

## Psychoactive Substances (Local Approved Products) Policy

### Relevant Legislation

Resource Management Act 1991  
Hazardous and New Organisms Act 1996

### 1. Background

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 them.

The Act does not permit local authorities to prohibit the sale of psychoactive substances. Rather, it enables local authorities to develop a local approved products policy in consultation with its community which may restrict the location of premises selling such substances in its geographical area.

This Policy is consistent with the purpose and general requirements of the Act. It provides the Regulatory Authority with a framework to guide decisions on licence applications. It reflects community concerns regarding the location of premises selling psychoactive substances and seeks to curtail as much as possible the sale of psychoactive substances within our District.

### 2. Policy Objective

#### 2.1 The objectives of this policy are to:

- Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- Ensure that Council and the community have influence over the location of retail premises in the District.

### 3. General Approach

#### 3.1 The purpose of this policy is to provide a framework to guide decisions by the Regulatory Authority on applications for licences to sell psychoactive substances within our District.

#### 3.2 The policy applies to:

- Any licence to sell approved products from a retail premise from the date that this policy comes into force; and
- Any renewal of an existing licence for a retail premise.

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- 3.3** This policy does not apply to retail premises where internet sales only are made or to premises where the sale of approved products is by wholesale only.
- 3.4** The requirements of the Resource Management Act 1991 and the Hazardous Substances and New Organisms Act 1996 must be met in respect of any premise holding a licence.
- 3.5** This Policy comes into force on the day stated by council resolution.

### 4. Definitions

- **Approved location** Means an area identified in Schedule 1 where premises from which approved products may be sold are permitted to be located.
- **Approved product** Means a psychoactive product approved by the Authority under section 37 of the Act
- **Licence** Means a licence, granted under section 16 of the Act, that is in force including interim licences granted under Schedule 1, Clause 8 of the Act
- **Direct route of travel** Means the shortest route between two locations for a pedestrian using the public footpath or, if there is no footpath, the street.
- **District** Western Bay of Plenty District
- **Psychoactive product or product** Has the meaning given in section 8 of the Act.
- **Psychoactive substance** Has the meaning given in section 9 of the Act.
- **Regulatory Authority** Means the Psychoactive Substances Regulatory Authority established by section 10 of the Act.
- **Retail premises** Means premises for which a licence to sell approved products by retail has been granted.

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- **Sensitive Sites** All educational facilities, libraries, medical centres and Council owned parks and reserves.
- **The Act** Means the Psychoactive Substances Act 2013.

### 5. Policy procedures

#### 5.1 Location of premises from which approved products may be sold

- (i) Schedule 1 identifies the location of retail premises from which approved products may be sold. These areas are:
  - a. Katikati commercial zone located on the corner of State Highway 2 and Hyde St);
  - b. Te Puke town centre commercial zone.

#### 5.2 Location of retail premises in relation to other retail premises from which approved products are sold

- (i) Retail premises from which approved products may be sold are not permitted within 750 metres of another retail premise from which approved products may be sold.
- (ii) For the purposes of clause 5.2(i) the separation distances are measured from the nearest side of the public entrance of each premise along the most direct route of travel.

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

- (i) Retail premises from which approved products may be sold are not permitted within 100 metres of any school, kindergarten, childcare centre, or other educational institution; libraries, and medical centres.
- (ii) Retail premises from which approved products may be sold are not permitted within 50 metres of any Council owned parks and reserves.
- (iii) For the purposes of clause 5.3(i) the separation distances are measured from the nearest side of the public entrance of each premise along the most direct route of travel.

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### 5.4 Recommendation on hours of operation

Council requests that the Regulatory Authority consider the following recommendation to limit the availability of psychoactive products by specifying hours of operation for the sale of approved products within the hours of 9:00am – 5:00pm Monday to Friday and 9:00am – 1:00pm on Saturday.

### 5.5 Policy Review

The policy will be reviewed:

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

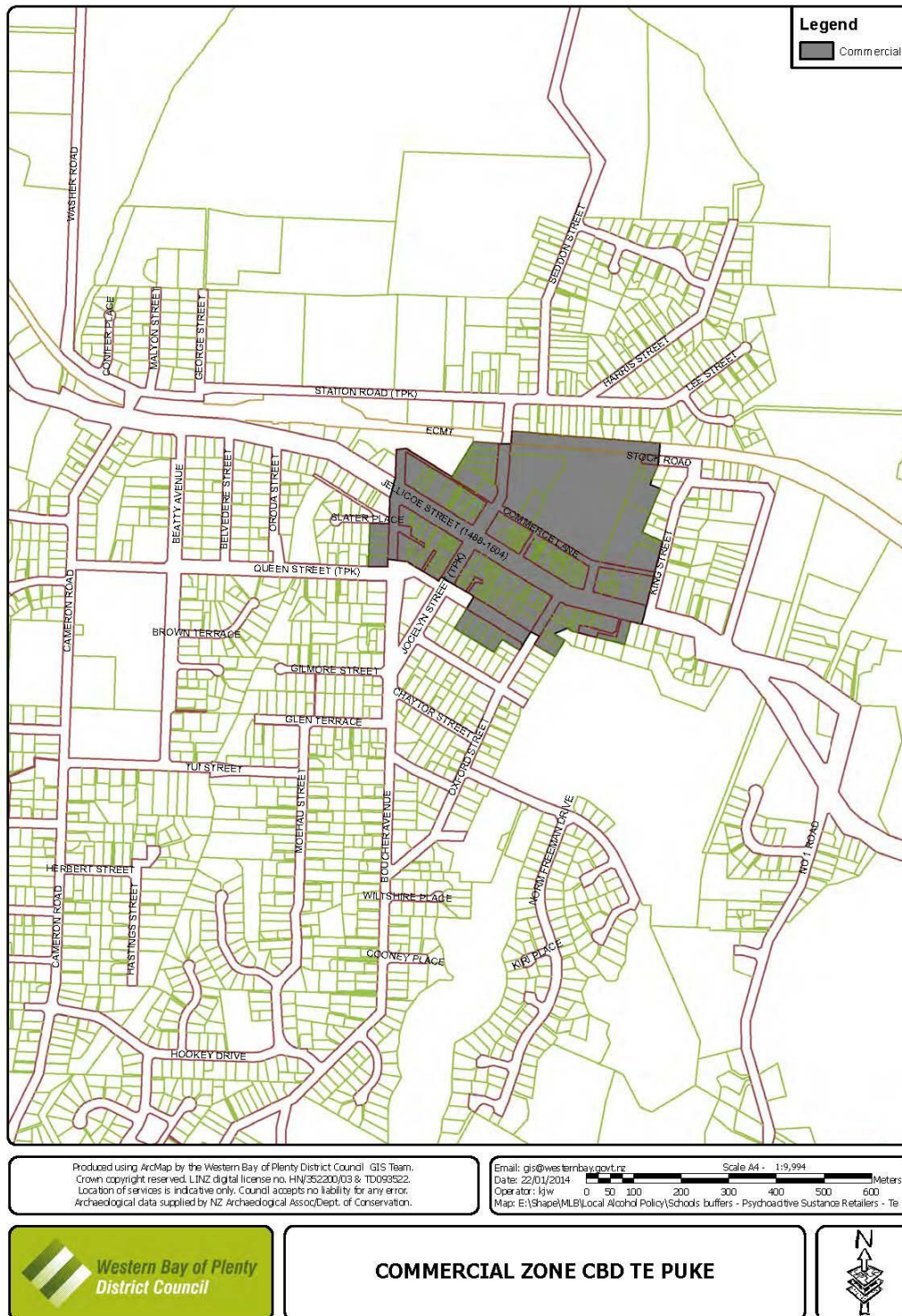
### Associated Policies

District Plan

<b>Group</b>	Corporate and Planning Services	<b>Contact (3<sup>rd</sup> Tier Manager)</b>	Policy, Planning and Community Manager
<b>Supersedes</b>			
<b>Creation Date</b>	December 2013	<b>Resolution Reference</b>	Link to minutes
<b>Last Review Date</b>		<b>Resolution Reference</b>	
<b>Review Cycle</b>	Three yearly/legislative revisions, not later than	<b>Date</b>	December 2016
<b>Authorised by</b>	Management Team/Council	<b>Date</b>	xxxx

## Psychoactive Substances (Local Approved Products) Policy

### Schedule 1





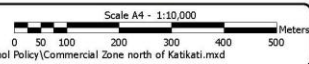
## Psychoactive Substances (Local Approved Products) Policy

### Schedule 2



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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
Date: 16/04/2014  
Operator: mib  
Map: E:\Shape\MLB\Local Alcohol Policy\Commercial Zone north of Katikati.mxd



**COMMERCIAL ZONE NORTH OF KATIKATI**

