in the delivery of Council's outcomes and goals as follows:

1. We maintain the safest community we can

4. DEFINITIONS

When interpreting this policy use the definitions set out in this section unless the context requires otherwise. If you see a reference to a repealed Act, regulation, District Plan, bylaw or policy, read that as a reference to its replacement.

Approved location	Means an area where premises from which approved products may be sold are permitted to be located
Approved Product	Means a psychoactive product approved by the Authority under Section 37 of the Act.
Authority	Means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act.
Central Business District	Business zone 1 as per Waitaki District Plan
Licence	Means a licence, as defined by the Act.
Psychoactive Product or product	Means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substance.
Psychoactive substance	Relates to substances as defined by Psychoactive Substances Act 2013.
Regulations	Means regulations made under the Act.
Retail Premises	Means premises for which a licence to sell approved products by retail has been granted.
Retailer	Means a person engaged in any business that includes the sale of approved products by retails.
Sell	Includes every method of disposition for valuable consideration, for example,— <ul style="list-style-type: none">• (a) bartering;• (b) offering or attempting to sell or having in possession for sale, or exposing, sending, or delivering for

sale, or causing or allowing to be sold, offered, or exposed for sale:

- (c) retailing:
- (d) wholesaling

Sensitive Site

Includes:

(a) any library, museum, gallery, or recreational facility; any place of worship, school, childcare facility, or other educational institution;

(b) any premises occupied by a social welfare agency such as Work and Income or similar agency;

(c) Pharmacies and medical centres;

(d) any public park, reserve or playground, the Oamaru District Court, the Alps2Ocean Cycleway, stand-alone public toilets, and key bus stops;

(e) any property located in the residential zone in the Waitaki District Plan.

(f) registered War Memorial – Garden of Memories

Childcare facilities: Means premises (public and private) where children are cared for or given basic tuition and includes a crèche, day or after-school care, pre-school, kindergarten, kohanga reo or play centre. This term excludes a school.

Educational institution: Means premises used to provide regular post-school education or vocational training. Includes private tertiary establishments.

Key bus stops: Means a bus stop that services more local or visitor buses and that has 20 or more passengers using the stop to board a bus daily. At present Eden Street bus stop is identified.

Medical centres: Means premises providing services for essential physical and mental health and welfare, performed by duly qualified practitioners or by persons in their employ, for example, primary health providers (general practitioners).

School: Means premises used to provide regular instruction or training of children including primary, intermediate and secondary schools, and their ancillary administrative, cultural, recreational or communal facilities.

The Act

Means the Psychoactive Substances Act 2013

5. POLICY GUIDELINES

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

5.1. Location of retail premises from which approved products may be sold (see map 1).

(i) The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in the Central Business District (B1 as per Waitaki District Plan).

5.2. Location of retail premises in relation to premises or facilities of a particular kind or kinds.

(i) All retail premises from which approved products may be sold are not permitted within 50 metres of a sensitive site existing at the time the licence application is made.

(ii) For the purposes of clause 5.2 (i) the separation distances are measured from the legal boundary of each sensitive site.

5.3. Location of retail premises in relation to other retail premises from which approved products are sold.

(i) 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.

(ii) For the purposes of clause 5.3 (i) the separation distances are measured from the legal boundary of the premises.

6. REVIEW

The policy will be reviewed every five years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

7. REFERENCES

- Psychoactive Substances Act 2013
- Waitaki District Plan




8. AUTHORISATION AND STATUS

Policy Owner	Heritage, Environment & Regulatory Group Manager	Version	Version 1 Adopted 13 May 2015
Policy Contact	Regulatory Manager	Last Reviewed By	Policy & Strategy Manager
Approved By	Waitaki District Council	Last Reviewed Date	15 April 2020
Approved Date	13 May 2015	Date of Next Review	Prior to 13 May 2025
Notes	Waitaki District Council resolved to approve an un-changed policy on 12 May 2020		

**Map 1
OAMARU**



Legend

-  Eligible Business Locations that are at least 25% within the accessible area
-  Accessible Areas
50m from sensitive sites and 100m from Residential Areas
-  Business Zone 1

PALMERSTON



No location available in Palmerston