

<b>Central Hawke's Bay District Council</b>	<b>POLICY MANUAL</b>	
	<b>Document #</b>	2.16
<b>LOCAL APPROVED PRODUCTS POLICY</b>	<b>Approved by:</b>	Council
	<b>Adoption Date:</b>	12-11-2015
	<b>Last Amended:</b>	NEW
	<b>Review Date:</b>	November 2020
	<b>Page:</b>	Page 1 of 4

## 1. INTRODUCTION

This policy is made under the provisions of Section 66 of the Psychoactive Substances Act 2013.

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.

A LAPP provides the 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. OBJECTIVES

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 the Central Hawke's Bay District.

The objectives of this policy are to:

- Minimise the harm to at risk groups within the community caused by psychoactive substances by defining the permitted location and density of the retailers of approved products.
- Ensure that Council and the community have some influence over the location and density of retailers of approved products in the District.
- Minimise the potential for adverse effects from the sale of psychoactive substances in residential areas, near sensitive facilities and locations.
- Minimise the exposure and potential for harm to risk groups from the sale of psychoactive substances.

## 3. APPLICATION

This policy applies to:

- Any application for a licence under Section 16 of the Act to sell approved products from a retail premises from the date that this policy comes into force; and
- Any interim licence granted under Clause 8 of Schedule 1 of the Act.

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.

#### 4. DEFINITIONS

For the purpose of this policy, the following definitions shall apply:

<b>Approved Location</b>	Means an area identified under Schedule 1 where premises from which approved products may be sold are permitted to be located.
<b>Approved Product</b>	Means a psychoactive product approved by the Authority under Section 37 of the Act
<b>Authority</b>	Means the Psychoactive Substances Regulatory Authority established under Section 10 of the Act.
<b>Licence</b>	Means a licence, granted under Section 16 of the Act, that is in force and an interim licence granted under Clause 8 of Schedule 1 of the Act.
<b>Psychoactive Product</b>	Has the meaning given in Section 8 of the Act.
<b>Psychoactive Substance</b>	Has the meaning given in Section 9 of the Act.
<b>Retail Premises</b>	Means premises for which a licence to sell approved products by retail has been granted.
<b>Sell</b>	Includes every method of disposition for valuable consideration, for example: (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; (b) retailing; (c) wholesaling and <b>sale</b> and <b>sold</b> have corresponding meanings.
<b>Sensitive Site</b>	Includes: (a) any community facility including library, museum, community hall, recreational facility, marae or place of worship; (b) any school, kindergarten, childcare centre, or other educational institution; (c) any premises occupied by a social welfare agency such as Work and Income, Salvation Army, Food Bank, or similar agency; (d) Any medical centre, medical practice, or health facility.
<b>The Act</b>	Means the Psychoactive Substances Act 2013.

#### 5. LOCATION OF RETAIL PREMISES FROM WHICH APPROVED PRODUCT MAY BE SOLD

The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in Schedule 1.

Retail premises must be located within the business zone identified in the Central Hawke's Bay District Plan and are restricted to the areas shown on the following maps subject to complying with the proximity requirements to other retail premises and sensitive sites.

## **6. LOCATION OF RETAIL PREMISES IN RELATION TO OTHER RETAIL PREMISES FROM WHICH APPROVED PRODUCTS ARE SOLD**

Retail premises from which approved products may be sold are not permitted within a 300 metre radius of another retail premises from which approved products may be sold.

## **7. LOCATION OF RETAIL PREMISES IN RELATION TO PREMISES OR FACILITIES OF A PARTICULAR KIND**

Retail premises from which approved products may be sold are not permitted within a 100 metre radius of a sensitive site.



## **8. POLICY REVIEW**

This policy will be reviewed:

- (i) every five (5) years as required by the Psychoactive Substances Act 2013; or
- (ii) at the request of Council; or
- (iii) in response to legislative requirements; or
- (iv) in response to any issues that may arise.



**Schedule 1 – Waipukurau Business Zone**

-  Sensitive Sites with 100m Radius
-  Approved location for Sale of Psychoactive Substances

