



Hauraki District Council

Local Approved Products (Legal Highs) Policy

2014



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Contents

1.	INTRODUCTION	1
2.	APPLICATION OF THE POLICY	1
3.	STRATEGIC ALIGNMENT	1
4.	OBJECTIVES	2
5.	POLICY	2
5.1	Location of retail premises by reference to broad areas in the District	2
5.2	Location of retail premises in relation to premises or facilities of a particular kind or kinds	2
5.3	Location of retail premises in relation to other retail premises from which approved products are sold	2
5.4	Town Centre Maps	3
6.	GLOSSARY	3
7.	REVIEW	4
8.	DOCUMENT MANAGEMENT AND CONTROL	4
9.	SCHEDULE ONE	5

1. INTRODUCTION

This Local Approved Products Policy (policy) is made under the provisions of section 66 of the Psychoactive Substances Act, 2013, and comes into force on the day stated by Council resolution.

A Local Approved Products 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 (the Act).

A Local Approved Products Policy provides the Psychoactive Substances Regulatory Authority (the Authority) with a policy framework when making decisions on licence applications, to enable the Authority to better meet the purpose of 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. APPLICATION OF THE POLICY

This Policy applies to any application for a licence as defined in the Act to sell approved products from a retail premises from the date this policy comes into force.

This Policy does not apply to a 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 other applicable regulation (including all applicable Bylaws of the Hauraki District Council) must be met in respect of any premises holding a licence.

3. STRATEGIC ALIGNMENT

This Policy assists in the delivery of two of the Hauraki District Council's core priorities as set out in its Long Term Plan - 'Lifestyle Hauraki' and 'Interactive Hauraki'. In particular, this Policy supports the objective that Council 'provide an environment that encourages vibrant communities and an enhanced quality of life' and that Council 'advocate for the benefit of our District'. Community safety is a core outcome for the Council, as is developing policy by partnering with key stakeholders in order to achieve the best results for our local communities.

4. OBJECTIVES

- i. To ensure that Council and the community have influence over the location of retail premises in the District.
- ii. To minimise the potential for adverse effects from the sale of approved psychoactive products in residential and industrial areas and in close proximity to the Hauraki Rail Trail.
- iii. To minimise the potential for harm to 'sensitive sites' (as defined in the Glossary of this Policy) from the sale of approved psychoactive products.

5. POLICY

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.

5.1 Location of retail premises by reference to broad areas in the District

- (i) The location of retail premises from which approved products may be sold should be restricted to the Town Centre zones of:
 - a. Paeroa where retail premises have building frontage onto Belmont Road or Normanby Road;
 - b. Waihi where retail premises have building frontage onto Seddon Street or Rosemont Road.

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

- (i) Any retail premise from which approved products may be sold should not be permitted within 50 metres of the legal boundary of a sensitive site existing at the time the licence application is made.
- (ii) For the purposes of clause 5.2(i) the separation distances are measured in a straight line from the legal boundary of any retail premise and any sensitive site.

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 should not be permitted within 750 metres of another retail premise from which approved products may be sold.
- (ii) For the purposes of clause 5.3(i) the separation distances are measured in a straight line from the legal boundary of each premise.

5.4 Town Centre Maps

- (i) Attached as Schedule One of this Policy are maps of the Town Centre zones of Paeroa and Waihi. These maps indicate the 'Premises Inclusion Area' from which approved products can be sold. The maps are indicative only and the Hauraki District Council should be contacted directly for up to date information.

6. GLOSSARY

Unless the context requires otherwise, the definitions of words or terms used in this Policy that are also used in the Psychoactive Substances Act 2013 are those defined in that Act.

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.

EARLY CHILDHOOD EDUCATION CENTRE includes any crèche, childcare centre, kindergarten, kohanga reo, or playcentre or any other place (excluding school) where five or more children receive care or education.

LICENCE means a licence, granted under section 16 of the Act that is in force.

PLACE OF WORSHIP means a building where people gather together for religious services, such as a church, synagogue or mosque.

PLUNKET CENTRE means a premise from which Plunket provides a range of services such as a Plunket clinic, parenting education, playgroups and a family centre.

PSYCHOACTIVE PRODUCT means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substances.

PSYCHOACTIVE SUBSTANCE has the meaning given in section 9 of the Act which includes, a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.

RETAIL PREMISES means premises for which a licence to sell approved products by retail has been granted.

RETAILER means a person engaged in any business that includes the sale of approved products by retail.

SCHOOL includes any primary, intermediate or secondary school and any Kura Kaupapa.

SENSITIVE SITE means

- i. any school, early childhood education centre, Plunket centre and Council administered playground; and
- ii. any place of worship; and
- iii. the Paeroa Care House and Paeroa Toy Library; and
- iv. any land parcel within the Residential zone of the Hauraki District Council District Plan.

THE ACT means the Psychoactive Substances Act, 2013 (including any subsequent amendments).

7. REVIEW

The policy will be reviewed:

- i. within five years after the policy is adopted and then at intervals not more than five years, or
- ii. at the request of Council.

8. DOCUMENT MANAGEMENT AND CONTROL

	Title:	<i>Local Approved Products (Legal Highs) Policy 2014</i>			
	Sponsor:	<i>Charan Mischewski</i>		Approved By:	<i>Hauraki District Council</i>
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9. SCHEDULE ONE



