

Psychoactive Products Retail Locations Policy

(Local Approved Products Policy – LAPP)

1. Introduction

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 Waimakariri District Council) may have Local Approved Products Policy (LAPP) relating to the sale of approved products within its District. In particular, a LAPP may include policies concerning the location of 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 (the Authority) with a clear view from the Waimakariri District Council and its community about the location of approved product retail premises.

2. Policy context

If the Council does not have a policy there is no ability for it to have any influence over the location and density of retail outlets for ‘approved psychoactive products’ in the District. The view of the New Zealand Police is that where there is an absence of restriction on retail locations that retailers are marketing their products within the most vulnerable communities and will continue to do so.

3. Policy objective

The objectives of the LAPP are to:

- minimise the harm to the community caused by psychoactive substances by defining the permitted location of approved product retail premises;
- minimise the exposure and potential for harm to vulnerable members of the community, from the sale of psychoactive substances;
- minimise the potential for adverse effects from the sale of psychoactive products to sensitive sites and residential areas;
- ensure that the Council and the community have influence over the location of approved product retail premises in the District by providing a clear view to the Authority.

4. Policy statement

4.1. 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 definitions set out below.

Business 1 Zone	Means those areas of the Waimakariri District defined as a Business 1 Zone in the Waimakariri District Plan.
Sensitive sites	Includes: <ul style="list-style-type: none">• District Court and Department of Corrections• Medical Centre including specialist treatment and support facility service• Premises occupied by a social welfare agency such as Work and Income or Housing NZ• Place of worship• Educational facility• Childcare centre• Community or recreational facility• All Residential Zones (Waimakariri District Plan)

4.2. Location of premises from which approved products may be sold

- (i) The location of retail premises from which approved products may be sold is restricted to locations within Business 1 Zone of the Waimakariri District Plan in the town of Rangiora only, identified in Appendix 1.

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.

4.3. 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 should not be permitted within 100 metres of another retail premise from which approved products may be sold.
- (ii) For the purposes of clause 4.3(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.

4.4. Location of approved product retail premises in relation to premises or facilities of a particular kind or kinds

- (i) Any approved products retail premises should not be permitted within 75 metres of a sensitive site existing at the time the licence application is made.

- (ii) Any approved products retail premises should not be permitted within 50 metres of a Residential Zone identified in the Waimakariri District Plan.
- (iii) For the purposes of clause 4.4(i) the separation distances are measured from the legal boundary of any retail premise 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. This LAPP identifies sensitive sites as District Court and Department of Corrections, medical centre including specialist treatment and support facility service, premises occupied by a central social welfare agency such as Work and Income or Housing NZ, place of worship, educational facility, childcare centre and community or recreational facility.

5. Links to legislation, other policies and community outcomes

- *Psychoactive Substances Act 2013*
- *Resource Management Act 1991*
- *Hazardous Substances and New Organisms Act 1996*
- Waimakariri District Plan
- Psychoactive Substances Licensing Scheme Guideline, Ministry of Health, 2016

5.1. Community Outcomes

There is a safe environment for all

- *Harm to people from natural and man-made hazards is minimised*

The distinctive character of our takiwa - towns, villages and rural areas is maintained

- *The centres of our towns are safe, convenient and attractive places to visit and do business*

6. Adopted by

Adopted by Council on 1 September 2020.

7. Review

Review every five years (statutory review) or sooner on request.