

Policy

LOCAL APPROVED PRODUCTS POLICY

TEAM:	Regulatory
RESPONSIBILITY:	Environmental Monitoring Manager
ADOPTED:	02 October 2024
REVIEW:	Every five years or as required
CONSULTATION:	Consultation not required for roll over.
RELATED DOCUMENTS:	Psychoactive Substances Act 2013, Psychoactive Substances Amendment Act 2014, Ashburton District Council District Plan

Introduction

The purpose of the Psychoactive Substances Act 2013 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.

The Act enables territorial authorities to develop a Local Approved Products Policy (LAPP); however it is not a statutory requirement to do so. A LAPP can include policies regarding the location of premises selling psychoactive products within the relevant territorial authority area.

The LAPP provides the Psychoactive Substances Regulatory Authority with a policy framework when making decisions on licence applications to sell psychoactive products in Ashburton District.

This LAPP does not apply to premises where only internet sales are made, or to premises where the sale of approved products is by wholesale only.

Policy Objectives

The objectives of the Local Approved Products Policy are:

- To support the purpose of the Act to minimise harm to individuals who use approved psychoactive products.
- To minimise the perceived risks to vulnerable persons and the wider community from the sale of psychoactive substances.
- To ensure that Council and the community have opportunity to influence the location of retail premises in the district.

Definitions

Act: the Psychoactive Substances Act 2013.

Approved location: an area identified by appendices 1-3 where premises from which approved products may be sold are permitted to be located.

Approved product: a psychoactive product approved by the Psychoactive Substances Regulatory Authority under section 37 of the Act.

Authority: the Psychoactive Substances Regulatory Authority (PSRA) established by section 10 of the Act.

Ashburton central business district: means the area of Ashburton defined by the map contained in appendix 1 of this policy.

Council: Ashburton District Council.

District: the Ashburton District Council territorial authority area.

Licence: a licence granted under section 16 of the Act.

Psychoactive product: a finished product packaged and ready for retail sale that is a psychoactive substance or contains one or more psychoactive substances.

Psychoactive substance: 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. A full definition is contained in section 9 of the Act.

Regulations: the regulations made under the Act.

Retail premises: premises for which a licence to sell approved products by retail has been granted. This does not include premises where only internet sales are made.

Sensitive site: any school, preschool, kindergarten or early childhood education centre, any residential property (by zone or use), and any land zoned open space or commonly used by the community as open space for public purposes.

Policy Statement

1. Establishment of Retail Premises

- 1.1. Retail premises may be established in Ashburton District subject to:
- a) Meeting the relevant legislative requirements
 - b) The premise being located within the Business A, B or C zones of the Ashburton District Plan or otherwise permitted by way of resource consent
 - c) Meeting the requirements of this policy and being issued a licence by the Authority.

2. Controls Relating to Location of Psychoactive Product Retail Premises

- 2.1. The location of retail premises from which approved products may be sold is restricted to the approved location of:
- **The Ashburton central business district:** the area bounded by Moore Street, East Street, Cass Street and Havelock Street. (see appendix 1)
- 2.2. New retail premises from which approved products may be sold are not permitted within 50 metres of a premises that has an existing retail licence (including those under consideration by the Authority) to sell approved products.
- 2.3. Retail premises from which approved products may be sold are not permitted within 50

metres of any sensitive site, as defined in this policy.

- 2.4. Proximity to existing or consented sensitive sites will be assessed at the time of application. Any subsequent renewals of retail licences will be subject to existing use rights in regard to proximity to sensitive sites.
- 2.5. For the purposes of clauses 2.2 and 2.3, the separation distances are measured from the legal boundary of the land occupied by the premise (nearest point to nearest point).

Psychoactive Product Retail Area in Ashburton



