

# **LOCAL APPROVED PRODUCTS POLICY**

## **SUBMISSIONS**

**CONSULTATION DATES:  
4 NOVEMBER - 12 DECEMBER 2014**

**SUBMISSIONS RECEIVED: 35**

**ORAL SUBMITTERS: 12**

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Trade competition and adverse effects:

I could  I could not

gain an advantage in trade competition through this submission

I am  I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

Yes

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

Option 1 Because it is the most restrictive of the options offered.

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

I am concerned that some areas of the identified region are places that families, children and teenagers frequent in the central city.

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

No I think the Reading Cinema complex should also be designated as a sensitive site, given the high number of children and teenagers that frequent the space. I also think the Pedestrian only area of Cuba street should also be designated as a sensitive site as it is a popular central city destination for families drawn by the family shopping and cafes (Farmers etc ) and the Wellington icons (the Bucket Fountain and climbing lizard).

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

Ideally the bigger the distance the better. I think the distance from primary schools, pre-schools or kindergartens should be 200 metres -older primary school children are vulnerable, easily influenced and are at risk.

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

As above ideally the bigger the distance between the premises the better.

---

7. Do you have any other comments?

**Submitter Details**

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Comments

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2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

---

7. Do you have any other comments?

Comments

---

## Attached Documents

File
SubmissiontotheWellingtonCityCouncilLAPP
Options for a Local Approved Products Policy

# Submission to the Wellington City Council

## Proposal: Draft Local Approved Products Policy: (restricting where any legal psychoactive products may be sold in future)

Submitted by Jackson Wood

### 1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Yes. The Wellington City Council does need a Local Approved Products Policy so that it can effectively manage where psychoactive products can be sold.

### 2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Option three is the best possible option for Wellington as it sets the tightest area in which approved products can be sold. This area — along Cuba, Dixon, Manners, and Courtenay — is a high visibility area with many surveillance cameras, already intensely policed at risk times (Friday and Saturday nights). The proximity means there is scope for police and public health interventions if people congregate around the stores. While other options mean that the stores are not so 'in your face', it also means they are harder to police, less secure, and harder to make public health interventions in.

As the WCC proposal document sets out, option three would mean a reduction in the 'theoretical' distance between stores.

However, the majority of storefronts in the proposed area are already tenanted with businesses. Building owners and landlords are also hesitant to allow stores selling psychoactive products to move into their premises. Therefore it is unlikely that a) psychoactive product selling stores could muscle in to every third shop front in the proposed area or b) Wellington could sustain the presence of 31 stores all within 5 minutes walking distance.

While intensity of stores selling approved products is a concern, it is one which is bound by realities of available real estate and demand. This negates the Council's claim in the proposal that "providing easier access to potentially mind-altering substances, and potentially encouraging greater congregations of people wanting psychoactive substances in those areas".

In the proposal documents, it notes under option one that a distance of over 200 metres is preferred to stop clustering, but it does not say why clustering is a bad thing. In option three it does hint that it is because of access, but all the points in option 1 and 2 are already within five minutes walk from each other, which is not much of a deterrent.

The proposal documents also say that if they're closer together it may "encourag[e] greater congregations of people wanting psychoactive substances". I ask what evidence is this claim based on? Especially as the documents go to great lengths to point out that any future psychoactive substances available will not be like the ones we've previously had.

I would also point out that the in the same space as option three there are already at least 30 bars, and five off-licenses where people can purchase alcohol, with many more bars immediately around the area. Option 1 and two fan out the places where people can buy psychoactive substances across an even broader area and higher number of bars and liquor stores. In my opinion it is better to have all the approved products in one place where there can be interventions.

Finally, I prefer option three because options one and two allow stores in predominately residential areas around the bottom of Mount Victoria and the top of Cuba Street. Option three would remove stores selling approved products from predominantly residential areas completely.

**3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.**

Yes. As stated above and in the Council's proposal, this area is confined, well lit, and policed.

Option three limits this space even further to areas which already are known to get rowdy.

There is no reason for these products to be sold in any of the suburbs.

There are internet sales.

**4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.**

Yes. Unlike Hamilton City Council, Wellington City Council has not gone overboard and have taken a very responsible approach to what should be considered a sensitive site.

**5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?**

I support the minimum proposed distances between sensitive sites and licensed premises.

**6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?**



As a proponent of option three, I support the balance the council has struck between fulfilling the aim on the Psychoactive Substances Act and avoiding court cases from the legal highs industry.

At the moment, the proposed 60 metres between premises licensed to sell approved products would mean there could be a maximum of about 31 stores along Cuba/Dixon/Manners/Courtenay. This is opposed 25 in option one to 23 in option two.

If the Council did want to limit the number of shops further, then it could make the distance between premises 80-100 metres which will still allow for a theoretical 22 shops. As noted above, because of demand for real estate, reluctance of building owners/landlords to have psychoactive substance sellers as tenants, and market demand for these products, it is unlikely that the maximum number would be able to be reached.

### **7. Do you have any other comments?**

It is important to remember that any new approved products that are available to be sold once regulations come into force will meet the definition of "low risk". These substances will, by definition and admission of the Ministry of Health, be lower risk than alcohol and tobacco. Because of this it is unlikely there will be "congregations of people wanting psychoactive substances" lurking outside these places any more than people already lurk around the many bottle stores in the CBD.

We should also note that the people who take these psychoactive products are people too. Just like any other legal substance that alters brain chemistry — hello alcohol — people take it for a reason. By making sure that we put the stores in a confined space and have police and public health interventions ready, we can ensure that if people do start developing problems with these substances we can provide them support and the help they need.

While there has been public outcry about the dangers of these products, and yes they are potentially dangerous, the level of harm is nowhere near that of alcohol.

When making this decision I urge the council to remember that while these products have caused emotive responses from the public that there are bigger problems. Option three strikes the right balance in terms of availability and control. I also urge the council to base any decision they come to on evidence and public health principles.

Most importantly, simply pushing the problem out of the main area does not actually solve the problem. It just makes it invisible. By putting stores with a license to sell approved products in one place it means they can be under more scrutiny than if they were selling in residential areas or spread out across the southern section of the CBD.

Thank you for considering my submission on the Wellington Local Approved Product Policy.

Regards,

Jackson James Wood

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Trade competition and adverse effects:

I could  I could not

gain an advantage in trade competition through this submission

I am  I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

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Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

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Hearing Needs:

Correspondence to:

Submitter

Agent

Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

### Comments

Yes, it is important to have a council policy. After all we have a council policy on sale of alcohol and consumption, so there needs to be one for approved products.

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

### Comments

Option 1. I agree with the comments that the licensed retail places need to be spaced out, rather than density packed together.

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

### Comments

Yes I do believe the appropriate area has been chosen as outlined in option 1.

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

### Comments

Yes I do think option 1 have included appropriate sensitive sites.

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

### Comments

I do not have issue with minimal proposed distance laid out in option one.

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

### Comments

I do not have issue with proposed minimal distance in option 1. However I would have issue with option 3 clustering. Option three would propose a risk of 'licensed premises crawl' (Same as pub crawl) which I find unacceptable.

---

7. Do you have any other comments?

### Comments

I strongly believe there needs to be a ban on public consumption of approved products. The precedent have been set for alcohol consumption in public places. The mind altering properties of

approved products provides a risk to patrons if they are in public places, such as jaywalking, being vulnerable. Licensed premises that sell approved products have a responsibility to ensure the safety of their customers. Consumption at licensed premises allows proper supervision for the maximum enjoyment of approved products, and lower the risk of overdosing, mixing with other approved products or alcohol at other premises or public places.

---

#### Attached Documents

File
Options for a Local Approved Products Policy

**Submitter Details**

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## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

### Comments

Yes, And I support WCC's proactive approach this approach to restrict the sale of approved products as much as possible within the legal limits set by Central Government. In particular I do not wish to see such approved products sold in the suburb of Tawa or any other largely residential suburb of Wellington.

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

### Comments

I support the WCC's recommended option 1 proposal

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

### Comments

Yes I agree that an appropriate area has been chosen for the sale of approved products. It makes it possible for legal products to be made available for sale in an area generally recognised as the entertainment district of Wellington, and which has a higher level of surveillance and safety than other potential areas. And it removes availability for sale in other largely residential areas where the majority of schools and accommodation places are located.

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

### Comments

Yes, as best as can be accommodated without over limiting the potential sale locations.

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

### Comments

No, other than I support WCCs proposed recommendation for the minimum distances.

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

### Comments

No, other than I support WCCs proposed recommendation for the minimum distances.

---

7. Do you have any other comments?

**Submitter Details**

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Correspondence to:

Submitter

Agent

Both



## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

Yes

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

I prefer Option 2, because Cuba Street and Courtney Place are the main 'party areas' and the retail outlets will still be a considerable distance from schools.

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

Yes

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

No

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

No

---

7. Do you have any other comments?

Comments

No

---

## Attached Documents

File
Options for a Local Approved Products Policy

**Submitter Details**

First Name: kim

Last Name: martin

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Suburb: Lambton Quay

City: Wellington

Country: NZ

PostCode: 6145

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Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments  
yes

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments  
option 2

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments  
yes

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments  
yes

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments  
further the better

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments  
not crucial but best they are not clustered too close together to form a seedy area where high people congregate

---

7. Do you have any other comments?

Comments

---

## Attached Documents

File
Options for a Local Approved Products Policy

**Submitter Details**

First Name: John

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Street: 48 Clyde Street

Suburb: Island Bay

City: Wellington

Country: New Zealand

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Wishes to be heard:

Yes

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Agent

Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

Yes

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

Option 1. Since it seems we are compelled to have a LAPP allowing retail selling this is the least offensive option. However my impression on talking to people is that most people want the sale of legal highs banned. Is any politician listening?

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

Yes

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

If there are any mental health providers in the zone there should also be a 200 metre exclusion zone around them.

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

No

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

No

---

7. Do you have any other comments?

Comments

Bowen House should also be designated as an allowed site for licensed retail premises.

---

**Submitter Details**

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Last Name: O'Shaughnessy

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Suburb: Newtown

City: Wellington

Country: New Zealand

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## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

Yes, of course

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

Limit all sales to the CBD only and Wadestown

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

No sites to be located in the Southern Area at all.

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

Should be at least 1000 mtrs from all sensitive sites.

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

---

7. Do you have any other comments?

Comments

Yes, but all ratepayers believe that Officers of Council do not listen, nor take into account ratepayers or comments. Such was the secret meetings held by Council Officers and the Hospitality Trade over the booze issue. Are we to believe you now? Yes, Central Govt has let us down again with poor legislation, but then Council must ensure that legal highs are restricted as much as possible. Perhaps just sell them in Wadestown or Seatourn, where the the big users are!

---

Attached Documents

---

**Submitter Details**

First Name: Brigitte

Last Name: Price

Street:

Suburb:

City:

Country:

PostCode: 5028

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Comments

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2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

---

7. Do you have any other comments?

Comments

I have not filled in any comments to the other questions above as my opinion is that legal highs should not be sold anywhere - full stop. They destroy peoples lives and why would anyone want to support something that does that!

---

## Attached Documents

File
Options for a Local Approved Products Policy

**Submitter Details**

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Comments

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3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

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4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

---

7. Do you have any other comments?

Comments

---

## Attached Documents

File
COSMIC Submission for Psychoactive Substances Regulations March 2014
Options for a Local Approved Products Policy

**Submitter Details**

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Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

I don't think the Wellington City Council should have a local approved products policy.

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

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5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

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6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

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7. Do you have any other comments?

Comments

Frankly, the Government has been pretty idiotic regarding the idea of lifting the ban on so-called 'legal highs'. The so-called 'legal highs' ARE dangerous drugs, which is why they should remain illegal! I have always been fiercely opposed to the legalisation of so-called 'legal highs', as the criminal gangs will get themselves involved in this despicable trade. Gangsters have caused more than enough suffering through peddling drugs. The penalties for drug peddlers in this country are pathetic. Both Malaysia & Singapore have the right idea - mandatory death penalty for drug traffickers & for drug peddlers!

---

Attached Documents

File

**Submitter Details**

First Name: Demelza

Last Name: O'Brien

Organisation: Regional Public Health

Street: Hutt Hospital

Suburb: High Street

City: Lower Hutt

Country: New Zealand

PostCode: 5040

Daytime Phone: 5709002

eMail: demelza.obrien@huttvalleydhb.org.nz

Trade competition and adverse effects:

I could  I could not

gain an advantage in trade competition through this submission

I am  I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs: Point of contact for hearing: Jessica Punton Public Health Advisor Email:

Jess.Punton@huttvalleydhb.org.nz Tel: 04 570 9598

Correspondence to:

Submitter

Agent

Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

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2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

---

7. Do you have any other comments?

Comments

---

## Attached Documents

File
2014-12RPHSubmission-WCCLAPP
Options for a Local Approved Products Policy



11 December 2014

Free Post Wellington City Council  
Proposal: Draft Local Approved Products Policy (COPO1)  
Wellington City Council  
P O Box 2199  
Wellington 6140

To whom it may concern

**Re: Submission on Draft Local Approved Products Policy**

Thank you for the opportunity to provide a written submission on this consultation document.

Regional Public Health (RPH) serves the greater Wellington region, through its three district health boards: Capital and Coast, Hutt Valley and Wairarapa and as a service is part of the Hutt Valley District Health Board.

We work with our community to make it a healthier safer place to live. We promote good health, prevent disease, and improve the quality of life for our population, with a particular focus on children, Māori and working with primary care organisations. Our staff includes a range of occupations such as: medical officers of health, public health advisors, health protection officers, public health nurses, and public health analysts.

RPH commend the Wellington City Council on their proactive decision to restrict where sellers of psychoactive substances can be located through the development of a *Local Approved Products Policy*.

The sale and use of psychoactive substances in our community is a concern amongst community providers, parents and the police regarding adverse reactions that include psychotic episodes, continuing mental instability and insomnia. The negative health and social effects of these products requires closer monitoring and retailer compliance with the legislation.

Regional Public Health supports:

- The purpose and intent of the Psychoactive Substances Act 2013.
- Location Option 3 as points of sale of psychoactive substances.
- Reducing the number and density of premises selling psychoactive substances by setting a minimum distance between each outlet.



- Restricting the location and proximity of premises selling psychoactive substances to at least 50 metres away from kindergartens, early childhood centres, schools, places of worship, youth centres, mental health and addiction services or other community facilities.

We wish to make the following comments on sections covered in the *Draft Local Approved Products Policy*.

**1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?**

Yes.

**2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?**

Regional Public Health prefers **Option 3**.

The areas identified in option 3 are on highly visible sections of the main streets within the CBD. This ensures effective monitoring by the public, CCTV, Maori wardens, Safe City volunteers and enforcement agencies. The centrality of the areas in option 3 would encourage a high standard of operators and the density of sellers is likely to be reduced by the high business costs associated with this location.

Regional Public Health prefers that psychoactive substance premises are not located down alleyways or more remote areas of the CBD which may be a risk with options 1 and 2.

**3. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.**

Yes.

**4. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?**

We support the minimum proposed distances if any of the three proposed options in the Draft Local Approved Products Policy are implemented.

**5. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?**

We support the minimum proposed distances if any of the three proposed options in the Draft Local Approved Products Policy are implemented.

**6. We also want to make the following submissions:**

This submission is in line with the pillars of the Ministry of Health’s National Drug Policy for New Zealand which includes supply control, demand reduction and problem limitation strategies.

Protecting the people most at risk of harm from psychoactive substances can be minimised by reducing access to psychoactive substance retailers near sensitive sites while maintaining a balanced approach by allowing a small number of approved retailers to sell psychoactive substances safely and responsibly.

We support a restriction on the number of outlets, both retail and internet, that supply approved products. Having fewer outlets allows retailers to better track and report users who may be experiencing harmful affects, and enables enforcement officers to more closely monitor retail activity.

Regional Public Health promotes the message of de-normalising the use of mind altering substances. For this reason it is preferable to restrict the proximity of psychoactive substance outlets away from areas that are attractive to youth and vulnerable/at risk communities. These areas include fast food outlets (such as McDonald’s), licensed premises, bus interchanges, areas attractive to youth and mental health drop in centres.

The creation of buffer zones from sensitive sites will reduce the exposure to young people and those people vulnerable to the harmful effects of these products.

Regional Public Health believes that psychoactive substances should be sold from premises that allow for public scrutiny and surveillance. Outlets should only be located in areas in the CBD that have good sightlines, regular foot traffic and other safety features such as CCTV cameras. Having a high level of public surveillance reduces the risk of harm to people using psychoactive substances, and illegal activities associated with the sale of psychoactive substances.

We are happy to provide further advice or clarification on any of the points raised in our written submission. If there are oral submissions, we wish to be heard.

The contact point for this submission is:

Jessica Punton  
Public Health Advisor  
Email: [Jess.Punton@huttvalleydhb.org.nz](mailto:Jess.Punton@huttvalleydhb.org.nz)  
Tel: 04 570 9598

Kind regards



**Dr Stephen Palmer**  
**Medical Officer of Health**



**Peter Gush**  
**Service Manager**

**Submitter Details**

First Name: Tony

Last Name: Charles

Organisation: The Bead Store Limited

On behalf of: Tiger Eye Beads

Street: PO Box 1261

Suburb:

City: Wellington

Country:

PostCode: 6140

Mobile: 027 244 8362

eMail: tony@tigereyebeads.com

Trade competition and adverse effects:

I could  I could not

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I am  I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

### Comments

I agree that the council needs a policy

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

### Comments

I prefer none of the options

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

### Comments

No I do not agree, it appears the council is trying to push this area so as not to upset ratepayers in other areas. Why not allow them to be sold near parliament. It seems only fair.

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

### Comments

No. It has ignored the family friendly area of cuba mall. It intends to allow businesses to sell these products in an area that contains a children's playground, and seating for mothers and fathers to watch their children. At times the area is also used by performing artists, quite often artists performing for children. These artists have in the past been subject to harassment by users of these products. My own business provides classes and holiday programs for young children from ages 4-15+, I would like to feel that the mothers and their children would be safe at all times when attending these classes.

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

### Comments

The minimum distance needs to be increased, so that users of these products are not encouraged to linger near young children.

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

### Comments

No Comment

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7. Do you have any other comments?

### Comments

I would prefer that legal highs are not sold at all, without prescriptions. In the past when legal highs were sold we had numerous issues with users in Cuba Mall, and a very nasty element that attended them. Children were abused, and on at least one occasion to my knowledge attacked.

---

### Attached Documents

File
Options for a Local Approved Products Policy

**Submitter Details**

First Name: maureen

Last Name: Brider

Street: 9 Mysore st

Suburb:

City: Wellington

Country: New Zealand

PostCode: 6035

Daytime Phone: 04 4793516

Mobile: 0212025849

eMail: maurbri2@gmail.com

Trade competition and adverse effects:

I could  I could not

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I am  I am not

directly affected by an effect of the subject matter of the submission that :

a. adversely affects the environment, and

b. does not relate to the trade competition or the effects of trade competitions.

Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

25 February 2015 Oral Hearings

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

## Submission

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Comments

I disapprove of legal highs.

---

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Comments

None of the above.

---

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Comments

I don't believe any areas in Wellington should be selling any of these 'legal highs'.

---

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Comments

Possibly, but if these 'legal highs' are safe what's the problem in where their sold.

---

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Comments

Yes.

---

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

Comments

Yes.

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7. Do you have any other comments?

Comments

I am seriously opposed for these 'legal highs' to be sold in NZ, Our hospitals are already overcrowded with other drug / alcohol affected people without adding to this seriously major problem.

---

Attached Documents

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**Sharelle Peck**

---

**From:** Kevin Jones <kljarchaeologist@paradise.net.nz>  
**Sent:** Thursday, 23 October 2014 4:29 p.m.  
**To:** BUS: LAPP  
**Subject:** Legal Highs

TO WHOM IT MAY CONCERN

The central city has seen a remarkable drop in loitering and congregation of people clearly with antisocial and/or psychotic behaviours.

Nobody wants to see a return of this behaviour in the city.

The proposed maps with an exclusion buffer zone in Eva and Leeds Streets are supported.

The 'density' of outlets is generally supported.

Proper enforcement and policing of the above matters will be needed.

Ma mahi, ka ora

Kevin L. Jones  
Archaeologist

6/13 Leeds Street  
Wellington 6011, Aotearoa New Zealand  
04 801 6599 021 037 2928  
<http://homepages.paradise.net.nz/kljarcha/>



**Sharelle Peck**

---

**From:** Janet Burgess <janet.burgess@xtra.co.nz>  
**Sent:** Friday, 24 October 2014 8:54 a.m.  
**To:** BUS: LAPP  
**Subject:** Legal High District

Hi,

I would just like to comment what a stupid idea! How backward are you in even thinking about allowing this. Don't you know the damage these drugs cause families.

I object to idea if this and would like to be keep informed on this matter.

Regards Janet Burgess

**Sharelle Peck**

---

**From:** David DuBois, MD <davedubois@mac.com>  
**Sent:** Monday, 3 November 2014 6:48 p.m.  
**To:** BUS: LAPP  
**Subject:** Legal highs

As an ED doc, I believe no where is safe to sell "legal highs" and that is how you protect the public.

Dave DuBois MD FACEM via iPad  
Emergency Medicine Specialist  
Mobile 021-989-749  
[davedubois@mac.com](mailto:davedubois@mac.com)

**Sharelle Peck**

---

**From:** evelyn hopkins <hopikini@gmail.com>  
**Sent:** Monday, 17 November 2014 12:43 p.m.  
**To:** BUS: LAPP  
**Subject:** Legal Highs.

I do not want to see Legal Highs for sale in Newtown. The shop that was selling them was within easy walking distance of two schools, half way house, churches, Wellington Hospital and many other community groups.

I could not believe the number of people that started lolling around street corners smoking and displaying anti-social behaviour.

If they return to Newtown I will be doing my utmost to get media, community etc. involved to get rid of them.

Why don't you put them at the far end of Lambton Quay, near Parliament, as they are the fools that have created this problem?

Evelyn Hopkins

**Sharelle Peck**

---

**From:** chrisjulie.cowell@gmail.com  
**Sent:** Monday, 17 November 2014 7:45 p.m.  
**To:** BUS: LAPP  
**Subject:** Legal Highs

Don't allow to be sold anywhere.

Push back.

Chris  
021 32 00 37

**Sharelle Peck**

---

**From:** clare@mandatory.co.nz  
**Sent:** Friday, 5 December 2014 4:55 p.m.  
**To:** BUS: LAPP  
**Subject:** Proposal: Draft Local Approved Products Policy: SUBMISSION

**Proposal: Draft Local Approved Products Policy: SUBMISSION FORM**

**(restricting where any legal psychoactive products may be sold in future)**

Wellington City Council would like your feedback on the proposals.

You can have your say by:

- • submitting online at <http://wellington.govt.nz/have-your-say/consultations>
- • emailing [lapp@wcc.govt.nz](mailto:lapp@wcc.govt.nz)
- • making a submission on this form or in writing and posting it to us – Free Post, PO Box 2199, Wellington 6140
- • phoning us on 04 499 4444.

**Enter your name and contact details (\*Mandatory fields)**

miss clare bowden

Clare Bowden

cl

Mandatory, 108 Cuba St Wellington

021384989

Clare@mandatory.co.nz

\*Mandatory fields

I am making a submission as an individual STORE OWNER

Name of organisation

I would like to make an oral submission to the City Councillors.

Yes

If yes, provide a phone number above so that a submission time can be arranged.

021384989

**Privacy statement**

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal

information.

## Section two – questions

1. 1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?
2. YES
  
1. 2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?
2. 2 Furthest distances, or 3 best policing
  
1. 3. Do you think the appropriate area has been
2. chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views
3. i am very concerned that the entertaining /easy “weekend away” marketability of the city will be compromised when fun seekers now not only run the gauntlet of strip clubs on the main thoroughfare from Courtenay movies/theatre/bars/foood to Cuba’s select bars/dining/ boutique shopping. this is a bit tragic and a bit much for most kids free couples weekending in wellington - ugly! Britomart development in Auckland offering a lot of the same strollability with art shops, waterfront ...can keep these dodgy socially destructive shops out. this is Wellington’s competition. Nobody wants a weekend away spent helping girls out of gutters, witnessing unsafe behaviour, and tacit acceptance of the source of the trouble -cheap rtds and trashy drugs approved for sale by WCC.
  
1. 4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.
2. Cuba Mall with its bucket fountain - a fascination for dogs and small children, and the very important, socially varied kids playground -This is a peace of mind spot for mums to let the kids run free a long way from roads giving kids a choice of things for kids to climb and feel free in a contained space. drugs sales and drug taking should not be anywhere near this . lots of people come to Cuba to be in the company of others. this needs to be a safe place.
  
1. 5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?
2. sensitive sites are what makes wellington cool - we need to do more to protect ourselves from a crap synthetic life!

1. 6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

2.

1. they need to be few and far between

1. 7. Do you have any other comments?

2. the gangs arrived in force taking advantage of the legal high sales opportunity - they haven't left since this was stopped - they have plenty to seell and sadly a much bigger and younger crew. they have a little soldier unit - We should not feed this crime crew or give them the legal dealing opportunity ever again. It is staggering that the foot traffic has come back to Cuba (not just mall - the length of the street, in such a short time of shutting down the gang lead street retail operation on legal highs (so blatant) - the gangs are still here but not as actively - no blatant commerce pitched to pedestrians at peak time morning and evening pedestrian traffic - which drove huge number of people off Cuba and onto alternative routes to avoid being hassled. The public will not bounce back from a second round of what came before we will lose people who have had one too many intimidating experiences.

Postal address:

Freepost Wellington City Council

Proposal: Draft Local Approved Products Policy (COP01)

Wellington City Council

PO Box 2199

Wellington 6140

--  
Clare Bowden  
Director  
Mandatory Ltd.  
04 3846107  
021 384989



**The Strathmore Park Progressive and Beautifying Association (Inc.)  
108 Strathmore Avenue, Strathmore Park, Wellington 6022**

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9<sup>th</sup> December, 2014

**Wellington City Council  
P.O. Box 2199  
Wellington**

Re: Proposed Draft Local Approved Products Policy

**SUBMISSION**

On behalf of the Association regarding the above proposal I submit the following for your consideration.

**The Association strongly opposes any proposal for these substances to be made available to the general public under any circumstances. However, it is the understanding of the Association that as the Council is required as a Territorial Authority to develop a Policy, the following restrictions should apply.**

Regardless of which option is opted for the proposed restrictions on the sales of these goods does not embody sufficient restraint to those who envisage setting up premises for the sale of these goods.

Generally, the Association supports option two, with modifications as listed below.

Secondly, it is the view of the Association that these substances regardless of their “safe” health approval, will only appeal to a certain sector of any community. In all probability they would appeal to the minority and the criminal element of society.

The current proposal states that 50 metres as a minimum distance from primary schools, pre schools or kindergartens would be acceptable.

The Association strongly disagrees with this proposed recommendation.

The deciding factor is not a question whether these substances are harmful to children under the age of 18.

***It is the mere fact that the presence of these premises so close in proximity to schoolchildren, that it could create an impression of acceptance of a product unaccepted by the public at large.***

**The Association therefore outlines the following recommendations to be included in the proposed policy.**

1. Substances for sale should be available from dedicated premises solely and exclusively for the purpose of these substances or products.
2. The premises should not be sited within an existing shopping centre, shopping complex, Shopping Mall.
3. The premises should not be within 200 metres of an existing School, Kindergarten, Crèche, Church, Community Centre, existing shopping centre, shopping complex, shopping mall, sporting complex (indoor or outdoor) or liquor licensed outlet.
4. The premises should be formally approved and licensed through a formal public consultation process by a District Licensing Authority specifically set up for the sale of these products.
5. The District Licensing Authority should comprise of a minimum of 3 members preferably of judicial qualification.
6. The Premises and Licensee should be licensed by annual certification and publicly advertised in the print media.
7. The Licensee should be of good character and free from any previous criminal conviction.
8. The Licensed premises should be installed with CCTV monitoring available to suitable security services private and/or public.
9. Licensed premises should include ample off-street parking area for prospective customers.
10. The Licensed premises should be limited to strict hours of sale 9am to 5pm Monday to Friday each week, with Public and Religious Holidays to be strictly observed.
11. A Log book shall be kept of all sales and scrutinised by a Council Officer on a 3 monthly basis for compliance
12. Identity and proof of age shall be recorded against each sale

**At this stage we wish to appear**

Yours faithfully,

Stan Andis – President (Phone 970 7450)

(On behalf of the Strathmore Park Progressive and Beautifying Association (Inc))

Wellington City Council  
PO Box 2199  
Wellington

9 December 2014

To whom it may concern,

**Submission against Wellington City Councils Local Approved Products Policy (LAPP)**

Please find attached my submission in regard to the Councils proposed LAPP. The sale of such products will be of immense detriment to the healthy, vibrant Wellington city in which we all have invested a great amount of time and money. It is important that Wellington is a safe and attractive place to live, visit and enjoy.

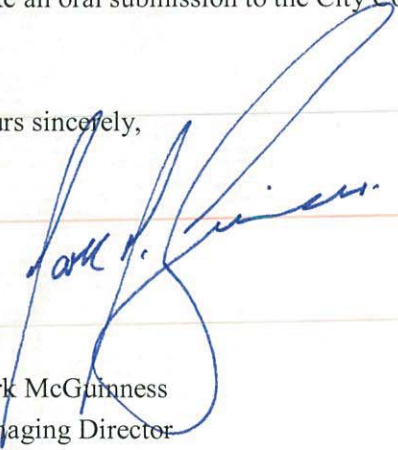
All of the Council's current alternatives include the centre of Wellington city as a retailer zone. Whilst I understand this makes policing the sale of such goods convenient for police, it also makes them much easier to access and normalizes consumption, particularly for young people who frequent Courtenay Place and Cuba Street.

The current proposals will have a significant negative impact on retailers and businesses within this zone, as well as the number of people who desire to work, live, shop or eat in Wellington. This will, in my view, put a number of people and businesses off committing to invest in affected parts of the city. This will in turn help kill the character of the area and drive decent retailers and residents away.

Ideally such products would be banned but I understand that an allowance for sale must be made under the current law. Therefore I suggest that in order to maintain a healthy city, retailers of such goods should be restricted to a small quantity in an area that is difficult to access, such as an industrial area.

I believe very strongly that the current approach is flawed and I will oppose it with the utmost vigour. I would like to make an oral submission to the City Councillors.

Yours sincerely,



Mark McGuinness  
Managing Director  
Willis Bond & Co

**1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?**

Yes.

**2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?**

Option 1. The greater separation between retailers is the best option for restricting the creation of concentrations of inner city retailers, which threatens the health, safety, character and enjoyment of Wellington city. This relates in particular to the unique Cuba Street area.

However, it would be preferable to put into place greater restrictions to protect young people by making approved products less accessible than in any of the current proposals.

**3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.**

do not think an appropriate area has been chosen.

An important purpose of these restrictions is to protect young people from easy access and exposure to approved products. By placing a zone around an area with such a great concentration of young people in the city (the Cuba Street area and Courtenay Place), there is convenient pedestrian access to these products, which will act to encourage purchase.

Furthermore, Willis Bond has invested significant sums of money in acquiring its Cuba Street site in several stages over the past three years, and has earmarked significantly more capital for the complete redevelopment of the site. If all goes according to plan, the investment is estimated at \$200m which will generate jobs and other economic spinoffs for the city.

The proposed zones will put many potential investors, retail tenants and residential occupiers off committing to invest more in Cuba Street, including Willis Bond. It will also interfere with the character and charm of the area by driving away decent retailers and residents.

The aim is to build a vibrant, healthy and safe city. Retailers of approved products and the customers they bring, would interfere with this vision. I suggest a more appropriate area would be in harder to access industrial areas outside the city.

**4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.**

Section 68(c) of the Psychoactive Substances Act 2013 states a Council's local approved products policy can include policies on proximity to community facilities.

In Willis Bond's upcoming Cuba Street project, an \$80m Whitereia/WelTec combined Creative & Performing Arts Campus will be developed. This campus is a sensitive site as it is an area of study for an estimated 1400 full-time arts and creative technology students throughout the year. Of this, two thirds will be aged under 25 and 37% aged under 20. The campus also aims to attract an additional 100 international students to Wellington, most of whom will also be aged under 25 years. These demographics make clear a large number of young people will congregate at this site everyday.

Therefore, the campus should be considered a sensitive site because much like a high school, young people studying at Whitireia/WelTec should not have constant exposure and easy access to these products right next to their place of study. It will encourage experimentation with the approved products, disruption from studies and normalize consumption of such

products. It is a potential threat to the health and safety of the students at the campus to have retailers of approved products along the street they are studying on.

Therefore it is suggested that, as specified under Option 1, our preferred alternative, approved product retailers must be at least 200m (and preferably further) away from this campus.

A retailer of approved products so close to an educational facility that has a large concentration of youth seems to conflict with the purpose of the protecting young people, the most at risk part of the population.

**5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?**

I suggest a distance greater than walking distance should be implemented. It is important to make access to retailers of these approved products inconvenient for young people, particularly those studying at a school or college near to the retailer. Easy pedestrian access and frequent daily exposure to the products would normalize and encourage consumption to those most at risk of harm and addiction.

A greater distance from sensitive sites would mean the health and safety of those at risk would be much more sufficiently protected and the approved products would have to be actively sought rather than freely promoted.

**6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?**

A greater distance would be more appropriate to discourage the consumption of approved products and to maintain the character of the city. The currently specified 200m distance only takes about 6 minutes to walk on average, which still means there is potential for pockets to develop within Wellington city that have a cluster of retailers of approved products. This development will of course have a negative impact on the reputation of these areas, discourage inner city investment and development, and lead to health and safety risks.

I agree with the Council's commitment to make retailers as far apart as possible as the law allows to prevent concentrations of retailers in the city. Therefore I suggest at least over 500m would be required more effectively protect the safety, enjoyment and health of the city.

**7. Do you have any other comments?**

I am strongly opposed to this policy and the effect it will have on Wellington city. I support lobbying Government to change the existing law.

I also wish to make an oral submission to the City Councillors.

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I am making a submission on behalf of Wellington City CAYAD, Consultancy Advocacy and Research Trust (CART), and the community of Newtown and Kilbirnie.

Community Action Youth and Drugs (CAYAD) is a national initiative striving to reduce drug and alcohol related harm; CART is an organisation focused on wellbeing for whānau in South and East Wellington. I write this submission as a CAYAD kaimahi for Wellington City with a focus in the Southern and Eastern suburbs.

As a representative of our local community, I petitioned individuals and businesses in Newtown and Kilbirnie on December 8<sup>th</sup> and 9<sup>th</sup> 2014 to share their views, comments and opinions on a Local Approved Products Policy (LAPP) for the sale of psychoactive substances in Wellington City. I outlined the four options and asked if they had opinions or comments to share. I took anonymous comments, as well as comments from those directly quoted and those included in the list of contributors. This submission is a true representation of the views shared.

**Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?**

It is clear that the community needs a LAPP due to the overwhelming reluctance to allow these substances back on the market. Comments recieved show vehement opposition to the sale of psychoactive substances overall:

*“Not anywhere please”*

*“Ban should continue, we don’t want them in our city”*

*“Option 1 or totally not for sale”*

*“I don’t agree with ‘legal highs’”*

*“Shouldn’t be sold at all”*

*“Complete ban!”*

*“I would like them banned and not sold at all”* [Chris Yiavasis]

*“They should not be for sale at all. Disgusting products that only produce harm in our communities”* [Cory Reed]

Furthermore, there was a clear message that the community want tight regulations:

*“Don’t think they should be available, rather they’re restricted. Option 3”*

*“All products for consumption should be registered as per medicines/foods”*

*“Option 3 unless regulated – safety”*

*“Should not be sold at all. Option 3”* [Sharon Rapana]

*“Ban should continue, or have very limited, regulated sales”*

John McIntyre J.P also advocated for a restricted LAPP, answering: *“yes – and very strictly controlled – away from schools, kindergartens, and business centres”*.

Cory Reed wanted those who profit from the sale of these products to bear the costs of the consequences:

*“Yes, and major controls and costs should go on those who sell the product. Maybe a high tax double or triple the amount that is placed on liquor and tobacco. Make those who make the product pay for the consequences”*

**Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?**

Wellington City CAYAD and CART strongly oppose Option 4 and this is clearly supported by the community. Of the 24 responses I received, no one supported Option 4 and eight people insisted that ‘not anywhere’ was the only answer they could choose. Two people specified not in their suburb and only in the CBD, further supporting the argument against Option 4.



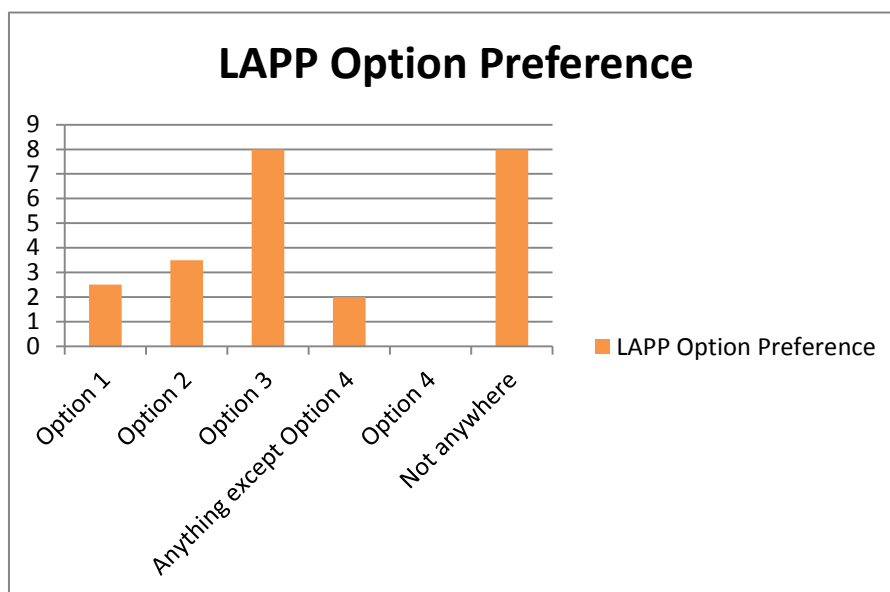


Figure 1: Preferred LAPP options as specified by individuals from Newtown and Kilbirnie.

One respondent preferred the policy to be restricted to the CBD (and thus not Option 4) as a deterrent for young people to buy psychoactive substances:

*“centralised to CBD – I think the products belong to specialty type stores/target audience rather than local tobacconist, also making the effort to venture into the city is not as attractive to younger adults”*

It is clear that of our surveyed community most prefer Option 3. This option was considered by many respondents the 'best of a bad bunch'. Option 3 was the preferred option because the social area of Courtenay/Manners/Dixon/Cuba area is policed accordingly, first aid is readily available, and it is a reasonable distance from all the high schools.

*“keeping it all in one area should make it easier to police”* [Cory Reed]

**Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.**

Wellington City CAYAD and CART advocate for the sale of psychoactive substances to be kept out of the suburbs, therefore Options 1, 2 and 3 are preferred overall. We believe that these products are damaging for our youth, not only with regard to the immediate psychoactive effects, but also overall mood and pro-social behaviour. I have received

numerous reports from the Newtown and Kilbirnie community about distinctly anti-social behaviour, such as vandalism and aggressive begging nearby shops where psychoactive substances were sold. In addition, there were also reports of congregations of disorderly youth waiting for the shop to open first thing in the morning. These groups of youth made local shoppers and business owners fearful.

While talking with the community I received reports about adults buying large quantities of psychoactive substances and re-selling to school kids in the back alleys of Kilbirnie. Furthermore, some local business owners and employees were reluctant to make comments for fear of negative consequences from those who used and sold them before the ban was enforced. In a local community, threat of repercussions can be very real and this reluctance to speak is testament to the extremely negative effects these products have on the community. John McIntyre J.P. and local business owner reported:

*“Customers who gathered around The Discount T in Kilbirnie prior to the ban were actively begging, waiting for people at ATMs to withdraw their money and then asking for money. They were standing over women as they got out of their vehicles and demanding money for ‘food’, or for ‘4 people to stay in the night shelter’. People were afraid of moving around the area. Immediately the ban came into place that all ceased”*

The presence of psychoactive substances in suburban communities has contributed to nuisance at best, and fears at worst. The communities of Kilbirnie and Newtown are not equipped to manage the anti-social behaviour that comes hand-in-hand with these products. Therefore, there is a clear argument for restricting access to the CBD.

*“Suburbs don’t seem to have as much ‘police presence’, so the CBD seems sensible – this is for potential bad behaviour and also “bad” health experiences for safety reason to all”*

Furthermore, we want access to be a considerable distance from high schools. We have heard reports that since the ban has been in place anti-social behaviour at a local Kilbirnie high school has improved markedly, resulting in less exclusions and suspensions. This is a serious consideration in light of the aforementioned reports of adults re-selling to minors. It is also supported by the community:

*“Kilbirnie... is too close to schools – [should be] furtherest away from high schools”*

*“yes, there are few schools in the area [CBD] ” [John McIntyre J.P.]*

**Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.**

Wellington City CAYAD and CART agree that high schools, primary schools, pre-schools, kindergartens, ECE centres, and the YMCA should be included as sensitive sites. However, we would like other youth centres to be included also, such as Evolve and Zeal. It has been documented that people on lower incomes are more at risk of harm from these products<sup>1</sup>, and therefore Māori are more at risk than Pakeha. Evolve work increasingly with Māori youth<sup>2</sup> and it is essential to limit the harm to this at-risk group. Therefore, a maximum distance from all youth centres must be included in the LAPP.

**Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?**

It is estimated that it takes between 2.5 minutes and 3.5 minutes to walk 200metres, and 30-55 seconds to walk 50 metres. We acknowledge that the LAPP must avoid legal contest, but we consider that these distances are too close; 50m from primary, preschools, kindergartens and ECE centres is far too close.

Taking into account the aforementioned reports from the Kilbirnie community, it is clear that similar disorderly behaviour nearby schools and pre-schools etc. is dangerous and not in the interests of our youngest citizens. Imagine young children on their way to school or an ECE centre with their parents, having to walk through a group of people queuing for a shop to open, potentially demanding money and instilling fear. This is not the community we want to live in. Therefore we think that 400m as a minimum distance should be a minimum for all sensitive sites.

This is supported by a community member John McIntyre J.P who responded *“Too close – you can walk there in a couple of minutes”*

<sup>1</sup> Wellington City Council. (2014). Have your say on where psychoactive products could be sold in Wellington: Local Approved Products Policy – Summary of Information. Accessed December 11, 2014 from [www.wellington.govt.nz: http://www.wellington.govt.nz/~media/have-your-say/public-input/files/consultations/2014/10-psychoactive-substances/98806-lapp.pdf](http://www.wellington.govt.nz/~media/have-your-say/public-input/files/consultations/2014/10-psychoactive-substances/98806-lapp.pdf)

<sup>2</sup> Ministry of Health. (2010). Evolve Wellington Youth Service. Accessed December 11, 2014 from <http://www.ccdhb.org.nz/>: [http://www.ccdhb.org.nz/planning/maori\\_health/providers/Evolve.htm](http://www.ccdhb.org.nz/planning/maori_health/providers/Evolve.htm)

**Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?**

The Newtown and Kilbirnie community did not share comments about the proposed distances between sites. Considering the short time it takes to walk 200m, we believe that it would make little difference to the perceived access of these products to potential users. While we acknowledge that Option 3 is much more saturated, this is the preferred option of Wellington City CAYAD and CART because the area is contained, highly policed, well lit, and has a considerable public presence. We believe that retailers in this area would be more stringent when checking identification, and therefore minors will be unlikely to access psychoactive substances underage. This area is also a considerable distance from Wellington High School, and including youth centres in the sensitive sites will limit the number of potential retail sites.

**Do you have any other comments?**

The community of Kilbirnie and Newtown shared many anecdotes and comments with me when I was door knocking to get their opinions on this matter. The news that psychoactive substances, albeit tested for safety, would be available again was met with outrage from most. Many in Kilbirnie attested to the anti-social behaviours that came hand-in-hand with the sale of these substances:

*“Kilbirnie has problems already with beggars”*

*“begging, nuisances, had a broken window, vandalism, queues in the morning of drunk people waiting for the shop to open”*

*“people drinking on the street, I was attacked”*

John McIntyre J.P. noted the negative effects the sale of these products had on local retailers:

*“the blight on retail centres is high. This is where women, children and families shop. They need to feel safe, and if not they will not shop in the area”*

Chris Yiavasis suggested a type of registry as a way to further regulate their sale:

*“[o]nly sold at specific times, and taken a role as to who is buying the products and only selling them to people if they have I.D.”*

Mr Yiavasis also adds that “if they weren’t on the shelves, the “kids” wouldn’t buy them, simply”, further voicing his disapproval of their availability.

Another respondent, with personal experience of using psychoactive substances had this to say:

*“I have experienced natural cannabis and legal high, and I believe legal high to be a stronger potency and unpredictable as compared. The long term health risks have not had enough study and it could be a way of introducing other illegal drugs to young adults. All approval should be for 18+ Adult Shops and specialty shops only”*

In conclusion, the community of Kilbirnie and Newtown has expressed a very clear view that they do not want the sale of psychoactive substances in their neighbourhood. In addition, regulation and restriction is strongly urged.

This submission has reported on very anti-social behaviour associated with the sale of psychoactive substances, which provokes fear into the local community: women and children feel unsafe shopping as well as an apparent reluctance to talk about the perpetrators, beggars, and/or users, for fear of some repercussion or negative consequence. For this reason, Wellington City CAYAD and CART argue for the sale of psychoactive substances to be strictly contained, regulated and policed, and a considerable distance from locations frequented by families. We advocate for Option 3, and have the support of many community members (refer Figure 1).


Nga mihi nui  
Cherida Fraser

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**Sharelle Peck**

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**From:** Zap Haenga <Zap@dcm.org.nz>  
**Sent:** Friday, 12 December 2014 12:32 p.m.  
**To:** BUS: LAPP  
**Cc:** Stephanie McIntyre  
**Subject:** LAPP - Feedback

Kia Ora

My name is Zap Haenga and I currently work within an activity centre called Te Hāpai. This is a DCM service that provides drop-in and activity services to vulnerable persons (including homeless) who are based within Wellington. We thought it would be useful to submit some feedback from the people that utilise our service in regards to the proposed options under consideration.

Over the past two days conversations were generated to gather opinions and views in regards to the following:

Day one - The lifting of the temporary ban on the sale of legal highs...  
(summarised feedback)

- They are only doing this to make more money
- Know of a woman that lost her house to using this stuff, and then lost her kids as well
- In (another city) the queues to buy that stuff go around the corner before they even

open the shop

- Too many people going on the psych ward
- Watched many of our people (Māori) going down
- Destroying Māori families and all NZ families
- It's a waste of time because you can still buy it (right now)
- "I spend \$100.00 a week on that stuff. I go busking just to get enough to buy it."
- (Poll taken) DO YOU ITS A GOOD OR BAD IDEA (to lift ban)

YES = 1  
NO = 5

Day two - The options for where legal highs should be sold in Wellington (CBD)  
(summarised feedback)

Option One

- Preferred option = 3
- One store only should sell these products
- Introduce a 'quota' system
- Party pills should not be sold - PERIOD!

Option Two

- Preferred option = None
- Comments = None

Option Three

- Preferred option = 4
- Increase the distances from ALL schools/kindergartens/kōhanga reo
- Get people to register like they do with 'P' products
- People don't congregate outside Cosmic Corner. They buy the stuff to take away and use before they go to a party or clubbing

#### Option Four

- Preferred option = 1
- Waste of time
- Legal high aren't strong enough

Had no opinion - 3

I hope this feedback is of valuable to the LAPP team as they consider which option to pursue. I would appreciate feedback on which option is chosen so that I can feed that back to the people that use our service, as they are very interested. Also please keep me in the loop as to further opportunities to provide similar feedback in the future, and ensure this section of Wellington community is able to provide input on future and existing WCC decisions that may (or may not) affect them.

Much appreciated

Zap Haenga  
Te Hāpai - DCM  
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# Proposal: Draft Local Approved Products Policy: SUBMISSION FORM

(restricting where any legal psychoactive products may be sold in future)

## Section one - details for the submission form

Wellington City Council would like your feedback on the proposals

You can have your say:

- submitting **online** at **Wellington.govt.nz/have-your-say/consultations**
- emailing **lapp@wcc.govt.nz**
- making a submission on this form or in writing and posting it to us - Free Post, PO Box 2199, Wellington 6140
- phoning us on 04 499 4444.

### Enter your name and contact details

Mr    Mrs    Ms    Miss    Dr

First name*	Last name
CHRIS	GOSLING

Street address\*

Phone/mobile	Email
027 7039231	chris.gosling@whitireia.ac.nz

\* Mandatory fields

I am making a submission    As an individual    On behalf of an organisation

Name of organisation  

I would like to make an oral submission to the City Councillors.    Yes    No

If yes, provide a phone number above so that a submission time can be arranged.

### Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.



PROPOSAL: Draft Local Approved Products Policy  
SUBMISSION FORM FROM WHITIREIA POLYTECHNIC

Section two – questions.

1. Yes.
2. Option one, with modifications.
3. No position on this.
4. No. The definition of sensitive sites should be extended to include state tertiary education institutions. Whitireia Polytechnic currently has three campuses within the proposed permitted area – 15 Dixon Street, 25 Vivian Street and 86 Vivian Street. In addition a new campus is being developed on the corner of Cuba Street and Dixon Street. These campuses are attended by a significant number of both New Zealand and international students, the large majority of whom are of a young age. The planned new campus in Cuba Street represents a significant regeneration of this site and will bring in excess of 1000 students to the area. It is submitted that the close location of outlets for these products will both detract from the development of the area and be incompatible with the vocational educational and training activities of the Polytechnic. Council should note that the Kapiti District Council proposes to include the Whitireia Kapiti campus within the definition of sensitive sites.
5. No
6. No
7. Thank you for the opportunity to submit on this proposal.

# Have your say on where psychoactive products could be sold in Wellington

## Local Approved Products Policy - Summary of Information

**Proposal:** Wellington City Council (the Council) is consulting on policy options for restricting where (Ministry of Health (MoH) approved) psychoactive products can be sold in our district in future (should any such products ever come onto the market).

**Your chance to have a say**

Before making any final decisions, we'd like to know your views.

The closing date for submissions is **5pm, 12 December 2014.**

Use the attached form to make your submission.

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## Background Summary

### What are psychoactive products?

Psychoactive products are sometimes known as ‘legal highs’. For example, party pills. These products contain psychoactive substances that some people consume. Some previously legal products, such as synthetic cannabis smokes, are unlikely to be legal again in future.

A psychoactive substance is defined as a substance, mixture, preparation, article, device, or thing capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.

### Why might this Council have a policy on psychoactive products?

Since May 2014, there has been a temporary ban on previously legal psychoactive products. Central Government plans to lift this temporary ban and make it legal for certain psychoactive products to be sold from mid-2015 onwards if they pass new, more stringent tests (for health risks, potential for misuse and other harms).

The Council wants to be proactive, and ensure there is a policy to control where future approved products can be sold before they can appear on the market. If Council had no policy, sellers may locate anywhere in the District.

That said, a Council policy would have marginal impacts compared to new central Government laws, but would add some further restrictions to those laws.

### What are the main laws that govern psychoactive products and a local policy?

The main laws are the Psychoactive Substances Act 2013 (the Act) and the Psychoactive Substances Regulations 2014.

Under these laws, all sellers of approved products need to be licensed (by the Ministry of Health).

To be legal, any products would need to pass new tests for health, potential for misuse, and other harms. The Ministry of Health (MoH) believes that most readily available alcoholic drinks and cigarettes would fail if they were subjected to the same tests.

No injectable or pure powder, and probably no smokeable products (such as synthetic cannabis smokes) will be approved for sale. Approved products (if there are any in future) would likely be in pill, capsule, vaporiser, or e-cigarette forms.

Sections 66 to 69 of the Act allow Councils to have a (local) approved products policy (LAPP) controlling where approved products are sold. A LAPP informs whether or not the MoH accepts applications for licences to sell approved products.

More facts about the laws and what they mean for future approved products are explained in the Statement of Proposal.

### **How restrictive can we make a policy?**

There are many people in the community who want approved products banned from being sold anywhere within the Wellington District (even in their hopefully less harmful forms). However, national laws (described above) prevent the Council from being able to do this or from having policy that is overly-restrictive. National laws are outside the control of Council.

For example, Hamilton City Council has already faced a threat of legal action by the approved products industry for having a policy that is more restrictive than intended by central government, and because of this, is revisiting its policy. If a LAPP was found to be too restrictive and overturned, there might be no local controls on sales of approved products.

The Council policy would have marginal impacts in that it could not (legally) control consumption or internet sale of approved products, or hours of shops selling approved products. It would inform decisions by the licensing body (MoH).

### **Preferred Policy Option – Widest space between sellers**

The Council currently favours a policy option that is as restrictive as possible without risking legal challenge. A legal challenge could potentially make a policy invalid, resulting in no controls on where future approved products could be sold. Part of reducing the risk of a legal challenge is basing the policy on robust (rather than anecdotal) evidence.

The Council (through the Statement of Proposal) is consulting on several policy options. The most preferred option is currently that (MoH approved) retail premises (selling approved products) are:

- only permitted within a defined area of Wellington’s southern Central Business District (CBD) in map 1, Appendix 1
- at least 200 metres away from all of the following sensitive sites in Wellington: high schools and Wellington’s YMCA
- at least 50 metres away from all of the following sensitive sites in Wellington: primary schools, pre-schools, and kindergartens
- spaced at least 200 metres apart from each other.

Map 1, Appendix 1 shows this preferred option. More details (including the justification for this option) are in the Statement of Proposal.

Full copies of the Statement of Proposal that details the options are available from:

- <http://wellington.govt.nz/have-your-say/consultations>
- Council libraries
- the Council's service centre, 101 Wakefield Street
- or phoning 499 4444.

For further information, you can email us at [lapp@wcc.govt.nz](mailto:lapp@wcc.govt.nz)

There are several ways you can have your say. You can make a submission :

**Online:** [wellington.govt.nz/have-your-say/consultations](http://wellington.govt.nz/have-your-say/consultations)

E-mailing us your thoughts: [lapp@wcc.govt.nz](mailto:lapp@wcc.govt.nz)

Phoning: 499 4444 Filling out the submission form (on the back of this document) or writing a letter and posting it to Free Post Wellington City Council, PO Box 2199, Wellington 6140, or drop it off at our service centre (101 Wakefield Street).

## Statement of Proposal: Local Approved Products Policy (restricting where any legal psychoactive products may be sold in future)

- This Statement of proposal has been prepared to fulfil the purposes of s.83(1)(a) and s.87(2)(a) of the Local Government Act 2002, and s.69 of the Psychoactive Substances Act 2013 (the Act).

### Background:

#### About psychoactive products

Psychoactive products are sometimes known as ‘legal highs’. For example, party pills. These products contain psychoactive substances that some people consume. Some previously legal products, such as synthetic cannabis smokes, are unlikely to be legal again in future.

A psychoactive substance is defined as a substance, mixture, preparation, article, device, or thing capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.

#### Important Facts

- New national laws prevent any Councils from banning (or effectively banning) all sales of psychoactive products within their districts.
- Despite a temporary ban (that started in May 2014), central government will allow some psychoactive substances to be sold from mid-2015 onwards, if they pass new stricter tests for ‘low risk of harm’ (for the potential for misuse, health, interactions with alcohol and for other harms).
- Only psychoactive products approved by the MoH (approved products) would be legally sold.
- The MoH regards any future approved product as posing a ‘low risk of harm’ and expects that “the addictive nature of the products, as previously seen [before this temporary ban], will not be there with low risk approved products”.
- Under the Act (section 52) approved products **cannot** be sold in any of the following places: grocery stores (dairies), supermarkets, convenience stores, service stations, places selling alcohol, vehicles (including mobile street carts), or temporary buildings.
- It will remain illegal for approved products to be sold to (or possessed by) people under 18.
- It will only be legal for premises to sell approved products if they are granted a licence

## **New national laws to restrict psychoactive substances**

### **New national laws to restrict psychoactive substances**

Central government introduced new laws to substantively restrict the type and nature of legal psychoactive products that may be legally sold. Those laws are the Psychoactive Substances Act 2013 (the Act) and various Psychoactive Substances Regulations (the Regulations).

Those new laws are expected to take full effect from mid-2015. Currently (since May 2014) there is a temporary ban on the selling of all psychoactive products (as defined by the Act). However, from mid-2015, certain psychoactive substances may be approved for sale by MoH. The emphasis, though, will be on the manufacturer needing to prove that new or existing products are 'low risk' before they become legal.

### **Desired impacts of new legislation and testing requirements**

To be approved for sale by the MoH, those (**approved products**) will need to pass more tests (than before this temporary ban). Any product testing as higher than posing a 'low risk of harm' will not be approved for sale.

MoH advises that "no synthetic cannabinoids will be able to pass the approval process". It will also be illegal for psychoactive products to be sold in injectable or powder form. Approved products (if there are any in future) would likely be in pill, capsule, vapouriser, or e-cigarette forms.

MoH also advises that if most readily available alcoholic drinks and cigarettes were subject to the same tests as any future approved products, they would fail (scoring as higher-than-low risk of harm).

### **The Council wants to further restrict where psychoactive products are sold on behalf of Wellington's communities**

Despite assurances by MoH on the 'low risk' nature of any future approved products, the Council is aware that many people in the community want sales of these products to be as restricted as possible.

The purpose and intent of the Act only give the Council limited influence around restrictions. However, the Council is keen to adopt a policy (local approved products policy or LAPP) to allow Wellington's communities some control around where approved products might be sold.

### **What the Council could influence through a LAPP**

Local councils are not obliged to develop a LAPP but can do if they choose. Under sections 66 to 69 of the Act, a LAPP could determine:

- the areas within the Wellington City District where approved products may be sold (eg suburbs versus the central business district or residential versus industrial versus shopping areas)
- the minimum distance between shops selling approved products

- the minimum distance between shops selling approved products and sensitive sites (eg schools)
- different conditions for retail premises to conditions for premises used for wholesale or for internet purchase.

People who can prove they are over 18 will still be able to purchase approved products over the internet. A LAPP could also not control consumption of approved products.

## Objectives of a LAPP

The objectives of a Wellington District LAPP are to:

(a) **be legal** – ie align with the purpose and intent of the new laws that “regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances” in a way that still enables approved products to be sold in the Wellington District

(b) **be based on robust evidence** – to withstand any legal challenge or review.

For example, if a Wellington District LAPP was found to be too restrictive for products that the Ministry of Health deems as ‘low risk’ and overturned, there might be no local controls on where approved products can be sold.

(c) **help reduce wider community harms** from approved products

(d) **reflect community preferences as far as possible** for where approved products may be sold (while aligning with the purpose and intent of the Act)

(e) **provide a clear guide** for the Psychoactive Substances Regulatory Authority for decisions on licence applications within the Wellington District.

These objectives and the policy options that follow have been developed after consultation with non-government organisations, charities, residents, retailers, the Police, Regional Public Health, the approved products industry, and after obtaining legal advice.

## Policy Options for a LAPP



## **Preferred – Option 1 - Widest spacing between licensed premises – Map 1, Appendix 1**

Retail premises licensed to sell approved products (including premises for internet sales) would only be permitted:

- 1.1 within the southern area of Wellington’s central business district (CBD) as shown within the solid red boundary of map 1 – Appendix 1; and
- 1.2 at least 200 metres away from all of the following sensitive sites in Wellington: high schools/colleges and Wellington’s YMCA; and
- 1.3 at least 50 metres from all of the following sensitive sites in Wellington: primary schools, pre-schools or kindergartens; and
- 1.4 at least 200 metres from all other retail or internet sales premises that are licensed to sell approved products.

**Definition of separation distances** – For the purposes of parts 1.2 to 1.4 above, the separation distances are to be measured from the external legal boundary of each premises. Minimum separation distances would be based on premises that exist when a licence is applied for.

**New Developments Clause:** If a new premises (of the type identified in 1.2 or 1.3) opens within the minimum distance of an already licensed retail premises (that seeks to renew its licence), the Council would work with that licensed retail premises to find an alternative suitable location. For as long as a suitable alternative location is not available, the current location would be deemed to comply with the LAPP.

**Map 1 (Appendix 1)** provides a visual guide to the areas where licensed retail premises would be permitted under this option, although those areas would change over time as new premises (eg schools or licensed retail premises) open, close or relocate.

### **Reasons why Option 1 is currently preferred**

**Area of CBD chosen** – Many organisations (including the Police and Regional Public Health) prefer approved products to be sold in the CBD, primarily for safety reasons. The Council also believes that individuals buying and selling approved products are safer in this area, because (compared to most other geographical areas) there is greater visibility, lighting, passive surveillance (eg foot and vehicle traffic throughout the day and evening), and greater Police and public presence.

Limiting premises that sell approved products to this area also keeps those premises away from the city’s larger residential neighbourhoods and from the more deprived areas of the city (as measured by the NZ Index of Deprivation). There is evidence that potentially mind-altering substances can create greater problems among some people on lower incomes.

The southern area of the CBD that is currently favoured by the Council (see map 1) is broadly the city's main entertainment area. This area is also large enough for the Council to ensure that premises are spaced further away from each other (through the LAPP having larger minimum separation distances to prevent premises clustering around each other).

Previous incidences of several sellers being close together on particular streets would not be allowed under this option because of the 200 metres minimum distances between premises.

In a recent survey of 307 representative residents, the most preferred areas in the (District Plan zoned) CBD for licensed retail premises to locate were in the southern CBD, including Cuba Street and Courtenay Place and surroundings. The least preferred areas in the CBD were the waterfront and northern (Lambton) areas of the CBD. Those factors have also determined the area chosen.

Additionally, the southern CBD area chosen is well policed by a City Policing Team of a Sergeant and four Constables, on a full time basis. These police will be exclusively devoted to this Southern CBD area, particularly around Cuba Street, Courtenay Place and surrounding streets. They have an approach of problem-oriented policing, identifying specific problems and working with local southern CBD communities to resolve those problems.

**At least 200 metres from high schools/colleges and YMCA** – There is evidence that potentially mind-altering substances can create greatest problems among under-age users (some teenagers under 18 years old). This evidence is based on a scientific understanding of the development of the human brain at various ages, data from Emergency Department admissions, and discussions with the YMCA and youth service organisations. Some teenage people can also arguably be mistaken (by sellers) as being over 18.

The above premises are:

- often where teenagers spend relatively long periods during the week (rather than simply being where those people might sometimes go); and
- easily defined (for legal purposes).

In the residents' survey, 200 metres was the preferred minimum distance from premises regarded as sensitive.

**At least 50 metres from primary schools, pre-schools or kindergartens** – There is limited evidence that licensed retailers of approved products locating next to these institutions for younger children would cause harm to users. Children of primary school age and below could also not be reasonably mistaken (by sellers) as being over 18. However, greater visibility might 'normalise' approved products among young children.

A distance of 50 metres would help reduce this visibility from premises where young children spend relatively long periods during the week. Those premises can also be easily defined (for legal purposes).

**At least 200 metres between premises** – There is evidence that spacing premises (that sell potentially mind-altering substances) further apart reduces the convenience of buying the substances and reduces overall problems associated with those substances.

The 200 metre spacing is approaching the greatest distance we are confident aligns with the intent of the Act – ie needing to allow some licensed premises to sell approved products within the southern CBD area.

### **Alternative Option 2 – Widest spacing from sensitive sites – Map 2, Appendix 2**

Retail premises licensed to sell approved products (including premises for internet sales) would only be permitted:

- 2.1 within the same southern area of Wellington’s central business district (CBD) as Option 1 - shown on map 2 – Appendix 2; and
- 2.2 at least 400 metres from all of the following sensitive sites in Wellington: high schools/colleges, and Wellington’s YMCA; and
- 2.3 at least 50 metres from all of the following sensitive sites in Wellington: primary schools, pre-schools or kindergartens; and
- 2.4 at least 180 metres from all other retail or internet sales premises that are licensed to sell approved products.

The same definition of separation distances and New Developments Clause for Option 1 would apply for this option.

To align with the intent of the Act (ie to reasonably allow some licensed premises to sell approved products within the southern CBD area), increasing minimum distances from sensitive sites (to 400 metres instead of 200 metres in option 1) would mean reducing minimum distances between premises (to 180 metres from 200 metres in option 1).

A benefit of this option would be potentially harder access to approved products to some under-age teenage users for most of the day. However, this option is not currently preferred because licensed retail premises would be closer together under this option, providing easier access to potentially mind-altering substances within the areas that they are sold.

**Map 2, Appendix 2** provides a visual guide to the areas where licensed retail premises would be permitted under this option, although those areas would change over time as new premises (eg schools or licensed retail premises) open, close or relocate.

### **Alternative Option 3 – Clustered sellers – Map 3, Appendix 3**

Retail premises licensed to sell approved products (including premises for internet sales) would only be permitted:

- 3.1 within the areas of Cuba Street, east Dixon Street, east Manners Street, and Courtenay Place shown in Map 3, Appendix 3 where there is generally a higher density of premises with a liquor licence, restaurants and other evening entertainment; and
- 3.2 at least 200 metres from all of the following sensitive sites in Wellington: high schools, and Wellington's YMCA (as in Option 1); and
- 3.3 at least 50 metres from all of the following sensitive sites in Wellington: primary schools, pre-schools or kindergartens (as in Option 1); and
- 3.4 at least 60 metres from all other retail or internet sales premises that are licensed to sell approved products.

The same definition of separation distances and New Developments Clause for Options 1 and 2 would apply for this option.

To align with the intent of the Act (ie reasonably allow some licensed premises to sell approved products within this significantly smaller area), minimum distances between premises would need to be significantly reduced (to 60 metres from 200 and 180 metres in options 1 and 2 respectively).

A benefit of this option may be that a smaller area may be more easily policed, and people will know exactly where to expect to see (or avoid) approved products being purchased or sold.

However, this option is not currently preferred because licensed retail premises would be significantly closer together under this option, providing easier access to potentially mind-altering substances, and potentially encouraging greater congregations of people wanting psychoactive substances in those areas.

**Map 3, Appendix 3** provides a visual guide to the areas where licensed retail premises would be permitted under this option, although those areas would change over time as new premises (eg schools or licensed retail premises) open, close or relocate.

#### **Alternative Option 4 – Having no policy**

Having no LAPP is a legal option under central government legislation. This option is not preferred. The Council wants to reflect the wishes of large sections of the community in proactively placing some extra local restrictions on where potentially mind-altering (albeit hopefully lower risk) products may be sold in the future.

## Glossary of Terms used in the LAPP

<b>Approved Product</b>	Means a psychoactive product approved by the Authority under Section 37 of the Psychoactive Substances Act (the Act).
<b>Authority (or PSRA)</b>	Means the Psychoactive Substances Regulatory Authority (within the Ministry of Health) established by Section 10 of the Act.
<b>Licence</b>	Means a licence, as defined by the Act.
<b>Licensed internet sale premises</b>	Means premises for which a licence to sell approved products online has been granted under the Act.
<b>Licensed retail premises</b>	Means premises for which a licence to sell approved products by retail has been granted under the Act.

<b>Licensed wholesale premises</b>	Means premises for which a licence to sell approved products by wholesale has been granted under the Act.
<b>Minimum separation distance</b>	Means the separation distance as measured from the external legal boundary of each premises, based on premises that exist when a licence is applied for.
<b>Psychoactive Product</b>	Means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substances.
<b>Psychoactive Substance</b>	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.
<b>Regulations</b>	Means regulations made under the Act.
<b>Sensitive Sites</b>	Means sites that are used for long periods of time during the week by people who are, or may be, particularly vulnerable to the influence of the sale of psychoactive products, the sites can be legally defined, and the sites are known to the Council.
<b>Schools, kindergartens, early childhood centres</b>	Means "institutions" as defined by the Education Act 1989 and amendments.
<b>The Act</b>	Means the Psychoactive Substances Act 2013.

**LAPP (Policy) Review Clause**

Any WCC LAPP would be reviewed every five years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to changed legislative and statutory requirements.

**Proposal: Draft Local Approved Products Policy: SUBMISSION FORM**

**(restricting where any legal psychoactive products may be sold in future)**

Wellington City Council would like your feedback on the proposals.

You can have your say by:

- submitting online at <http://wellington.govt.nz/have-your-say/consultations>
- emailing [lapp@wcc.govt.nz](mailto:lapp@wcc.govt.nz)
- making a submission on this form or in writing and posting it to us – Free Post, PO Box 2199, Wellington 6140
- phoning us on 04 499 4444.

**Enter your name and contact details (\*Mandatory fields)**

<input type="checkbox"/> Mr <input checked="checked" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr	
*First name/ last name	Glennis Poschich
*Street address	355 Karori Road, Karori, Wellington
Phone/mobile	021 169 1213
Email	<a href="mailto:posch@actrix.co.nz">posch@actrix.co.nz</a>
*Mandatory fields	
I am making a submission <input checked="checked" type="checkbox"/> as an individual <input type="checkbox"/> on behalf of an organisation	
Name of organisation	
I would like to make an oral submission to the City Councillors. <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No If yes, provide a phone number above so that a submission time can be arranged.	

**Privacy statement**

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

**Section two – questions**

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?  
Yes the WCC needs a LAPP.
2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?  
Option 1 is my preferred option as it sounds it can be more effectively managed.
3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Yes I think it is appropriate: My evidence is experiential - it usually has people and vehicles including taxis around. It is not near schools. I think the sales need to be contained so especially young people can be monitored for their safety and health.

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.  
Yes.
5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?  
They sound a reasonable compromise.
6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?  
I would prefer intermediate schools to be classed in the same category as high schools/colleges.
7. Do you have any other comments? No.

Postal address:

Freepost Wellington City Council

Proposal: Draft Local Approved Products Policy (COP01)

Wellington City Council

PO Box 2199

Wellington 6140



# Proposal: Draft Local Approved Products Policy: SUBMISSION FORM

(restricting where any legal psychoactive products may be sold in future)

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- submitting online at <http://wellington.govt.nz/have-your-say/consultations>
- emailing [lapp@wcc.govt.nz](mailto:lapp@wcc.govt.nz)
- making a submission on this form or in writing and posting it to us – Free Post, PO Box 2199, Wellington 6140
- phoning us on 04 499 4444.

## Enter your name and contact details (\*Mandatory fields)

<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr	
*First name/ last name	Malcolm Aitken
*Street address	46 Fortunatus Street, Brooklyn
Phone/mobile	04 389 6030/027 62 52 835
Email	malcolm_aitken@yahoo.com
<small>*Mandatory fields</small> I am making a submission <input type="checkbox"/> as an individual <input type="checkbox"/> on behalf of an organisation	
Name of organisation	N/A
I would like to make an oral submission to the City Councillors. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If yes, provide a phone number above so that a submission time can be arranged.	

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## Section two – questions

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products? **Yes.**
2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option? **Option 1. For the reasons outlined in the document as the Council's preferred reasons.**
3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views. **Yes. As per the Council's reasoning.**
4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views. **No. I believe it would also be appropriate to take into account distances from community mental health facilities (half way houses) and the men's night shelter, soup kitchens and other places of use by marginalised members of our community. If this could successfully be incorporated into the existing LAPP this would support better community health outcomes.**
5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises? **No.**
6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products? **No.**
7. Do you have any other comments? **Yes, I would like to express serious concern about the New Developments Clause. It seems to undermine the Council's intention to minimise commercial activity associated with legal highs (while not exposing itself to legal challenge).**

Postal address:

Freepost Wellington City Council

Proposal: Draft Local Approved Products Policy (COP01)

Wellington City Council

PO Box 2199

# Submission of the Youth Council On Local Approved Products Policy

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## (Psychoactive Substances)

09 December 2014

Contact:

Jack Marshall

021 186 6186

[jackmarshallnz@gmail.com](mailto:jackmarshallnz@gmail.com)

An oral submission is requested.

### **General observations**

- [1] The Youth Council firmly believes the Wellington City Council is obliged to implement a policy regarding the granting of licenses to sell psychoactive substances.
- [2] We believe a principle of harm minimisation should animate the policy implemented. Generally, as the products sold under this policy are legal, it is not for Council to make decisions for individuals. However, the public interest remains paramount.
- [3] This approach is consistent with s 3 of the Psychoactive Substances Act 2013.
- [4] Excessive restriction serves no discernible purpose. The danger of such an approach is that it can push consumers underground, away from social services. This, consequently, increases the risk of harm to vulnerable groups. We believe this is not in the public interest.
- [5] We are aware that there is significant community and media interest in the decisions made about these products. Therefore, we wish to reiterate that it is important Council's policy reflects evidence and vigorous debate.
- [6] We believe the Council is correct to limit sale to the southern central business district. This limits the sale of approved products to a clearly defined area that can be more easily policed and observed. The risk of harm is correspondingly reduced.
- [7] Similarly, the Youth Council does not wish for residents to be forced to face retailers if they choose not to. Stores should be spaced, if possible, in a way that permits their avoidance.
- [8] The Youth Council strongly believes the penalties for breach of a license to sell approved products should be swift, severe, and exemplary.

### **Stronger protection of more sensitive sites is better**

- [9] The Youth Council believes that it is insufficient to specify minimum distances from sensitive sites. Whilst this is useful and important, the greater damage in our view comes from being in sight of these sites. This normalises the sale of approved products.

- [10] Recognising the difficulty in creating a policy to reflect this, Council's policy should be to keep shops away from the line-of-sight of sensitive areas in addition to any minimum distance.
- [11] The given definition of sensitive sites is somewhat incomplete.
- [12] We were concerned to note that youth-focussed premises such as ZEAL and Evolve were not designated sensitive sites. These, along with playgrounds, are areas for young people; whereas psychoactive substances are intended for adults. We believe inconvenience will reduce willingness to consume amongst youth, and support steps being taken in this regard.
- [13] We believe community spaces/institutions (e.g. Te Papa, the Central library) and medical facilities ought, if practicable and consistent with the Psychoactive Substances Act 2013, to be treated similarly.
- [14] Especially, we believe medical facilities that serve to treat addictions should be considered sensitive sites. We believe this is required by s 3 of the Psychoactive Substances Act.
- [15] Pre-school and primary education sites should not be seen as less sensitive than secondary schools. Although we recognise the likely thinking behind a distinction, we are concerned that the presence of approved retailers close to primary schools will normalise psychoactive substances. Additionally, we do not believe adequate consideration was given to young parents of pre-school children, who may be at special risk, when treating those sites differently.

## **We need a real solution to stockpiling**

- [16] The biggest concern we have in respect of an approved products policy is the potential for stockpiling. We believe this should be avoided as much as possible.
- [17] Too short a distance between vendors will not stop stockpiling. Generally, whilst we support minimum distances between vendors, we are not convinced any particular separation will be sufficient to physically prevent determined consumers from making multiple purchases for the purpose of stockpiling.

- [18] We believe a more effective solution would be a database maintained by vendors that records sales of approved products by identification type and is common to all retailers. It is understood a precedent exists in chemists to prevent repeat collections of prescriptions.
- [19] It is unclear whether a database is permitted to be required by Council under the Act.
- [20] We do not believe it is an undue imposition on retailers to ask them to bear the costs of such a database. It is merely a small part of social responsibility to their consumers.

### Why we disagree with option one

- [21] The Youth Council does not believe it is in the public interest to disperse vendors of approved products so widely. This stretches police and health resources if problems arise.
- [22] We reiterate our comments above relating to the treatment of sensitive sites. This option is impracticable where there is also effective protection of all sensitive sites.
- [23] Whilst the Youth Council is aware of the concern that a legal challenge may void a policy if it is too restrictive in terms of the Act, we believe Council is being too cautious in preferring this option for that reason. A successful legal challenge does not, to our knowledge, limit the powers of Council to make other policy pursuant to the Act. Essentially, there are second chances.

### We prefer option three with changes

- [24] We generally believe a policy of clustered vendors is a better outcome, despite increased convenience, due to the increased ease of policing. Furthermore, this is the furthest distance from sensitive sites to our knowledge.
- [25] Changes we would support here are:
- a. A slightly increased distance between vendors (e.g. 100 metres);
  - b. A corresponding increase in size of the cluster, by adding additional streets to the cluster. By way of example, as follows:
    - i. Cuba Street between Vivian and Abel Smith Streets;

- ii. Dixon Street, between Cuba and Victoria Streets;
- iii. Ghuznee Street, between Cuba and Taranaki Streets; and
- iv. Taranaki Street, between Ghuznee and Dixon Streets.

[26] We are aware Evolve is close to this area. For this reason, we do not presently support the inclusion of Manners Street to Cuba, or the section of Cuba Street between Manners and Victoria Streets.

[27] We believe these policy changes achieve the benefits of a somewhat more easy-to-police area, whilst not concentrating vendors too much or being too restrictive.

### Doing nothing is not an option


[28] The Youth Council does not believe it is in the public interest to allow licenses to be granted in Wellington without restrictions.

[29] In particular, failure to implement a policy will allow vendors to operate in suburban areas of Wellington. This allows the potential harms of approved products to be dispersed, and may create problems for policing.

[30] Approved 'legal high' products place young people at special risk in terms of financial problems and addiction. The Youth Council wishes to limit harm able to be caused to vulnerable young people. That said, we do not wish to unduly limit autonomy of adults, including young adults, who wish to consume these products responsibly.

[31] Non-implementation of a policy is not an option that the Council ought to seriously consider, as the potential harm to the public and to the vulnerable outweighs the small harms done to personal autonomy.

[32] The Council has the ability to implement a policy to minimise harm. With that opportunity, it should do so.

<p>Ms Geraldine Murphy          2B, 126 Wakefield St, Wellington          0274 507804  <a href="mailto:Geraldine.murphy@xtra.co.nz">Geraldine.murphy@xtra.co.nz</a></p> <p>I am making a submission as Chair of the Inner City Association, on behalf of the Association.</p> <p>Yes - I would like to make an oral submission. Phone number for arranging a submission time 0274 507804</p>	 <p><b>INNER CITY ASSOCIATION</b></p> <p>Representing Wellington Inner City Residents and Businesses</p>
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ICA surveyed our members, with 14 responses: 7 residents only; 2 business owners only; 2 both residents & businesses, with 2 unidentified.

**Summary**

The majority of respondents agree that a local policy should be developed, do not want the products solely in the Southern CBD, but agreed that it was better to have sites tightly controlled rather than spread across the city.

The response was evenly split between Option 1 (6) and Option 3 (5), but with greater distances required between retailers and from sensitive sites. We feel 200m in Option 1 is unreasonably short and that 500m or 1km between licensed retailers and from sensitive sites is reasonable (based on length of time to walk between). While concentration makes it easier to monitor we are concerned about the negative effects that will return: more vulnerable/at risk people loitering, retailers locating near where vulnerable/at risk people gather, customers of the retailers affecting residents and other businesses, increasing intimidating begging, and more begging.

If licensed retailers are to be in the southern CBD under Option 1, ICA considers that WCC should include all education facilities in this area, particularly the forthcoming Weltec/Whitireia facility, which will have people under 18 years. This would help mitigate the likelihood that Cuba Mall will become a magnet for these retailers and their customers. While we would like sensitive sites such as medical centres, Te Aro, Chaffers and Memorial Parks added, we do not want to compromise on the distance between licensed retailers.

Respondents have not seen the evidence of increased Police presence which we had been told would start on 3 Nov, and this does not bode well for enforcement when the policy is implemented. One respondent noted evidence of drug activity in the Cuba Mall already. When the products come back on the market ICA will ask members if they are seeing more Police presence or evidence of compliance monitoring considering that the ability to more easily monitor compliance is one of the main drivers for concentrating in one part of the CBD.

There needs to be restrictions on opening hours and ICA believes that WCC should make these views known to the Ministry of Health, and ICA is prepared to back that up with our own submission in support. We also consider that public consumption should be banned in the CBD in a similar way to the liquor ban.



**Q1. Do you think the WCC needs a local approval products policy (LAPP) for where premises are licensed to sell approved products?**

13 - Yes, with 1 business owner responding No, on the basis that retailers should be able to sell the products of their choice where they wanted to.

**Q2. Which of the proposed options for a LAPP do you prefer?**

Responses were split between Option 1 and Option 3.

Option 1 – 6;

- Preferred not to have any selected area, so this was the best option
- Considered reasonable to concentrate in one area but carries risk of ghetto-ising and should be spread throughout community with same right to object as for off-licences with restrictions on numbers and spacing
- Greatest distance from entertainment zone
- More space between sellers reducing the visual impact and having their customers hanging around, and makes the customers move further between shops to purchase

Option 2 – 2

- Distance from sensitive sites was more important than distance between retailers
- Option 3 is too concentrated

Option 3 – 5

- Focus them in entertainment zone
- Only in Courtenay Place
- Better to have in a specific area where it is more public and safer, than in less frequented areas where there could be safety concerns
- Easier for Police/Health to monitor

**Q3. Do you think the appropriate area has been chosen?**

9 – No, 5 – Yes.

Those responding No said:

- their years of developing an attractive environment for people to socialise would be ruined
- it created a ghetto of users in a unique part of the city
- it should be the whole CBD
- it should be away from the entertainment zone to make it harder to access and away from the area where all the late-night trading on-licences operated where there was already higher levels of anti-social behaviour and there was little confidence in the monitoring happening

Those responding Yes said:

- keep it contained where Police are likely to do foot patrols

- prefer not in the CBD because of effect on residents and businesses, but understand preference of Police that easier to control

ICA canvassed which known negative effects of having these products in the CBD caused most concern:

- 11- Increasing likelihood of at risk/vulnerable people loitering near the sellers affecting the immediate community around that area.
- 10 - Sellers locating in areas where there at risk/vulnerable people tend to loiter.
- 9 - More intimidation by beggars
- 9 - Customers consuming the products in public places affecting my business or home (Note: public consumption is not illegal)
- 8 - Increased begging
- 5 - Sellers locating in areas where many on-licences are open late (maximum of 4am (possibly 5am under the Provisional Local Alcohol Policy) and off-licences open till 11pm (Note: WCC cannot restrict hours, only Ministry of Health can).

ICA canvassed what the positive effects of having retailers in the inner city may be:

- 11 - Easier to enforce for Police and Ministry of Health
- 6 - Avoids sellers locating in low socio-economic areas
- 5 - Makes the sale and purchase more visible

ICA also canvassed alternative options of no specific area (ie, across the whole city) and having more sensitive sites (Alternate option A) and allowing greater distances between the retailers (Alternate option B) because there were no restrictions on locations.

Alternate option A suggested the following sensitive sites (all educational facilities, medical centres, community facilities such as sports fields and community halls). Responses were 7 – No, 5 – Yes. The comments from No respondents were that tighter controls were needed but agreed that there should be more sensitive sites in the WCC Policy. Comments in favour were that the distances from sensitive sites could be increased as more area and that it avoided the risk of creating a ghetto through concentration in one area. It was also suggested that consumption should be banned in sensitive sites.

Alternate option B was 8 – No, 5 Yes. Comments from No respondents also felt tighter controls were needed and that retailers needed to be in a contained area, but not by residential areas (as there are in the inner city) and suggested commercial areas down Aotea Quay. Comments in favour felt that it avoid the ghetto effect of concentrating in a small area, could significantly increase the distance between retailers because there was more space (and avoid a legal challenge), and avoid the CBD becoming a dumping ground for activity that other communities did not want.

#### **Q4. Have the appropriate sensitive sites been selected?**

One response supported adding the following sensitive sites: all educational facilities, medical centres, community facilities such as sports fields and community halls

#### **Q5. Comments on the minimum distances between retailers and sensitive sites**

ICA considers that the distances WCC used (200 metres taking 2.5 minutes to walk) were too short and that WCC is being too cautious in this. We canvassed some longer distances and walking times that we consider are not unreasonable.

- 300m (3mins walk) – 2
- 500m (5 mins walk) – 8
- 1km (10 mins walk) – 9

#### **Q6. Comments on distances between licensed retailers**

- 300m (3 mins walk) – 1
- 500m (5 mins walk) – 6
- 1km (10 mins walk) – 7

#### **Q7 Other comments**

ICA considers that the Ministry of Health should set the trading hours as part of regulating the availability and minimising the risks to vulnerable consumers. The suggested times were:

- Same as off-licences (4 responses)
- 10am – 10pm
- 9am – 9pm
- 1 – 5pm
- 8 – 12pm
- 10am – 2pm (when under age consumers should be in school)

11 responses were in favour of public consumption being banned, with 1 not in favour.

ICA canvassed views on whether the increased Police presence that was stated in the consultation document was evident. Mark Jones said that this started on the 3 Nov when making his presentation to ICA. This increased Police presence does not appear to have eventuated with 11 saying No, and 1 saying Yes.

Other comments raised concerns about the:

- reality of Police and Health enforcing compliance on purchasing and consumption by under-age consumers, with a view that Police were not able to manage the presence of gang members associating with youth
- inappropriate mix of these products in an area where there is a high concentration of alcohol-related activity and higher levels of anti-social behaviour
- one respondent commented *'The newly disaffected (brought into the scene on the last round of legal highs) clearly getting gear from the gangs - one i saw recently set out across Courtenay from Embassy to Hannah playhouse, doing the fingers, hard to see in the dusk light across the big intersection of traffic - very nearly run over ABSOLUTELY WASTED. I see this cocky concoction all the time it's really ugly. If this becomes my daily work life I will quit, I employ 6 people, 2 contract companies and pay 2 leases in Wellington'.*

*Submission Of The Tawa Community Board On The Local Approved Products Policy.*

The Tawa Community Board makes the following submissions to the Wellington City Council on the Local Approved Products Policy:

We would have preferred to see Psychoactive Substances banned throughout New Zealand by Parliament. We view the harm from these products as being too high for them to be sold in our communities. We note, and are disappointed, that Central Government did not provide this option.

We support the proactive response that the Council has taken in response to the passage of the Psychoactive Substances Act 2013 by Parliament.

We do not wish to see these substances being sold within the Tawa community, or any of the suburban communities within Wellington City.

We support the restriction of these products to the central business district. This will confine the harm to an area which can be managed better than if these products were able to be sold in the wider Wellington City area.

We support the Council's preferred option one. This proposal provides a good buffer from sensitive sites, and the density of premises is such that they will likely have a minimal presence in the CBD.

We feel that the 'prohibitive buffer' should be the same for Primary, Intermediate and Secondary Schools. The current option one provides for 50 m buffers from Primary and Intermediate Schools, and a 200 m buffer from Secondary Schools. The risk of harm to these sites is the same, regardless of the age of young person.

We hope that the Wellington City Council chooses a policy that reflects the views of our communities, and that the harm caused by these products is minimised and contained.

**Tawa Community Board**

Robert Tredger (Chair)

Graeme Hansen

Richard Herbert

Margaret Lucas

Jack Marshall

Alistair Sutton

# Proposal: Draft Local Approved Products Policy: SUBMISSION FORM

(restricting where any legal psychoactive products may be sold in future)

### Section one - details for the submission form

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- emailing [lapp@wcc.govt.nz](mailto:lapp@wcc.govt.nz)
- making a submission on this form or in writing and posting it to us - Free Post, PO Box 2199, Wellington 6140
- phoning us on 04 499 4444.

Enter your name and contact details

Mr  
  Mrs  
  Ms  
  Miss  
  Dr

First name\* Last name  
Sanmukh.      Panchal

Street address\*  
18, Manners Street, Wellington - 6142

Phone/mobile Email  
021460175      panchal2@gmail.com

\* Mandatory fields

I am making a submission  
 As an individual  
 On behalf of an organisation

Name of organisation

I would like to make an oral submission to the City Councillors.  
 Yes     No

If yes, provide a phone number above so that a submission time can be arranged.

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## Section two - questions

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Yes

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

I am located in 18 Manners Street and I used to hold temporary licence and would like to hold a licence again in future.

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

I am located on 18 Manners for last 40 years

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Yes

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

Not at this stage

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

No comments

7. Do you have any other comments?

Only comment I have before the products come in market we request Moh to check thoroughly so we dont have problem as a retailer

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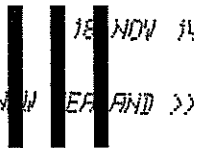
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Wellington City Council  
PO Box 2199  
Wellington 6140



Section two - questions

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Yes not to be changed by any incoming Council

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

OPTION 3 - NOT WANTED IN RESIDENTIAL OR AREAS WHERE REASONS MAY BE AVOIDED AT NIGHT - MY PREFERENCE IS ONLY IN COASTLINE AREAS - EXTRA SURVEILLANCE, EXTRA POLICE AND HELP FOR THOSE WITH PROBLEMS WITH ALCOHOL ALREADY TAKEN SAFEST BOTH FOR THE PUBSIE AND THE USER. AREA NEW HIT UP SO NO BATTERY FOR DRUGS SO SURVEY

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

No - THIS WOULD ENLARGE THE AREA OF SALE AND NOT GIVE THE ADVANTAGES AS ABOVE

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Yes - MANY OF THESE AREAS UNOCCUPIED AT NIGHT THEREFORE WOULD BE USED ILLICITLY (USERS OF DRUGS) ALSO RUBBISH - AND POSSIBLY BODIES FOUND IN THE AREA

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

No BUT SHOULD NEVER BE LESS, SHOULD BE WELL LABELED ON ROAD POSTS ETC.

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

IF IN COURTYARD RANGE - NO CONFINEMENT IF IN GENERAL AREA - EASIER TO CONSIDER IF SEPARATED ALSO HARDER TO GO FROM ONE SHOP TO ANOTHER IF LIMITS ARE PUT ON QUANTITY ALLOWED IN ONE PURCHASE.

7. Do you have any other comments?

WE HAVE ENOUGH "DRUGS" ALREADY AND THE INCREASE IN PSYCHOACTIVE PRODUCTS ARE THE RESULT OF "DRUG" IN THE WIREST DEPENDENCY OF ADDICTION USE BY RELEVANT INDUSTRIES.

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# Proposal: Draft Local Approved Products Policy: SUBMISSION FORM

(restricting where any legal psychoactive products may be sold in future)

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- phoning us on 04 499 4444.

### Enter your name and contact details

- Mr   
  Mrs   
  Ms   
  Miss   
  Dr

First name\*

ERIE

Last name

RANKIN

Street address\*

6/ 389 ADELAIDE RD. BETHANBORO BORO

Phone/mobile

389-2601

Email

RANKINE@PARADISE.NET.NZ

\* Mandatory fields

I am making a submission  As an individual  On behalf of an organisation

Name of organisation

I would like to make an oral submission to the City Councillors.  Yes  No

If yes, provide a phone number above so that a submission time can be arranged.

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- phoning us on 04 499 4444.

## Enter your name and contact details

Mr    Mrs    Ms    Miss    Dr

First name*	Last name
GRAEME	HANSEN

Street address\*  
34 FYVIE AVENUE TAWA

Phone/mobile	Email
027 6790968	graemeh@stratusfst.co.nz

\* Mandatory fields

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## Section two - questions

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Yes, per legislation.

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

A with amendment. All schools, no matter the level, should have the same distance from outlets.

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Yes.

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

No, see Q2.

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

I would suggest somewhere between option A + B

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

See Q 5

7. Do you have any other comments?

No

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Proposal: Draft Local Approved Products Policy (COP01)  
Wellington City Council  
PO Box 2199  
Wellington 6140

1. Do you think the Wellington City Council needs a local approved products policy (LAPP) for where premises are licensed to sell approved products?

Yes, any mind or mood altering substance legal for recreational purposes should have an element of control, like alcohol does.

2. Which of the proposed options for a LAPP do you prefer? Why do you prefer that option?

Option 2 as it gives plenty of opportunity for economic activity whilst providing a good buffer & distance from high schools.

3. Do you think the appropriate area has been chosen for where approved products may be sold (eg the section of the southern Central Business District in options 1 and 2)? If possible, please identify the evidence to support your views.

Yes as this is the 'entertainment' zone of the CBD where other adult entertainment & economic activity can be found so it's a good match. It is also the place where police & ambulance services can be found during evening hours & so provides a safety net for anyone over indulging in substances.

4. Do you think the options have included the appropriate sensitive sites for licensed premises to be located away from? If possible, please identify the evidence to support your views.

Yes the appropriate sites are selected, however creek or daycare activities are not mentioned. Also sites should be zoom away from these & pre-schools, primary schools as the appeal to parents has not been considered.

5. Do you have any comments on the minimum proposed distances between sensitive sites and licensed premises?

As above but at least 400m from all sensitive sites. because of the appeal to adults (parents, teachers, caregivers of our teenagers)

6. Do you have any comments on the minimum proposed distances between premises licensed to sell approved products?

I don't think it matters how far apart or close together so long as there is a reasonable spread to avoid clustering. so within the zone 50m would be acceptable

I think it is essential to control the sale of these substances & restrictively vesting economic activity.

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First name\*  Last name

Street address\*

Phone/mobile  Email

\*Mandatory fields

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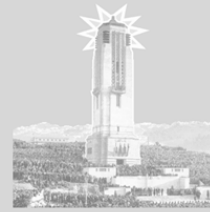
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# MT COOK! MOBILISED

MT COOK MOBILISED  
Box 9724 Wtn 6141  
mtcookmobilised@gmail.com



## ***Local Approved Products Policy***

***11 December 2014***

This submission has been prepared on behalf of Mt Cook Mobilised, a group which represents residents of Mt Cook, and is affiliated to the Newtown Residents Association.

The suburb of Mt Cook is a short walking distance from Cuba St and Downtown Wellington. Mt Cook is a residential suburb which is home to, or in the vicinity of, a broad range of educational institutions including pre-schools, primary secondary and tertiary. (Wellington High School, and the Adult Community Education Centre, Massey University, Mt Cook School, St Mark's School, Wellington College, Wellington East Girls' College, the NZ School of Dance and Toi Whakaari – The NZ Drama School. Pre-schools in and close to Mt Cook are Newtown Kindergarten, Te Kainganui, PolyHigh, Moriah Kindergarten, Kakapo Kids, Capital Kids Co-op, Mt Cook Pre-School and Early Years in Tory Street.)

The population of Mt Cook is very diverse. Residents include a high number of transient tertiary students, social housing tenants, new migrants, long-term residents, and the Taranaki Street Night Shelter. Wallace Street and Adelaide Road, Mt Cook, are major commuter routes, and are very popular walking routes to the city. Mt Cook is within Wellington's Liquor Ban area.

We have read the consultation document, the Local Approved Products Policy - Summary of Information. We appreciate the Wellington City Council's intention to establish a Local Approved Products Policy (LAPP). We understand that under the recent legislation governing the sale of "low risk" psychoactive substances the Council's powers are limited to defining "sensitive" sites, the distance between retail outlets selling psychoactive substances, and their proximity to "sensitive" areas. We understand that the substances will have been categorised as "low risk" by the Ministry of Health, and that the legal age for sale and consumption is 18 years. We also understand that if the restrictions included in the LAPP are too restrictive, the LAPP is likely to be challenged, as has happened in Hamilton, and could be overturned.

We wish to comment on 4 points regarding the Council's Local Approved Products Policy:

### **1. Sensitive areas to include tertiary education institutions**

Under the WCC's proposed LAPP, sensitive areas are defined as high schools/colleges, and Wellington's YMCA. Mt Cook Mobilised would like to see tertiary institutions recognised in the list of sensitive areas. Students can leave secondary school at 16 years, often enrolling in a tertiary institution to gain further trades or sports training. Some students leave secondary school after Year 12 (at 16 – 17 years) to enrol in university. Tertiary training is an extension of

a student's education for many who are under 18, and tertiary institutions should be treated as sensitive areas.

## **2. Extend distance from primary schools, pre-schools and kindergartens**

The second category of "sensitive area" defined by the proposed LAPP is primary schools, pre-schools and kindergartens. We disagree with the proposal to allow retail outlets for approved products within 50 metres of these sites. We suggest that this should be extended to 100 metres to make them less visible to young children. Council's proposed distance of 50 metres would be in the line-of-sight for many primary schools; some children would walk past the outlets every day on their way to school, and would become very brand-aware and accustomed to the idea of these products by the time they left primary school. In addition, children could become uncomfortable walking past these outlets if intoxicated patrons congregate around the outlets.

## **3. Include addiction support centres in the list of sensitive areas**

Adults trying to combat substance or alcohol addiction are equally as vulnerable as young people. Addiction support programmes should not be compromised by having retail outlets for approved substances located nearby. The list of sensitive areas should be extended to include venues running programmes to help people overcome their addictions.

## **4. Distance Between Outlets**

We support Option 2, premises selling approved products should be at least 400 metres from sensitive sites in Wellington (high schools/colleges and Wellington's YMCA), with the inclusion of tertiary institutions and venues running addiction support programmes as sensitive sites.

Option 2 says that premises selling approved products should be at least 50 metres from primary schools, pre-schools and kindergartens. We strongly recommend this distance be extended to 100 metres.

With regard to the distance between retail premises licensed to sell approved products, Option 2 suggests 180 metres (compared to Option 1 which suggests 200 metres); the difference of 20 metres is negligible in terms of more ready access for people wanting to buy approved substances, and is a reasonable trade-off for the extra distance from sensitive sites.

## **Conclusion**

We thank the Wellington City Council for their undertaking to provide a LAPP (Local Approved Products Policy) for Wellington. We believe there are strong reasons for including tertiary institutions in the list of sensitive areas, and also venues running programmes to help people overcome their addictions. We prefer Option 2, with the modification that retail outlets for these substances must be at least 100 metres from primary schools, pre-schools and kindergartens.