

Local Approved Products Policy (LAPP)

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| Approved by: | <i>Council</i> |
| Date Approved: | <i>9 December 2014</i> |
| Keywords: | <i>Psychoactive substances, Local Approved products</i> |

1.0 Introduction

- 1.1 The Psychoactive Substances Act 2013 (the Act) came into force on 18 July 2013. It seeks to regulate the importation, manufacture, sale, supply and possession of psychoactive substances. These are the active ingredients in party pills, energy pills and herbal highs.
- 1.2 The purpose of the 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.
- 1.3 To achieve this, the Act provides for licences to be issued by the Psychoactive Substances Regulatory Authority (PSRA) for the right to retail psychoactive substances. Sections 66 – 69 of the Act allows territorial authorities to develop a policy for their area which outlines where retail outlets of approved psychoactive substances can be located. The Act refers to these policies as Local Approved Products Policy.
- 1.4 The Act defines what a Council Local Approved Products Policy (LAPP) can address:
 - 1.4.1 Location of premises from which approved products may be sold by reference to broad areas within the district.
 - 1.4.2 Location from which approved products may be sold by reference to proximity to other premises from which approved products is sold within the district.
 - 1.4.3 Location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

2.0 Objectives

- 2.1 This LAPP will provide guidance to PSRA as to which locations it is appropriate to grant retail licences for approved products to be sold within the Timaru District.

- 2.2 The objectives of this policy are:
- 2.2.1 Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
 - 2.2.2 Minimise the exposure and potential for harm to vulnerable members of the community, from the sale of the psychoactive substances.
 - 2.2.3 Minimise the potential for adverse effects from the sale of psychoactive products to sensitive sites and residential areas.
 - 2.2.4 Ensure that the Council and the community have influence over the location of retail premises in the District.

3.0 Scope

- 3.1 This 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.
- 3.2 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.
- 3.3 This policy does not limit the number of retail premises or restrict the issue of new licences. Provided the applicant meets the policy criteria and the provisions of the Act.
- 3.4 The requirements of the Resource Management Act 1991 and the Hazardous Substances and New Organisms Act 1996 must be met in respect of any premises holding a licence.

4.0 Definitions

- 4.1 When interpreting this policy the definitions set out in s. 8 of the Act apply 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.

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| The Act | Means the Psychoactive Substances Act 2013 |
| 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 (PSRA) established by Section 10 of the Act. |
| Central Business District | Means the area of Timaru defined by the operational Timaru District Plan Commercial 1A zone. |

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| 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 institution as defined by the Education Act 1989 and amendments describing Schools, kindergartens, early childhood centres and tertiary education institutions. |
| 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 | Means a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance and defined further in s.9 of the Act |
| Regulations | Means regulations made under the Act. |
| Retailer | Means a person engaged in any business that includes the sale of products by retail. |
| Retail Premises | Means premises for which a licence to sell approved products by retail has been granted by the Authority |
| Specialist Treatment and Support Services | Means externally funded mental health, problem gambling, alcohol and other drug specialist treatment and or support service. |
| Sensitive Site | <p>Means sites which are used by people who are, or may be, more vulnerable to the influence of the sale of psychoactive substances.</p> <p>Includes:</p> <ul style="list-style-type: none"> • District Court; Department of Corrections; Medical Centre; • Any premises occupied by a central social welfare agency such as Work and Income or Housing New Zealand; • Specialist Treatment and Support Service facility; • Any place of worship, school, childcare facilities, or other educational institution; • Any property located in the residential zone in the operative Timaru Council District Plan; • Any Council Owned library, museum, recreational facility, public toilets; • King George Place, Strathallan Corner, Piazza, Caroline Bay and Landing Services. |

5.0 Broad Areas

- 5.1 The retail premises selling psychoactive substances shall be restricted to the Commercial 1A Zone as defined by the operative Timaru District Council District Plan.
- 5.2 Retailers shall be restricted to areas in the Commercial 1A zone that are covered by CCTV. Any retailer wanting to sell approved products from an area not covered by security cameras will require to negotiate a reasonable financial contribution to the installation of a camera based on Councils assessment of the balance of private/public good.

6.0 Proximity to Other Premises and Sensitive Sites

- 6.1 Licences for the sale of approved products will not be issued in respect of premises which are within 100 metres of premises for which a licence has been issued or premises which are within 100 metres of a sensitive site.
- 6.2 The 100 metre exclusion zone shall be measured from the public entrance of the applicant's premises and extend 100 metres in either direction along the thoroughfare on which the premises is situated. The measurement of the 100 metre exclusion zone shall also include any perpendicular intersecting thoroughfares and the opposite side of any such thoroughfare which falls within the 100 metre exclusion zone.
- 6.3 Following the adoption of this Policy, if an organisation or entity which falls within the definition of a sensitive site operator moves within the specified buffer zone distance of a retail premises, there is no requirement for the retail premises to move premises outside the approved buffer distance

7.0 Review

- 7.1 This Policy will be reviewed:
 - every five years as required by the Act; or
 - at the request of Council; or
 - in response to District Plan Zoning changes; or
 - in response to legislative changes; or
 - in response to any issues that may arise.

Map

That the included map is indicative and for explanatory purposes to identify sensitive sites at the date of adoption. It is NOT part of the policy.

