

BEFORE THE AUCKLAND COUNCIL

IN THE MATTER of the Psychoactive
Substances Act 2013

AND

IN THE MATTER of Auckland Council Local
Approved Products Policy
(‘LAPP’)

**SUBMISSION ON BEHALF OF
THE GREATER EAST TAMAKI BUSINESS ASSOCIATION INC.
27 November 2014**

MAY IT PLEASE THE COMMITTEE:

(1) INTRODUCTION

1. This Submission is made by the: Greater East Tamaki Business Association Inc. (the “Business Association”).
2. In response to the Psychoactive Substances Act 2013 (the ‘Act’), the Auckland Council has developed a Local Approved Products Policy (‘LAPP’).
3. LAPPs may include policies on:
 - a. the location of premises from which approved products may be sold by reference to broad areas within the district;
 - b. the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district;
 - c. the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).
4. Of some concern is that the Auckland Council LAPP has not closely followed these provisions of the Act.
5. The Auckland Council LAPP seeks instead to prevent the sale of approved psychoactive substances in the following areas of Auckland:
 - a. high deprivation areas as defined by the Ministry of Health’s Deprivation Index score of 8, 9 or 10 indicating areas that fall in the bottom 30% of deprivation scores;
 - b. neighbourhood centers as defined by the draft Unitary Plan;
 - c. within 500m of a residential mental health or addiction treatment center;
 - d. small areas identified as restricted areas due to only being partially covered by the census high deprivation areas and being in a high deprivation area; and
 - e. areas of residential high deprivation in the city centre.
6. An assessment of the maps accompanying the LAPP, in light of the above policy positions taken by Auckland Council, means that most retail outlets in ‘high street’ areas of Auckland who previously sold psychoactive substances will now be prohibited from doing so. A Table analysing this is included in Appendix ‘A’.
7. Of concern to the Business Association is that the resulting regulation from the proposed LAPP means that retail premises selling psychoactive substances will be permitted in many industrial areas within Auckland. Several selections from the Auckland Council LAPP maps have been included in Appendix ‘B’ showing this.
8. Partly this seems to be a result of the strict application of the geographic boundaries of Census Unit Areas in the LAPP maps. As can be seen from the maps

in Appendix 'B', most industrial areas are located within or bordering certain areas of high deprivation, but are not necessarily themselves included within these areas of high deprivation (or not wholly within these areas of high deprivation).

9. Basically, this arises from the way Statistics New Zealand draws geographic boundaries between Census Unit Areas. But these boundaries do not necessarily reflect the actual flow of people across the boundaries.
10. The Business Association is concerned that many of the employees who work in the industrial areas will typically reside in the nearby high deprivation areas.
11. It is submitted that the risks for industrial areas through the proposed LAPP permitting the sale of psychoactive substances in most industrial areas of Auckland are:
 - a. While the proposed LAPP prohibits the sale of these substances in 'high street' areas, they will be allowed to be sold and consumed in industrial areas where employees work. This heightens the risk of use of these substances in the workplace or while employees are at work.
 - b. That, unlike 'high street' areas, industrial areas are not well served by CCTV or other security measures and the sale of these substances in industrial areas will heighten security risks, the potential for graffiti, vandalism and offensive behaviour.
 - c. That unlike 'high street' areas, industrial areas are not well served by public transport for the customers of these premises.
12. Most industrial areas also host churches (places of worship), various community facilities and educational institutions. Some host health centers. The Act explicitly provides that a LAPP may include policies on these facilities, but the Auckland Council LAPP chooses not to do so.
13. The Business Association believes the Council's choice to permit retail premises for psychoactive substances to establish in industrial areas across Auckland is inappropriate and goes against the purpose of the Act.

GETBA Contact:

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Appendix 'A' - Interim Licences and effect of proposed LAPP

Local Board	Company Name	Location	Effect of LAPP
Albert-Eden	<u>None</u>		
Devonport-Takapuna Local Board	ELP Retail Limited	Peaches and Cream Takapuna, 27 Barrys Point Road, Takapuna,	Prohibited (within Primary School Zone)
Franklin Local Board	Land of Mecca	211 King Street, Pukekohe	Unknown (there is no map showing Pukekohe)
Great Barrier	<u>None</u>		
Henderson-Massey Local Board	ELP Retail Limited	Peaches and Cream Henderson, 4/253 Lincoln Road, Henderson, Auckland	Prohibited (within Deprivation Area)
Henderson-Massey Local Board	Video Expo Ltd	8 Cranwell Street, Henderson	Prohibited (within Deprivation Area and Health Centre zone)
Hibiscus and Bays Local Board	Herbal Exports Limited	Unit 12, 326 Sunset Road, Mairangi Bay Auckland 0632	Permitted
Henderson-Massey Local Board	GM Trading Limited T/A Shosha	3/333 Great North Road, Henderson, Auckland 0610	Prohibited (within Deprivation Area and Health Centre zone)
Howick Local Board	Video Expo Ltd	24 Greenmount Drive, East Tamaki	Permitted
Howick Local Board	Beard Boys Corporation	6A/219 Moore Street, Howick	Permitted

Local Board	Company Name	Location	Effect of LAPP
Kaipatiki Local Board	ELP Retail Limited	Peaches and Cream Glenfield, 247 Archers Road, Glenfield, Auckland	Prohibited (with Intermediate and Secondary Schools zone)
Kaipatiki Local Board	Video Expo Ltd	127 Target Road, Glenfield	Possibly prohibited as close to being within the boundary of Primary School (Target Road Primary School)
Kaipatiki Local Board	Stargate Operations Limited	Unit 1/6 Argus Place, Hillcrest, Auckland	Permitted
Mangere-Otahuhu	<u>None</u>		
Manurewa Local Board	Alexinas Enterprises Ltd	185 Great South Road, Manurewa 2243	Prohibited (Deprivation Area and possibly Manurewa Restricted Area)
Manurewa Local Board	Smokos Discount Tobacco Specialist Limited Partnership	Shop T5A, Pacific Square Centre, 792 Great South Road, Manukau	Prohibited (Deprivation Area and Wiri Central School)
Manurewa Local Board	Punjab Liquor Ltd	3-63 Churchill Avenue, Manurewa, Auckland	Prohibited (Deprivation Area and possibly Manurewa Restricted Area)
Manurewa Local Board	Natrs Limited T/A as High Zone	3/206 Great South Road, Manurewa, Auckland	Prohibited (Deprivation Area and possibly Manurewa Restricted Area)
Maungakeikei-Tamaki Local Board	Treasure Box	139 Onehunga Mall, Onehunga, Auckland	Prohibited (Deprivation Area)

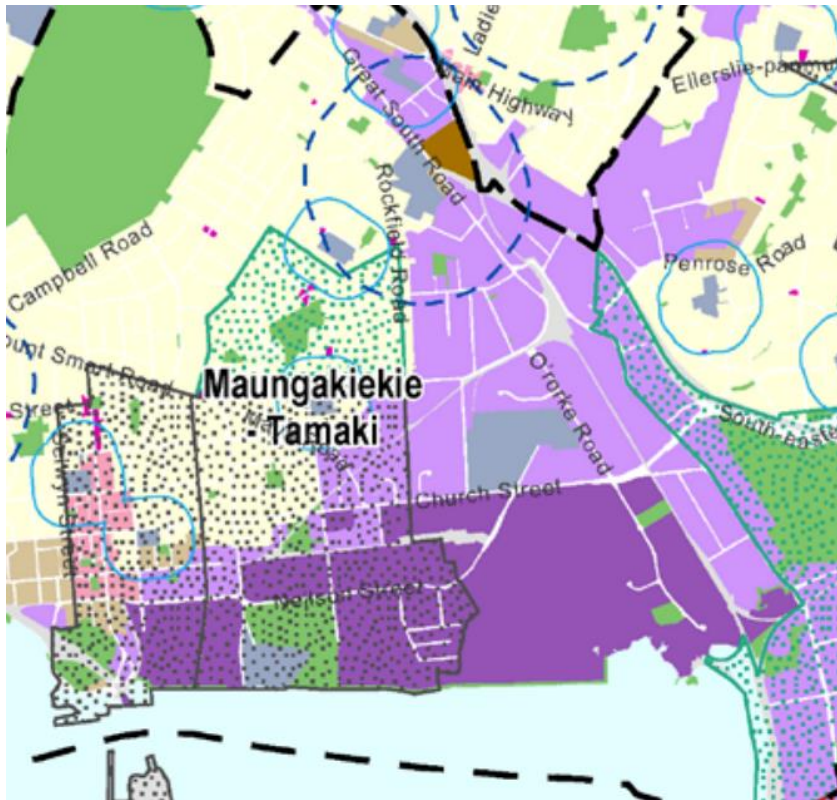
Local Board	Company Name	Location	Effect of LAPP
Maungakeikei-Tamaki Local Board	Sylvia Smokos Limited	Shop N41-A W Sylvia Park, Mt Wellington, Auckland	Prohibited (Deprivation Area)
Maungakeikei-Tamaki Local Board	ELP Retail Limited	Erox Panmure, 16A Queens Road, Panmure, Auckland	Prohibited (Deprivation Area)
Otara-Papatoetoe Local Board	ELP Retail Limited	Peaches and Cream Manukau, 40/L Cavendish Drive, Manukau, Auckland	Prohibited (Deprivation Area and Health Centre zone)
Otara-Papatoetoe Local Board	Video Expo Ltd	40 Cavendish Road, Manukau	Prohibited (Deprivation Area and Health Centre zone)
Otara-Papatoetoe Local Board	Natrs Limited T/A as High Zone	4 East Tamaki Road, Papatoetoe	Prohibited (Otara-Papatoetoe - Hunters Corner Restricted Area)
Orakei	<u>None</u>		
Papakura Local Board	Video Expo Ltd	255 Great South Road, Papakura	Prohibited (Deprivation Area)
Papakura Local Board	JGV Enterprises T/A Puffing Stuff	186 Great South Road, Papakura	Prohibited (Deprivation Area)
Papakura Local Board	ELP Retail Limited	Peaches and Cream Papakura, 72 O'Shannessy Street, Papakura, Auckland	Prohibited (Deprivation Area)
Puketapapa	<u>None</u>		

Local Board	Company Name	Location	Effect of LAPP
Rodney	<u>None</u>		
Upper Harbour Local Board	Planet Nature NZ Ltd	10H Vega Place, Rosedale, Auckland	Possibly prohibited as close to being within the boundary of Intermediate and Secondary School zone (Rangitoto College)
Upper Harbour Local Board	Lightyears Ahead Limited	P O Box 303183, North Harbour, Auckland (Unit 7-14 Airborne Rd, Albany)	Prohibited (Intermediate and Secondary School zone)
Upper Harbour Local Board	MRC Distributors Ltd	6A Dallan Place, Albany	Permitted
Waiheke	<u>None</u>		
Waitakere Ranges Local Board	Wicked Habits Ltd	Shop 4/60 Glenmall Place, Glen Eden, Auckland 0602	Prohibited (Deprivation Area)
Waitemata Local Board	ELP Retail Limited	Peaches and Cream Newmarket, 440 Khyber Pass Road, Newmarket, Auckland	Prohibited (Intermediate and Secondary School zone)
Waitemata Local Board	ELP Retail Limited	Peaches and Cream K'Rd, 474 Karangahape Road, Auckland Central	Prohibited (Intermediate and Secondary School zone)
Waitemata Local Board	ELP Retail Limited	The Grinder, 348 Karangahape Road, Auckland Central	Prohibited (Intermediate and Secondary School zone)
Waitemata Local Board	ELP Retail Limited	Exclusive Adult Store, 460 Karangahape Road, Auckland Central	Prohibited (Intermediate and Secondary School zone)

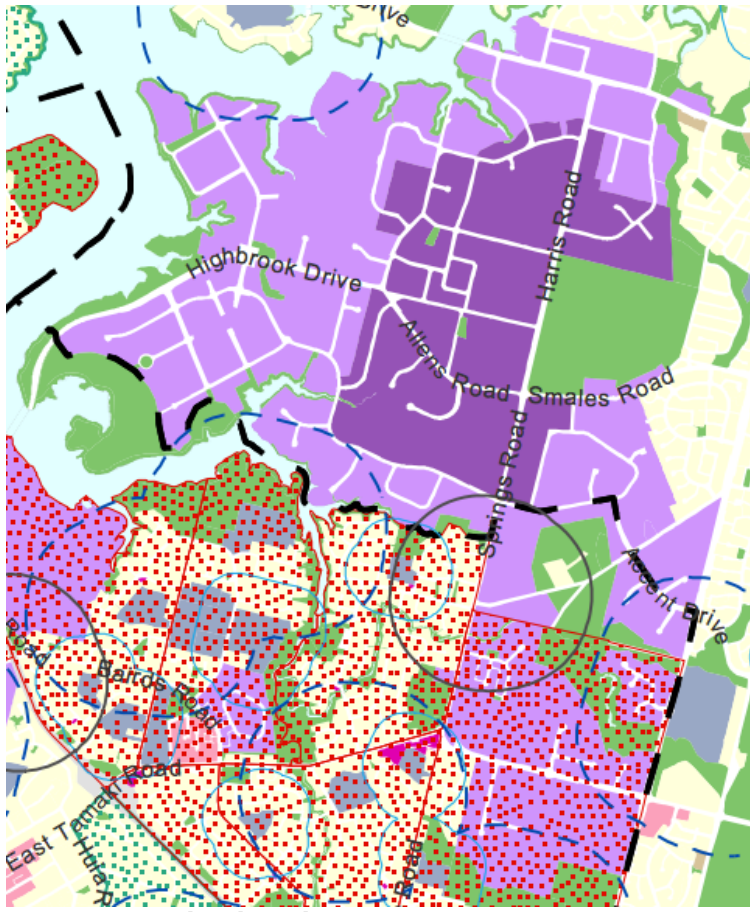
Local Board	Company Name	Location	Effect of LAPP
Waitemata Local Board	Video Expo Ltd	15 Gundry Street, Newton	Prohibited (Intermediate and Secondary School zone)
Waitemata Local Board	Natrs Limited T/A High 'N' Go	442D Khyber pass Road, Newmarket, Auckland 1023	Prohibited (Intermediate and Secondary School zone)
Waitemata Local Board	High Entertainment Limited T/A Shosha	51 Hobson Street, Auckland	Permitted
Waitemata Local Board	High Entertainment Limited T/A Shosha	258A Karangahape Road, Newton, Auckland	Permitted
Waitemata Local Board	High Entertainment Limited T/A Shosha	G38 Queens Court, 368 Queen Street, Auckland	Prohibited (City Centre Ban Area)
Waitemata Local Board	Sri Sai Holdings Ltd	308 Queen Street, Auckland 1010	Prohibited (City Centre Ban Area)
Waitemata Local Board	Sharkys	359 Karangahape Road, Newton, Auckland	Permitted
Waitemata Local Board	Adult Only Shop Ltd	466 Karangahape Road, Newton, Auckland	Prohibited (Intermediate and Secondary School zone)
Waitemata Local Board	Cosmic Corner Limited	Shop 4, 5-7 High Street, Auckland Central 1010	Permitted
Waitemata Local Board	Cosmic Corner Limited	47 Customs Street East, Auckland Central 1010	Permitted

Local Board	Company Name	Location	Effect of LAPP
Waitemata Local Board	Cosmic Corner Limited	284 Karangahape Road, Auckland Central 1010	Permitted
Waitemata Local Board	Luggen Trading Ltd T/A Pipe Dreams	Victoria Park Market, 210 Victoria Street, Auckland 1010	Permitted
Waitemata Local Board	The Hempstore Aotearoa Tapui (Ltd)	29 Victoria Street East	Permitted
Whau Local Board	Video Expo Ltd	3100 Great North Road, New Lynn	Prohibited (Deprivation Area)
Whau Local Board	Hansford Enterprises Ltd T/a DVX Auckland	3081 Great North Road, New Lynn	Prohibited (Deprivation Area)
Whau Local Board	The Tool Box Adult Shop	3132 Great North Road, New Lynn, Auckland 0600	Prohibited (Deprivation Area)
Whau Local Board	ELP Retail Limited	Peaches and Cream New Lynn, 39 Totara Avenue, New Lynn, Auckland	Prohibited (Deprivation Area and Health Centre zone)
Whau Local Board	R & J Neal (2008) Limited	6 Totara Avenue, New Lynn, Auckland	Prohibited (Deprivation Area and Health Centre zone)

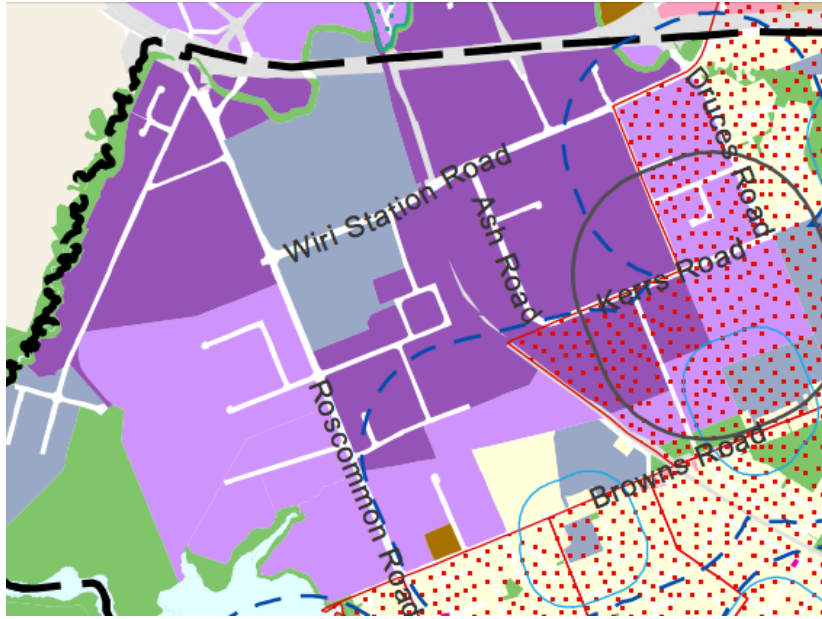
Appendix 'B' - Selections from the Auckland Council LAPP maps (Industrial Areas)



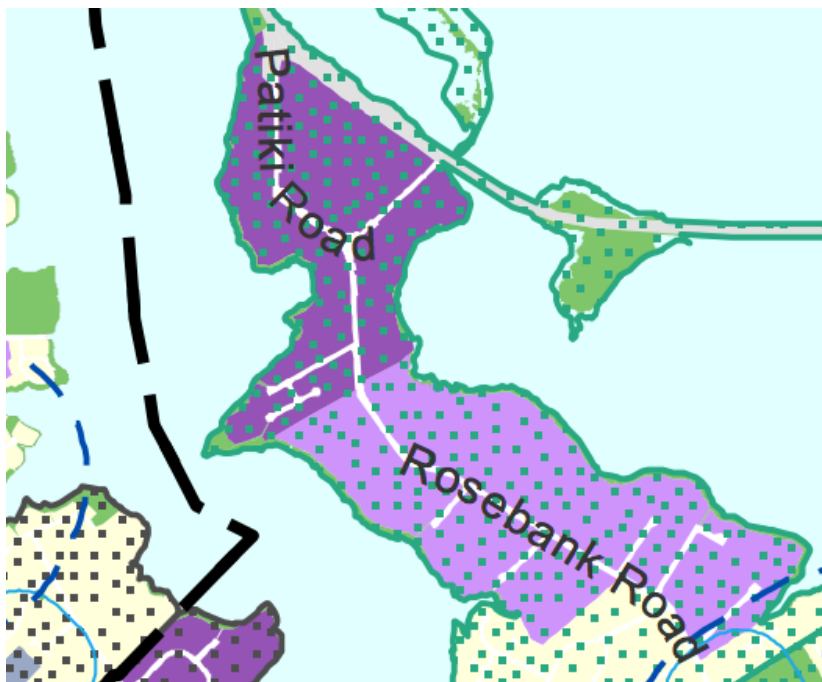
Onehunga Industrial Area



Greater East Tamaki Industrial Area



Wiri Industrial Area



Rosebank Industrial Area