

<b>To</b>	<b>Council</b>
<b>Report title</b>	<b>Light Motor Vehicle Prohibition Policy and Traffic Calming Policy workshop</b>
Date:	22 May 2023
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## 1. Purpose of the report Te Take moo te puurongo

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To provide information, and seek feedback, from Council on the development of the Light Motor Vehicle Prohibition Policy and Traffic Calming Policy.

## 2. Executive summary Whakaraapopototanga matua

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Waikato District Council is developing two new policies in response to increasing issues of nuisance driving and antisocial behaviour related to cruising:

1. Light Motor Vehicle Prohibition Policy.
2. Traffic Calming Policy.

This report provides background to the policies' development and includes discussion of some of the challenges and limitations. The draft policies are provided for elected members' review and feedback.

Three options are identified by staff:

1. Proceed with the policies as drafted (*recommended option*).
2. Make minor amendments to one or both policies.
3. Make significant amendments to one or both policies.

Following feedback from elected members at this workshop, the proposed policies are intended to be presented to the Policy and Regulatory Committee for adoption at the 18 June 2023 meeting.

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### 3. Background

#### Koorero whaimaarama

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#### **Nuisance driving (cruising)**

Issues of nuisance driving and antisocial behaviour related to cruising in the Waikato District are cause for increasing concern in the community. This behaviour creates public nuisance from excessive noise, intimidation, obstruction of traffic and health and safety concerns.

Cruising is defined in the [Land Transport Act 1998](#) (LTA) as driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that—

- a) draws attention to the power or sound of the engine of the motor vehicle being driven; or
- b) creates a convoy that—
  - (i) is formed otherwise than in trade; and
  - (ii) impedes traffic flow.

[Section 22AB of the Land Transport Act 1998](#) enables Council to make a bylaw to control, restrict or prohibit cruising and to prescribe fines for breaches of any restrictions or prohibitions.

#### **Traffic Bylaw**

As part of the response to these issues, Council developed a new traffic bylaw with the inclusion of a clause on light motor vehicle prohibition. [Public consultation](#) occurred between 24 February 2023 to 27 March 2023 and Council adopted the [Waikato District Council Traffic Bylaw 2023](#) (the Bylaw) at the [Council meeting on 24 April 2023](#).

Clause 14 of the Bylaw states Council may restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road generally between the hours of 9pm and 4am. This clause is similar to the approach used in Hamilton City Council's Traffic Bylaw and Waipa District Council's Public Places Bylaw and contributes to a consistent sub-regional approach for Police to respond to occurrences of this type of nuisance driving.

Clause 14 enables Council to identify roads or portions of roads where light motor vehicles are prohibited, with schedule 7 of the Bylaw listing those roads. Roads or portions of roads may be added to schedule 7 by resolution of Council. Amendments to schedule 7 do not require use of the special consultative procedure (SCP) set out in section 82 the Local Government Act 2002 (LGA), however targeted engagement with affected communities may still be appropriate. Clear criteria and understanding of the implications and implementation of prohibiting areas is needed to inform these discussions and decisions.

As [directed by Council](#) at the meeting on 24 April 2023, staff have investigated tools to support Council decision-making for the inclusion of roads to schedule 7 of the Bylaw. Staff have developed two draft policies to support Council to assess the appropriate response to issues of nuisance driving:

1. Light Motor Vehicle Prohibition Policy
2. Traffic Calming Policy

## Draft Light Motor Vehicle Prohibition and Traffic Calming Policies

The draft Light Motor Vehicle Prohibition Policy gives the context and criteria for adding roads to schedule 7 of the Bylaw. Prohibitions, however, may not always be feasible, appropriate, enforceable or effective in all locations. The draft Traffic Calming Policy outlines some of the other potential options available to Council to address issues of nuisance driving.

The policies enable consistent evaluation and implementation of the different options available to Council. They account for the scope, limitations and criteria for consideration and support the process Council will use when determining the best strategy to address concerns of nuisance driving.

## 4. Discussion Matapaki

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Nuisance driving (cruising) is a widespread, complex, cross-district and cross-agency issue. Addressing this issue comes with a number of challenges:

### Challenges

- **Mobile/Relocatable problem**  
Cruising is a highly mobile activity and any strategy to address the problem in one location risks relocating the behaviour to other areas rather than eliminating it altogether.
- **Inter-agency cooperation**  
Waikato District straddles two separate police districts, Waikato and Counties-Manukau, with roads controlled by Council and New Zealand Transport Agency Waka Kotahi (NZTA).
- **Police enforcement**  
Enforcement must be supported by evidence, with timely reporting and response.
- **Resource**  
Implementation is dependent on available funding, staff and time from Council and Police.
- **Mandate**  
Council can only act within the scope of its mandate under legislation, including the LGA and LTA, on roads it controls.
- **Criteria**  
Not all roads are suitable for restrictions, prohibitions or traffic calming devices.

The policies provide clarity around how Council can play an effective role in addressing the issue of nuisance driving. They also give guidance on the efficient and effective use of Council resources.

**Draft Light Motor Vehicle Prohibition Policy**

Prohibition of light motor vehicles is one of the tools available to Council to discourage cruising in specified areas and to support police enforcement efforts. Clause 14 of the Bylaw enables prohibitions to be applied between the hours of 9pm and 4am. Prohibitions are not intended to target legitimate road use for example residents, passenger vehicles, or regular night traffic. They will not apply to special events or daytime activity.

The implementation of any prohibitions requires investigation of options by Council staff, a Council resolution to prohibit light motor vehicles within certain hours, potential engagement with local stakeholders and investment from Council to communicate and erect signage. Successful enforcement requires timely reporting from local communities and proportionate levels of police response. As stated previously, prohibitions may not be viable for all roads in the district and are likely to relocate the behaviour to other areas. To minimise unnecessary resource where a problem may move before implementation of prohibitions can occur and to assist in determining the effectiveness of any prohibitions staff recommend consideration of the following:

- Whether the street is in a residential, rural or industrial area.
- The volume of overnight traffic and on-street parking.
- The length of the road or area and the number of entry and exit points for signage and for participants to evade enforcement.
- The frequency of activity and number of participants.

Locations where prohibitions are more likely to be effective include rural or industrial areas with little overnight traffic and where there are a limited number of entry and exit points.

Council’s Roading team are holding a list of potential roads for inclusion in Schedule 7 of the Traffic Bylaw. This list comes from Elected Members, Community Boards and/or Committees, service requests from community members, Police and staff.

If the Light Motor Vehicle Prohibition Policy is adopted, staff will assess each of the potential roads against the criteria of the policy. If a road is deemed suitable for prohibition, targeted public consultation will take place and the results brought to the Policy and Regulatory Committee. If the Committee proceeds with the prohibition, amendment of Schedule 7 (by Council Resolution) will be sought, and the required works (signage and public notification) will be added to the forward works programme to be actioned when funding becomes available.

Staff are seeking feedback on the following sections of the policy:

<p><b>Location of prohibitions</b></p> <p>Section 5.3 Locations where prohibitions may be suitable:</p> <ul style="list-style-type: none"><li>a) Rural or industrial areas with little overnight traffic or on-street parking;</li><li>b) Shorter roads, or sections of longer roads, with concentrated antisocial driving activity and which have:</li></ul>
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- 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.

Section 5.4 Locations where restrictions or prohibitions are not suitable:

- 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**

Section 5.6 Council may consider restrictions or prohibitions for roads, portion(s) of roads or other areas that meet the following criteria:

- 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.

Any other feedback on the Draft Light Motor Vehicle Prohibition Policy.

### **Draft Traffic Calming Policy**

In addition to prohibitions Council also has the ability to install traffic control devices (TCDs). These are tools which may be used in combination with prohibitions or where prohibitions may not be suitable.

The [Land Transport Rule: Traffic Control Devices 2004](#) enables Council to use TCDs, including signage, markings and calming devices such as speed humps, for the safe and effective control of traffic. TCDs help to address concerns around excessive speed and negative impacts of traffic. More people request the installation of speed humps than any other TCD, however speed humps are just one of the available options.

Similarly to prohibitions, traffic calming and traffic control devices may relocate the behaviour to adjacent roads and it is important to consider this impact on the wider network of roads. Unlike prohibitions which apply only overnight, TCDs alter the road environment 24 hours a day. This comes with both advantages and disadvantages and, as such, not all roads will be suitable for traffic calming.

A key consideration is whether the issue is primarily being caused by through vehicles or local residents. Traffic calming is most effective on the behaviour of through vehicles as the modified environment will result in these drivers relocating to an alternative route. If the issue is caused by local residents this can be more difficult to manage as any existing antisocial behaviour could be exacerbated by the installation of physical traffic calming features. These drivers may view any islands or humps as a challenge and can result in worse behaviour than that currently experienced. Also, as people move house Council could be responding to a temporary situation with a permanent solution.

To minimise unnecessary resource and to assist in determining the effectiveness of any traffic calming scheme staff recommend consideration of the following:

- The speed limit and residential nature of the street.
- Whether the issue is caused by through traffic or residents.
- The type of driver behaviour causing the issue.
- The impact on public transport and emergency services.
- The risk to vulnerable road users.

Staff are seeking feedback on the following sections of the policy:

**Criteria for implementing TCDs**

Section 5.5: When investigating the implementation of TCDs, Council will consider the following criteria:

- a) Speed limit and residential nature of the street.
- b) Whether the issue is caused by through traffic or residents.
- c) Driver behaviour and speed.
- d) Impact on emergency services and public transport.
- e) Risk to vulnerable road users eg proximity to a school, hospital or pedestrian area.

Section 5.6: Due to road safety concerns and heavy vehicle convenience factors the following roads will not be considered for traffic calming devices:

- Roads with speed limits greater than 50km/hr.
- Unsealed roads.
- Major traffic routes including state highway, arterial and primary collector roads.
- Bus routes (excluding school buses).
- Emergency vehicle access routes.
- Roads frequently used by heavy vehicles.
- Roads or sections of road shorter than 250m or longer than 1km.
- Cul-de-sac roads.
- Where the problem is caused by residents of the street.

Any other feedback on the Draft Traffic Calming Policy.

## 5. Options

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Staff have identified three options for elected members to consider.

**Option One (preferred/recommended option):** Direct staff to proceed with the policies as drafted for presentation at June Policy and Regulatory Committee meeting.

The advantages of this option are:

- Council will have clear decision-making criteria for adding prohibited roads to schedule 7 of the Bylaw.
- Council will have consistent criteria for the implementation of traffic control devices.

The disadvantages of this option are:

- No disadvantages of this option.

**Option Two:** Direct staff to make minor amendments to one or both policies prior to June Policy and Regulatory Committee meeting.

The advantages of this option are:

- Elected member feedback is incorporated into policies.
- Policies will likely still be ready to present at June Policy and Regulatory Committee meeting.
- Council will have consistent criteria for the implementation of traffic control devices.

The disadvantages of this option are:

- Some additional staff resource to amend policies.

**Option Three:** Direct staff to make significant amendments to one or both policies.

The advantages of this option are:

- Elected member feedback is incorporated into policies.

The disadvantages of this options are:

- More resource will be required to consider and include significant changes into draft policies.
- The policies will not be ready to present at the June Policy and Regulatory Committee meeting.
- Clear decision-making criteria for adding prohibited roads to schedule 7 of the Bylaw will be delayed.
- Implementation of traffic control devices remains piecemeal and inconsistent until the policies are adopted.

## **6. Next steps**

### **Ahu whakamua**

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Feedback from elected members will inform the development of both policies in preparation for seeking adoption at the Policy and Regulatory Committee meeting on 18 June 2024.

Once the policies are adopted, roads can be assessed against the criteria of the policies, added to forward works programme where appropriate and, for light motor vehicle prohibitions, added to schedule 7 of the Bylaw by resolution of Council following targeted engagement.

If significant changes are suggested or further discussion required, this will delay adoption of the policies. This will have implications for the Light Motor Vehicle Prohibition Policy in particular and delay the addition of prohibited areas to schedule 7 of the Bylaw.

## **7. Attachments**

### **Ngaa taapirihanga**

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Attachment 1 – Draft Light Motor Vehicle Prohibition Policy

Attachment 2 – Draft Traffic Calming Policy