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## Psychoactive Substances Policy

### (Local Approved Products Policy)

#### Purpose and scope

1. This Policy is made under the provisions of Section 66 of the Psychoactive Substances Act 2013.
2. 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 Hamilton City.
3. The objectives of this Policy are to:
  - a. Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
  - b. Ensure that Council and the community have influence over the location of retail premises in the city.
4. The requirements of the Resource Management Act 1991, Hazardous Substances and New Organisms Act must be met in respect of any premises holding a licence.
5. This Policy applies to: any application for licence as defined in the Act to sell approved products from a retail premise from the date that this policy comes into force

#### Introduction and Overview

6. A Local Approved Products Policy (LAPP) 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’).
7. A LAPP provides the Psychoactive Substances Regulatory Authority (‘Authority’) with a Policy framework when making decisions on licence applications to sell psychoactive products in Hamilton, 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.”
8. 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.

#### Strategic alignment

9. This Policy assists in the delivery of Council’s outcomes and goals as follows:

Prosperous and

Outstanding City Leadership

People Love Living Here

Innovative		
<ul style="list-style-type: none"> <li>▪ Hamilton has a strong, productive economy and we build on our economic strengths.</li> <li>▪ We have a thriving Central Business District (CBD).</li> <li>▪ It's easy to do business here.</li> <li>▪ Our city grows and prospers in a sustainable way.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The city is led by effective, open and responsive governance.</li> <li>▪ Council's finances are sustainable for the long term.</li> <li>▪ We operate efficiently and provide exceptional service.</li> <li>▪ <b>The city takes a leadership role regionally and nationally.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Hamilton embraces the Waikato River and it is the focal point of our city.</li> <li>▪ We value, preserve and protect Hamilton's natural, green environment.</li> <li>▪ Our city is attractive, well-designed and compact with outstanding architecture and distinctive public spaces.</li> <li>▪ Our city is a fun place to live with a vibrant arts scene.</li> <li>▪ <b>Hamilton is a safe city.</b></li> <li>▪ It's easy to get around.</li> <li>▪ We celebrate our people and many cultures.</li> </ul>

■ = primary contribution

## Definitions

10. When interpreting this Policy use the definitions set out in Definitions of this Policy 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.

Definition	Detail
Approved location	Means an area 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.
Authority	Means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act.
Central city area	Means the area of Hamilton defined by the Central City Zone of the Proposed Hamilton City District Plan (or the resulting Operative District Plan).
Licence	Means a licence, as defined by the Act.
Psychoactive product or product	Means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substance.
Regulations	Means regulations made under the Act.
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 retails.
Sell	Includes sold and sale. Includes every method of disposition for valuable consideration, for example: <ul style="list-style-type: none"> <li>a. 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.</li> <li>b. Retailing.</li> <li>wholesaling.</li> </ul>
Sensitive site	Includes: <ul style="list-style-type: none"> <li>a. any library, museum, community hall or recreational facility;</li> <li>b. any place of worship, school, childcare facilities, or other educational</li> </ul>

	<p>institution;</p> <p>c. any premises occupied by a social welfare agency such as Work and Income or similar agency;</p> <p>d. pharmacies and medical centres</p> <p>e. Civic Square, Garden Place, the Hamilton High/District Court, Embassy Park, the River Walkway, stand-alone public toilets, the Hamilton Transport Centre and key bus stops.</p> <p>f. any property located in the Residential Zone in the Proposed Hamilton City District Plan (or the resulting Operative District Plan).</p> <p>Childcare facilities: Means premises (public and private) where children are cared for or given basic tuition and includes a crèche, day or after-school care, pre-school, kindergarten, kohanga reo or play centre. This term excludes a school.</p> <p>Educational institution: Means premises used to provide regular post-school education or vocational training. Includes private tertiary establishments.</p> <p>Key bus stops: means a bus stop that services more than three routes and that has 20 or more passengers using the stop to board a bus daily.</p> <p>Medical centres: means premises providing services for essential physical and mental health and welfare, performed by duly qualified practitioners or by persons in their employ, for example, primary health providers (general practitioners).</p> <p>School: means premises used to provide regular instruction or training of children including primary, intermediate and secondary schools, and their ancillary administrative, cultural, recreational or communal facilities.</p>
The Act	Means the Psychoactive Substances Act 2013

## Policy

11. This Policy does not limit the number of retail premises or restrict the issue of licences, provided the Policy criteria outlined below are met.
12. Location of retail premises from which approved products may be sold is restricted by this Policy to an approved location identified in the Central City Area.
13. Location of retail premises in relation to premises or facilities of a particular kind or kinds:
  - a. All retail premises from which approved products may be sold are not permitted within 100 metres of a sensitive site existing at the time the licence application is made.
  - b. For the purposes of clause 14(a) the separation distances are measured from the legal boundary of each sensitive site.
14. Location of retail premises in relation to other retail premises from which approved products are sold
  - a. Retail premises from which approved products may be sold are not permitted within 500 metres of another retail premises from which approved products may be sold.
  - b. For the purposes of clause 14(a) the separation distances are measured from the legal boundary of the premise.

## Review

15. The General Manager, City Growth will monitor the implementation of this Policy.
16. The Policy will be reviewed every five years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

## References

- Psychoactive Substances Act 2013.
- Public Places Bylaw 2009 and Public Places Policy.
- Smoke-free Environments Policy.