

**QLDC Council  
30 June 2015**

**Report for Agenda Item: 11**

**Department: Legal and Regulatory**

**Local Approved Products Policy 2015**

**Purpose**


- 1 To consider the adoption of a new local approved products policy (LAPP).

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Accept** the recommendation of the Local Approved Products Policy Hearing Panel to adopt the Local Approved Products Policy 2015.
3. **Adopt** the Local Approved Products Policy 2015.
4. **Agree** to write to the Minister for Health, to support a ban on psychoactive substances.

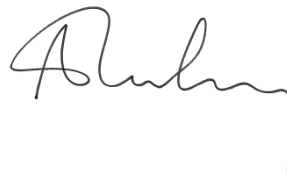
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15/06/2015

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Chief Executive

15/06/2015

## Background

- 2 The Psychoactive Substances Act 2013 (“Act”) provides the ability for the Council to develop a Local Approved Products Policy (“LAPP”) regarding the retail sale of approved products (i.e. psychoactive products approved by the Psychoactive Substances Regulatory Authority) within the Queenstown Lakes District. However, having an LAPP is not mandatory.
- 3 To enable the legal sale of these products, approval and licensing is required from Central Government i.e. the Authority. The Council can develop an LAPP for the purpose of controlling the location of retail sales only.
- 4 The Chief Executive’s performance plan required a review of the options regarding psychoactive substances.
- 5 On 24 March 2015, the Council reviewed paper 7, Psychoactive Substances – Local Approved Products Policy <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/2015-Full-Council-Agendas/24-March-2015/Item-7/7-LAPP-covering-report.pdf> and approved the proposed policy for public consultation using the special consultative procedure. Consultation closed on 30 April, with nine submissions received, and a hearing was held in Queenstown on 22 May 2015.
- 6 The Hearing panel has considered the submissions received and recommend that the Council adopt the attached Local Approved Products Policy. The panel also recommend that the Council write to the Minister for Health to support a total ban of psychoactive substances if this is possible, following data from Dunedin’s Emergency Psychiatric Service showed the number of patients presenting with synthetic cannabis-related psychiatric symptoms dropped by 50% following the ban on such products.

## Comment

- 7 The LAPP is intended to assist in protecting the health of the community, by restricting the locations where retail premises of psychoactive substances can operate.
- 8 The LAPP covers the entire Queenstown Lakes District, with the Queenstown Central Business District identified as the only broadly suitable location that retail premises of psychoactive substances could operate from , as identified in Schedule 1 of the LAPP.
- 9 A business can only legally sell psychoactive substances, in the permitted locations specified in the LAPP, if granted a licence by the Ministry of Health.

## Options

- 10 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 11 Option 1 Status quo – No Local Approved Products Policy.

12 There is no legislative requirement for this Council to have an LAPP. Education can always be undertaken to make people aware of the risks from consuming these products. In addition the current legislation provides restrictions on signage and advertising, sales and certain locations where psychoactive substances cannot be sold e.g. an approved product must not be sold from any place that, by its nature is likely to be frequented by minors.

13 Advantages: No possibility of a legal challenge or any associated costs.

14 Without an LAPP, there is no policy to challenge or associated legal costs.

15 Disadvantages: Negative public perception, no local control regarding the retail sale of these products, increased exposure to vulnerable members of the community, limitations of an LAPP.

16 It could be perceived that, without an LAPP, the Council does not support the community views to address concerns surrounding the sale of psychoactive products. Without a LAPP there would also be less local control over appropriate locations to undertake the sale of these products and reduce the exposure of vulnerable groups to psychoactive substances.

17 An LAPP is very specific as to what aspects it can control, i.e. location, and does not provide the ability to ban these products.

18 Option 2 Adopt the Local Approved Products Policy

19 Advantages: enables increased local control, community support, reduced exposure, improved health of our community

20 A LAPP provides the community with an opportunity to provide input regarding a proposed LAPP. Controlling the locations of retail premises provides reduced exposure and normalisation of psychoactive substances, in addition to the controls over signage provided in the Act, with the aim of assisting in improving the health of our community through such control mechanisms.

21 Disadvantages: possible legal challenge and associated costs, limited level of control

22 A legal challenge is always possible when developing bylaws and policies. However, following the special consultative procedure and legal support, it is difficult to see any potential legal challenge being successful.

23 Any LAPP can only control the location of retail premises, and does not enable additional controls such as opening times.

24 This report recommends Option 2 for addressing the matter.

### ***Significance and Engagement***

25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of the wider effects that psychoactive substances have on our community. This includes the physical and

mental impacts on users of psychoactive substances, the effects on their friends and families, in addition to community groups, police and medical organisations.

### **Risk**

- 26 This matter relates to the strategic risk SR3, as documented in the Council's risk register. The risk is classed as moderate. The provision of a safe and healthy community that is strong, diverse and inclusive for people of all age groups and incomes, is a long term aspiration for the district in the Ten Year Plan 2015 – 2025.
- 27 The recommended option mitigates the risk, by 'treating the risk – putting measures in place which directly impact the risk'. The LAPP will provide additional restrictions regarding the location where the retail sale of psychoactive substances can be undertaken, which is deemed the most effective control available to the Council.

### **Financial Implications**

- 28 There are minimal financial implications if the Council resolves to adopt the LAPP, which can be met from existing resources.

### **Council Policies, Strategies and Bylaws**

- 29 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement policy

- 30 This matter is included in the 10-Year Plan/Annual Plan,

- Volume 1 Overview and Activities – Regulatory Functions and Services

### **Consultation: Community Views and Preferences**

- 31 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District, visitors, community groups, Police and the Medical Officer of Health.
- 32 The Council has undertaken pre-consultation with community groups and the wider community through group meetings with organisations, two public meetings (Queenstown and Wanaka), and by undertaking the special consultative procedure, with 4 weeks public consultation.
- 33 The majority of the submissions (80%) supported the proposed Local Approved Products Policy, with the remaining 20% partially supporting the policy.
- 34 If the policy is adopted, Council will advertise details of the policy in a local newspaper, the Council's website and social media. In addition, officers would advise the Psychoactive Substances Regulatory Authority of the Queenstown Lakes District LAPP.

## **Attachments**

- A Hearing Panel Report
- B Local Approved Products Policy 2015

**Report for Agenda Item: 11**

Local Approved Products Policy - Hearing Panel report

**Purpose**

- 1 To report on the Hearings Panel's consideration of the submissions received on the proposed Local Approved Products Policy 2015.

**Recommendation**

- a. **Note** all the submissions received regarding the Local Approved Products Policy;
- b. **Recommend to Council** to adopt the attached Local Approved Products Policy.
- c. **Recommend to Council** to write to the Minister for Health, to support a ban on psychoactive substances.

Cath Gilmour



Chair of Hearings Panel

5/06/2015

**Background**

On 24 March 2015, Council resolved to undertake public consultation on a proposed Local Approved Products Policy ("LAPP").

Consultation closed on 30 April, with 9 submissions received. Five submitters advised of their wish to speak to their submission.

A hearing was held on 22 May 2015 at 10 Gorge Road, Queenstown.

**Comment****Submissions**

Of the 9 submissions received, 3 submitters attending the hearing, being:

- Brendon Cameron;
- Supporting Families Wakatipu; and
- The Southern District Health Board.

Wanaka Alcohol Group sent apologies, as they could not attend, and provided a supplementary submission to reiterate their support for the LAPP.

The questions from the submissions at the hearing were:

1. When products can be legally sold, they will not be in the same form as previously, so what is the issue?
2. Could an exemption clause be included in the policy?
3. Could the distance between retail premises that could sell psychoactive substances be increased from 50 metres to 100 metres?
4. Could the distance between a retail premises that could sell psychoactive substances and a licensed premises relate to off-licences only?
5. Could the distance between a retail premises that could sell psychoactive substances and an on-licence such as a restaurant be decreased, due to lesser perceived risk?
6. Could the distance between a retail premises that could sell psychoactive substances and an off-licensed premises be increased from 30 metres to 50 metres?
7. Does the Psychoactive Substances Act deal with the signage of premises?
8. Can the sensitive sites be extended to include social service providers?

## **Deliberations**

### **Psychoactive Products**

It was accepted by the Hearing panel that if or when psychoactive substances return for sale, they will not be in the same form or strength as previously seen. The panel also agreed that while these products are legally allowed to be only “low risk”, that does not mean “no risk” and a policy to restrict the sale of psychoactive substances was a pro-active measure to address the risks these products could pose.

### **Exemption**

The panel agreed that an exemption was not warranted for this policy, as any exemption would provide potential ‘wriggle room’ for operators to sell these products outside of the policy guidelines. The Hearing panel did not support the ability or need for any exemptions.

### **On and Off Licensed Premises and Restaurants**

There was considerable discussion about the different risks imposed by differing on-licences (e.g. restaurants versus bars) and off-licences. The panel supported the proposal from submitters to increase the distance between off-licensed premises and potential retail sites for psychoactive substances.

However, the Sale and Supply of Alcohol Act does not specifically identify different types of on-licence, meaning that it was not practical to try and differentiate between different types of on-licence and distances between potential retail sites for psychoactive substances.

Consequently, the panel supported the retention of the specified distance for all on-licences but requested Council officers to determine if it would be possible to increase the distance from off-licensed premises to 50 metres.

### **Retail Premises Distances**

The panel supported the submitters' requests to increase the distance between retailers of psychoactive substances. It was requested that Council officers determine if it would be possible to increase the distance between potential retail premises to 100 metres.

### **Signage**

The panel questioned if the Psychoactive Substances Act ("Act") covered details regarding signage of potential retail premises. It was confirmed, that section 56(3) of the Act states:

#### ***56 Prohibitions, restrictions, and requirements relating to advertising of approved products***

*(3) Advertising for an approved product (except a product sold by Internet sale):*

*(a) may appear only in premises where the approved product is sold; and*

*(b) must be confined to the inside of the premises; and*

*(c) must not be easily visible or audible from outside the premises; and*

*(d) must be limited to material that communicates objective information about the product, including (without limitation) -*

*(i) the active ingredients of the product and the appropriate quantity of each active ingredient:*

*(ii) the price of the product.*

### **Sensitive Sites**

The Hearing panel discussed the possibility of increasing the schedule of sensitive sites to include social service providers. The panel supported the submission on this matter, however after discussion agreed that the frequency with which such service providers moved made this an impractical criterion. Therefore the panel did not agree to the suggested amendment.

### **General**

The hearing panel supported the attached Local Approved Product Policy, as amended following the deliberations.

The panel agreed that the LAPP should be reviewed on the first anniversary following the granting of the first licence to operate in the Queenstown Lakes District, and reviewed within 5 years of the policy being adopted. This would ensure that if experience of the new psychoactive regime should show change was necessary to ensure community safety and wellbeing, this could be achieved in a timely manner.

It was also agreed that the area identified in Schedule 1 of the LAPP (i.e. the permitted retail area for psychoactive substances) should be part of the policy and identified as the LAPP permitted area.



The panel also agreed to recommend Council writes to the Minister for Health, to support a ban on psychoactive substances as requested by the majority of submitters.

**Attachments**

- A Summary of submissions and panel recommendations;
- B Queenstown Lakes District Council Local Approved Products Policy 2015 (Incorporating amendments as recommended by the Hearings Panel)

## **BACKGROUND**

The Psychoactive Substances Act 2013 (“Act”) provides the ability for Council to develop a Local Approved Products Policy (LAPP) regarding the retail sale of approved products.

Queenstown Lakes District Council has undertaken consultation on a proposed Local Approved Products Policy (LAPP).

Public consultation opened on 25 March 2015 and closed on April 30 2015. Council appointed a hearings panel to hear public submissions and to recommend to Council the form of the policy to be adopted.

9 public submissions have been received.

The submitters who wish to be heard in support of their submissions (in order of submission received) are:

- a) Brendon Cameron (1)
- b) Wanaka Alcohol Group (3)
- c) Colin Goldthorpe – Adventure Development Ltd (4)
- d) Supporting Families Wakatipu (6)
- e) Joanne Lee – The Southern District Health Board (9)

## **ATTACHMENTS**

1. Proposed Local Approved Products Policy 2015;
2. Submission questions;
3. Summary of submissions to be heard with officer recommendations;
4. All submissions received.

## **DISCUSSION**

The report sets out the concerns raised by submitters and the officer advice regarding each topic.

Seven submissions are in support of the proposed Local Approved Products Policy (LAPP), with two submissions in partial support.

The submissions are generally in support of the proposed policy, although requests for more restrictive criteria regarding distances or an outright ban are included. There are also comments to support the sale of psychoactive substances; as such products will need to meet new criteria to enable them to be sold, which one submitters view stating they will be safe.

The officer comments provide additional information regarding the matters raised for consideration by the hearing panel.

## **RECOMMENDATION**

That the hearings panel:

- 1) Consider the submissions to the proposed Local Approved Products Policy 2015 together with advice from officers;

- 2) Adopt, where it is considered appropriate, the amendments to the policy sought by submitters;
- 3) Recommend to Council the form of the Local Approved Products Policy 2015.

## Attachment 2 – Submission Questions

1. The Council should have a policy that defines the locations where retail premises can sell psychoactive products.
2. Retail premises selling psychoactive products are ONLY permitted within the Queenstown Town Central Zone.
3. Retailers of psychoactive products cannot be located close to identified "sensitive sites" which include schools, kindergartens, early childhood centres and tertiary education institutions; playgrounds, parks and reserves.
  - 4a. Must be located directly on the street frontage in any approved location i.e. does not include pedestrian only locations/thoroughfares.
  - 4b. Must not be within 50 metres of another retail premises from which approved products are sold.
  - 4c. Must not be within 200 metres of an education facility e.g. school, childcare facility.
  - 4d. Must not be within 30 metres of a licensed premises.
  - 4e. Must not be within 25 meters of all other sensitive sites in Schedule 2.
  - 4f. Must be within 1km of a 24/7 Police station
  - 4g. Must be with 20km of a Hospital with Emergency Department.
  - 4h. Must be within 1km of a Medical Centre and Support Centres.
5. If you have any other comments you wish to include with your submission,

## Attachment 3 - Summary of submissions with Officer recommendations

1. The Council should have a policy that defines the locations where retail premises can sell psychoactive products.

- Council seems to be trying to block future sales of psychoactive substances, by all means possible;
- Products will not return in the same form or potency, as a result of the needs to meet strict guidelines set by the Ministry of Health;
- The majority of previous users never caused a problem, or had a problem with the product and have been stereotyped as having a problem;
- The product will be regulated as Safe;
- Alcohol is a bigger issue, why not offer a 'safer' option;
- Prefer for Council to Ban these products
- Queenstown hospital is neither equipped or staffed to have an emergency department, so no outlet will be able to open until there is an emergency department;
- Will Council lobby for the continuation of the ban;
- Concern that 200m is not far enough from education facilities;
- I agree Council should have an LAPP

### Officer Comments

Council has undertaken public consultation following the special consultative procedure to identify the communities views regarding psychoactive substances. The Psychoactive Substances Act enables Council to restrict the location of retail premises, with regard to broad areas, the proximity to other similar retail premises and the proximity to sensitive sites.

The proposed policy, encapsulates the community views, in accordance with the Act, with the exception that, Council cannot ban these such products.

Any psychoactive products that meet the Ministry testing regime, once established, may not necessarily be 'safe' but may be 'low harm', this is not no harm.

While the Queenstown Lakes District Hospital may not be able to respond to all emergency aspects, it is understood that they do have an emergency department, which could respond to a patient with health related issues as a consequence of consuming a psychoactive substance. However, this would need to be verified with the hospital.

Council can write to Central Government regarding the current ban of psychoactive substances, to support this submission, in addition to members of the community contacting their local Member of Parliament regarding this issue.

The distances established in the proposed policy, enable the establishment of retail premises for these products, without restricting the intent of the Psychoactive Substances Act to be prohibitive.

The issue of Alcohol is dealt with under separate legislation, and is a matter that Council are currently considering.

2. Retail premises selling psychoactive products are ONLY permitted within the Queenstown Town Central Zone.

- I agree with the proposal;
- I have no issue, if someone wants to sell these products in a remote part of the district;
- Prefer that these products are not permitted to be sold;

- Having retail sales 40 minutes from essential services would put consumers and the wider community at risk, having sales within the CBD will enable emergency services to be close if needed.

#### Officer Comments

- Council cannot ban the sale of psychoactive substances, and during the consultation the aspect of broad areas where such products could be sold was discussed. While more remote areas were considered, it was determined through consultation, that in order to facilitate monitoring for issues that may arise from retail premises and users; and to minimise any potential anti-social behaviour that the Town Centre Zone is the most appropriate location.

3. Retailers of psychoactive products cannot be located close to identified "sensitive sites" which include schools, kindergartens, early childhood centres and tertiary education institutions; playgrounds, parks and reserves.

- I disagree, the list is too broad;
- 30 meters from a licensed premises clearly eliminates all retail premises;
- I agree with the proposal.

#### Officer Comments

The sensitive sites identified, were established through public consultation. These sites include locations where vulnerable adults may frequent, but also where children may frequent. It was considered strongly necessary to minimise the exposure of these products to vulnerable adults. Although there are a number of licensed premises in the Town Centre, the distances proposed permit the establishment of retail premises, but any increase is likely to be prohibitive.

4a. Must be located directly on the street frontage in any approved location i.e. does not include pedestrian only locations/thoroughfares.

- I disagree with the proposal, so as not to be in people's faces;
- I agree with what is proposed;
- Agree this is a sensible option.

#### Officer Comments

The requirement for premises to have street frontage, was intended to ensure that any anti-social behaviour is easily identified, and is able to be responded to accordingly.

4b. Must not be within 50 metres of another retail premises from which approved products are sold.

- I agree but suggest a 100m distance to ensure no grouping of stores;
- I agree with what is proposed;
- Supports the proposal but would prefer more than 50 meters to avoid clustering, but understands the potential of the LAPP becoming void if too restrictive.

#### Officer Comments

The distances established provide a balance, to ensure that the proposed policy is not so restrictive it becomes prohibitive. There is potential to increase the distance, however this must be considered against the possibility of becoming prohibitive.

4c. Must not be within 200 metres of an education facility e.g. school, childcare facility.

- I agree – a good clear distance from youth and children's exposure
- I agree with what is proposed;
- We believe it should be more than 200m.

#### Officer Comments

An increase in the distance between a retail premises of psychoactive substances to an education facility is likely to restrict this activity to a level that is prohibitive.

4d. Must not be within 30 metres of a licensed premises.

- I disagree and suggest this is limited to off licensed premises only;
- I agree with what is proposed, but suggest a different distance;
- Concern that this distance is not restrictive enough and recommend increasing the distance, but recognise the difficulty of increasing the minimum distance as a result of the number of existing licensed premises.

#### Officer Comments

The distance proposed, is the maximum distance possible. Any increase in the distance from licensed premises is likely to prohibit the possibility to establish a premises to undertake the retail sale of psychoactive substances.

I do not agree that the restriction should only relate to off licensed premises, as it is likely that vulnerable groups in our community will also frequent on licensed premises .

4e. Must not be within 25 meters of all other sensitive sites in Schedule 2.

- I agree to having a buffer, but suggest a different distance;
- Why is a bus stop, public toilet, any accommodation or pharmacy considered sensitive;
- I agree with what is proposed, but suggest a different distance;
- It is critical to remove such premises from any locality frequented by children or young people by 200m;
- It should be illegal for such substances to be used in public places;
- Support the minimum distance, and release this distance is due to the number of sensitive sites identified, largely frequented by young people.

#### Officer Comments

These sites include locations where vulnerable adults may frequent, but also where children may frequent. It was considered strongly necessary to minimise the exposure of these products to vulnerable members of our community.

The ability to prohibit the consumption of psychoactive substances in a public place is a matter for consideration during the review of the Control of Activities in Public Places Bylaw.

4f. Must be within 1km of a 24/7 Police station

- I disagree with the proposal – I do not understand the concern of having to be near a Police station;
- I agree with what is proposed; but the Police Station does not always have people there to respond;
- Support the proposal, which will ensure ease of monitoring and close proximity with any behavior concerns.

### Officer Comments

The intention of this condition was to facilitate the ability for the monitoring and enforcement of any antisocial activities in or around a premises selling psychoactive substances. Although, the Queenstown Police may not have a 24/7 front desk, the Queenstown Police station is operational 24/7.

4g. Must be with 20km of a Hospital with Emergency Department.

- I disagree and suggest a different way of protecting people;
- This product is proven safe, the number of people that may require medical attention will be far less than those who currently have allergic reactions to something;
- I agree with what is proposed.

### Officer Comments

Any products that are legal to be sold, may not be 'safe' but 'low risk'. However, this does not result in 'no' risk. Consumers may need medical attention, and in order to minimise harm to our community, it is recommended that this requirement be retained.

4h. Must be within 1km of a Medical Centre and Support Centres.

- I disagree with the proposal;
- This product is proven safe, the number of people that may require medical attention will be far less than those who currently have allergic reactions to something;
- I agree with what is proposed;

### Officer Comments

Any products that are legal to be sold, may not be 'safe' but 'low risk'. However, this does not result in 'no' risk. Consumers may need medical attention, and in order to minimise harm to our community, it is recommended that this requirement be retained.

5. If you have any other comments you wish to include with your submission,

- Sensitive sites may also include organisations that provide social and health services to the vulnerable people;
- Young people have stated that such products must be ok as they are legal;
- The number of clients seen is now very low, due to reduced accessibility;
- I support the sustained ban to protect youth safe from these substances;
- The long term effects are horrific and these products should be banned;
- We commend QLDC in their decision to establish an LAPP;
- Larger minimum distances between retailers and licensed premises and all other sensitive sites, may help reduce exposure to vulnerable people in the community

### Officer Comments

It is a concern, that any member of our community believes that because a product is legal, that they are ok and therefore no harm. The reduction of issues seen from organisations that provide social and health services to our community following the current ban on retail sales of psychoactive substances is testament to the issues and harm these products inflict on our community.

Although Council cannot ban such products outright, the proposed policy provides restrictions to minimise the level of exposure of such products in accordance with the Psychoactive Substances Act to vulnerable groups of our community, with measures to assist enforcing agencies and medical support within close proximity.



# LOCAL APPROVED PRODUCTS POLICY 2015

(PSYCHOACTIVE SUBSTANCES)



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QUEENSTOWN  
LAKES DISTRICT  
COUNCIL

## DEFINITIONS

**Act** means the Psychoactive Substances Act 2013.

**Approved location** means an area where premises from which approved products may be sold are permitted to be located.

**Authority** means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act.

**Licence** means a licence, as defined by the Act.

**Psychoactive 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.

**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, -

- 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;
- B. retailing;
- C. wholesaling

**Sensitive Site** as specified in Schedule 2

**Street** means any legal road

## INTRODUCTION

This policy is made under the provisions of Section 66 of the Psychoactive Substances Act 2013 ("Act").

The purpose of this Local Approved Products Policy ("LAPP") is to establish a clear framework to be applied to all applications that the Psychoactive Substances Regulatory Authority ("Authority") considers when granting licences for premises that sell approved products in the Queenstown Lakes District to achieve the purpose of the Act:

**"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."**

The policy is a set of criteria stipulated by Council in consultation with its community to 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 Act.

This policy only applies to the retail premises and does not apply to premises where the sale of approved products is by wholesale only.

This Local Approved Products Policy 2015 (Psychoactive Substances) comes into force on the <DATE>.

## OBJECTIVES

The Council's principal objectives are:

- A.** To minimise the actual and potential harm to the community caused by the retail sale of psychoactive substances by defining the permitted location of retail premises; and
- B.** To ensure that Council and the community have influence over the location and density of retail premises in the Queenstown Lakes District.

## STRATEGIC ALIGNMENT

This policy assists in the delivery of the following Council outcomes and goals:

- Protects the interests of the District and its community;
- Is cost effective and achieves the regulatory objectives; and
- Enables our community to comply with national and local legislation because they are well understood and easy to comply with.

## PREMISES LOCATIONS

This policy does not limit the number of retail premises or restrict the issuing of a licence issued by the Psychoactive Substances Regulatory Authority, established by the Director-General of Health for the retail sale of psychoactive substances, provided the policy criteria outlined below are met:

- A** The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in Schedule 1.
- B** Premises within the approved locations identified in Schedule 1:
  - (i)** must be located directly on the street frontage in any approved location i.e. this does not include pedestrian only locations/thoroughfares; and
  - (ii)** must not be within 100 metres of another retail premises from which approved products are sold; and
  - (iii)** must not be within 200 metres of an education facility e.g. school, childcare facility; and
  - (iv)** must not be within 30 metres of an On Licensed premises; and
  - (v)** must not be within 50 metres of an Off Licensed premises; and
  - (vi)** must be within 1km of a 24/7 Police station; and
  - (vii)** must be within 20km of a 24/7 Hospital with Emergency Department; and
  - (viii)** must be within 1km of a medical centre and Support Centres; and
  - (ix)** must not be within 25 metres of all other sensitive site sites in Schedule 2.

For the purpose of clarity the distance is measured from the legal boundary of the sensitive site and the retail premises.



# REVIEW


The policy will be reviewed at the first anniversary of the granting of the first licence under this policy and within 5 years as required by the Act.

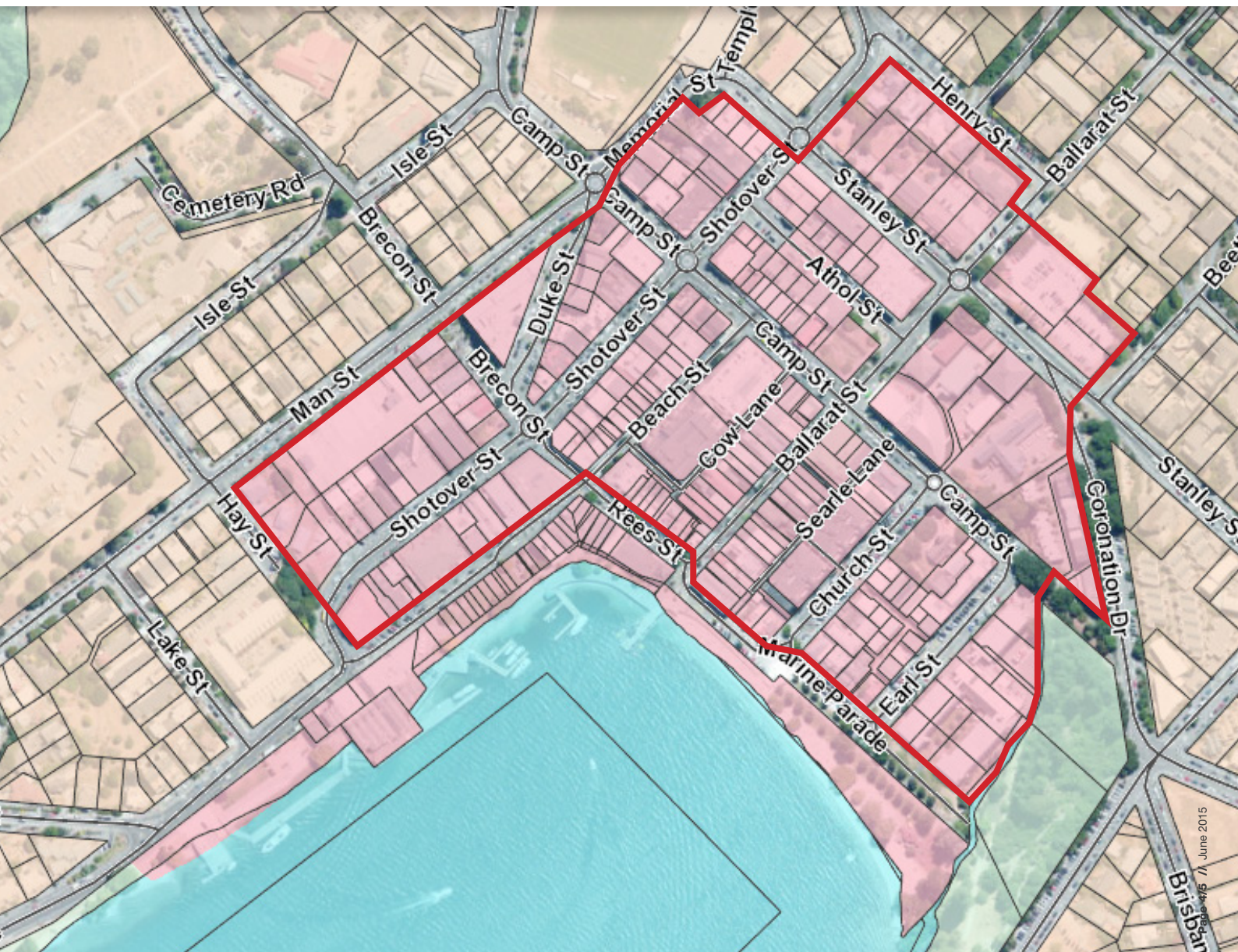
# MAP

## SCHEDULE 1

# PSYCHOACTIVE SUBSTANCES



 Permitted retail area for psychoactive products



## SCHEDULE 2

- Accommodation – e.g. Hotels, camping ground, Backpackers
- Bus stops
- Cemetery,
- Dairy,
- Museum,
- Pharmacy,
- Place of worship,
- Children’s shops
- TAB/Casino
- Sports Grounds, Recreational facilities and reserves
- Libraries
- Licensed premises
- Community Halls
- Public Toilets
- Schools, Childcare facilities, Youth Centres and Education Facilities
- Mental Health Facilities