



2014 Local Approved Products (Legal Highs) Policy

our home, our future
tō tātou rohe kāinga, tō tatou ao tūroa



Contents

- 1. Introduction 1
- 2. Objectives 1
- 3. Policy 1
- 4. Enforcement 2
- 5. Related Council policies/strategies or guidelines 2
- 6. Glossary 2
- 7. Review 3
- 8. Document management and control..... 3
- Schedule One..... 4

1. Introduction

- 1.1. This Local Approved Products Policy (policy) is made in accordance with section 66 of the Psychoactive Substances Act 2013, and comes into force on the day stated by Council resolution.
- 1.2. This policy was made by the Council in consultation with the community and restricts the location of premises selling psychoactive products in the Hauraki District. It addresses community concerns regarding the location of premises selling psychoactive products, while meeting the legal requirements of the Act.
- 1.3. This policy provides the Psychoactive Substances Regulatory Authority with a policy framework when making decisions on licence applications, to enable it to better meet the purpose of the Act. The purpose 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'.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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.

2. Objectives

- 2.1. To ensure the Council and the community have influence over the location of retail premises in the District.
- 2.2. 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.
- 2.3. To minimise the potential for harm to 'sensitive sites' (as defined in the Glossary of this policy) from the sale of approved psychoactive products.

3. Policy

- 3.1. 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.
- 3.2. The location of retail premises from which approved products may be sold should be restricted to the Town Centre zones of:
 - (i) Paeroa where retail premises have building frontage onto Belmont Road or Normanby Road;

(ii) Waihi where retail premises have building frontage onto Seddon Street or Rosemont Road.

- 3.3. Any retail premises 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.
- 3.4. For the purposes of clause 3.3 the separation distances are measured in a straight line from the legal boundary of any retail premises and any sensitive site.
- 3.5. New retail premises from which approved products may be sold should not be permitted within 750 metres of another retail premises from which approved products may be sold.
- 3.6. For the purposes of clause 3.5 the separation distances are measured in a straight line from the legal boundary of each premises.
- 3.7. 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.

4. Enforcement

- 4.1. The Council is not responsible for the enforcement of this policy. Enforcement is undertaken by the Ministry of Health who is responsible for the administration of the Psychoactive Substances Act 2013.

5. Related Council policies/strategies or guidelines

- 5.1. 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.

6. Glossary

- 6.1. 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.

Act	means the Psychoactive Substances Act 2013 (including any subsequent amendments).
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: <ul style="list-style-type: none"> (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.

7. Review

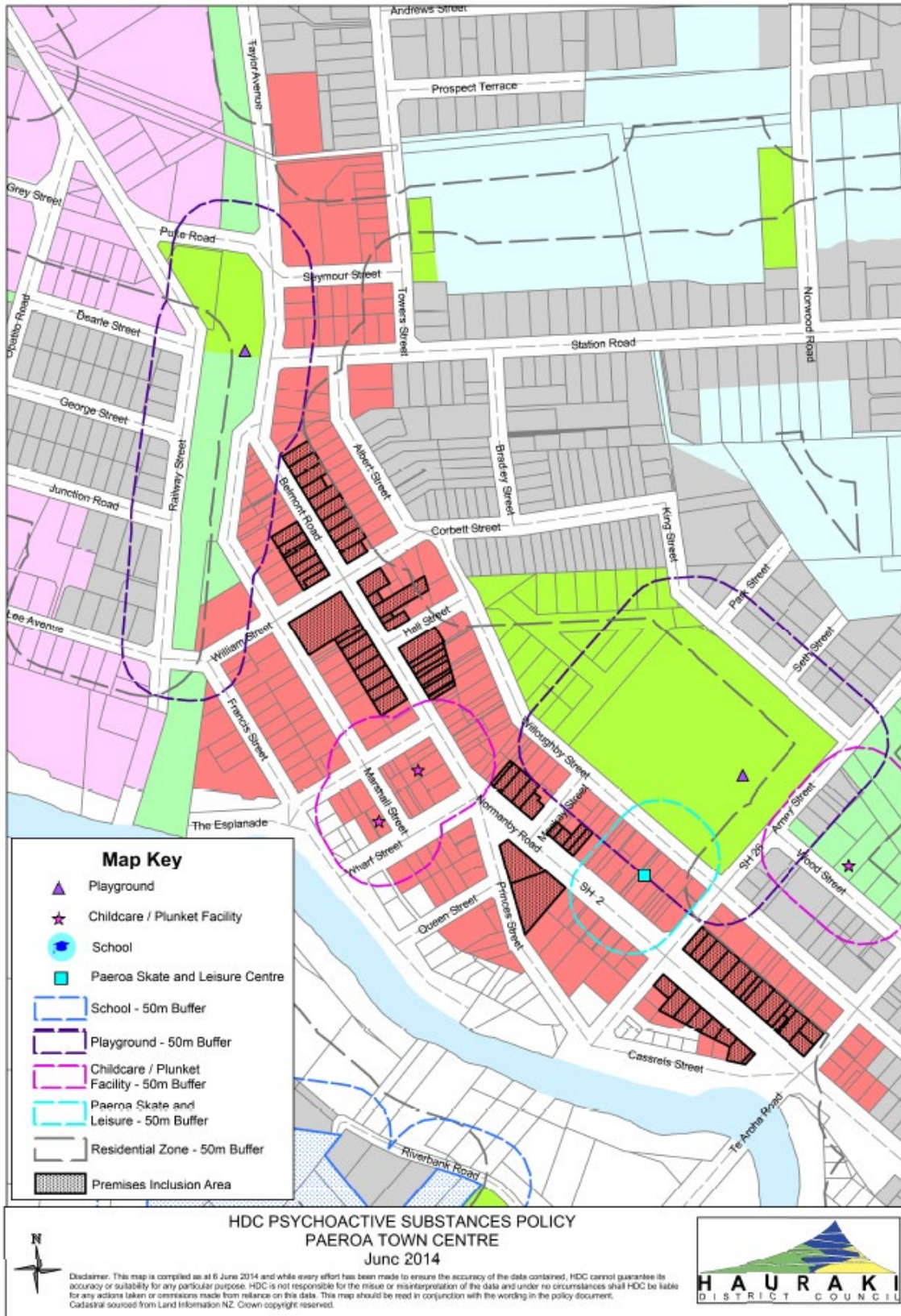
- 7.1. This policy will be reviewed within five years after it is adopted or last reviewed by the Council.

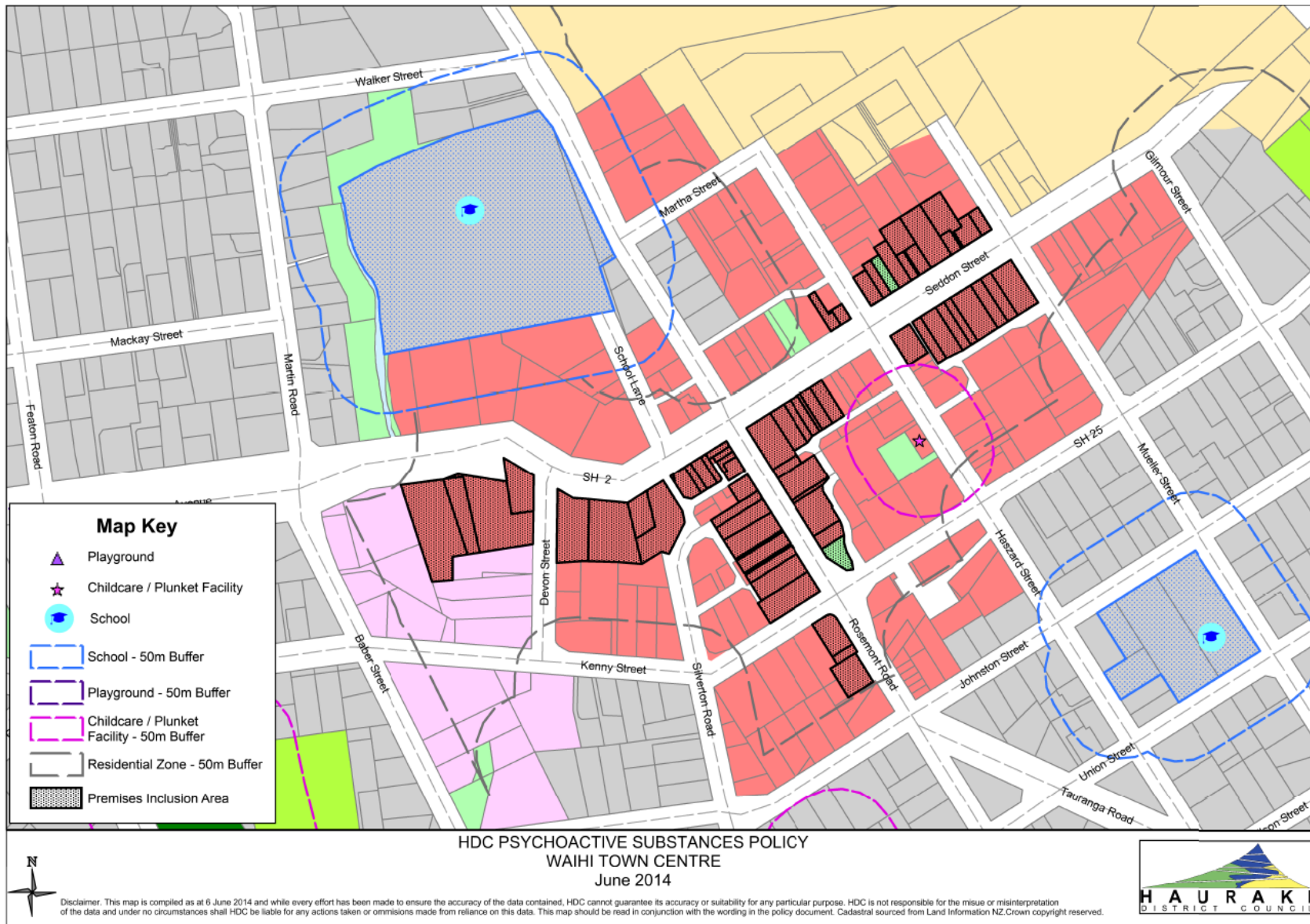
8. Document management and control

Title	Local Approved Products (Legal Highs) Policy 2020
Sponsor	Group Manager Planning and Environmental Services
Approved by	The Council
Adoption date	24 September 2014, approved unamended 12 February 2020
Reviewed	February 2020
Review by	February 2025
File ref	2702403

Property of Hauraki District Council

Schedule One







For more information:

- **W** www.hauraki-dc.govt.nz
- **E** info@hauraki-dc.govt.nz
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road