

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
APPOINTED BY THE TIMARU DISTRICT COUNCIL**

**UNDER:** the Resource Management Act  
1991

**IN THE MATTER OF:** Submissions and further  
submissions in relation to the  
Proposed Timaru District Plan

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**STATEMENT OF EVIDENCE OF ANDREW SCOTT RABBIDGE  
(SITE/DEVELOPMENT HISTORY) ON BEHALF OF  
CHRIS & SHARON MCKNIGHT (SUBMITTER NO. 30)**

**HEARING STREAM G – REZONE REQUEST FOR GROWTH**

Dated: 27 June 2025

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## 1 INTRODUCTION

- 1.1 My full name is Andrew Scott Rabbidge. I am a Director of Milward Finlay Lobb Limited (**MFL**). I commenced employment with MFL in 1995, and have been a Director since January 1999.
- 1.2 I am a Licensed Cadastral Surveyor (July 1998) and Registered Professional Surveyor (2005). My professional qualification is a Bachelor of Surveying (Credit) from Otago University (1995).
- 1.3 I am a full member of Survey and Spatial New Zealand (1995), a member of the Consulting Surveyors of New Zealand (1999), and an Associate member of the New Zealand Planning Institute (2012).
- 1.4 I have extensive experience in Planning, Rural and Residential subdivisions, land development and project management throughout the central and lower South Island. This includes almost 30 years of professional working knowledge of the Operative Timaru District Plan (**ODP**).
- 1.5 MFL has been the land development consultant for the Brookfield Road subdivision (owned by Quarry Hills Development Limited (Chris McKnight is a Director of that company, and he and Sharon McKnight are shareholders) since the project's first inception. I have had extensive involvement throughout all the stages of that project including Private Plan Change 20 (**PPC20**) and all subsequent resource consent applications and Cadastral Survey Datasets in my role as a Director of MFL. I also oversaw MFL's preparation of the submission and further submission by Mr and Mrs McKnight in relation to the Proposed Timaru District Plan (**PDP**) (the **Submission**), as well as the response to the Preliminary s42A Report.
- 1.6 I am very familiar with the site to which the Submission relates and have visited it and the surrounding land many times during the past 15 years. As a resident of Timaru for over 40 years I am also very familiar with the Centennial Park Reserve, Old Boys' Sports Grounds and Ōtipua Creek.

## 2 CODE OF CONDUCT

- 2.1 Whilst this is not an Environment Court proceeding, I confirm that I have read the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing

this evidence and will continue to comply with it while giving oral evidence. Except where I state I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **3 SCOPE OF EVIDENCE**

#### **3.1 This evidence:**

- (a) Confirms the rezoning relief sought by Mr and Mrs McKnight in relation to the PDP;
- (b) Provides a brief summary of the outcome of PPC20 and subsequent resource consent applications (including the background to the consent notice registered on RT 1222011 (in accordance with Subdivision Consent 101.2015.220);
- (c) Confirms that the land sought to be rezoned is able to fully serviced in terms of sewer and water supply, and that earthworks and stormwater from the land sought to be rezoned will not be discharged to Ōtipua Creek.

#### **3.2 In preparing this evidence, I have reviewed:**

- (a) PPC20 and the decision on that plan change;
- (b) All resource consents granted by TDC in relation to the McKnight land<sup>1</sup>;
- (c) The relevant provisions of the PDP, and associated s32 RMA reports;
- (d) The Submitters' Submission and further submission on the PDP;
- (e) The Preliminary Section 42A Report: Hearing G – Rezoning to Accommodate Growth, Preliminary Report – Information to assist in

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<sup>1</sup> Subdivision and Land Use Consents 101/102.2015.220; Subdivision Consent 101.2016.56; Global Land Use Consent 102.2021.54.1; Subdivision Consent 101.2021.153.1; Subdivision Consent 101.2024.24. Subdivision Application 101.2022.280 is currently on hold.

Assessment, authored by Matt Bonis and dated 29 October 2024 and the attachments to that Preliminary s42A Report;

- (f) The Submitters' Response to the Preliminary Section 42A Report;
- (g) The Section 42A Report: Hearing G – Growth, Report on Submissions and Further Submissions authored by Matt Bonis and dated 04 June 2025 (**s42A Report**) and its relevant appendices<sup>2</sup>;
- (h) The technical expert evidence prepared in relation to the Submission on the following matters:
  - (i) Mr Ian Millner – Highly Productive Land;
  - (ii) Mr Chris Greenshields – Landscape;
  - (iii) Mr Andrew Ross – Planning.

#### **4 CONFIRMATION OF RELIEF SOUGHT - REZONING**

- 4.1 Mr and Mrs McKnight seek the rezoning of an area of approximately 2.6ha of land from General Rural (**GRUZ**) to Rural Lifestyle (**RLZ**) (and the extension of the Brookfield Specific Control Area (**Brookfield SCA**)) which would enable the creation of the final five lots intended to form part of the Brookfield development. The area sought to be rezoned is shown in the Plan attached to my evidence (**Attachment A**).
- 4.2 The area initially identified in the Submission to be rezoned Open Space Zone (**OSZ**) is now proposed to remain GRUZ, given Council no longer wishes to be gifted that land due to its concerns about long term maintenance costs.<sup>3</sup>

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<sup>2</sup> Appendix 3: Cultural Review of Properties Seeking Rezoning as part of Hearing G, authored by Kylie Hall and dated 31 March 2025; Appendix 4: Response to Submission Packages received by TDC on Growth Chapter (as related to Landscape matters) authored by Yvonne Pfluger and dated 29 May 2025; Appendix 6: Response to Submissions on Growth Chapter (as related to Economic matters) authored by Tim Heath and dated 29 May 2025; Appendix 7: Statement of Evidence of Kevin Thomas Kemp (Response to Growth Submissions – Three Waters Assessment), dated 30 May 2025; Appendix 8: Review of Submitter Evidence – Transport, authored by Mat Collins and dated 27 May 2025; and Appendix 9: Subdivision 101.2022.208 – 60 Landsborough Road – Gifting of Open Space to Council, authored by Bill Steans and dated 20 May 2025.

<sup>3</sup> Section 42A Report – Appendix 9.

## **5 PPC20 AND SUBSEQUENT RESOURCE CONSENT APPLICATIONS**

- 5.1 PPC20, which established the Rural Residential (Brookfield Road) Zone, was approved by the Timaru District Council (**TDC**) on 14 August 2015. PPC20 enabled the creation of a maximum of 35 rural residential allotments.
- 5.2 Shortly afterwards MFL were engaged by Mr & Mrs McKnight to prepare and lodge a subdivision and land use consent application to define new Rural Living Sites (**RLS**) in accordance with Performance Standard 6.3.12(2)(2) of the ODP, and to subdivide the land that was rezoned by PPC20 from the underlying parent title.
- 5.3 That application (101/102.2015.220) was lodged with the Council on 25 November 2015, shortly after the Council commenced its review of the ODP in July 2015. The creation of RLS under the ODP had been problematic over the years due to factors such as zone boundaries following soil types rather than physical boundaries (such as roads or waterways), and historic titles that had little regard for allotment shapes or steep contour and the sprawl of RLS over the entire Rural 1 zone district wide – this lead to issues for servicing and also placed demands on other Council services such as roadside rubbish collection. In acknowledging the faults of RLS entitlement system under the ODP, Council staff had made it clear that RLS were not going to be continued as part of the Timaru District Plan review.
- 5.4 The application (which initially sought to define four RLS) was subject to a legal opinion jointly commissioned by Mr & Mrs McKnight and the Council which determined that the RLS entitlement within Pt RS 6196 (RT CB528/58 Ltd) (now part Lot 6 DP 502319) related to the Rural 1 zoned land only and not the land that had been rezoned under PPC20.
- 5.5 In light of that legal opinion, the application was revised to define two new RLS (one from RT CB29K/964 and the other from RT CB528/58 Ltd). These allotments are now legally described as Lots 1 & 2 DP 502319 being 78 & 84 Landsborough Road, Timaru.
- 5.6 Subdivision and land use consents 101/102.2015.220 were subsequently granted on 03 May 2016 to define two RLS - an allotment encompassing the land within the Rural Residential (Brookfield Road) zone, Esplanade

Reserve and Esplanade strips along Ōtipua Creek (north and south branch) and a balance allotment.

- 5.7 Subdivision consent 101.2016.56 was then granted by TDC on 25 January 2018 to create 30 rural residential allotments within the Rural Residential (Brookfield Road) zone. Servicing was designed for 35 lots, however as the subdivision design evolved after the adoption of PPC20, the number of building sites on the southern slopes of the site were reduced (and allotment sizes increased well beyond 5000m<sup>2</sup> in some cases) in favour of creating 30 lots with premium future building platforms. This minimised bulk earthworks, the need for large retaining walls and access to sunlight in the winter months, in addition to integrating the subdivision into the receiving environment from the south.
- 5.8 CRC194814 was then granted by Environment Canterbury (**ECan**) on 29 August 2019 to discharge operational phase stormwater from the development into surface water. Simultaneously ECan granted CRC195409, to undertake works on the bank of a river and to install a pipe outfall. These consents enable the discharge of treated stormwater from within the Rural Residential (Brookfield Road) zone (i.e., the roads) to Ōtipua Creek. Stormwater from the sections in the subdivision is discharged to ground within those lots.
- 5.9 A 'global' land use consent (102.2021.54.1) was then granted by TDC on 28 April 2021, approving an increase in the building footprint of all household units within the Rural Residential (Brookfield Road) zone.
- 5.10 On 13 September 2022, MFL assisted the Submitters to lodge an application for subdivision consent (101.2022.280) to define five rural residential allotments and two rural living sites to complete the balance of the Brookfield development prior to the notification of the proposed Timaru District Plan on 22 September 2022. This application is currently on hold pending the concurrent review of the Timaru District Plan and determination of the McKnight submission, seeking a rezoning of a portion of the site to allow the creation of the five rural residential lots (i.e., the subject of this hearing).
- 5.11 As part of that subdivision consent application, an area of land (proposed in the Original Submission to be rezoned OSZ) was proposed to be gifted to

TDC. The land use in this locality is restricted by the steep contour and poor soils, along with existing Council infrastructure for three waters and aerial power lines. Council's Parks and Reserves Department had previously vested land from the 30 lot subdivision for an esplanade reserve immediately adjacent to this area of steeper land immediately to the west of Ōtipua Creek, which has been extensively landscaped and fenced to exclude stock by Mr and Mrs McKnight.

- 5.12 This gifted land would enable Council to utilise and develop an area of public recreation land immediately adjoining Ōtipua Creek and Centennial Park which accommodates a wide range of recreational activities including playgrounds, public walkways and mountain bike trails. However, the s42A reports confirms that Council no longer wishes to accept the gift of that land due to the costs of ongoing maintenance. Hence, that land is proposed to remain zoned GRUZ and Mr McKnight will graze sheep on it to manage grass growth. As set out in the evidence of Mr Millner, neither that land nor the land sought to be rezoned Rural Residential is economically viable for farming or other rural land uses.
- 5.13 Most recently, Council granted subdivision consent 101.2024.24 for a boundary adjustment with Riding for the Disabled Association Timaru Group Incorporated in the south-eastern corner of the site adjacent to Landsborough Road.
- 5.14 CRC194814 was transferred to the Timaru District Council on 7 January 2025 and is now numbered CRC252777.

#### *Consent Notice Restricting Further RLS Subdivision*

- 5.15 The s42A report notes the Submitter Package refers to the fact that a consent notice (10870301.15) has been registered against the title of the land sought to be rezoned, as per Subdivision consent 101/102.2015.220, precluding the further subdivision of that land for the purpose of creation of new RLS under the District Plan rules as at April 2016<sup>4</sup>.
- 5.16 It was quite common under the ODP to reposition RLS entitlements within a site due to a number of factors such as ease of servicing, topography, Rural

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<sup>4</sup> Section 42A Report at [13.3.5] and [13.3.10].

amenity, flood hazard, reverse sensitivity or to avoid the creation of long driveways through larger Rural allotments.

- 5.17 In the case of 101/102.2015.220, the RLS entitlement for Pt RS 6196 (RT CB528/58 Ltd) was repositioned from the north side of the Ōtipua Creek South Branch, to the south side of Ōtipua Creek South Branch adjacent to Landsborough Road (now Lot 2 DP 502319).
- 5.18 To make it clear that the RLS entitlement for Lot 6 DP 502319 had been transferred to another lot and that there was no further entitlement to any RLS in relation to Lot 6, the following consent condition was agreed to and imposed by the TDC on consent 101/102.2015.220:

Amenity

7. A consent notice shall be issued by the Timaru District Council and registered against the certificate of title to be issued for Lots 6 (sic) hereon. The notice shall be registered by the subdivider's expense and shall read as follows:

*"No further subdivision of this allotment to allow for a Rural Living Site shall occur under the provisions of the District Plan as at April 2016".*

Note: Should the Rules of the District Plan be amended in relation to this zone, then this consent notice may be revisited.

Reason: To ensure that any future landowners are aware of the subdivision limitations as a result of the creation of Lot 2.

- 5.19 This was agreed by Mr & Mrs McKnight with the knowledge that RLS were set to be removed by the Council as part of the District Plan review in any event (which commenced in July 2015). A copy of the consent notice is attached to my evidence (**Attachment B**). If the relief sought by Mr and Mrs McKnight at this hearing is granted, an application will be made to Council to remove the notice.

## **6 SERVICING AND EARTHWORKS**

- 6.1 MFL has been heavily involved with the design of the infrastructure needed to service the Brookfield Road subdivision. All roading and three waters infrastructure has been designed to TDC requirements through a comprehensive engineering design and approval process in accordance with the ODP and Rural Residential (Brookfield Road) zone standards,



including obtaining resource consents from the Canterbury Regional Council for stormwater disposal. All new roading and three waters infrastructure has subsequently been vested with TDC as public assets.

- 6.2 The land sought to be rezoned to RLZ can be fully serviced for sewer and water supply from vested TDC infrastructure within the existing RLZ which has design capacity for 35 lots utilising best practice from NZS 4404:2010 for persons per dwelling to determine network capacity. The s42A Report states that this has been confirmed by Council engineers.
- 6.3 The evidence from Ms Hall (Appendix 3 to the s42A Report) states that the rezoning would result in substantial landscape modifications to the site, including earthworks, and an increase in impervious surfaces and associated stormwater into Ōtipua Creek with potential effects on mahika kai and taonga.
- 6.4 Landscape modifications associated with 5 additional RLZ allotments have been canvassed in the expert evidence of Mr Greenshields with landscaping mitigation conditions anticipated as a condition of subdivision consent. Future earthworks and building coverage are anticipated to be modest and in keeping with the peri-urban low density zone standards. Building coverage and hardstand areas may equate to approximately 25% of the site area based on the proposed allotment areas and the existing global land use consent.
- 6.5 Potential effects on mahika kai and taonga in the creek can be addressed by a condition of subdivision consent requiring a stormwater attenuation tank within each of the five proposed Rural Residential sites in addition to Council's standard Accidental Discovery Protocol (**APP4**) for earthworks being adhered to. These are both very standard TDC subdivision consent conditions in recent years.
- 6.6 Construction phase stormwater can be developed to meet permitted activity Rule 5.94A of the Canterbury Land and Water Regional Plan (**LWRP**). The erosion sediment control plan (**ESCP**) required by the Rule will utilise cut off drains and sediment fences to ensure that any water runoff from the land can meet the relevant water quality requirements, and that sediment does not enter Ōtipua creek. The need for a TDC approved ESCP prior to

earthworks can be volunteered as a condition of subdivision consent within the five Rural Residential sites to be enforced by the registration of a consent notice pursuant to Section 221 of the Resource Management Act 1991.

- 6.7 Operational phase stormwater from dwellings and any associated impervious surfaces will be managed on each site and will comply with permitted activity Rule 5.95 in the LWRP. Such stormwater will not be discharged directly to Ōtipua Creek, and will be attenuated and slowly discharged within each allotment as per [6.5] above.

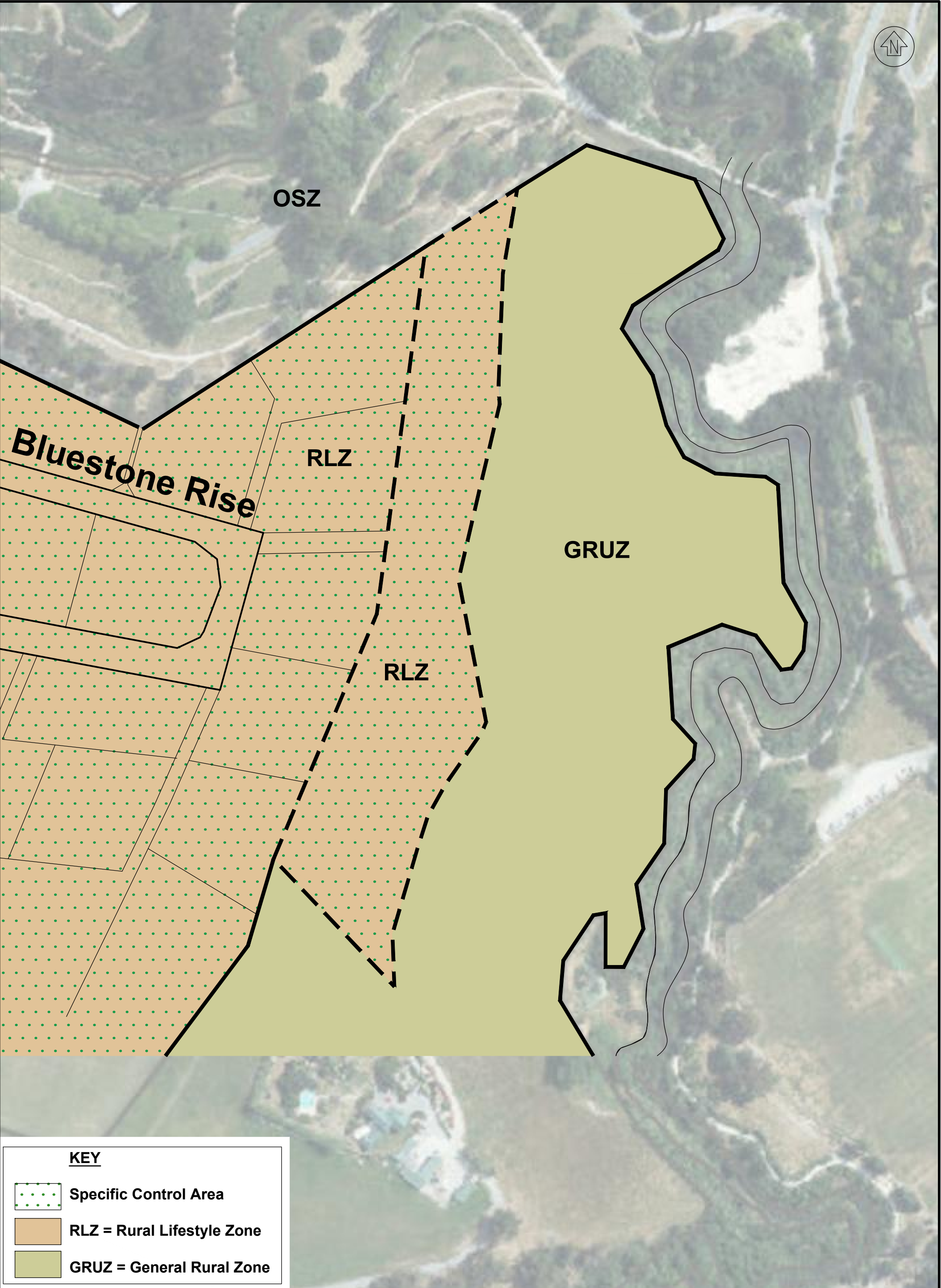
## **7 CONCLUSION**

- 7.1 The rezoning sought would enable a modest extension to the existing Brookfield subdivision and would see the efficient use of existing TDC infrastructure within that zone. Earthworks and stormwater associated with the development of the 5 additional lots that would be enabled by the rezoning can be managed so as not to affect Ōtipua Creek.

**Andrew Rabbidge**

27 June 2025

## **ATTACHMENT A – PROPOSED ZONE EXTENSION**



**KEY**

Specific Control Area

RLZ = Rural Lifestyle Zone

GRUZ = General Rural Zone

**ATTACHMENT B – CONSENT NOTICE 10870301.15**



**TIMARU DISTRICT COUNCIL**

**CONSENT NOTICE**

**Subdivision of Lot 1 DP 51210, Part RS 6296, Lot 3 DP 528, Lot 2 DP 74951 and Lot 2 DP 51210**

Pursuant to section 221 of the Resource Management Act 1991, I hereby give notice that the District Planning Manager, acting under delegated authority from Timaru District Council, did on 03 May 2016 in approving a subdivision consent application for a Nine allotment subdivision with amalgamation and esplanade reserve that the following be registered as a consent notice against the certificate of title of proposed Lot 6 DP 502319.

*"No further subdivision of this allotment to allow for a Rural Living Site shall occur under the provisions of the District Plan as at April 2016."*

*"The landowner of this lot shall be responsible for providing and maintaining an effluent disposal system (designed to meet the requirements of the Regional Council) to dispose of the effluent that is generated from within the lot."*

*"The landowner of this lot shall be responsible for providing and maintaining a stormwater disposal system (designed to meet the requirements of the Regional Council) to dispose of the stormwater that is generated from within the lot."*

Dated at Timaru on 22 May 2017

Mark Crowe  
**Authorised Officer**

AD17/17065

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