



3.2 LOCAL APPROVED PRODUCTS POLICY (HARMFUL PSYCHOACTIVE SUBSTANCES)

Date Adopted	Next Review	Officer Responsible
16 March 2017	1 March 2022	Manager, Community & Regulatory Services

Policy Purpose:

Introduction and Overview

This Policy is made under the provisions of section 66 of the Psychoactive Substances Act 2013. 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 licenses for premises that sell approved products in Rotorua.

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 psychoactive substances.” These approved products are licensed by the Ministry of Health through the Authority.

To advance this purpose, the Act provides that territorial authorities (such as Rotorua Lakes Council) may adopt a Local Approved Product Policy (‘LAPP’ or ‘Policy’) relating to the sale of approved products within their district. In particular, a LAPP may include policies concerning the location of premises that sell approved products - by reference to broad areas in the district, proximity to other such premises and proximity to certain facilities (such as kindergartens, early childhood centres, schools, places of worship, or other community facilities).

This LAPP is a set of policy criteria and decisions made by the Rotorua Lakes Council in consultation with its community which is intended to give guidance concerning the location of premises selling psychoactive substances in the Council’s geographic area. The Policy addresses community concerns regarding the location of such premises, while meeting the statutory requirements of the Act.

The LAPP is also intended to provide the Psychoactive Substances Regulatory Authority (‘Authority’) with a clear view from Rotorua Lakes Council and its community about the location of premises in the district. This is intended to guide the Authority when it makes decisions on any retail licence applications to sell psychoactive substances in Rotorua District.

This LAPP took similar approach to that taken by a number of councils in the Waikato Region (including Hamilton City, Waikato District, Waipa District, Matamata-Piako District, Thames-Coromandel District, Hauraki District and South Waikato District) and Palmerston North City Council, but after consultation and

deliberations took the view of changing the Policy to set the approved area as a distance from the Police station plus the restrictions as outlined in this Policy from sensitive sites.

Policy:

Objectives and Scope

The main purpose of this LAPP is for the Rotorua Lakes Council to provide a clear view that can be applied to all applications that the Authority considers for retail licences to sell approved products in the Rotorua District.

The objectives of the Policy are to:

- Minimise the harm to the community caused by psychoactive substances by providing a clear view to the Authority of where retail premises that sell psychoactive substances may be located in Rotorua District (if at all).
- Ensure that the community, through its Council, is able to express a clear view about the location of these retail premises in Rotorua District.

This Policy is intended to provide a clear view regarding:

- Any application for a licence to sell approved products from a retail premise from the date that this LAPP is adopted; and
- Any application for renewal of existing (interim) licences at any retail premises.

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.

The requirements of the Resource Management Act 1991 and any other applicable regulation must be met in respect of any premises holding a retail licence.

Strategic Alignment

This Policy assists in the delivery of several 'Community Outcomes' as set out in the Council's Long Term Plan. In particular, the LAPP supports the 'Safe and Caring' outcome ("safe homes and streets", "providing safe public spaces", and "support for young people and older people") and the 'Healthy' outcome ("improved youth health", and "effective responses to developing health issues"). Also it is important to note the Council's new 2030 vision goals and objectives do encompass the approach taken within this Policy.

Definitions

When interpreting this LAPP, use the definitions set out below unless the context requires otherwise. If you see a reference to a repealed Act, regulation, district plan, bylaw or policy, read that as a reference to its replacement.

Approved Product	Has the meaning given by the Act (<i>a psychoactive product approved by the Authority under Section 37 of the Act</i>)
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Authority	Means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act
Inner City Area	Means the area of Rotorua District defined by Appendix 1 of this Policy.
Licence	Means a licence granted under Section 16 of the Act that is in force.
Psychoactive Product	Has the meaning given by the Act (<i>a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substances</i>).
Psychoactive Substance	Has the meaning given by the Act (<i>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</i>).
Regulations	Means regulations made under the Act
Retail Premises	Has the meaning given by the Act (<i>premises for which a licence to sell approved products by retail has been granted</i>).
Retailer	Has the meaning given by the Act (<i>a person engaged in any business that includes the sale of approved products by retail</i>).
Sell	Has the meaning given by the Act (<i>includes every method of disposition for valuable consideration, for example –</i> <i>(a) bartering:</i> <i>(b) 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:</i> <i>(c) retailing:</i> <i>(d) wholesaling</i>)
Sensitive site	Includes kindergartens, early childhood centres, schools, places of worship, or other community facilities as listed in Appendix 2
The Act	Means the Psychoactive Substances Act 2013

Policy Guidelines

The position of the Rotorua Lakes Council is as follows:

1 Location of premises from which approved products may be sold

- (i) The location of retail premises from which approved products may be sold shall be restricted to locations within the Inner City Area as identified in Appendix 1, and within a **200 metre radius** from the Rotorua Central Police Station (Nga Pirihiama O Aotearoa). Combined in map form in Appendix 3.

Section 68(a) of the Act provides that the location of premises from which approved products may be sold may be indicated by reference to broad areas within a district. The reason for restricting locations to the Inner City Area only - is mainly about safety. The safety of

individuals buying and selling approved products is increased by the presence of high populations, greater visibility, good lighting, coverage of CCTV cameras and increased NZ Police presence in the Inner City Area. A focused geographic area also enables easier enforcement. This also reduces the availability of psychoactive substances in residential neighborhoods.

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 a **100 metre radius** 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 by way of a radius from each sensitive site.

Section 68(c) of the Act provides that the location of premises from which approved products may be sold may be indicated by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities). This Policy identifies sensitive sites as kindergartens, early childhood centres, schools, places of worship, or other community facilities within or close to the Inner City Area.

*The Rotorua Lakes Council considers **100 metres** to be the appropriate separation distance of retail premises selling approved products from sensitive sites. This distance reduces visibility and profile of retail premises (e.g. at this distance a person could look up the street in an urban environment and NOT see a retail premise selling approved products clearly).*

3 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 should not be permitted within a **100 metre radius** 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 by way of a radius from the approved site.

Section 68(b) of the Act provides that the location of premises from which approved products may be sold may be indicated by reference to proximity to other premises from which approved products are sold. The reason for this is to reduce harm caused by the clustering of the activity. Clustering can lead to the development of a 'red light' zone and could attract other harm activities to cluster in that area. This can unintentionally change the character of that particular area. In addition, the greater the availability of a harm product within an area, the greater the harm. This is generally due to price competition between retailers. Some of the people buying approved psychoactive products are already under the influence of the product and can exhibit anti-social behaviour. Ensuring a good separation distance between outlets prevents people from congregating.

Recommendations to the Authority on the Number of Retail Licenses and Hours of Operation

The Rotorua Lakes Council requests that the Authority consider the following recommendations to limit the number of retail premises in the Rotorua District.

- (i) To further protect the health of, and minimise harm to, individuals who use psychoactive substances, it is strongly recommended that no more than **two full retail licences** be granted in Rotorua District (if any are granted at all).

The Rotorua Lakes Council requests that the Authority consider the following recommendations to limit the visibility of retail premises to vulnerable groups, particularly school children, as a key harm reduction method.

- (ii) To further protect groups considered the most at risk of harm from the sale of psychoactive substances, the maximum trading hours of operation for the sale of approved products be limited to 9:30am – 2:30pm (Monday to Friday) and no sales on public and school holidays.

Review

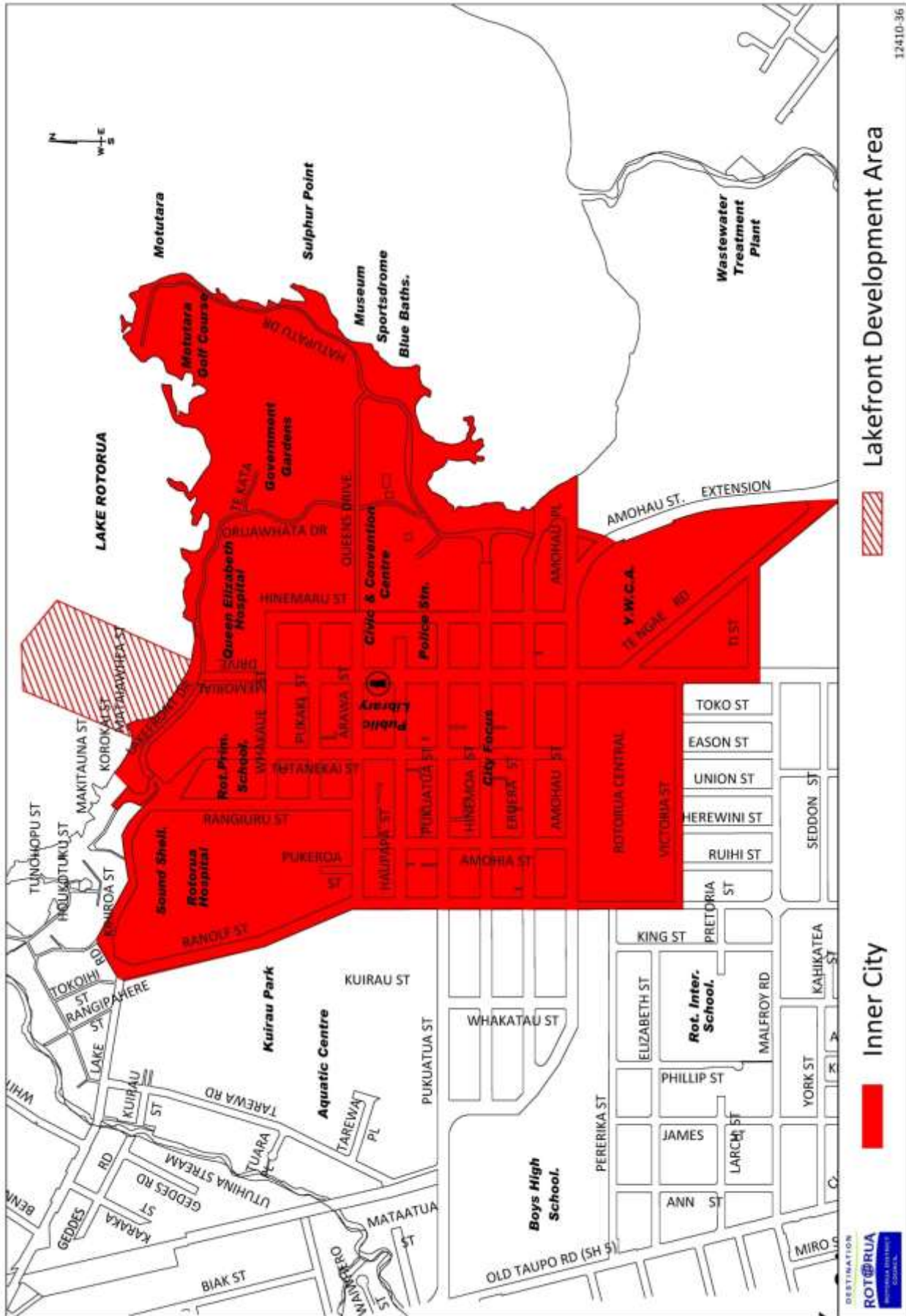
The Manager, Compliance Solutions will monitor the effect of this Policy.

The LAPP will be reviewed every five years, or at the request of the Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

References

Psychoactive Substances Act 2013

Appendix 1 – Inner City area where retail premises might be located



Appendix 2 – List of sensitive sites

Kindergartens, early childhood centres, schools:

Name of Premises	Location	Parcel ID
Career NetWork Training School	1057 Hinemoa Street	3429/3
Waiariki Institute of Technology	1151 Pukuatua Street	6194/10
Kip McGrath Education Centre	1277 Haupapa Street	3219/13

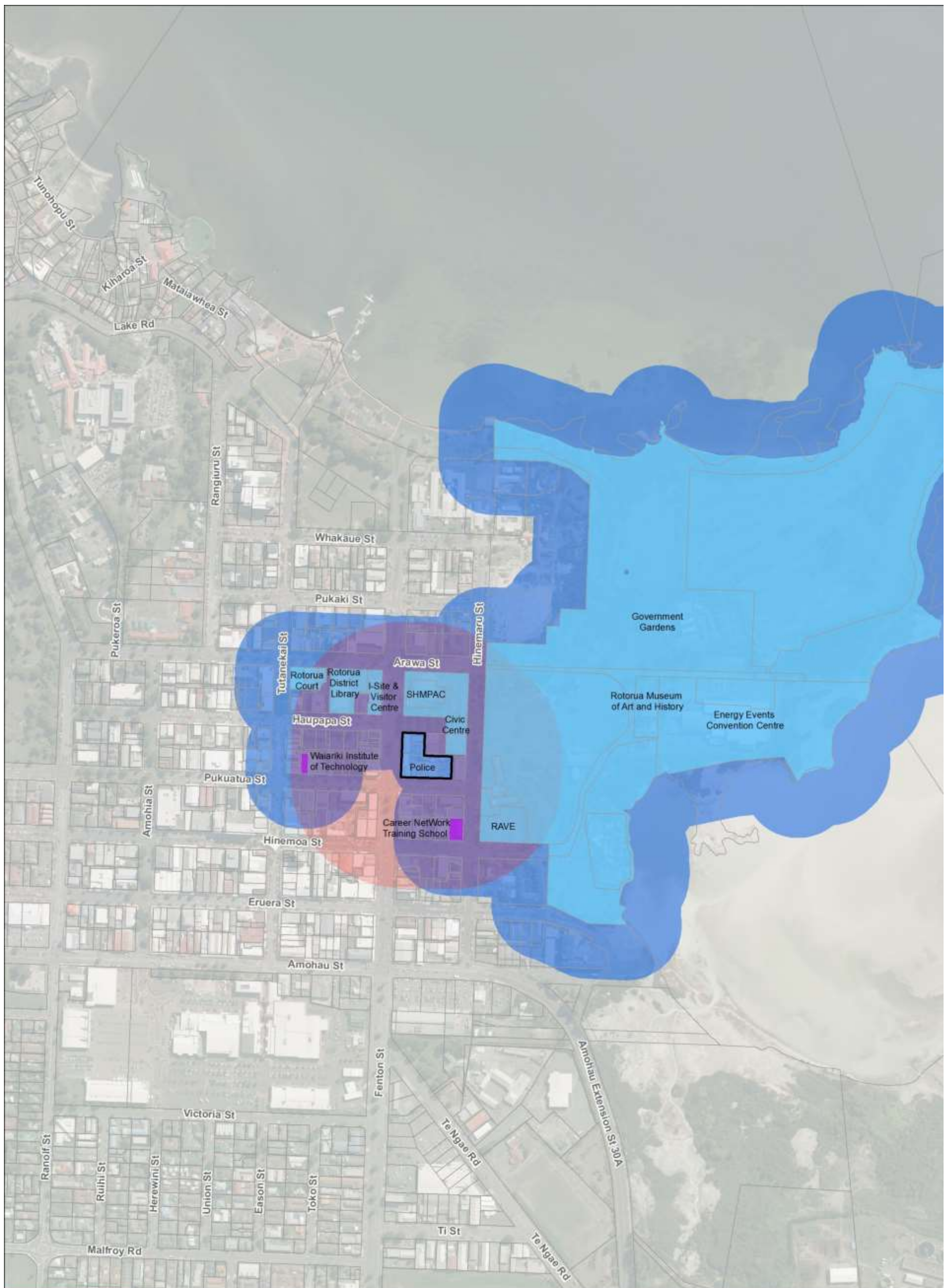
Places of worship:

Name of Premises	Location	Parcel ID
None identified within approved area		

Community facilities:

Name of Premises	Location	Parcel ID
Rotorua Arts Village Experience (RAVE)	1240 Hinemaru Street	3408/3
Sir Howard Morrison Performing Arts Centre	1170 Fenton Street	3219/102
Rotorua Lakes Council	1061 Haupapa Street	3219/103
Rotorua District Library	1127 Haupapa Street	3219/4
I-Site & Visitor Centre	1106 Arawa Street	1266/71, 1266/83, 1266/2
Rotorua Court	1162 Arawa Street	8119/169
Rotorua Museum of Art and History	Queen's Drive	6257/2
Energy Events Convention Centre	Queen's Drive	6257/8
Government Gardens	Queen's Drive	6257/numerous

Appendix 3 – Areas in inner city area where retail premises shall be located and proximity to sensitive sites



ROTORUA LAKES COUNCIL **Inner City - LAPP**
 Option 3 – Within 200 metres from police station and 100 metres from sensitive sites.

Police Site	200m Sensitive Site Buffer
Community Facility	SensitiveSitesOpt3_buffer100
Education Facility	100m Sensitive Site Buffer

0 100 200 Meters
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