



# COMBINED LOCAL APPROVED PRODUCTS POLICY

- PSYCHOACTIVE SUBSTANCES -  
2014

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## **DRAFT**

# **PSYCHOACTIVE SUBSTANCES COMBINED LOCAL APPROVED PRODUCTS POLICY**

## **FOR**

### **GORE DISTRICT COUNCIL INVERCARGILL CITY COUNCIL SOUTHLAND DISTRICT COUNCIL**

#### **OVER-ARCHING ISSUES**

1. Significant social harm can result from the inappropriate location of retail outlets for legally approved psychoactive substances.
2. This harm may be minimised if the location of premises retailing psychoactive substances is regulated:
  - (a) By reference to broad areas in the districts of the Councils which are party to this policy.
  - (b) By reference to proximity to other approved premises from which psychoactive substances may be sold.
  - (c) By reference to proximity to premises deemed to be “sensitive”.

#### **OBJECTIVES**

##### **OBJECTIVE 1: RECOGNITION OF HARM REDUCTION FROM MISUSE OF PSYCHOACTIVE SUBSTANCES AS A COMMUNITY PRIORITY**

##### **Background**

On the basis of information supplied by Public Health South and consultation undertaken within the community, the Councils believe that misuse of psychoactive substances has the potential to create significant social problems within their communities. The Councils believe that controlling the location of retail outlets will help avoid or mitigate these problems.

In promulgating a Local Approved Products Policy the Invercargill City, Gore and Southland District Councils are seeking:

- (a) To support the purpose and intent of the Psychoactive Substances Act 2013.
- (b) To minimise the potential for adverse effects from the sale of psychoactive substances.
- (c) To minimise the potential for harm to communities or occupants of premises likely to be sensitive to issues arising from the sale of psychoactive substances.
- (d) To provide guidance to the Psychoactive Substances Regulatory Authority on the location of any premises licensed to sell psychoactive substances.

# POLICIES

## POLICY 1: LOCATION BY BROAD AREAS

To restrict the location of retail outlets for psychoactive substances to within the following broad areas:

(i) Invercargill City





(ii) Te Anau



Psychoactive Substances Retail Area - Te Anau



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Prepared by the SDC Property & Spatial Department 16 January 2014



(iii) Winton





(iv) Gore



All care has been taken in creating this information but Gore District Council accepts no responsibility for its accuracy or content.

## **Reason**

Feedback from informal consultation supports restrictions on the locations of approved retail outlets for psychoactive substances. However, Government has seen fit to make provision for such premises within legislation intended to address holistically the problems arising from misuse of these substances, and that implies that provision must be made for these premises in the local context.

The option of confining them to areas that are less frequented and out of the public eye (for example, industrial areas) was considered and rejected. Such an approach could make these premises magnets for sub-cultures, encouraging congregation and possible anti-social behaviour.

It was concluded that these premises are best located in areas that are frequented by the public, and where they are one of several businesses in a commercial area offering a variety of services and products. Such areas have high visibility and community presence. These, along with Police presence and CCTV (where available) are important characteristics of environments within which the sale of psychoactive substances can be appropriate.

It was also concluded that there is merit in the suggestion made by Public Health South that *“Increasing the effort required to obtain a product (for example, increasing the travel distance to a place of purchase) can discourage people from using it.”* For this reason, Councils do not wish to see retail outlets for psychoactive substances established outside of the commercial areas of Invercargill or the larger rural towns of Te Anau, Winton and Gore. This also helps prevent outlets being established in or near areas with high deprivation indices.

## **POLICY 2: LOCATION BY PROXIMITY TO OTHER APPROVED PREMISES**

**Within the broad areas identified in Policy 1, to restrict the location of approved retail outlets for psychoactive substances so that they are no closer than 100 metres from each other, measured from the property boundaries.**

## **Reason**

The Councils accept that it is desirable to achieve physical separation between approved retail outlets but consider that the distance of 500 metres suggested by Public Health South is unreasonable and would frustrate the purpose of the Act. A separation distance of 100 metres would ensure that there is no “grouping” of these premises.

### **POLICY 3: LOCATION BY PROXIMITY TO SENSITIVE PREMISES**

**Within the broad areas identified in Policy 1, to restrict the location of approved retail outlets for psychoactive substances so that they are no closer than 50 metres, measured boundary to boundary, to:**

- **Kindergartens**
- **Early childhood centres**
- **Schools**
- **Places of worship**
- **Community facilities e.g. libraries, playgrounds, swimming pools, community centres**
- **Facilities providing mental health services, including addiction services and supported accommodation premises**

#### **Reason**

The Councils accept that approved retail outlets for psychoactive substances are undesirable neighbours for residential properties. The Councils also accept that these outlets not be prominently visible from premises housing services and activities offered to people more vulnerable than society as a whole. However, the distance of 500 metres suggested by Public Health South, in combination with the other policies, would make it very difficult to find a situation within the broad areas identified and which complies with all the Councils' policies. The separation distance of 50 metres means that approved premises would not be directly next door to or across the road from sensitive premises, and so are less directly visible from them.

**Interpretation:** The Councils intend that NEW approved retail outlets for psychoactive substances should not locate beside EXISTING sensitive land uses as listed in Policy 3. This would not prevent NEW sensitive premises establishing next to EXISTING approved retail outlets. There is no simple way of addressing this possibility.

### **PROMOTION OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

**Within the broad areas identified in Policy 1, the Councils wish to encourage the incorporation of the following CPTED principles in the design and layout of approved retail outlets and their surroundings:**

- **Awareness of the environment**
- **Visibility by others**
- **Finding help**



## **Reason**

The sensible application of CPTED principles can do much to ensure that approved premises present acceptably to the public and discourage undesirable behaviour.

- “Awareness of the environment” refers to the layout of a place being legible and understandable, including the ability to see and to understand the significance of what is around and what is ahead.
- “Visibility by others” refers to a person not being isolated when using a building or space because the design facilitates them being seen by others.
- “Finding help” refers to the provision of clearly marked avenues to assistance such as emergency exits, alarms and phones.