

LOCAL APPROVED PRODUCTS POLICY

CATEGORY:	Office of the Chief Executive	STATUS:	FINAL
DATE POLICY ADOPTED:	5 February 2019	APPROVAL BY:	Council
REVIEW PERIOD:	5 years	NEXT REVIEW DUE BY:	2023
DATE PREVIOUSLY ADOPTED:	N/A	REVISION NUMBER:	0

1 PURPOSE

- 1.1 The Local Approved Products Policy (LAPP) for the Wairoa district sets restrictions for where approved products under the Psychoactive Substances Act 2013 can be sold in the district. It sets out restrictions on approved products premises based on:
- Location of premises in broad areas in the district;
 - Location of premises in relation to proximity to other premises in the district;
 - Location of premises in relation to proximity to sensitive sites in the district.
- 1.2 The LAPP aims to minimise the potential for harm to the Wairoa community from the sale of psychoactive substances; and to allow the community to have influence over the location and density of premises in the district.

2 POLICY PROVISIONS

- 2.1 The location of premises is restricted to the Town Centre Zone as defined in the Wairoa District Plan.
- 2.2 Premises are not permitted within 50 metres of a sensitive site existing at the time the licence application is made¹. Only a site that has a portion of its street frontage outside the buffer zone is deemed suitable for the establishment of a premise².
- 2.3 Premises are not permitted within 500 metres of other premises³.

¹ Refer to maps in Figures 1 & 2 for location of sensitive sites and permitted areas in the district.

² For the purposes of clause 2.2 the separation distances are measured from the legal boundary of each sensitive site.

³ For the purposes of clause 2.3 the separation distances are measured from the legal boundary of the premises from which approved products may be sold.

Figure 1: Permitted areas for premises in the Wairoa District – township map

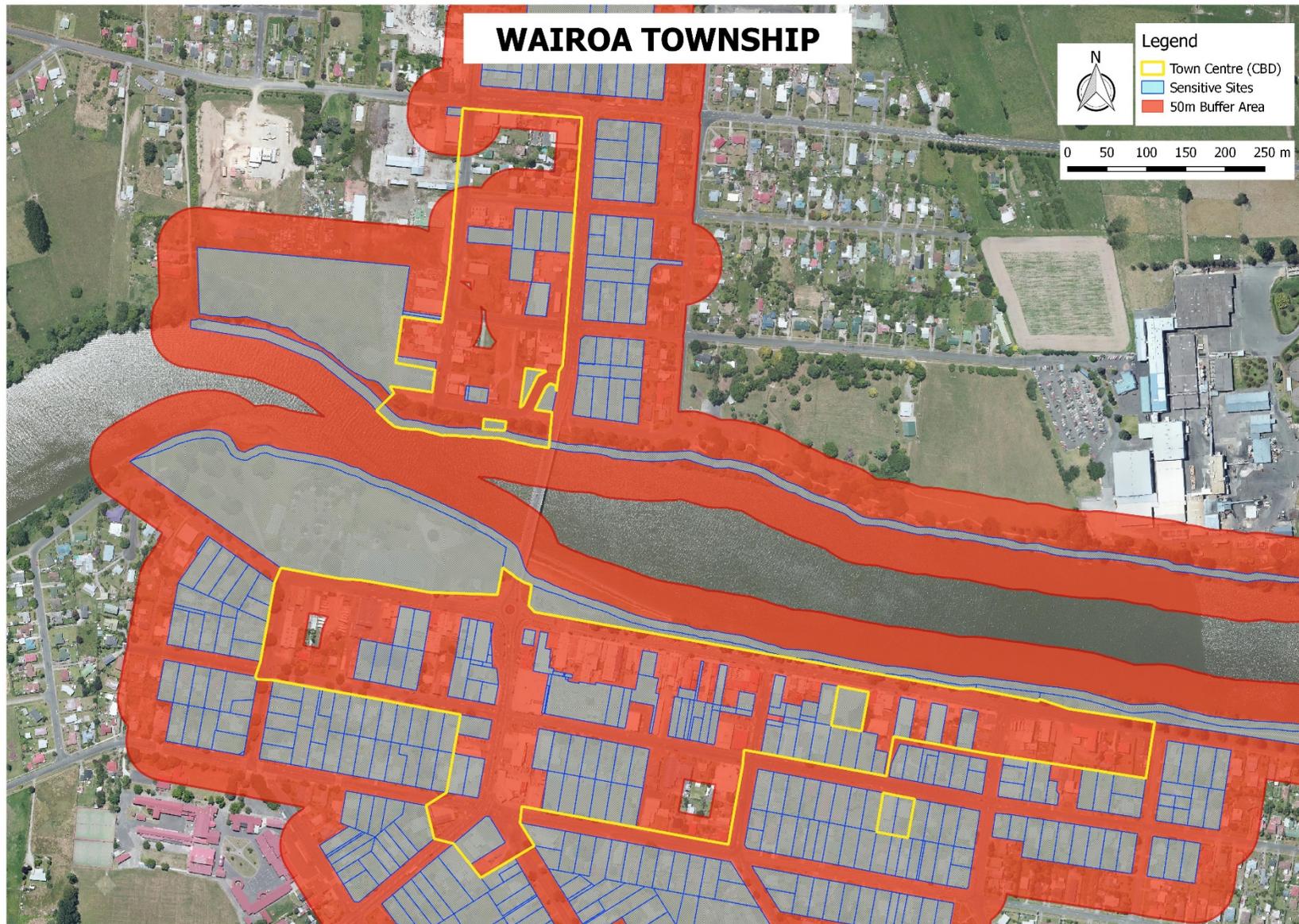


Figure 2: Permitted area for premises – North Clyde area



APPENDIX 1 – ADDITIONAL INFORMATION

1. LEGISLATIVE FRAMEWORK

- 1.1 The Psychoactive Substances Act 2013 sets up a system of pre-market approval for psychoactive products by requiring manufacturers to show that they pose no more than a low risk of harm to individuals. It is only legal to retail or wholesale approved products that have gone through this process, not any psychoactive substance that has been manufactured.
- 1.2 The Psychoactive Substances Act 2013 allows a territorial authority to develop a LAPP in consultation with its community. A LAPP gives a community greater control over the location of premises from which approved products can be sold. It should be read in conjunction with the Act.
- 1.3 The LAPP must be reviewed five years after it is adopted, and then at intervals of not more than five years.
- 1.5 A LAPP provides the Psychoactive Substances Regulatory Authority (PSRA) with a policy framework, when making decisions on applications to sell approved products in Wairoa.
- 1.6 It is no longer legal to be in possession of a psychoactive substance. Until an approved product is available, anyone in possession of a psychoactive substance is committing an offence.
- 1.7 The sale of approved products cannot be banned outright. An LAPP cannot be so restrictive so that it prevents any area for approved products premises.
- 1.8 Approved products can be sold only from licensed premises. They cannot be sold from:
- dairies, or shops commonly thought of as dairies
 - convenience stores, grocery stores or supermarkets
 - petrol stations or vehicle repair outlets
 - liquor outlets
 - non-permanent structures (such as a tent)
 - any vehicle (such as a mobile street cart)

APPENDIX 2 – DEFINITIONS

Approved product	A psychoactive substance approved by the PSRA under section 37 of the Act.
Psychoactive substance	Any substance capable of affecting the mind. Broadly speaking, it is anything: <ul style="list-style-type: none"> • That can produce a psychoactive effect in a person using the substance, and • That is not a medicine, controlled drug, herbal remedy, food, dietary supplement, tobacco product or alcohol.
Psychoactive Substances Regulatory Authority (PSRA)	The organisation that administers the Psychoactive Substances Act 2013.
Retail licence	A retail licence allows the holder to sell approved products to the general public.
Regulations	Regulations made under the Act.
Sensitive site	<p>Areas or premises that are either considered more sensitive to psychoactive-substance harm. These sites include childcare facilities, medical centres, schools, places of worship, and marae. They include:</p> <ol style="list-style-type: none"> Any library, museum, community hall or recreational facility, ATM or financial institution. Any premises occupied by a social welfare agency. Any civic area, public garden, park and reserve, District Court, river walkway, public toilet facility. Any property in the residential zone. <p>Childcare facilities: Includes any crèche, day or after-school care centre, pre-school, kindergarten, kohanga reo or play centre.</p> <p>Schools: Any educational premises, including primary, secondary, tertiary, vocational education institutes, and private tertiary establishments.</p> <p>Medical centres: Premises used to provide essential medical, physical and mental health services. Includes any pharmacy, dental surgery, or health clinic.</p> <p>Places of worship: Buildings and land used mainly for worship or religious purposes</p>
Wholesale licence	A wholesale licence allows the holder to sell approved products to others who hold a retail licence.