

Draft Psychoactive Product Retail Location Policy - Statement of Proposal

About the policy

The Thames-Coromandel District Council is proposing a new policy which will regulate the location of retail outlets which sell approved psychoactive products within the district.

The New Zealand Government has indicated that in May 2015 it will start to process licences allowing approved psychoactive products to be sold by retailers. It is currently illegal to sell any psychoactive products in New Zealand. A Psychoactive Product Retail Location Policy will give the Licensing Authority, working on behalf of the NZ Government, a clear view from the Thames-Coromandel District Council and our communities of where these retailers may be located.

This Policy is not able to ban the sale of psychoactive products, but can provide areas to the Licensing Authority (run through the Ministry of Health) where licences may be issued. This policy and rules for licensing retail premises are provided for in the Psychoactive Substances Act 2013 (the Act).

Council can only determine these areas through applying a combination of:

1. broad areas (i.e. only on the pedestrian core zone in a town centre);
2. closeness to sensitive sites (like early childhood centres, schools, places of worship, community areas and facilities); and
3. closeness to other premises which have a licence to sell psychoactive products.

Without this policy, there is a potential for retailers to be located anywhere in the district.

Council is unable to include anything in the policy around which products are approved for sale, how the retailer will operate once the licence has been issued or through the issuing of the licences themselves. This is provided for in legislation and is a function that the New Zealand Police and the Licensing Authority will perform. For example, the sale of approved psychoactive products from certain types of premises such as dairies, convenience stores, grocery stores, supermarkets, service stations, premises where alcohol is sold or supplied, temporary structures such as tents and marquees, and vehicles or conveyances are prohibited. There are also strict rules around advertising and marketing.

Council's job is to make sure that the Licensing Authority has the best possible information on the location of retail premises when issuing licences.

Council's proposal

Council proposes to restrict the location of retail outlets selling approved psychoactive to specific areas in Thames, Whitianga and Whangamata. The other towns/settlements in the district are proposed to be free of these retail premises. The reasons for these areas are listed below and maps showing the proposed areas for retail premises are included in Schedule one of the draft policy.

1. Broad area: restrict retailers to the pedestrian core zone of Thames, Whitianga and Whangamata

Council is proposing to use the pedestrian core zone of our three largest town centres to define a broad area for the location of retailers. This is because there are high levels of pedestrian and vehicle activity, and therefore more public surveillance, as well as a strong police presence in these broad areas. The pedestrian core zone is defined in our District Plan and is shown on the indicative maps attached to the policy. Buffers around sensitive sites define and limit these areas further.

It is not considered appropriate to include the town centres of Coromandel, Matarangi, Cooks Beach, Tairua and Pauanui as these smaller townships do not have the same continuous high frequency of pedestrian activity and are not patrolled as regularly by police.

2. Sensitive sites: placing a 50 metre buffer around sensitive sites

The policy proposes a 50 metre buffer around sites the Council considers sensitive to minimise harm to at-risk people in our communities. These sites are consistent with the Act and include:

- All schools, early childhood centres, kohanga reo, kindergartens
- Council administered playgrounds
- Skate parks
- Libraries including toy libraries
- Community halls
- Sports fields
- Medical centres and community health providers
- Places of worship

The use of a buffer around sensitive sites aligns with Council's Local Alcohol Policy and ensures that a retailer will not be next door or across the road from a sensitive site.

A 75 metre buffer around sensitive sites under this proposal would make it extremely difficult for a retailer to operate within the district and could be considered a ban, which this policy is not intended to accomplish.

A 25 metre buffer would mean a retailer could establish directly across the road from a sensitive site and therefore is not considered an appropriate option.

3. Other psychoactive product retailers: retailers must be at least 300 metres away from other retailers

The policy proposes a distance of 300 metres between psychoactive product retailers. This ensures separation between retailers which will help prevent people from congregating in an area. Congregation could attract other harm activities to cluster in that area which can unintentionally change the character of that particular area.

Have your say

The submission period for the Draft Psychoactive Product Retail Location Policy is open from 4pm on 9 February 2015 and closes at 4pm on 9 March 2015.

There are many different ways for you to tell us what you think about this policy.

- Electronically using our online consultation portal at www.tcdc.govt.nz,
- email customer.services@tcdc.govt.nz,
- post to Thames-Coromandel District Council, Private Bag, Thames,
- fax to (07) 868 0234, or
- drop off your submission at one of the Council offices in Thames, Coromandel, Whitianga or Whangamata.

Hearings

Please tell us if you would like to attend a hearing to speak to Council in support of your submission, and include a telephone number and email address to ensure we can contact you to arrange a time for your presentation. Hearings will be held in Thames on 15 April 2015.

What happens next?

After the hearings, the Council will consider all the submissions received and make decisions on any amendments to the policy as a result. You will be notified of Council's decision in writing. Council will then adopt the final policy in May 2015.

Submission form

Will be designed and completed once details of the policy are confirmed.

Questions

1. Council cannot ban the sale of psychoactive products, but it can set a policy on where these retail premises can be located. Having a policy is not mandatory.

Do you support Council setting a policy?

YES / NO

Comment

2. Council has identified sensitive sites within the policy as:
 - Education facilities, schools, early childhood centres, kohanga reo, kindergartens, and youth facilities
 - Council administered playgrounds and swimming pools
 - Skate parks
 - Libraries including toy libraries
 - Community halls
 - Sports fields

- Medical centres and community health providers
- Social welfare and support centres
- Places of worship.

Do you agree with the proposed sensitive sites?

YES / NO

Comment

3. Council is proposing a 50 metre distance restriction from sensitive sites.

Do you support this distance?

YES / NO

Comment

4. Council is proposing limiting the sale of psychoactive products to the pedestrian core zones of Thames, Whitianga and Whangamata.

Do you agree with these proposed areas and restricting the district's other towns?

YES / NO

Comment

5. Council is proposing a 300 metre restriction between retail premises selling psychoactive products.

Do you support this proposal?

YES / NO

Comment

6. **Please record any further comments you have on this policy.**