

Local Approved Product Policy 2015



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Overview

Psychoactive Substances Act 2013

The Psychoactive Substances Act 2013 (the Act) regulates the manufacture and sale of psychoactive substances. The Act's stated purpose is to protect the health of, and minimise the harm to, individuals who use psychoactive substances and regulate the availability of psychoactive products. The Act prohibited the advertising and sale of products to those under 18. The Act does not allow Councils to ban products.

The Act prohibits licensed retailers from selling products from the following locations:

- any diary, convenience store, grocery store, supermarket
- any premises where the primary business carried out is the sale of automotive fuels, repair or servicing vehicles, sale of automobiles
- anywhere alcohol is sold or supplied
- any non-fixed permanent premises or vehicle or conveyance

The amendment to the Act also prohibited the sale of products within residential areas.

What gives the council the authority to have a Local Approved Product Policy?

Sections 66 to 69 of the Act allows Auckland Council to develop a Local Approved Product Policy (LAPP). The LAPP can only make rules about:

- The location of premises from which approved products may be sold by reference to broad areas.
- The location from which approved products may be sold by reference to proximity to other premises from which approved products are sold.
- The location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds.

Policy purpose and objectives

The object of this policy aligns with the object of the Act to protect the health of, and minimise the harm to users and vulnerable populations. Auckland Council has a number of priorities to grow Auckland into the world's most liveable city. One of the key outcomes is a fair, safe and healthy Auckland. The LAPP will contribute to this priority by reducing the risk of harm that vulnerable people will experience from legal psychoactive substances. This harm reduction will be achieved by reducing the availability of these substances to vulnerable populations by protecting high deprivation areas, youth and people with mental health concerns. In addition, in line with the Mayors vision for Auckland Council to deliver value for money, the LAPP is practical to implement and cost effective.



Definitions

For the purpose of the policy, the following definitions apply

Term	Definition
Distance restriction	Distance restrictions for schools are measured from the two nearest points on the properties boundaries – that is, the boundary of the property not just the building. Distance restrictions for marae and mental health and addiction centres are measured from the boundary of the building.
City centre	As defined in the Proposed Auckland Unitary Plan.
Neighbourhood centre	As defined in the Proposed Auckland Unitary Plan.
Residential areas	As defined in the Proposed Auckland Unitary Plan.
Mental health treatment centre	A residential facility where people are treated for mental health issues and has been identified by Auckland Regional Public Health Services as at risk of their clients experiencing harm if they were to have easy access to psychoactive substances.
Addiction treatment centre	A residential facility where people are treated for addiction issues. These have been identified by Auckland Regional Public Health Services on behalf of the Three District Health Boards in Auckland.
High Deprivation	Census Area Units that have a score on the New Zealand Deprivation Index of 8, 9 or 10. This indicates the area is in the most deprived 30% of New Zealand.
Residential deprivation	An area which has a high proportion of people living in social housing.
Special restricted area	A specific additional area defined as restricted based on a set of criteria and evidence to reduce harm.

Location restrictions

Auckland general - except for the city centre

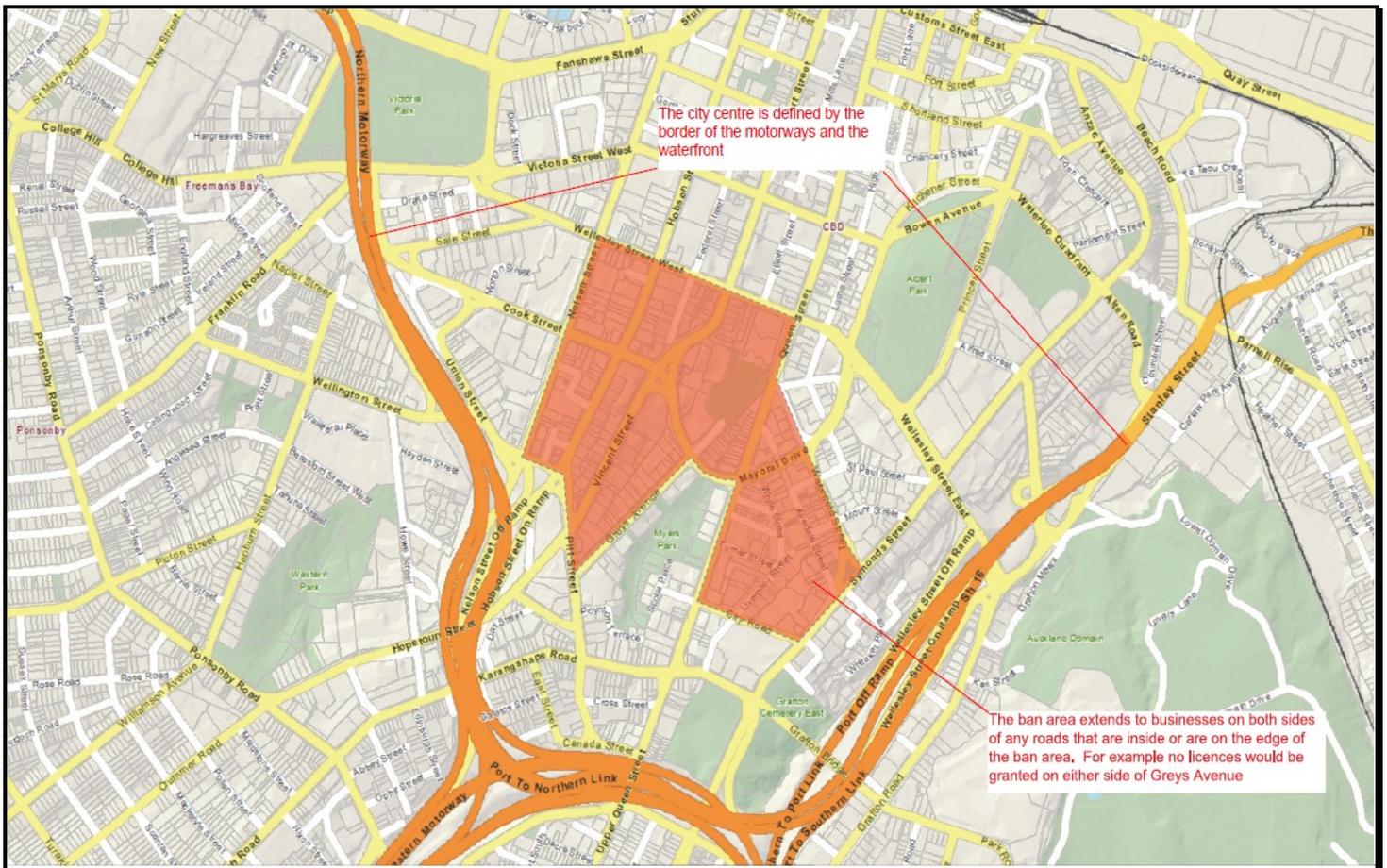
1. For all areas of Auckland, apart from the city centre, licences to retail legal psychoactive substances will not be granted in:
 - a) areas of high deprivation – deprivation 10, 9 and 8
 - b) neighbourhood centres
 - c) within 500m of a school teaching students year seven and above
 - d) within 200m of a school teaching students between years one and six inclusive
 - e) within 500m of a mental health or addiction treatment center
 - f) within 500m of an existing psychoactive substances retail licence
 - g) within 100m of an marae

2. For all areas of Auckland, apart from the city centre, licences to retail legal psychoactive substances will not be granted in the following special restricted areas: (areas identified as special restricted areas are shown in Appendix One)
 - a) Hunters corner commercial area – Papatoetoe
 - b) Manurewa commercial Area – Manurewa
 - c) Mt Wellington Highway / Waipuna road commercial area – Mt Wellington
 - d) Papakura Caravan Park commercial area - Papakura
 - e) Don Buck road / Triangle road commercial area - Henderson
 - f) Manukau Station road commercial area – Manukau
 - g) Te Hana commercial area – Rodney

Auckland city centre restrictions

3. For the city centre it is proposed that licences to retail legal psychoactive substances will not be granted in:
 - a) areas of residential deprivation as shown on the map below
 - b) within 200m of an existing psychoactive substances retail licence.

City centre restricted area



Review

The LAPP will be reviewed in two years from the date it is adopted.

This relatively short review period will allow Auckland Council to assess how effective the policy has been in its intent to reduce harm and to recommend any changes in a timely manner. At the first review a decision will be made on future review periods.



Implementation

The determination and issuing of licences is completed by the Psychoactive Substances Regulatory Authority (PSRA) through the Ministry of Health.

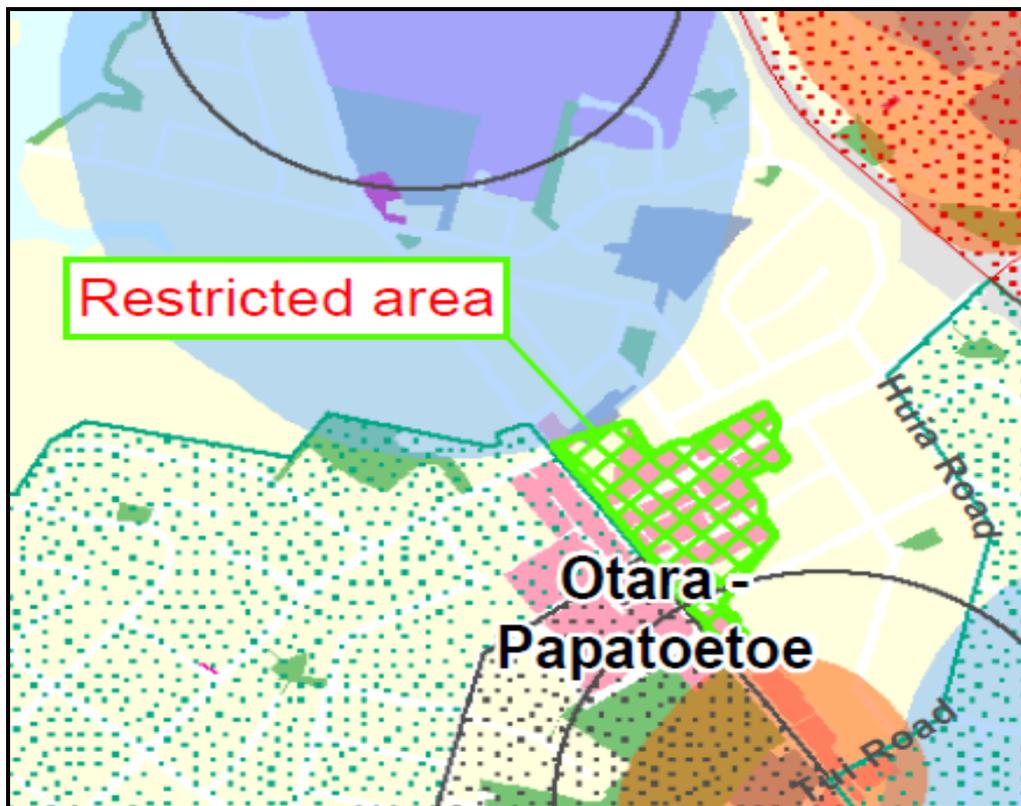
How will the LAPP decide between two licence applications close to each other?

The LAPP is not able to make any provision to distinguish between two licences apart from where they are located. Due to the proposed density rules there may be a situation where two people apply for a licence close to each other. In this case both licences cannot be granted because they would be too close to each other. Deciding which licence should be granted is the role of the Psychoactive Substance Regulatory Authority who makes all of the licensing decisions.



Appendix One – Special Restricted Areas

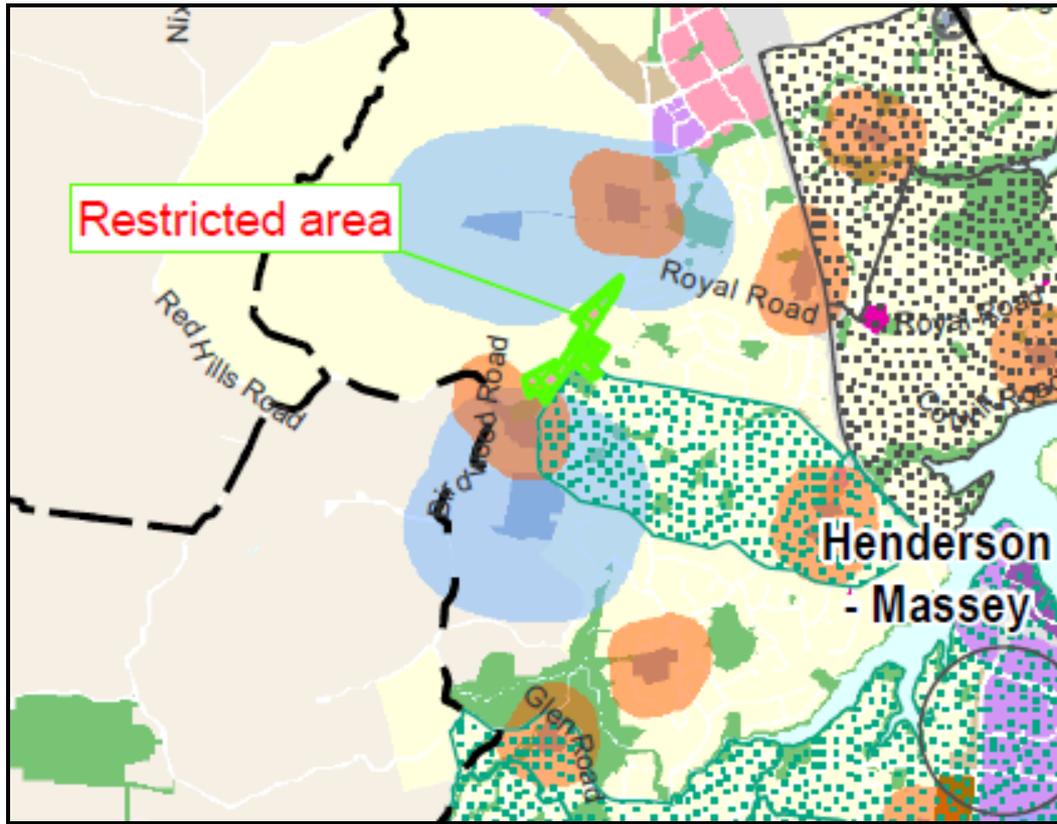
Hunters corner commercial area - Otara Papatoetoe



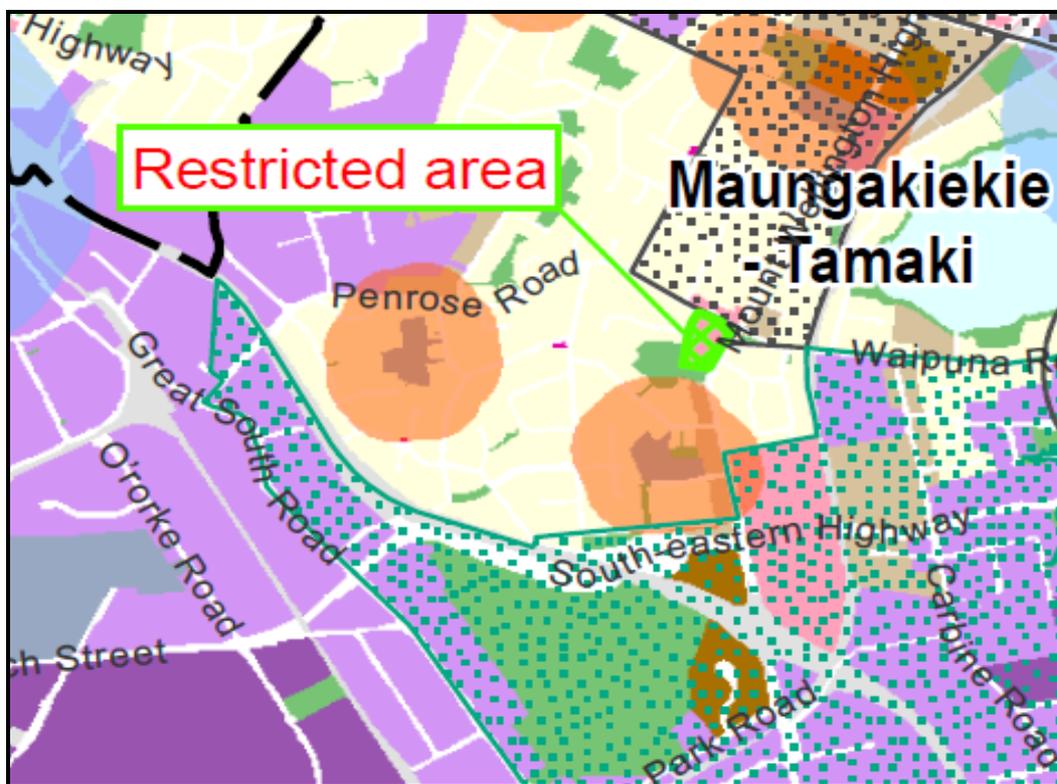
Manurewa commercial area - Manurewa



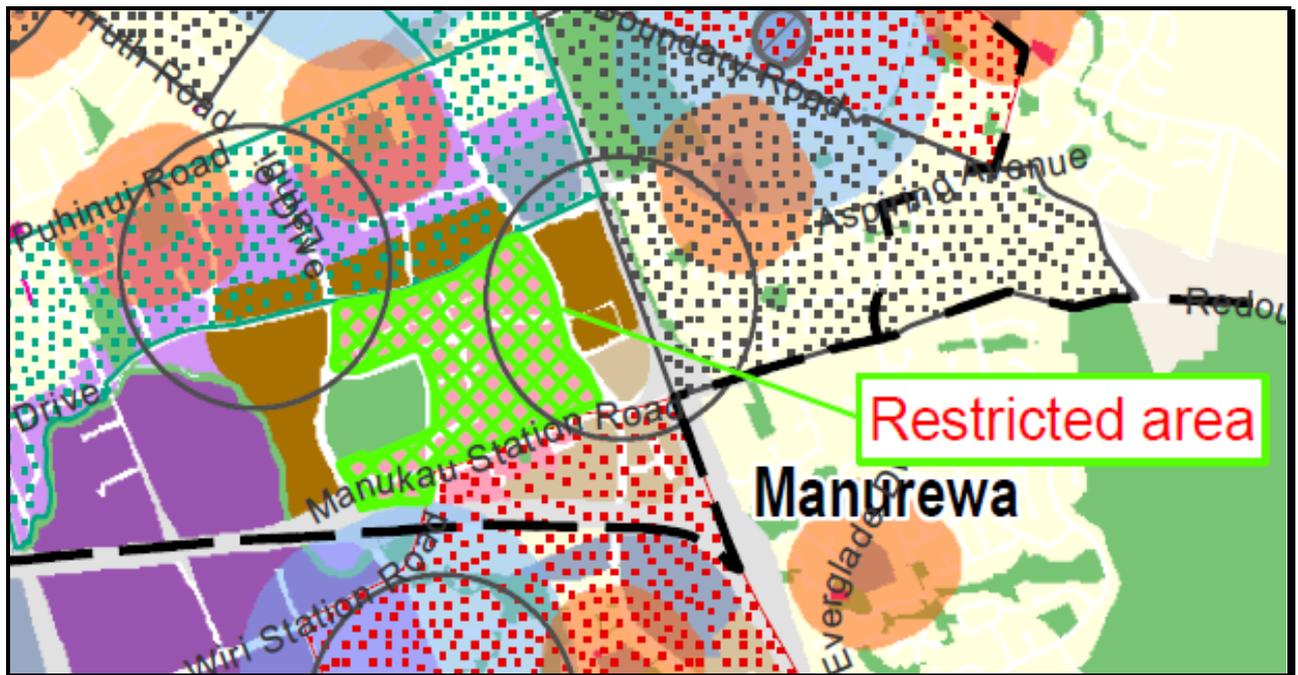
Don Buck Road / Triangle road commercial area - Henderson



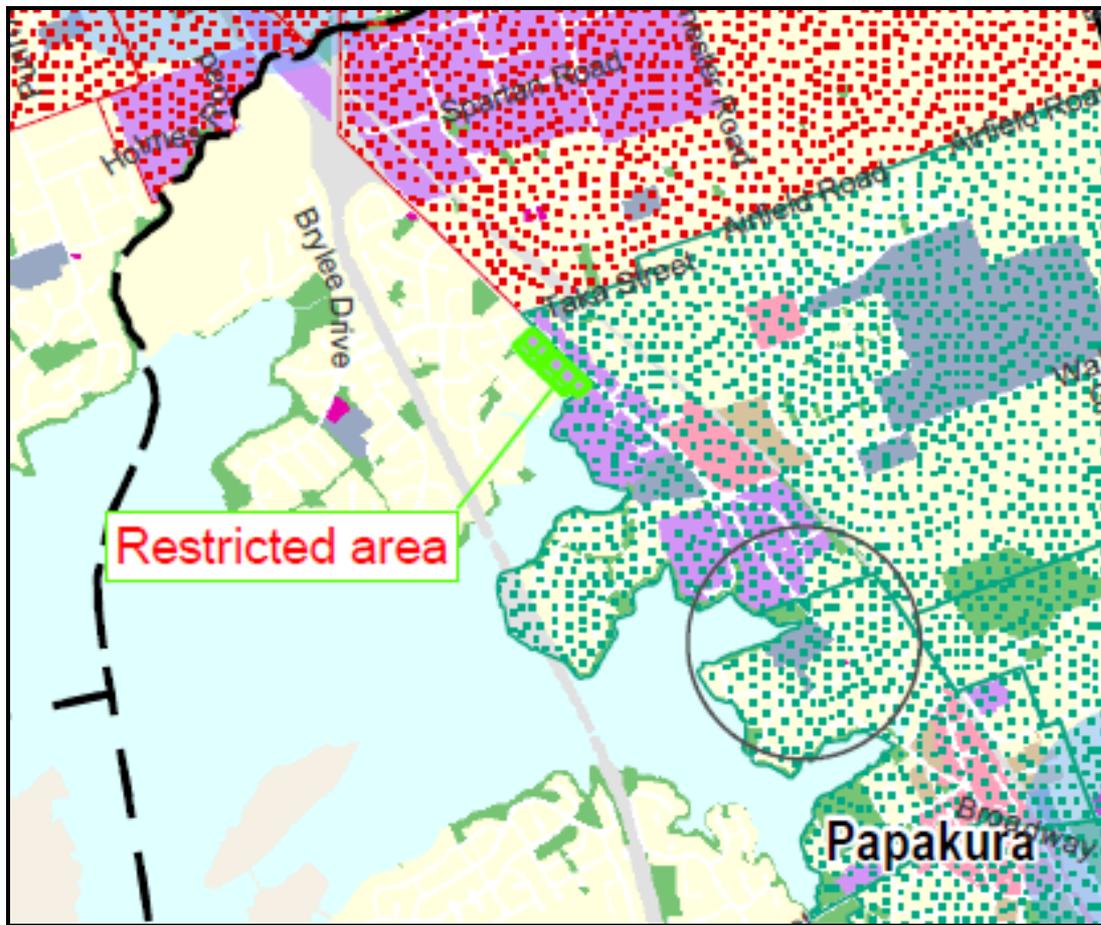
Mt Wellington / Waipuna road commercial area – Mt Wellington



Manukau Station road commercial area - Manukau



Papakura caravan park commercial area - Papakura



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