



**WHANGANUI
DISTRICT COUNCIL**
Te Kaunihera a Rohe o Whanganui

Statement of Proposal

Review of Psychoactive Substances: Local Approved Products Policy

1. SUMMARY OF INFORMATION

Whanganui District Council ('the Council') is seeking feedback on the review of the Psychoactive Substances: Local Approved Products Policy 2014. Council is proposing changes to the drafting of the policy to improve its clarity and usability; and give effect to the intent of the policy.

2. INTRODUCTION

In 2014, Council adopted a Psychoactive Substances – Local Approved Products Policy 2014 and is required to review its policy within five years of the date on which it was made.

Council has reviewed the policy and is proposing to retain the existing policy with changes to the drafting to improve its clarity and usability. The proposed changes to the drafting of the policy include redrafting the policy to include Council's current strategic framework; and updating the definition of Residential Area to match the District Plan.

3. REASONS FOR PROPOSAL

Background

The Psychoactive Substances Act 2013 ('Act') came into force 18 July 2013 and created a regulated market for the legal sale of approved recreational psychoactive products by licenced sellers.

The Psychoactive Substances Regulatory Authority, operating under the auspices of the Ministry of Health, is responsible for evaluating psychoactive products to decide if they meet national safety standards and should be approved for sale by licenced premises within New Zealand.

Under the Act the Whanganui District Council may develop and adopt a policy relating to the sale of approved products within its district and to restrict the geographical location of premises selling approved products within the Whanganui District.

In 2014, Council adopted its Psychoactive Substances - Local Approved Products Policy 2014 and is required to review its policy within five years of the date on which it was made.

Council has reviewed the policy and is proposing to retain the existing policy with changes to the drafting to improve its clarity and usability.

The proposed changes to the drafting of the policy include:

- redrafting the policy to include Council's current strategic framework; and
- updating the definition of Residential Area to match the District Plan.

Since the Psychoactive Substances Act 2013 was passed, no psychoactive products have been approved for sale in New Zealand. Accordingly, no applications to sell such products have been made in Whanganui.

Options

Option 1 – Retain the Psychoactive Substances - Local Approved Products Policy (Status-quo)

Under this option, Council would retain the Psychoactive Substances - Local Approved Products Policy.

Advantages	Disadvantages
<ul style="list-style-type: none"> • A Local Approved Products Policy enables Council to restrict the locations of the sale of approved products to reduce potential health and social impacts. 	<ul style="list-style-type: none"> • The clarity of the drafting of the existing policy could be improved to incorporate Council’s existing strategic framework and increase the clarity of the policy.

Option 2 – Amend the Psychoactive Substances - Local Approved Products Policy (Preferred)

Under this option, Council would amend the Psychoactive Substances - Local Approved Products Policy to include Council’s current strategic framework and clarify the definition of a residential area.

Advantages	Disadvantages
<ul style="list-style-type: none"> • A Local Approved Products Policy enables Council to restrict the locations of the sale of approved products to reduce potential health and social impacts. • The amendments to the drafting of will bring the policy into line with Council’s current strategic framework and increase the clarity of the policy. 	<ul style="list-style-type: none"> • None

Option 3 – Revoke the Psychoactive Substances - Local Approved Products Policy

Under this option, Council would revoke the Psychoactive Substances - Local Approved Products Policy and would rely on existing legislation to control the locations of the sale of psychoactive substances, were a product to be approved under the Act.

Advantages	Disadvantages
<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• Without a Local Approved Products Policy Council is unable to restrict the locations of the sale of approved products to reduce potential health and social impacts.

4. CONSULTATION AND SUBMISSION

In making, amending, or revoking the policy, Council must use the Special Consultative Procedure set out in section 83 of the LGA 2002. Council has prepared and adopted the proposed policy for public consultation. Any person can make a submission on the proposed policy.

A copy of the Statement of Proposal, including the proposed bylaw and information about making a submission can be obtained from the Council website www.whanganui.govt.nz

Submissions can be made online at <http://www.whanganui.govt.nz/have-your-say>, or alternatively, submission forms are available from the Whanganui District Council Customer Service counter at the main municipal building located at 101 Guyton Street, the Davis Central City Library and Gonville Library. Submitters can indicate whether they would like to speak to their submission and include contact details. People who wish to be heard by Council will be given the opportunity to do so. The time and venue for the hearing of submissions is yet to be confirmed.

For any queries please contact Justin Walters, Senior Policy Analyst on (06) 349 0001.

The period for making submissions is from **31 August to 9 October 2020**.

5. ATTACHMENTS

Attachment 1 – Review of Psychoactive Substances: Local Approved Products Policy 2020



Psychoactive Substances: Local Approved Products Policy 2020

Whanganui District Council
As at ##/##/2020 (Resolution 2020/##)

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1.0 Executive Summary

- 1.1. The Psychoactive Substances Act 2013 ('Act') came into force 18 July 2013 and created a regulated market for the legal sale of approved recreational psychoactive products by licenced sellers.
- 1.2. The Psychoactive Substances Regulatory Authority, operating under the auspices of the Ministry of Health, is responsible for evaluating psychoactive products to decide if they meet national safety standards and should be approved for sale by licenced premises within New Zealand.
- 1.3. The Act prohibits the sale of psychoactive products from:
 - a) Dairies, convenience stores, grocery stores and supermarkets;
 - b) Service stations;
 - c) Liquor outlets;
 - d) Premises that are not a fixed permanent structure e.g. tents, marquee;
 - e) Vehicles or other conveyances e.g. a mobile street cart; and
 - f) Any other place or premises specified or described in the Regulations.
- 1.4. Under the Act the Whanganui District Council may develop and adopt a policy relating to the sale of approved products within its district and to restrict the geographical location of premises selling approved products within the Whanganui District.
- 1.5. Psychoactive Substances: Local Approved Products Policy 2020 (LAPP) seeks to:
 - a) Protect the health of, and minimise harm to individuals who use psychoactive substances;
 - b) Minimise the potential for adverse effects upon the wider Whanganui community caused by the use of psychoactive products by limiting the location and density of licensed sellers of approved products within the Whanganui District; and
 - c) Minimise exposure to the selling of approved products and their potential harm to vulnerable / sensitive sections of our community.
- 1.6. Since the Psychoactive Substances Act 2013 was passed, no psychoactive products have been approved for sale in New Zealand. Accordingly, no applications to sell such products have been made in Whanganui.

2.0 Background

- 2.1. The Psychoactive Substances Act 2013 ('Act') came into force 18 July 2013. The Act creates a regulated market for the legal sale of approved recreational psychoactive products by licenced sellers.
- 2.2. The Psychoactive Substances Regulatory Authority ('Authority'), operating under the auspices of the Ministry of Health, is responsible for evaluating psychoactive products to decide if they meet national safety standards and should be approved for sale by licenced premises within New Zealand. The importing, manufacturing, selling, supplying or possessing psychoactive products is strictly prohibited unless it has been demonstrably proven to the Authority that the product poses no more than low risk of harm to individuals who use it. The Authority is also responsible for licencing importers, manufacturers, researchers, retailers and wholesalers.
- 2.3. The core purpose of the Act is to:
 - a) Regulate the availability of psychoactive substances, and
 - b) Protect the health of, and minimise harm to, individuals who use psychoactive substances.
- 2.4. The Act prohibits the sale of psychoactive products from:
 - d) Dairies, convenience stores, grocery stores and supermarkets;
 - e) Service stations;
 - f) Liquor outlets;
 - g) Premises that are not a fixed permanent structure e.g. tents, marquee;
 - h) Vehicles or other conveyances e.g. a mobile street cart; and
 - i) Any other place or premises specified or described in the Regulations.
- 2.5. No one under the age of 18 is permitted to buy, sell or possess psychoactive substances.
- 2.6. Under the Act a territorial authority may develop and adopt a policy relating to the sale of approved products within its district. Territorial authorities cannot prohibit the legal sale of approved products, however this Local Approved Products Policy ('LAPP') enables the Whanganui District Council ('Council') to restrict the geographical location of premises selling approved products within the Whanganui District by:
 - a) Providing differently for different parts of its district;
 - b) Applying to only part (or two or more parts) of the district; and
 - c) Applying differently to premises with different licences.

- 2.7. The LAPP may also include restrictions on the location of licenced sellers of approved products by way of:
- a) The location of premises from which approved products may be sold by reference to broad areas within the district;
 - b) Proximity to other premises from which approved products may be sold; and
 - c) Proximity to premises of facilities of a particular kind or kinds within the district e.g. kindergartens, early childhood centres, schools, places of worship, or other community facilities.
- 2.8. Since the Psychoactive Substances Act 2013 was passed, no psychoactive products have been approved for sale in New Zealand. Accordingly, no applications to sell such products have been made in Whanganui.

3.0 Strategic Context

- 3.1. Council's core vision for Whanganui District is contained in Council's Leading Edge Strategy. Encapsulated in five broad threads the philosophy of that strategy permeates through all of Council's actions. The five broad themes are:
- a) Community
 - b) Connectivity
 - c) Creativity
 - d) Environment; and
 - e) Economy.
- 3.2. Our Leading Edge vision is "to be an energised, united and thriving district offering abundant opportunities for everyone".
- 3.3. This LAPP supports various strategic goals of Council contained within the Leading Edge Strategy, including:
- a) We will maintain International Safe Community accreditation.
 - b) There will be greater levels of community pride.
 - c) The percentage of people who indicate high levels of belonging and wellbeing will increase.
 - d) Our district's performance in relation to national health targets will improve.
 - e) We will gain a positive reputation as a destination of choice to live, work, study and do business. The percentage of 15 to 24 year olds not in employment, education or training will decrease.
 - f) More people will have a positive view of the lifestyle benefits in Whanganui – internally and externally.
 - g) Our residents' satisfaction in relation to their standard of living will improve.

- 3.4. Council engaged with the Safer Whanganui forum and its Alcohol and Other Drugs Reference Group in the development of the draft LAPP before putting the policy out to the wider community for its feedback through the public consultation process. Safer Whanganui is charged with fostering a “safe Whanganui – where everyone feels safe to be in and move around the community all the time” - this includes prevention of harm.
- 3.5. Through the Safer Whanganui forum, the wider community is brought together in an enabling process encouraging community organisations to work together collaboratively through actively sharing their combined knowledge and expertise to effect positive and lasting change within our district. This includes tackling community issues such as family violence, alcohol and drug misuse and abuse.
- 3.6. Safer Whanganui has been consulted about, and supports, this updated LAPP.

4.0 Purpose of the Policy

- 4.1. The policy objectives are to:
 - a) Provide clear guidance to the Authority on what the community considers appropriate when it considers any licence application for the selling of approved products within the Whanganui District;
 - b) Protect the health of, and minimise harm to, individuals who use psychoactive substances;
 - c) Minimise the potential for adverse effects upon the wider Whanganui community caused by the use of psychoactive products by limiting the location and density of licensed sellers of approved products within the Whanganui District; and
 - d) Minimise exposure to the selling of approved products and their potential harm to vulnerable / sensitive sections of our community e.g. school children / young adults.

5.0 Application and Scope

- 5.1. This LAPP is made under section 66 of the Act and applies to ALL applications to the Authority for a licence to sell approved products within the Whanganui District from the date that this LAPP comes into force (retail or wholesale and includes the sale of approved products through the internet).

6.0 Location of Retail Premises from which Approved Products may be sold

- 6.1. Retail Premises licenced to sell approved products are only permitted within the geographical area of the Central Business District, as shown in Schedule One, and must have their principal method of access and egress originating from the footpath facing the main arterial route of the premises.
- 6.2. No retail premises licenced to sell approved products is to have their shop frontage facing onto Victoria Avenue.

- 6.3. Retail Premises licenced to sell approved products must not be situated within 300 metres of any other premises from which approved products may be sold.
- 6.4. Retail Premises licenced to sell approved products must not be situated within 50 metres of a:
- a) Educational Facility;
 - b) Community Facility;
 - c) Place of Worship;
 - d) Place of Cultural Significance;
 - e) Government Department;
 - f) Residential Area;
 - g) Pharmacy; or
 - h) Key Bus Stop
- which exist at the time that the initial retail licence application is lodged with the Authority.
- 6.5. For the purposes of clause 6, the separation distance between premises shall be measured from the principal entrance(s) to principal entrance(s) along the footpath, service lane or road.

7.0 Location of Wholesale Premises from which Approved Products may be sold

- 7.1. Wholesale Premises licenced to sell approved products to retailers of approved products are only permitted within the geographical area of the Commercial Area, as shown in Schedule Two, and must have their principal method of access and egress facing the main arterial route of the premises.
- 7.2. Wholesale Premises licenced to sell approved products to retailers of approved products must not be situated within 300 metres of any other Wholesale Premises from which approved products may be sold.
- 7.3. Wholesale Premises licenced to sell approved products must not be situated within 50 metres of a:
- a) Educational Facility;
 - b) Community Facility;
 - c) Place of Worship;
 - d) Place of Cultural Significance;
 - e) Government Department;
 - f) Residential Area; or
 - g) Cemetery

which exist at the time that the initial wholesale licence application is lodged with the Authority.

- 7.4. For the purposes of clause 7, the separation distance between premises shall be measured from the principal entrance(s) to principal entrance(s) along the footpath, service lane or road.

Definitions

Central Business District means the area of Whanganui bounded by St Hill Street, Taupo Quay, Drews Avenue, Watt Street, Cameron Terrace, Wicksteed Street and Ingestre Street as shown on the map in Schedule One.

Commercial Area means the area of Whanganui as shown on the map in Schedule Two.

Community Facility means any land or building owned or administered by the Council and open to and provided for the benefit of the public; and the Whanganui Mail Centre Building situated at 60 Ridgway Street where community organisations associated with Community House Whanganui are located BUT excludes footpaths, service lanes, roads, and Council off-street car parks.

Council means Whanganui District Council.

Early Childhood Centre has the same meaning as in section 310 of the Education Act 1989.

Education Facility includes learning sites such as primary, intermediate or secondary schools and kura kaupapa, and institutions delivering educational services for groups with special educational needs.

Key Bus Stop means the bus stop located on St Hill Street outside Trafalgar Square.

Place of Cultural Significance means a building or site; such as a marae, whose setting, use, associations and meanings have historic, social or spiritual value for past, present or future generations and includes but is not limited to Pākaitore / Moutoa Gardens, Whanganui River and the Returned Servicemen Association premises (RSA).

Place of Worship means land and/or building used for public and/or private assembly of people for worship and may include a church, church hall or church yard.

Residential Area means any area of the Whanganui District zoned residential in the Whanganui District Plan.

Schedule One – Central Business District (Retail Sales)

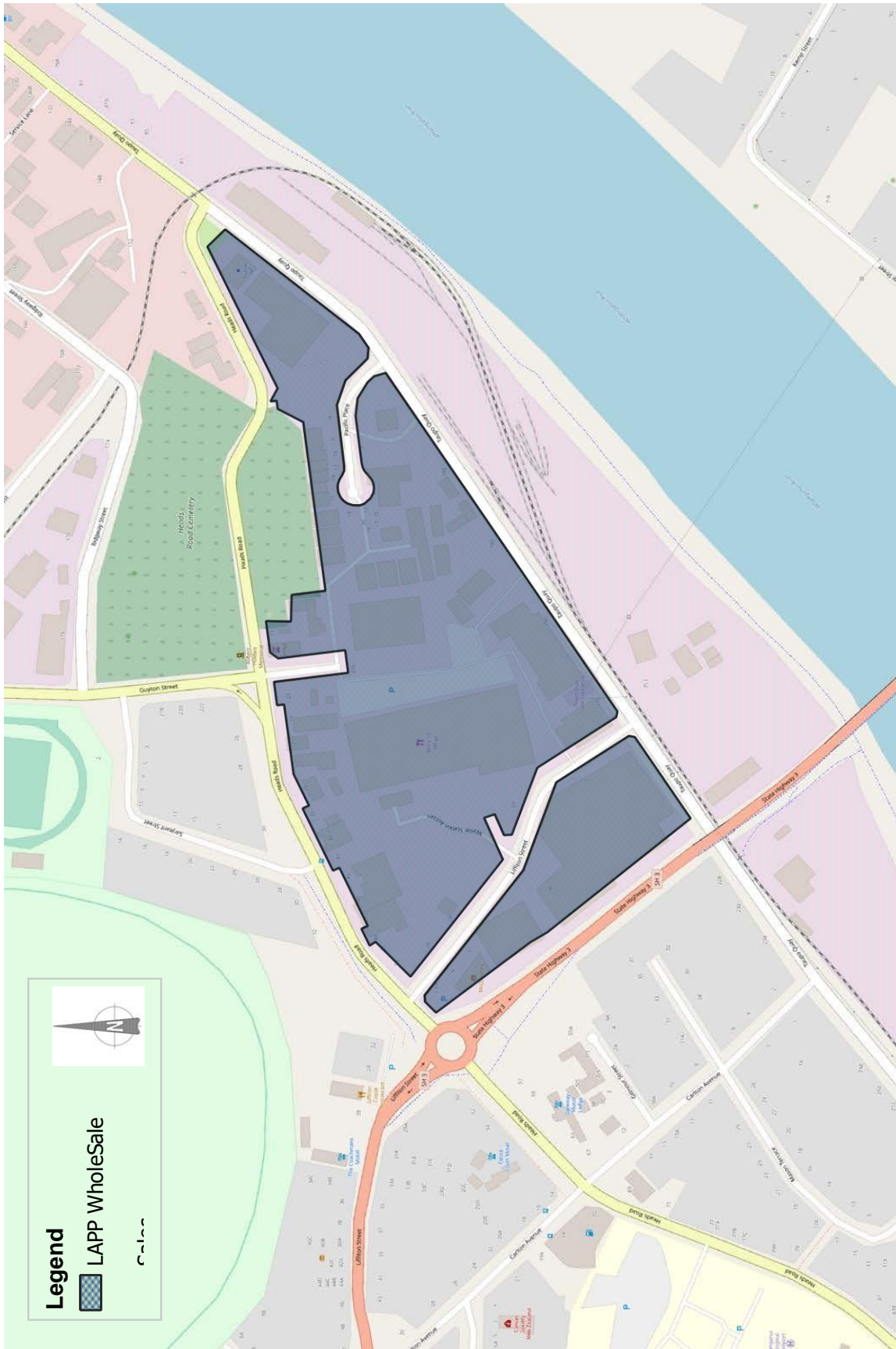


Date Printed: 2020-07-29

Schedule 1: LAPP - Retail Sales



Schedule Two – Commercial Area (Wholesale Sales)



Schedule 2: LAPP - Wholesale Sales Date Printed: 2020-07-29

