

# **Whangarei District Council Psychoactive Substances Policy**

June 2014

# Whangarei District's Locally Approved Products Policy

## Psychoactive Substances Policy

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## 1. Introduction and background

The Psychoactive Substances Act 2013 commenced on 18 July 2013 and regulates the importation, manufacture and supply of psychoactive substances.

The regulation of retail premises selling psychoactive substances is enforced by the NZ Police and the Ministry of Health. Licences are issued by the Psychoactive Substances Regulatory Authority. The Authority is the Director-General of Health. Council has no role in issuing of licences or enforcement.

The Act allows Council to develop a 'Local Approved Products Policy' to help the Psychoactive Substances Regulatory Authority manage the geographical location of where approved products can be sold.

The provisions as they apply to councils are detailed in Sections 66 - 69 of the Act.

## 2. Definitions

The Act	The Psychoactive Substances Act 2013
The Policy	Whangarei District's Locally Approved Products Policy
The Authority	The Psychoactive Substances Regulatory Authority
Approved product	A psychoactive product approved by the authority under section 37 of the Act
Retail premises	A premises for which a licence to sell approved products has been granted
The Council	The Whangarei District Council and its successors
The Community	Residents of the Whangarei District
CBD	The central business district as defined in Schedule 2
Appropriate zone	The space, surrounded by the CBD, that approved products can be sold within the Whangarei District
Community Facility	A space or structure that exists to provide public services
Educational Facility	A space or structure that exists to provide educational services

## 3. Objectives

The purpose of this policy is to provide consistent guidance to The Authority when considering applications from the Whangarei District.

The content of this policy has been constructed to meet the following objectives:

- Ensure that Council and the community have influence over the location and density of retail premises in the Whangarei District
- Provide an appropriate zone for the retailing of psychoactive products and minimise harm to the

community caused through the proliferation of approved retailers.

- Ensure the density of approved retailers within an approved zone does not allow for an increase in approved retailers within Whangarei District.
- Minimise the exposure to or risk of harm to sensitive communities from the sale of approved psychoactive products.
- Maintain a reasonable proximity between 'on-licence' premises that sell alcohol and retailers who sell Psychoactive Products.

To achieve these objectives the locations and guidelines below are derived through 3 key strategic approaches:

1. Restrictions on locations
2. Restrictions in relation to proximity
3. Requesting restrictions on operating hours

#### **4. Locations, Proximity and Operating Hours**

The location of the appropriate zone is provided for in the attached map. The boundaries laid out by this Map are:

- Along Albert Street, from the North Western boundary of the property numbered 4 Albert Street and South Eastern boundary of the property numbered 1 Albert Street, to the intersection with Lower Cameron Street
- Along Lower Cameron Street, from the South Eastern boundary of the property numbered 89 Cameron Street, to the intersection with Albert Street
- Along Clyde Street, from the North Western boundary of the property numbered 28 Clyde Street and South Eastern boundary of the property numbered 15 Clyde Street, to the intersection with Albert Street
- This excludes service lanes

The proximity from one retailer to another is limited to 300 linear metres following the road layout within the approved zone. Those roads being:

1. Albert Street
2. Lower Cameron Street
3. Clyde Street

Managing the hours that retail premises are operating directly influences the success of this policy and the achievement of its objectives. Minors and students are exposed to the operations of retail premises, if these are to occur during school hours. If a licence is granted, Council considers that appropriate operating hours for an approved retailer should be from 10am – 2pm and from 6pm – 8pm.

#### **5. Review**

The Community Services Manager will monitor the implementation of this policy.

The policy will be reviewed every 5 years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to change legislative/statutory requirements, or in response to an issue that may arise.

#### **6. Schedules**

See the following attachments:

- a. Map of appropriate zone for the location of approved psychoactive substance retailers

**Schedule a.** Map of appropriate zone for the location of approved psychoactive substance retailers

