



# Local Approved Products **POLICY** (LAPP) (Psychoactive Substances Policy)



Responsibility: Planning

COUNCIL **P O L I C Y**

Adopted: 8 August 2014

# Local Approved Products Policy - LAPP 2014 (Psychoactive Substances Policy)

Responsibility:	Planning Manager
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Associated documents:	Psychoactive Substances Act 2013

## 1. Introduction and Overview

- 1.1 A Local Approved Products Policy - LAPP (Psychoactive Substances Policy) 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, and in particular section 66 of the Act.
- 1.2 A LAPP provides the Psychoactive Substances Regulatory Authority (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."

## 2. Policy Objectives and Scope

- 2.1 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 licences for premises that sell approved products in South Waikato District and in particular the following:
  - 2.1.1 Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
  - 2.1.2 To ensure that Council and the community have influence over the place-of-sale restrictions on the sale of approved products.

- 2.2 The policy applies to any application for a retail licence as defined in the Act to sell approved products from a retail premise from the date that this policy comes into force.
- 2.3 This policy does not apply to retail premises where there are internet sales only.
- 2.4 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.

### 3. Definitions

When interpreting this policy, use the definitions set out in Section 3 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 identified in Schedule 1 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.
Direct route of travel	Means the shortest route between two locations for a pedestrian using the public footpath or, if there is no footpath, the street.
Licence	Means a licence, granted under section 16 of Act that is in force.
Psychoactive product	Has the meaning given in section 8 of the Act or product.
Psychoactive substance	Has the meaning given in section 9 of the Act.
Retail premises	Means premises for which a licence to sell approved products by retail has been granted.
Sell	Includes sold and sale. 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> </ul>
Sensitive Site	Includes the following existing sites: <ul style="list-style-type: none"> <li>a. Funeral directors parlours and associated chapels</li> <li>b. community facilities including libraries, courthouses, public toilets, community halls or recreational facilities which include children's play equipment (excluding passive recreation reserves), retirement village or places of worship</li> <li>c. any school, kindergarten, early childcare centre, or other non-tertiary educational institution</li> <li>d. any premise occupied by a social welfare agency such WINZ, CYF, or similar agency</li> <li>e. commercial youth orientated recreational facilities such as swimming pools, cinemas, pool halls, amusement galleries, internet cafes and the like.</li> </ul>

These sites have been identified as sensitive sites for the following reasons:

- They are predominantly frequented by families and/or people under 18 years of age
- They are frequented by vulnerable members of the community such as the elderly, families and young children
- Council has aspirations for the Tokoroa town centre to be a "family friendly" environment for people to work, live and play.

Tokoroa Town Centre Zone Means the area within the South Waikato District defined by the Tokoroa Town Centre Zone of the Proposed South Waikato District Plan (or the resulting Operative District Plan).

## 4. Policy Guidelines

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.

### 4.1 Location of premises from which approved products may be sold

- 4.1.1 The location of retail premises from which approved products may be sold is restricted by this policy to the Tokoroa Town Centre Zone only.
- 4.1.2 Retail premises from which approved products may be sold are not permitted within 100 metres of a sensitive site as identified in Section 3 - Definitions of this policy.
- 4.1.3 The separation distances are measured site from the nearest side of the public entrance of each premises along the most direct route of travel.
- 4.1.4 Any retail premise from which approved products are sold must meet the policy requirements as outlined in 4.1.2.
- 4.1.5 Any retail premise operating on a full licence meeting the policy criteria has "existing use rights" to continue to operate for the duration of the licence in the event that a sensitive site is established within the 100 metre buffer distance subsequent to it commencing trading.

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

- 4.2.1 Retail premises from which approved products may be sold are not permitted within 100 metres of another retail premise from which approved products may be sold.
- 4.2.2 The separation distances are measured site from the nearest side of the public entrance of each premises along the most direct route of travel.

## **5. Review**

The policy will be reviewed:

- (a) every five years as required by the Psychoactive Substances Act 2013; or
- (b) at the request of Council; or
- (c) in response to changed legislation and statutory requirements or in response to any issues that may arise.

The Group Manager Regulatory will monitor the implementation of this policy.

## **6. References and Relevant Legislation**

Psychoactive Substances Act 2013

Psychoactive Substances Amendment Act 2014

Public Places Bylaw 2011

Smoke Free Environment Act 1990

Local Government Act 2002