

Light Motor Vehicle Prohibition Policy

Policy Owner:	Roading Manager
Date approved:	XX
Next review date:	XX
Document number:	XX
Required by legislation:	N/A

1 Introduction

- 1.1 Waikato District experiences antisocial driving behaviour and cruising activity on a wide range of urban and rural roads. This activity creates a public nuisance from excessive noise, intimidating behaviour and by impeding traffic flow. Waikato District Council (Council) receives requests for service from the community to address these issues.
- 1.2 [Section 22AB of the Land Transport Act 1998](#) (LTA) enables Council to create a bylaw to control, restrict or prohibit cruising. Council made the [Waikato District Council Traffic Bylaw 2023](#) (the Bylaw) to help address the problems created by cruising. Clause 14 of the Bylaw allows Council to control, restrict or prohibit, the movement of Light Motor Vehicles in designated areas. These areas are recorded in schedule 7 of the Bylaw.
- 1.3 This policy should be read in conjunction with both clause 14 and schedule 7 of the Bylaw.

2 Purpose

- 2.1 The purpose of this policy is to:
 - a) Support users to understand clause 14 and schedule 7 of the Bylaw.
 - b) Identify the criteria under which a road, portion(s) of road, and/or other area within the District may be restricted or prohibited for certain Light Motor Vehicles.
 - c) Outline the process used to assess and progress investigations for roads, portions of road, and/or other areas to be included in schedule 7 of the Bylaw.

3 Definitions

Cruising	Has the same meaning as in section 2(1) of the LTA.
Light Motor Vehicle	Has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

- Traffic calming device** Has the same meaning as in Part 2 of the Land Transport Rule: Traffic Control Devices 2004.
- Traffic control device** Has the same meaning as in Part 2 of the Land Transport Rule: Traffic Control Devices 2004.

4 Application

4.1 This policy applies to:

- Roads under the control of Council.
- Antisocial driving behaviour.

4.2 This policy does not apply to:

- State highways.
- Private roads.
- Special events including but not limited to parades, classic car conventions, sporting events.

5 Policy statements

Restrictions and Prohibitions

5.1 Restrictions and Prohibitions on Light Motor Vehicles are tools available to Council to discourage cruising in specified areas and to support police enforcement efforts. They may be used in isolation or in combination with other available tools including traffic calming devices.

5.2 Restrictions or prohibitions may not be viable for all roads in the District and are likely to relocate the behaviour to other areas. Locations where restrictions or prohibitions are unsuitable may be considered for other traffic calming devices (see Traffic Calming Policy).

5.3 Locations where restrictions or prohibitions may be suitable:

- a) Rural or industrial areas with little overnight traffic or on-street parking;
- b) Shorter roads, or sections of longer roads, with concentrated antisocial driving activity and which have:
 - i. few entry points that need signage; and
 - ii. few exit points where participants can disperse quickly if police attend;
- c) Roads where there is regular nuisance driving activity attracting gatherings of drivers and spectators.

5.4 Locations where restrictions or prohibitions are not suitable:

Commented [NH1]: @Toby McIntyre - Can we confirm what the difference is between restrictions and prohibitions? The bylaw only talks about prohibitions. What would a restriction look like?

Commented [TM2R1]: Clause 14 uses both terms, I believe 'prohibition' relates to the LMV not being allowed on the road, and restrictions are the sections of roads and times etc.

@Janette Underwood may be able to clarify better?

Commented [TM3R1]: Restrictions might also be intended to cover non-residents and passenger vehicles, rather than blanket prohibitions to all vehicles

- a) Areas or roads where activity is low in frequency and/or participant numbers, or where lower activity levels are spread out over a significant distance;
- b) Long roads with large numbers of entry and exit points;
- c) Residential roads where there is likely to be legitimate night traffic and on-street parking.

Criteria for restrictions or prohibitions

5.5 Council may consider restrictions or prohibitions for roads, portion(s) of roads or other areas that meet the following criteria:

Commented [NH4]: @Toby McIntyre this bit where we say 'or'

- a) Council is the road controlling authority and the road fits the locations listed in 5.3.
- b) There is a history of complaints of cruising and impacts on the road or in the area.
- c) There is evidence of issues, including damage to the road.
- d) Prohibiting or restricting nighttime access to the road is a proportional response to the issues reported.

Request for investigation

5.6 Where there are concerns of antisocial driving behaviour, an investigation may be requested for a road, portion(s) of road or other area to be included in schedule 7 of the Bylaw. Investigations are prioritised and undertaken by the Roading team.

Amendments to schedule 7 of the Bylaw

- 5.7 Council may amend schedule 7 of the Bylaw by resolution to add or remove roads, portion(s) of road or other areas.
- 5.8 Where an investigation suggests restrictions or prohibitions may be suitable, staff will make a recommendation to the Council Policy and Regulatory Committee (Committee) for consideration. The Committee will then make their recommendation to Council.
- 5.9 Council decision is final.

Consultation

5.10 Consultation on proposed additions to schedule 7 of the Bylaw will occur in accordance with the requirements of the Local Government Act 2002 and Council's Significance and Engagement Policy.

Implementation

- 5.11 Where roads are added to schedule 7 of the Bylaw, implementation of new prohibitions will be added to the roading forward work plan according to available funding.
- 5.12 Signage will be erected at appropriate and strategic locations to notify drivers when entering or exiting prohibited areas and to inform of any conditions of the prohibition as defined in the Bylaw.

Enforcement

- 5.13 Enforcement of prohibited roads will be undertaken by the Police.
- 5.14 To assist police response, any breaches of prohibitions and anti-social, nuisance or cruising behaviour should be observed and reported.

6 Related Documents / Legislation

- [Land Transport Act 1998](#)
- [Land Transport \(Road User\) Rule 2004](#)
- [Waikato District Council Traffic Bylaw 2023](#)

7 Policy review

This policy shall be reviewed at five yearly intervals, in conjunction with the Bylaw, or as otherwise required by the Roading Manager.