

PSYCHOACTIVE SUBSTANCES POLICY (LOCAL APPROVED PRODUCTS POLICY)

1. INTRODUCTION AND OVERVIEW

The purpose of the Psychoactive Substances Act 2013 (“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”.

To advance this purpose, the Act provides that territorial authorities (such as the Horowhenua District Council) may have a Local Approved Product Policy (“LAPP”) relating to the sale of approved products within its district. In particular, a LAPP may include policies concerning the location to premises that sell approved products – by reference to broad areas in the district, proximity to other such premises and proximity to certain facilities (such as kindergartens, early childhood centres, schools, places of worship, or other community facilities).

The LAPP is intended to provide the Psychoactive Substances Regulatory Authority (“Authority”) with a clear view from the Horowhenua District Council and its community about the location of premises.

2. POLICY OBJECTIVES AND SCOPE

The objectives of the LAPP are to:

- Minimise the harm to the community caused by psychoactive substances by providing a clear view to the Authority of where retail premises that sell psychoactive substances may be located in the Horowhenua district.

This LAPP 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 any applicable regulation (including all applicable Bylaws of the Horowhenua District Council) must be met in respect of any premises holding a retail licence.

3. STRATEGIC ALIGNMENT

This LAPP assists in the delivery of the Horowhenua District Council’s Community Wellbeing vision identified in the Community Wellbeing Strategy 2013-2016 “Horowhenua is New Zealand’s leading region caring for the wellbeing of our people”.

4. DEFINITIONS

When interpreting this LAPP, unless the context requires otherwise, the definitions of words or terms used in the LAPP that are also used in the Psychoactive Substances Act 2013 are those defined in that Act. Otherwise, use the following definition:

Sensitive site Is any public library, public museum, public art gallery, public transport terminal, public park and sports field, and public playground, community centre, educational provider, premise occupied by a social welfare agency such as Work and Income, Child, Youth and Family or similar, place of worship, medical centre or facility, pharmacy, the Levin District Court, Community Probation Service, Life to the Max, hostel or other supported accommodation, or any other organisation providing social services for vulnerable people from its premise.

5. POLICY

The policy of the Horowhenua District Council is as follows:

5.1 Location of Psychoactive Substances Sales Points

The location of retail premises from which approved products may be sold is restricted to locations within the Central Business/Commercial zoned area Levin, and as identified by the map in Schedule 1 of this Policy. For the avoidance of doubt, sites zoned for 'Commercial' that are not within the central business areas of these towns are not included in this clause.

Section 68(a) of the Psychoactive Substances Act provides that the location of premises from which approved products may be sold may be indicated by reference to broad areas within a district.

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

- (i) Any retail premises from which approved products may be sold is not permitted within 150 metres of a sensitive site existing at the time the licence application is made.
- (ii) For the purposes of clause 5.1(i) the separation distances are measured from the legal boundary of any retail premises and any sensitive site.

Section 68(c) of the Act provides that the location of premises from which approved products may be sold may be indicated 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). See Clause 4 above for sensitive site definition applicable to this Policy.

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

- (i) New retail premises from which approved products may be sold are not permitted within 150 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.

Section 68(b) of the Act provides that the location of premises from which approved products may be sold may be indicated by reference to proximity to other premises from which approved products are sold.

6. REVIEW

The LAPP must be reviewed every five (5) years, or at the request of the Council, or in response to changed legislative and statutory requirements, or in response to any other issue that may arise.

7. ADOPTION

This policy was adopted at the duly notified Council meeting held on 5 November 2014 after completion of the special consultative procedure and takes effect from 6 November 2014.