

Psychoactive Substances Policy

Department:	Regulatory Services
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Approved by:	Council – Res 25.7.5
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Purpose:

To provide the framework for assessing applications for premises selling psychoactive substances.

Principles and objectives:

- Minimise harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- Ensure the community have influence over the location of retail premises in the district.

Scope:

All responsibilities and duties provided to council under the Psychoactive Substances Act 2013, including:

- Any application for a licence to sell approved products from retail premises.
- Any application for renewal of existing licences at retail premises.

Definitions:

The Act	Psychoactive Substances Act 2013.
Approved location	An area where premises from which approved products may be sold are permitted to be located.
Approved Product	A psychoactive product approved by the Authority under Section 37 of the Act.
Business Resource Area	As identified in the Central Otago 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.
Psychoactive substance	Means 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.
Retail Premises	Means premises for which a licence to sell approved products by retail has been granted.
Sensitive Site	Includes: • any library, community centre or recreational facility; • any school, kindergarten, childcare facilities, or other educational institution; • any courthouse; • any church or place of worship, • any premises occupied by a social welfare agency such as Work and Income or similar agency; • Council Playgrounds, Swimming Pools, Parks or sports ground, public toilets; • Mental Health facilities and Addiction Centres.

All definitions of these sites and facilities are consistent with the Act.

Policy:

Number of retail premises in the district

This policy does not limit the number of retail premises or restrict the issue of licences, provided the policy criteria outlined below are met.

Location of retail premises

The location of retail premises from which approved products may be sold is restricted by this policy to the Business Resource Area of the Central Otago District.

All calculations of proximity to a sensitive site are applied as outlined in section 68 of the Act. As consistent with this section:

- Retail premises are not permitted within 200 metres of a sensitive site existing at the time the licence application is made.
- 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.

Stand-alone premises

Licences will only be issued to a stand-alone retail premise. No premises for which a licence to sell approved Psychoactive Substances shall be within any other premises which sells any other goods or services to the public.

Relevant legislation:

- Hazardous Substances and New Organisms Act 1996
- Psychoactive Substances Act 2013
- Resource Management Act 1991

Related documents:

- District Plan