

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Resort Zone Hearing
Stream 9 – Millbrook
Zone

**STATEMENT OF EVIDENCE OF BERNARD (BEN) CAMPBELL ON BEHALF OF
MILLBROOK COUNTRY CLUB LIMITED**

MANAGEMENT AND OPERATION OF MILLBROOK RESORT

3 February 2017

INTRODUCTION

- 1 My full name is Bernard (Ben) Campbell O'Malley.
- 2 I hold the position of Director - Property & Development for *Millbrook Country Club Limited*. I am also a director of other Millbrook subsidiary companies. I have been in this position since 2016. Prior to that I held the position of Property & Development Manager for *Millbrook Country Club Limited*, a position I held from 2001 to 2016 inclusive.
- 3 I have been employed in property related roles including real estate and property development management roles for 18 years.
- 4 I hold a Bachelor of Commerce degree majoring in Valuation and Property Management (Lincoln University).
- 5 I have been authorised by Millbrook Country Club Limited to provide background to and an overview on the management and control of activities within Millbrook Resort.

BACKGROUND ON MILLBROOK

- 6 Millbrook was initially established in the late 1980's and early 90's by a consortium of investors that included the Ishii family of Japan. The Ishii's, through entities owned by them eventually became the majority owners and presently own around 94% of the company with the remaining shares owned essentially by other original shareholding Japanese families.
- 7 Excluding the privately owned homes and sections (currently approximately 260), all of the remaining land, buildings and infrastructure are owned by Millbrook Country Club Limited (MCCL) or its wholly owned subsidiary, Millbrook Infrastructure Company Limited (MICO).
- 8 The Millbrook business has three key business streams:
 - 8.1 **Operations** – This is the commercial operations of Millbrook including:

- 8.1.1 Hotel – 51 hotel rooms owned by MCCL, 48 two bedroom villas leased by Millbrook and approximately 40 cottages and fairway homes that are rented through Millbrook's rental programme.
 - 8.1.2 Golf – 27 golf holes made up of three individual 9-hole courses that can be played in three different 18-hole configurations. A comprehensive practice and teaching facility.
 - 8.1.3 Food & Beverage – Four restaurants and two conference facilities
 - 8.1.4 Wellness – Dedicated health spa facility and a health & fitness centre.
 - 8.1.5 Real Estate – This includes property development activities and real estate sales through Millbrook Realty Limited (MRL), which is wholly owned by MCCL.
- 8.2 **Residential Community** – At present there are approximately 260 homes and sections at Millbrook and both the Operative and Proposed District Plans allow up to 450 residential units.
- 8.3 **Millbrook Country Club** – This is a private country club that consists of residential members (it is compulsory to be a member if owning a property at Millbrook) and non-residential members. At present there are approximately 480 family memberships and approximately half of those are residential members.
- 9 All properties at Millbrook have free-hold titles. However, unlike most residential communities Millbrook has retained ownership of all common land and infrastructure as opposed to vesting this in council's ownership or in a body corporate. This allows Millbrook greater control over the entire resort and allows it to construct and maintain these assets to higher standards than traditional urban residential areas.

CONTROLLED ENVIRONMENT

- 10 In terms of planning, development and the day to day activities of both Millbrook's operations and those of the residential owners and country club members, Millbrook Resort is a carefully controlled environment. This section

sets out the relevant instruments that provide this control aside from the obvious general laws of central government.

- 10.1 **District Plan** - The land upon which the resort is located has its own special zoning within the QLDC District Plan, known as the Millbrook Resort Zone (MRZ). Within the MRZ development is controlled via a Structure Plan, which dictates where buildings and different land uses can occur. The zone rules provide for a host of controls with some key controls being:

10.1.1 The requirement to keep 95% of the land as open space.

10.1.2 The number of dwellings is restricted to 450 where 27-holes of golf are developed.

10.1.3 Architecture is controlled to ensure that buildings do not have adverse effects on visual values of the area and have coherence with surrounding buildings.

- 10.2 **Millbrook Country Club Charter** – This document sets out the rules for the country club members and their interrelationship with MCCL.

- 10.3 **Memorandum of Encumbrance** – This is the key legal instrument that is registered on every residential title and covers a host of property and behaviour related rules that ensure a high quality of amenity. These rules range from the keeping of pets, displaying signs, making noise, ensuring the property is maintained through to design control matters. It requires Millbrook's approval to all new construction and any external alterations to existing buildings and surrounding landscape, with such approvals controlled by Millbrook's Design Review Panel (DRP). The encumbrance is a form of mortgage and so allows Millbrook to enforce a financial penalty on recalcitrant residents in the form of a rent charge if required. Importantly, the encumbrance confers powers of design approval to a Design Review Panel (DRP) and the rent charge provisions of the encumbrance provide the 'teeth' necessary to ensure the design review process works effectively.

10.3.1 The encumbrance also sets out Millbrook's responsibilities to those owners with regards common property, infrastructure, utilities and how that work/service can be recharged to the residents. The residents

have formed a committee to represent their interests and to also support Millbrook in enforcing the rules of the encumbrance. From the encumbrance some policies have been developed to provide further framework around certain rules. For example the encumbrance prevents the renting of properties except through one of Millbrook's renting programmes, which allows Millbrook to consistently control the type of guest and their behaviour when renting properties at Millbrook.

- 10.4 **Commercial Renting Agreements** – Millbrook has three rental programmes which enables Millbrook to control rental activity at the resort.
- 10.5 **Design Guidelines** – Prior to 2000 Millbrook designed and built all buildings at Millbrook and so could fully control the architecture. From 2000 however Millbrook began selling 'land only' sites where owners could build their own home and so a DRP was established to review building designs against what was at that time a relatively simple land covenant. The DRP includes one of Millbrook's original Architects (Murray Cockburn) and a Landscape Architect who has been working at Millbrook since its inception (Paddy Baxter) together with me as convenor (this same panel has been operating successfully for 16 years).
- 10.6 When the western expansion commenced in 2007 the design guidelines were completely overhauled based on experience of operating the DRP and research into other guidelines shaping the new controls. The current Millbrook Design Guidelines (Version 3.0: October 2011) are attached as **Appendix 1** to this evidence.
- 10.7 The Millbrook style of architecture takes its cues from those early stone crofts that are located within the village centre and so have a strong vernacular link. A key design control document in the form of a Neighbourhood Design Plan (NDP) is used by both QLDC and the Millbrook DRP to assess building and landscape works proposed. An example of an NDP is attached as **Appendix 2** which sets out the boundaries of each site, building platforms, driveway positions, site specific height controls and controls for the curtilage areas surrounding each building platform. As each neighbourhood is designed and consented the Design Guidelines remain relatively static however each neighbourhood has a bespoke NDP created for it and approved by QLDC.

Often the height rules imposed on an NDP are less than the standard 8m provided for within the District Plan.

DRIVERS FOR EXPANSION

- 11 The key driver for Millbrook proposing the rezoning of the Dalgleish land is to capitalize on increasing golf tourism opportunities for the benefit of Millbrook's members and guests, the region and the country.
- 12 Millbrook currently has three interchangeable nine-hole golf courses (total of 27 golf holes). They can be played in three 18-hole combinations, which provides some variation in play but, practically, only one 18-hole combination can be played at a time. Our capacity and revenue is therefore limited to that of a single 18-hole course yet we have the maintenance costs for 27-holes.
- 13 A working party of Tourism New Zealand has identified strong growth potential for golf tourism. They have also identified a shortage in quality golf product in 'hot spots' such as Queenstown. By adding a further nine holes we can double our golfing capacity without having to double our maintenance costs. Benefits of that include:
 - 13.1 Reducing potential conflict between the members and guests; and
 - 13.2 Increasing tourism revenue for Millbrook and the region;
 - 13.3 It also allows for better use of the land resource than farming a few hundred sheep.
- 14 It also allows additional revenue to fund building the additional golf holes which creates a renewable source of income for Millbrook and the region and all of the economic benefits that flow from that, which have been well outlined in the Economic Analysis report within the Section 32 report submitted by Millbrook.

DESIGN GUIDELINE AMENDMENTS FOR THE DALGLEISH DEVELOPMENT

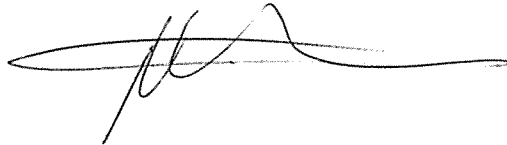
- 15 Through the high level master planning work that has been completed to date our planning and design team have looked at the appropriate design strategies and constraints for the geographically unique neighbourhoods within the Dalgleish land. These design strategies will be applied throughout the fine grained design of each

neighbourhood which will take place when the plan change has been approved. These development constraints are critical to the acceptance by X-Ray Trust of a revised structure plan and revised zone provisions. Our respective experts have collaborated to achieve agreement on these provisions in order to minimise potential impacts. This work also had an eye for the Donaldson submission and apparent amenity concerns raised by them. The features of the proposed redesign provide considerable mitigation for potential effects on the Donaldson property.

- 16 Relatively detailed design constraints and assessment criteria were included with the Amended Structure Plan and Amended Chapter 43 rules submitted by Millbrook to council on 2 December 2016 with these documents subsequently supported by X-Ray Trust. In the Section 42A assessment it has been proposed that several of these design constraints should be removed from the zone rules and included within design guidelines. It is our view that these controls should remain within the zone rules to provide clarity and certainty to the neighbouring land owners.
- 17 The design control strategies developed by our design team vary between the lower slopes and the upper plateau.
- 18 Future residential development on the lower slopes (activity areas R13, R17 and R18 on the Amended Structure Plan) is envisaged to be a continuation of the established style and pattern of the development that has been built on the Millbrook West development stages to date (guided by the Design Guidelines in Appendix 1) with limitations on density and in this regard we accept the limitations suggested in the Section 42A report being:
 - 18.1 R13 limited to 10 residential units
 - 18.2 R17 limited to 7 residential units
 - 18.3 R18 limited to 1 residential unit
- 19 In addition the proposed Chapter 43 imposes lower height limits for R17 to respect the historic cottage on R18. Any alterations and additions to the historic cottage will be designed in sympathy to that cottage and will be subject to rules surrounding heritage structures.

- 20 The amendments to the Structure Plan for residential development in reconfigured areas R14, 15 & 16 are a direct response to the Donaldson (446) and X-Ray Trust (356) submissions. A significant amount of re-design and planning work has gone into the underlying master plan that drives the extent of these activity areas. Some key points to note are:
- 20.1 Particular attention has been paid to the positioning of access ways to ensure they are in the least prominent positions.
 - 20.2 The relative grades of each site and their relationship to the surrounding land will allow for minimal use of retaining walls as suggested in council's landscape assessment.
 - 20.3 Building height limits for the respective residential activity areas. In this regard the consultants for Millbrook and X-Ray Trust required detailed visual simulations to be prepared based on specific dwelling locations and heights. These were critical to the suggested amendments that have been put forward and which are acceptable to X-Ray Trust. The building heights and other controls are set out in Appendix 3 below.
 - 20.4 The density of the activity areas has been limited to six residential units within R14, 15 within R15 and 6 within R16.
 - 20.5 The north edge of the activity areas are set back from the escarpment and/or tucked in behind existing landforms to limit views of houses from Malaghans Road to fleeting glimpses only. The most sensitive sites have been identified on the Amended Structure Plan and in addition to the height limits included within the proposed Chapter 43 the specific height controls set out in Appendix 3 will be incorporated into updated Design Guidelines.
 - 20.6 Should the commissioners decline to reinstate all or part of the additional constraints referred to in paragraph 15 of my statement then I suggest that the existing Millbrook Design Guidelines (Appendix 1) be updated to include those additional controls set out in Appendix 3 that do not make it back into the zone rules prior to any resource consent being lodged for development

within R14, 15 and/or 16. For clarity and certainty these could be an appendix to the revised MRZ.

A handwritten signature in black ink, appearing to read 'Ben O'Malley', written over a horizontal line.

Ben O'Malley

Director – Millbrook Country Club Limited

Dated: 3 February 2017

Appendix 1

Millbrook Design Guidelines – Version 3.0: October 2011

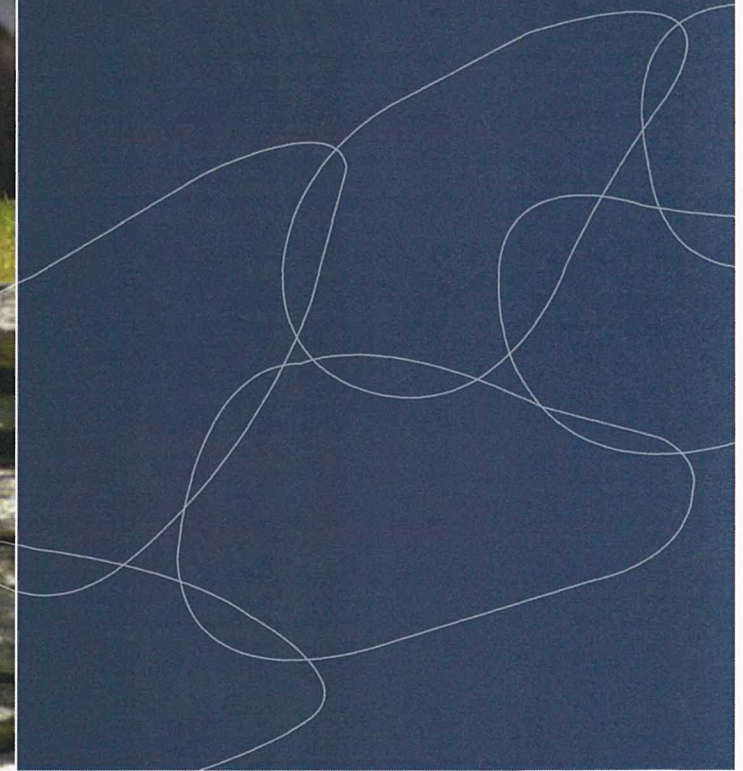


696/1264/1302/1306

MILLBROOK

QUEENSTOWN : NEW ZEALAND

Design Guidelines



696/1264/1302/1306



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introduction

1.1 Overview

Millbrook Resort was formally opened in 1992. The original site was developed to include the golf course, residential and hotel operations, and the central facilities. Demand for the Millbrook product has led to the planning and design of a new development on the land to the west of the existing Millbrook facilities.

This area has long been identified as suitable for development and is acknowledged in the Millbrook Structure Plan, included in the District Plan. Development in this area is anticipated in that plan and includes the ability to develop a further 9-holes of golf and integrated residential development.

This document sets out the design philosophy and design guidelines for Millbrook's new western development and in doing so seeks to preserve and enhance the character of Millbrook. The controls listed in this document are seen as important measures in protecting the amenity of Millbrook and the investment made by Millbrook Resort and by its Members.

Importantly, reference is also made to the relevant planning requirements. Purchasers should be aware of the need to comply with these in parallel with the guidelines outlined in this document. This includes the rules under the Queenstown Lakes District Council District Plan, the Building Act and any other relevant statutory documents.

1.2 Context

Millbrook Country Club Limited is the registered Encumbrancee in the Encumbrance Instrument as registered (or to be registered) on each of the Millbrook titles, and as referenced in each individual sale & purchase agreement. As such Millbrook is required to approve plans and specifications for owners of Millbrook properties. These Design Guidelines have been created as a framework for Millbrook's discretion and approval decisions to be made from.

Millbrook has the authority under the Encumbrance Instrument and these guidelines to approve and decline applications in accordance with the design guidelines. Millbrook has engaged and will maintain the services of a Design Review Panel (DRP) made up of external professionals and Millbrook management to consider and process lot owner's applications submitted to Millbrook.



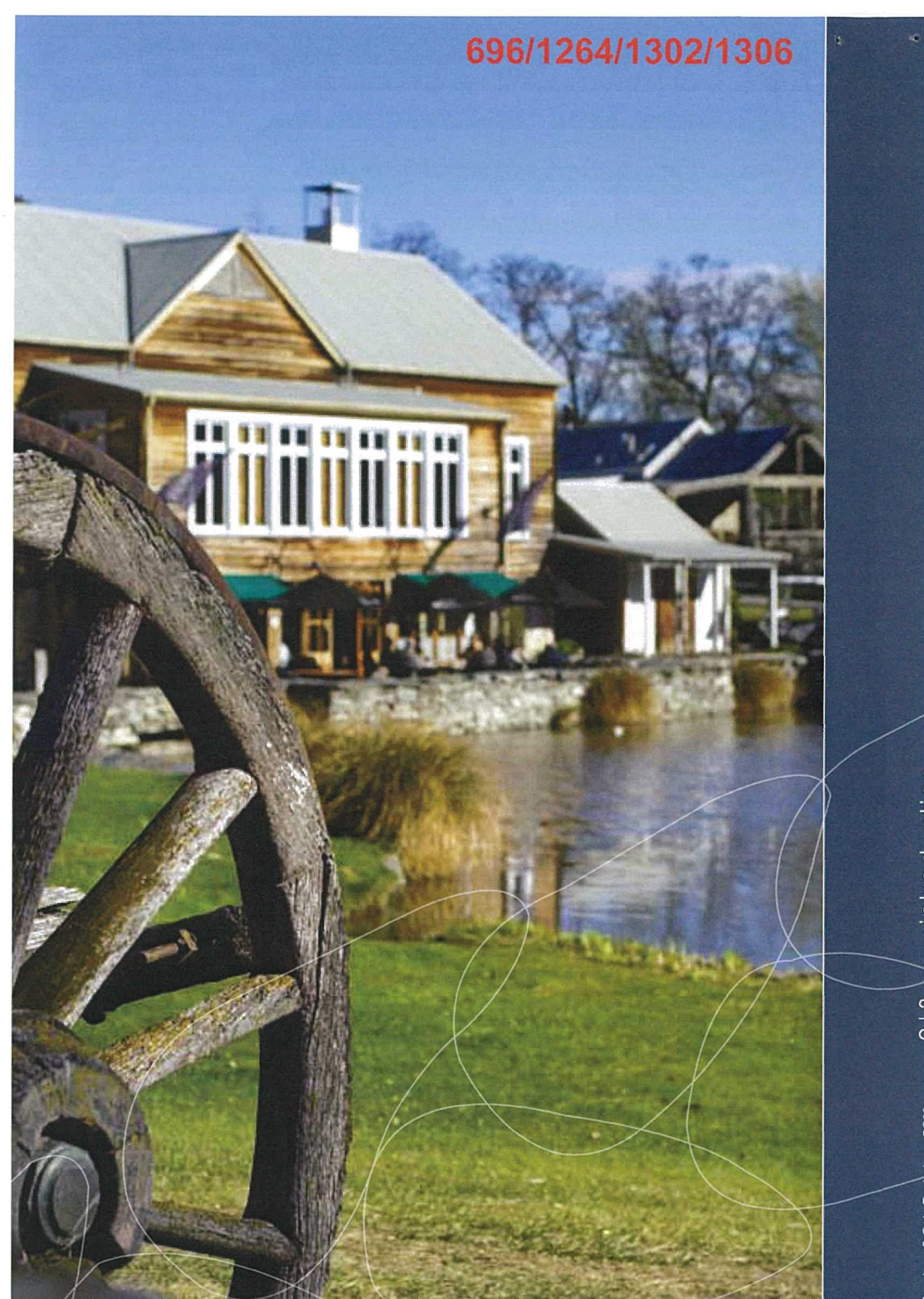
1.3 Master Plan & Philosophy

The character of Millbrook is strongly based on the history of the area, where the architecture and the landscape express the rural tranquillity of the site and hold a strong connection to the traditional vernacular architecture of Arrowtown and Central Otago. The new western development seeks to continue that standard by promoting a set of design controls that is unified but still diverse and to create architecture and landscapes that celebrate and enrich the ongoing history of this region. Integral to this concept is to create a complimentary architectural and landscaping design around a common theme. In doing so Millbrook acknowledges the importance of the site and the structures within the site and the necessity of maintaining a continuity of design and appearance.

That theme includes the following:

- Small scale buildings with steep pitched roofs, reminiscent of the historic rural connections of the site, with thick walls, either plastered or clad in local stone, in repeating tones of recessive colours; deep recesses to vertically proportioned window and door openings, traditional square profiled chimneys, timber clad annexures which break up the mass of the forms and a consistent patterning of window proportions, all of which leave an impression of an architecture that blends into the surroundings
- A local landscape response, typical of a rural homestead amenity, with a consistency in tree planting, rock walling, garden colour, wall and paving elements producing an amenity and character that continues the Millbrook landscape tradition.
- A relationship with the golf course that celebrates the open rolling character of the landscape and produces a residential/ golf course interface that is uncluttered and consistent in appearance, avoiding an 'urban' appearance.

The intent of the Design Guidelines, however, is to develop a homogeneous neighbourhood. The DRP will encourage buildings that are design responses to the same set of prevailing regional and local conditions, the climatic, cultural and physical determinants that dictate eventual architectural style.



1.4 The Site

The western extension of Millbrook includes the land to the west of the existing Millbrook 'Village' area and includes the new Coronet Nine golf holes and land extending to the western boundary of Millbrook. The land is characterised by:

- Mill Creek running from west to east, defining the lowest point of the landscape.
- A largely open landscape, without the established woodland and avenue character that typifies the eastern half of Millbrook.
- Open views to the Wakatipu basin, with largely north facing dwelling sites overlooking the course and the dramatic landscape of the Wakatipu basin.

1.5 The Masterplan

The masterplan for the site responds to the landform, with dwellings overlooking the extended golf course and located on landform that presents exceptional opportunities for views and a rural experience.

Access to the site has been extended to a new entry, west of the existing service entry on Malaghans Road, allowing for ease of access from the Queenstown approach, and providing a discrete entry alternative. A comprehensive network of roading and cart access is designed to minimise roading yet allow practical access to the full amenities of Millbrook and all facilities.

Open fields and golf course is maintained on the lower central and eastern areas, ensuring that all dwellings enjoy a vista of scale and rural amenity.

1.6 Objectives & Design Outcomes

The principle objective behind the design controls is to maintain a consistency of architecture and landscape that upholds property values and the living environment.

The protection of site and landscape are seen as critical to the ongoing success of Millbrook Resort. The original Millbrook

philosophy used the existing natural features such as Mill Creek, the undulating landscape, the mature trees and the historic farm buildings to form the character of the resort. The Millbrook West land seeks the same outcome, utilising existing landform to maintain the resort character.

The controls listed in this document are seen as important measures in protecting the amenity of Millbrook and therefore the investment made by Millbrook Resort and by its members. Within these guidelines excellence in architectural design is encouraged. All residential design must follow these Design Guidelines and exotic forms, colours and finishes are not acceptable.

Whilst a variety of plans, layouts and configurations are expected to satisfy individual owners particular requirements, any development outside these guidelines will detract from the established and continuing Millbrook style. The following guidelines are intended to encourage owners and architects to design individual buildings that blend in with the neighbouring homes and further enhance the well established character of Millbrook Resort.

The design guidelines are intended to provide guidance and clarity to all persons involved in all development at Millbrook, including the development of communal facilities, new dwellings, roading, services, landscape works and any alterations that may arise to all existing or proposed buildings and associated works.

Within Millbrook's new western development two types of products shall be developed:

Land Only Packages: These lots are defined on the 'Neighbourhood Design Plans' and are presented as lots with defined building platforms. All dwellings, except for external hard landscaping features such as pergolas, gazebos, courtyards, must be located entirely within the Building Platform subject to the DRP's discretion under section 2.2.1 herein. Construction of dwellings on these lots is

subject to design and landscape controls. Building platforms have been carefully designed to maximise views, privacy and sunlight. Landscape controls shall ensure that privacy and outlook are maintained between lots.

The overall consideration for the development is to ensure that each house focuses on the home's relationship with special features within the golf course design, and in turn with the natural environment. Generously sized building platforms will ensure adequate separation between houses and the design guidelines will ensure that the house styles will retain the well-recognised Millbrook architectural brand.

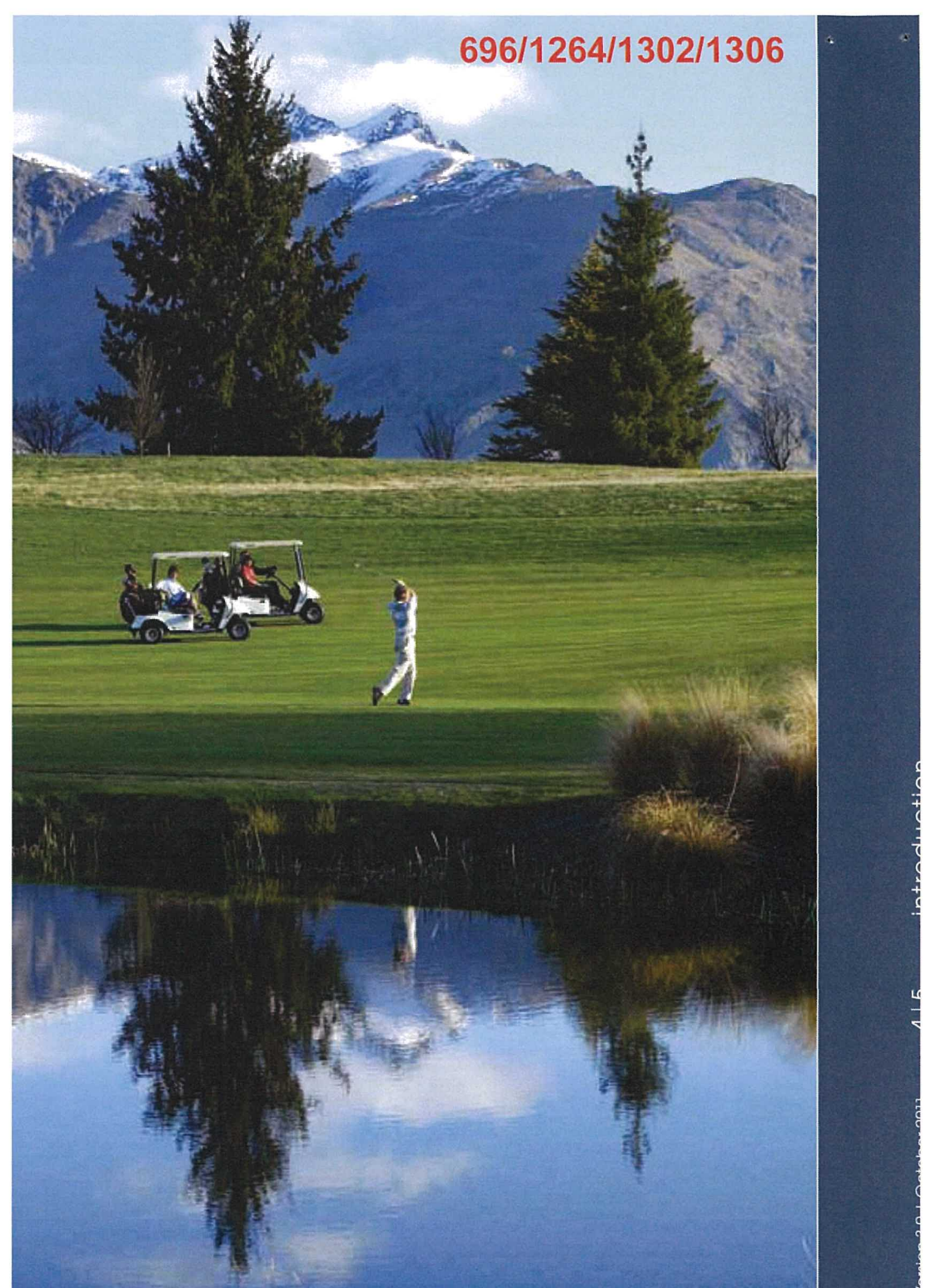
The Building Platforms are sufficiently large to encourage dwellings to spread out and to take advantage of the differing views, and encourage larger dwellings to be broken up into smaller scale interlinking components, enabling the designer to use the dwelling to create interesting outside living areas.

House & Land Packages: These lots are to be presented to purchasers as a package that includes both dwelling and landscape. The layout of these homes has been carefully considered to enjoy the golf course views, to maximise privacy and to provide an overall 'village' amenity. Any alterations to these homes will require approval subject to the design guidelines, in order to maintain an ongoing continuity to the overall residential character.

1.7 Relevant Plans

The following plans are attached to this document in Appendix A and are intended to be read in conjunction with the design guidelines:

- Millbrook Masterplan
- Stage 1 Neighbourhood Design Plan
- Mill Green (Stage 2B) Neighbourhood Design Plan



site development & landscape guidelines

2.1 General Considerations

Millbrook Resort regards planting and landscape as key elements in the overall coordination of the resort character and appearance. It is therefore strongly recommended that a professional Landscape Architect undertake the design of landscape works and that that person is familiar with the guidelines outlined in this document.

To assist with the development of the plan, the landscape architect should be aware of the following:

- A landscape plan is required to be forwarded for approval. This may be appended as part of the site plan or attached as a separate document.
- The landscape plan must show all those elements listed under the Design Approval Process outlined later in this document in section 5.2.
- The primary purpose of the landscape plan is to ensure the following design considerations are incorporated into the design.
- Maintaining views in and around Millbrook Resort is an important objective for all residents. Proposed walls, fences and hedges will be considered on the basis of protecting these views and vistas. This applies to all views and in particular the views from the golf course to properties and from adjacent dwellings.

- The location of all landscape works within the private areas is shown on the relevant Neighbourhood Design Plans. All planting undertaken within the areas shown on that Neighbourhood Design Plan shall be as prescribed on the plan. All other planting undertaken on the lots shall be subject to the lists set out in section 2.2.3.

2.2 Site Development & Landscape Guidelines & Controls

2.2.1 Building Platforms

Each of the sites being sold on a 'land only' basis has a clearly defined building platform on the 'Neighbourhood Design Plan'. These Building Platforms have been carefully placed so that each dwelling is subtly screened from each other in order to offer a sense of privacy, to ensure that each house focuses on the home's relationship with special features within the golf course design, and in turn with the natural environment.

All dwellings must be located entirely within the Building Platform. The landscape outside the Building Platform where permitted under the Neighbourhood Design Plan, may include structures such as decks, trellises, gazebos, pools, outdoor fires, garden sculptures, water features, follies and playground equipment. These elements are to be designed to appear as an extension of buildings or building components. These structures shall be subject to the Architectural colour and material guidelines and shall be screened from neighbour and golf course views where it is considered that the appearance may compromise the character of the surrounding



neighbourhood. The location, scale and appearance of these structures shall be shown on the Landscape Plan and shall be subject to approval from the DRP.

Should a homeowner wish to alter the position of their building platform or have some part of the building protrude outside of the designated area, the DRP may consider giving a dispensation, provided that neighbours' privacy or outlook is not compromised.

2.2.2 Fencing & Gates

Objective: To avoid a suburban response to marking territories and lot boundaries in particular along or near fairway or reserve frontages and to achieve a blurred and seamless integration of common to private property boundaries.

Controls:

- Fences are generally not permitted except at the DRP's discretion where owners wish to fence off, for example utility areas, or to contain pets or a pool.
- Fences must be designed as courtyard walls as an extension of the house.
- All fences if required and at the discretion of the DRP are to be contained within the building platform and/or located within the zones shown on the Neighbourhood Design Plan as '*no planting over 3m*' and/or '*unrestricted planting and approved landscape structures*'.
- Gates if required are at the discretion of the DRP and are to be built in timber and/or steel, no greater than 1.8m in height for pedestrian gates. Vehicle gates are not permitted.
- Fences if required and at the discretion of the DRP are to be no higher than 1.8m in height, and if doubling as a retaining wall shall be measured from the lower side of such fence/wall.
- Where a permitted fence is located on a road, reserve or unsold lot boundary then the Fencing Act 1978 will not apply and Millbrook will not be required to contribute to any such boundary fence construction or maintenance costs.



2.2.3 Landscape Planting

Objective: The objective of the landscape planting controls is to create a consistent approach to planting that avoids an urban 'peppercorn' planting pattern and instead produces a contiguous scale of planting more in line with that expected of a large rural homestead. Generally the controls encourage the use of species that are tolerant of the local climate, exhibit good seasonal colour and already form part of the established Millbrook palette.

Controls: Preferred plant species to be used within private landscaping areas are as follows:

Trees

Plant Code	Botanical Name	Common Name
Ace.spp	Acer species	Maple
Aln.spp	Alnus species	Alder
Ari.ser	Aristotelia serrata	Wineberry
Bet.pen	Betula pendula	Silver Birch
Cor.aus	Cordyline australis	Cabbage Tree
Cot.spp	Cotinus species	Smoke Bush
Cor.spp	Cornus species	Dogwood
Fra.spp	Fraxinus species	Ash
Fru.spp	Fruit Trees (orchard)	
Fuc.spp	Fuchsia species	Fuchsia
Gin.bil	Ginkgo biloba	Ginkgo
Gle.spp	Gleditsia species	Gleditsia
Hoh.spp	Hoheria species	Lacebark
Lep.spp	Leptospermum species	Manuka, Tea tree
Lir.tul	Liriodendron tulipifera	Tulip Tree
Mag.spp	Magnolia species	Magnolia
Not.spp	Nothofagus species	Native Beech
Pla.spp	Plagianthus species	Ribbonwood
Pru.spp	Prunus species	Flowering Cherry
Pyr.sal	Pyrus salicifolia	Silver Pear
Que.spp	Quercus species	Oak
Sch.mol	Schinus molle	Pepper Tree
Sor.spp	Sorbus species	Rowan

Shrubs, Grasses, Groundcovers

Plant Code	Botanical Name	Common Name	
Poly.spp	Polystichum	Vestitum Fern	✓
Ast.spp	Astelia species	Astelia	
Aza.spp	Azalea species	Azalea	
Ble.spp	Blechnum species	Fern	✓
Bra.cpp	Brachyglottis species		
Bux.sem	Buxus sepmervirens	Box Hedge	
Cam.spp	Camellia species	Camellia	
Car.spp	Carex species	Tussock	✓
Car.ros	Carpet Rose species	Carpet Rose	
Chi.rub	Chionochloa rubra	Red Tussock	✓
Cho.ter	Choisya ternata	Mexican Orange Blossom	
Dap.spp	Daphne species	Daphne	
Gri.spp	Griselinia species	Kapuka	
Heb.spp	Hebe species	Hebe	
Lav.spp	Lavandula species	Lavender	
Lib.spp	Libertia species	NZ Iris	
Pho.spp	Phormium species	Flax	✓
Pho.rr	Photinia "red robin"	Photinia	
Pit.spp	Pittosporum species	Pittosporum	
Poa.cif	Poa cita	Silver Tussock	✓
Poa.col	Poa Colensoi	Blue Fescue	✓
Pse.spp	Pseudopanax species	Five Finger, Lancewood	
Rh.spp	Rhododendron species	Rhododendron	
Ros.spp	Rosa species	Rose	
Teu.spp	Teucrium species	Germander	
Vib.spp	Viburnum species	Viburnum	

✓ Grasses to be used in restricted 'grasses and tussock planting' zone only.

Note: The above list is not final. Other species may be included subject to DRP approval.

Prohibited Species: The following plant types are not to be used on individual lots at Millbrook: Douglas Fur, European Larch, Sycamore, Hawthorne and Silver Birch (the later on Lot 9 Mill Green only).

In general the use of conifer and variegated evergreen species is not encouraged and is not considered to be an appropriate part of the Millbrook character. Native planting, using New Zealand natives endemic to the Wakatipu basin, is encouraged.

Preferred hedge species are Buxus, Laurel, Lonicera, or Viburnum on hedging boundaries or feature. Clipped hedging is encouraged as a means of demarcating private areas and spaces (please note however that hedges are not permitted in the zone marked '*grasses and tussock planting only*' on the Neighbourhood Design Plan).

2.2.4 Irrigation

The installation of reticulated and electronically controlled irrigation systems is strongly encouraged and is compulsory where Millbrook's landscape department is or will be engaged for landscape maintenance of an individual owners property. Efficiency in irrigation systems is encouraged to avoid water wastage.

2.2.5 Retaining Walls

All retaining walls that are visible from off site and outside the building platform are to be built of approved Millbrook laid schist stone or schist rocks, stacked in traditional approved horizontal patterns, reinforced and/or backed with concrete where required.

2.2.6 Mounding & Landforms

All mounding is, at the discretion of the DRP and owners are encouraged to use planting for screening purposes as an alternative. All mounding and landforms contained within the lot are to be of a natural shape and contour and avoiding a "flat top". Where approved private mounding meets common area mounding, landform shall be seamlessly integrated. Mounding in the zones

noted on the Neighbourhood Design Plan as '*grasses and tussock planting only*' will be permitted only at the discretion of the DRP.

2.2.7 Access Driveways & Parking

The vehicle crossings throughout the development have been designed so that the entries into the sites are as discreet as possible. Deviation from the road crossing positions as shown on the Neighbourhood Design Plan is at the discretion of the DRP.

Parking on streets or access ways is not permitted except in designated and formed visitor carparking areas. Visitors parking and parking forecourts must be contained within the site. Driveway and forecourt designs must allow for on site turning where lots are accessed from thoroughfare roads.

Millbrook shall provide sealing to lot boundaries. Lot owners are required to use asphalt on their driveways. Lot owners are encouraged to use asphalt in forecourts or dark coloured natural materials at the discretion of the DRP (schist flagstones, exposed aggregate or local gravels are acceptable).

Specific indoor parking and charging areas for a golf cart(s) is a prerequisite to approval for members to own and store a cart on their property.

A minimum of two car garaging is to be provided. Oversized garage areas for storage are encouraged.

2.2.8 Paving & Drainage

A wide range of paving materials is acceptable for courtyard paving that is in keeping with the overall landscape objectives. Courtyard paving materials shall be restricted however to shades of mid to dark grey 'natural materials, such as schist paving, asphalt, exposed aggregate, granites, bluestone or similar. No coloured concrete paving in colours other than the range described above shall be permitted other than creamy colours approved at the discretion of the DRP.

Storm water shall be contained within each site to the degree possible to avoid excessive run off onto neighbouring properties and common areas. Mud tanks or other forms of sediment catchment shall be used where appropriate and reasonably required.

2.2.9 Sculptures & Garden Art

All garden art and sculptures are at the discretion of the DRP. The DRP shall take into consideration the appropriateness of their size, finish, form and colour within the Millbrook setting. All such sculptures or artworks shall be kept clear of the zones designated for '*grasses and tussock planting only*' (fairway side) on the Neighbourhood Design Plans except where permitted by the DRP.

2.2.10 Swimming & Spa Pools

Swimming pools and spa pools are permitted at the discretion of the DRP. Pools must be located within the building platform or in the landscape area where landscape structures are permitted. The design of the dwelling must make consideration for the pool plant to be housed inside the house or garage and be acoustically insulated. Pool fencing must comply with the general fencing objectives and controls within these guidelines. Retractable and lockable covers in lieu of fencing will only be permitted where the DRP is comfortable that neighbouring dwellings are suitably separated from the pool area and that the risk of children straying to the pool is minimal. The owner must also obtain all necessary permits from the local authority as they relate to the Swimming Pool Act.

2.2.11 Exterior Lighting

Exterior lighting is permitted but shall be restricted to down lighting and for the purpose of lighting private areas. Up lighting into vegetation will be permitted provided the total illumination is not excessive and restricted to the relevant lot. Sources are to be incandescent, halogen or other "white light", not sodium vapour or other coloured light, except for temporary holiday decorations.

2.2.12 Site Utilities & Exterior Service Areas

Meter boxes for electricity and gas are to be flush mounted into walls with suitable covers over having regard to the surrounding cladding and hidden as much as possible from off site views, whilst still being accessible for reading.

All service and utility areas such as diesel tanks, storage depots, wheelie bin stores, clothes lines, play equipment and kennels are to be screened from view from any access lot, part of the golf course or reserve areas, and if not located within the building platform may be located within the zones shown on the Neighbourhood Design Plan as '*no planting over 3m*' and/or '*unrestricted planting and approved landscape structures*'.

All utilities on site including gas supply, electrical supply, storm water piping, foul sewer and telecommunications, shall be underground or contained within the buildings structure.

2.2.13 Street Numbers & Mailboxes

Street Numbers shall be shown on flat black steel 200 x 150mm, with numbers in white or such other generic design developed by Millbrook.

Millbrook will have available for Millbrook West lot owners a limited number of mailboxes at it's new western entrance. The allocation of these will be at Millbrook's discretion but generally limited to more permanent residents.

Mailboxes on individual lots are at the discretion of the DRP and must be designed to be integral to a wall or landscape structure so that a mail slot is the only part of the mailbox showing. Proprietary boxes mounted on a post will not be permitted. Please note NZ Post do not currently deliver into the resort but will deliver to the new western entrance.

architectural design guidelines

3.1 General Design Considerations

The intent of these architectural guidelines is to encourage a diversity of design solutions and at the same time produce a unified and harmonious continuity that reflects:

- The rural character and setting of Millbrook
- Respect for the landscape and landforms
- Privacy between dwellings
- Local climate
- Continuity with the characteristics, forms and materials of the established Central Otago and 'Millbrook' styles of architecture

Many examples of buildings that incorporate elements of the design can be found in the Central Otago region including the historic buildings within Millbrook. Millbrook's new western development will now extend this architectural history into a new setting for contemporary ways of life, offering contemporary responses to the same set of prevailing regional and local conditions, the climatic, cultural and physical.

It is a requirement that an Approved Architect (see section 5.2 for the approval process) be retained by each lot owner to prepare plans for submission to the DRP in accordance with the review process.

A picture tells a thousand words and the DRP have selected the following images to help illustrate features of the Millbrook style of architecture.

Traditional square in profile chimney's



Deep window reveals to masonry structures



Vertical window proportions



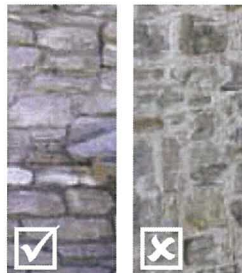
Single cladding to walls



Eave less pavilions



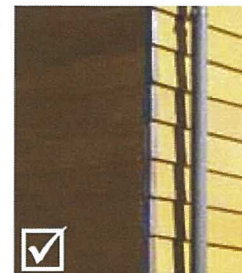
Stone patterns stacked horizontally



Balconies with traditional balustrades



Single cladding to each pavilion



3.2 Building Mass

Objective: To ensure a consistency in scale and form is achieved, as envisaged in the Master Plan and to bring design unity to each neighbourhood. To acknowledge that each lot forms part of a neighbourhood and to ensure that individual houses are not designed in isolation to their relationship to other surrounding houses.

Controls:

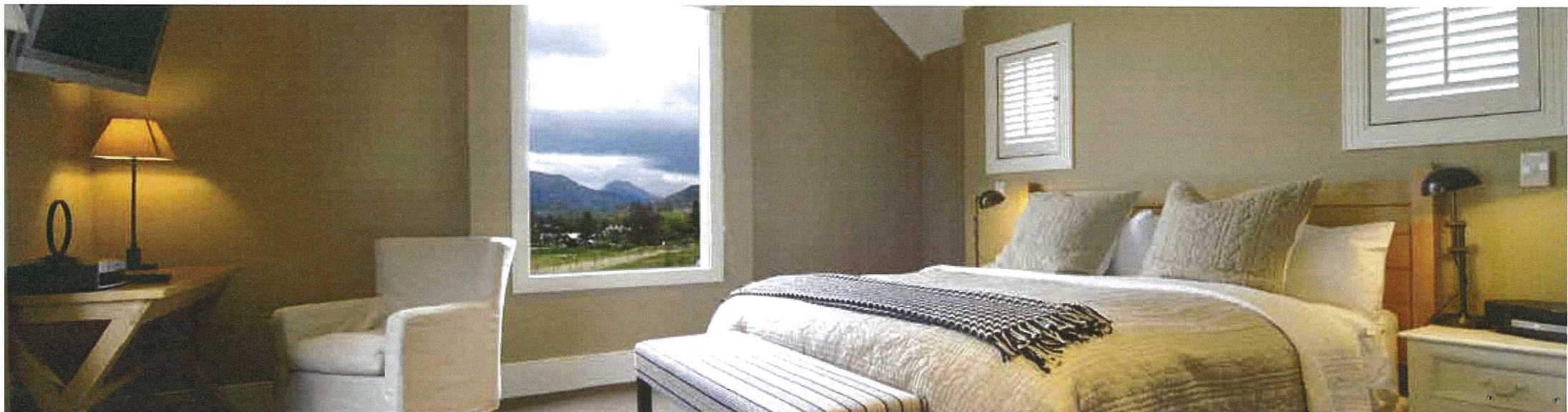
- Buildings are to be contained within the building platforms as prescribed in the Neighbourhood Design Plan and as described in section 2.2.1
- The minimum house size including garages will be 250m²
- The maximum site coverage will be 30%
- Adequate consideration must be given to breaking the mass of building forms in excess of 16m in length, by way of example, gable end projections, chimney's, balconies, pergola's, stepping in or out etc.
- Care will be taken to keep gable ends in the traditional Millbrook proportion (height to width) with any adjacent lean-to or flat roof connections set back from the gable end
- The garage design must be of a similar design and materials as the main dwelling. Garages that do not directly face the road are encouraged.

3.3 Building Height

Objective: To minimise the visual impact of the dwellings, to ensure that they are subordinate to, and blend in with the surrounding landscape. Building heights have been limited in strategic areas to allow improved views from all properties.

Controls:

- The maximum building height of each dwelling will be as per the table shown on each relevant Neighbourhood Design Plan and measured from the noted finished floor level (FFL) or such other FFL as finally determined by Millbrook at the completion of the subdivision works. Basements are permitted but must be below the nominated FFL. Minor breaches of the designated height planes may be permitted at the discretion of the DRP, where the DRP is satisfied that no neighbouring owner is affected and that there are significant other neighbourhood design advantages in allowing such discretion.
- There are other specific height restrictions for garages within the standard 5m set backs with these noted on the relevant Neighbourhood Design Plans.



3.4 Roofs

Objective: To ensure that a unified roofscape in varying tones of grey and with a richness in gable rhythms is achieved.

Controls:

- All buildings will follow a design theme based on the gable roof form of 37.5° in pitch.
- No eaves or overhangs are permitted
- Roof claddings are limited to one finish selected from - Corrugated colour steel in either 'Grey Friars' or 'Sandstone Grey' or alternatively in a traditional natural grey slate (sample to be approved by the DRP).
- The DRP may allow, at their discretion, a second roof finish to a secondary form (i.e. garage) where they are satisfied that the overall design would benefit from this feature, i.e. where the garage has been designed as a separate 'Barn' structure.
- Flat roofs that connect and link pitched roofed pavilions are permitted but shall not exceed 20% of the total roof area. The flat roofs are to generally sit below the gutter line of the pavilions that it is linking and shall be covered in an approved membrane of a colour consistent with the main roof colour.
- Lean-to structures are permitted at the discretion of the DRP and shall have a minimum roof pitch of 15° and a maximum pitch of 37.5°
- Bargeboards and fascia's exceeding 50mm in width are not considered appropriate and if used shall be painted to match the facades.
- All down pipes and gutters are to be in a colour matching the roof. Copper down pipes and gutters are permitted only when used with 'Grey Friars' coloured iron or with a slate roof. PVC downpipes and gutters are not permitted.
- All roof flashing and penetrations shall be in a colour and material consistent with the roof (no PVC is permitted). Penetrations are to be avoided where possible (i.e. vented out walls instead) and if used are to be mitigated by using custom built caps to follow the roof pitch in order to avoid the 'mushroom' effect
- No plant or equipment is permitted to be positioned on the roof except for TV aerials and sky dishes, which are to be screened to the maximum intent possible.
- Solar panels are permitted at the discretion of the DRP. They must be designed and integrated into the structure to be as flush and unobtrusive as possible, in colours that match the roof, and on a roof slope(s) that has minimal views and glare from neighbouring properties and common areas.
- Dormers are permitted but must have 37.5° pitched roofs and shall be in keeping with traditional dormer formats as used at the resort. Narrow dormers (max 1m) with flat roofs may be permitted at the discretion of the DRP and must be capped with a sheet metal to match the main roof. Both flat topped and pitched dormers shall not be permitted on the same dwelling.
- Pitched roof forms must be gabled, no hip type roofs are permitted. No parapet gable end walls are permitted.
- Where skylights are contemplated the architect shall ensure that the flashing kits do not protrude above the roof plane unnecessarily.

3.5 External Wall Materials

Objective: To ensure that dwellings complement the surroundings and landscape and help to blend the buildings and the new improvements with the site. Materials should be natural or in recessive colours with a limited number and variation in finishes.

Controls:

- All external above ground cladding materials shall be limited to Millbrook quarry stone laid horizontally (pattern and finish to be approved by the DRP prior to work commencing), painted

plaster rendered with a stone like appearance or wood float finish (other patterned plaster finishes are not acceptable), horizontal dressed timber weatherboards painted/stained in an approved colour, and cedar vertical board and batten (dimensions to be approved by DRP).

- Vertical board and batten finishes are only permitted to secondary architectural forms and on the "street side" of the lot, and finished in natural approved stains.
- Weatherboards shall be dressed and bevel backed or rusticated in 150mm to 200mm and shall be either painted, in natural unfinished cedar or in cedar with an approved stain finish. Stained or natural cedar weatherboard finishes are only permitted to secondary architectural forms and on the "street side" of the lot.
- Individual pavillions shall be clad in a single cladding i.e. no changes of materials on different walls of a pavillion.
- Claddings are not to be mixed on any wall i.e. one cladding low down and another in the upper triangle of a gable end
- Exterior paint colours shall be one of the following Resene colours, or a colour within the same earthy tones as approved by the DRP. Other good quality brands paints shall be permitted by the DRP (that match the Resene colours). No trim or highlight colours are permitted.
- Exterior timber stains shall be limited to those with a natural colour finish, which must be approved by the DRP prior to application (a sample must be submitted to the DRP).

- ▶ Pravada
- ▶ Stonewall
- ▶ Half Stonewall
- ▶ Arrowtown
- ▶ Half Arrowtown
- ▶ Napa

- ▶ Pavlova
- ▶ Akaroa
- ▶ Bison Hide
- ▶ Double Bison Hide
- ▶ Quarter Mondo
- ▶ Half Mondo

3.6 Doors & Windows

Objective: To ensure that a traditional approach to window sizes and details is maintained whereby smaller windows of vertical proportions were punched into gable ends and side walls with deep reveals

Controls:

- Joinery finishes permitted in natural or stained cedar, painted timber, steel, powder coated aluminium or anodised aluminium. All colours to be in keeping with the other exterior finishes and to be approved by the DRP.
- The shape, proportions and details of all openings are to be appropriate to the structural expression of the walls within which they are located. Windows shall be vertical in proportion, with oversized glass areas permitted only at the discretion of the DRP and where approved broken up with mullions and transoms to the approval of the DRP.
- All windows to be double-glazed. Windows in line with the golf course should be in toughened glass.
- Only clear glass permitted except where bathroom windows are required to be in opaque or frosted glass. Non-reflective glass to be used where large expanses of glass face onto any fairway or where required by QLDC. No tinted glass is permitted.
- Where windows in a pavillion form are not part of a door set they are encouraged to be raised off the floor level by a minimum of 400mm
- Care should be taken with the positioning of windows to minimise privacy issues and 'overlooking'.
- Curtain glass walling to gable ends is only permitted at the discretion of the DRP and shall be limited to one pavillion per dwelling and where that pavillion has a height of no greater than 6.5m and the glass expanse is broken up horizontally and vertically to the approval of the DRP with mullions/transoms. No half glass / half solid walls shall be permitted (i.e. glass to the upper triangle and solid to the lower portion of the gable end).
- All windows set into masonry, plastered or stone walls are to be recessed to the degree possible but to a minimum of 200mm. Windows set in timber clad walls shall be either recessed or 'plant on' timber window facings used.
- Garage doors shall be timber and in either paint or cedar finished to complement the dwelling colour scheme.

3.7 Building Projections

Porches, verandas, pergolas, loggias, outdoor fires, and patios for climate control and/or outdoor living and circulation are encouraged. All of these building projections should be designed as integral elements of the building forms.

Controls:

- All roof projections including chimneys, flues and vents shall be compatible in height and material with the structure from which they project. Chimneys, where they are deemed to be a strong design feature, may exceed the height control by up to maximum of 2m.
- Chimneys are to be square in profile except at the breast where a variety of traditional treatments can be used that are appropriate to Millbrook. Protruding flues are to be capped and or screened with powder coated steel frame to match the chimney proportion
- All structures on any one site are to be designed as integral parts or extensions of the main building in terms of materials and colours, even if physically separated from it.
- Pergolas are to be of a scale and proportion to suit the house. Heavy timbers such as bridge beams are generally not acceptable.
- Balconies and bay windows are permitted. Balconies are to be of a traditional format with traditional vertical balustrading (glass balustrading is not permitted) and posts.

3.8 Other Controls

- Open fires or log burners within dwellings are not permitted (other than Millbrook approved gas appliances)
- With respect to outdoor fires, open fires shall be permitted at the discretion of the DRP and subject to any relevant local authority rules or by-laws.
- Air-conditioning units are only permitted if they are designed as an integral part of the building and screened acoustically and visually to the satisfaction of the DRP.
- No pile type foundation construction is permitted



general guidelines & controls

4.1 Overview & Memorandum of Encumbrance

A memorandum of encumbrance is or is to be registered against all Lots within Millbrook. The memorandum of encumbrance contains formal land use controls, which must be adhered to as well as the land use, and site management controls contained in clause 4.2 and 4.3. The relationship between the design guidelines and the memorandum of encumbrance is complimentary. Where a control or guideline is more restrictive in either the design guidelines or the encumbrance the interpretation of such provision shall not be feted or restricted by the wording of the other.

4.2 Land Use Controls

- a)** No site works, building work or landscaping work on any lot shall commence without first obtaining the written approval of the DRP to the plans and specifications for the intended residential dwelling, any other buildings and landscaping.
- b)** Any future additions or external decoration (including re-painting) or alterations to dwellings or substantial landscaping or any other permitted building on the lot must also be approved by the DRP prior to commencing any work.
- c)** Site owners must also obtain all necessary Land Use Consents and Building Consents from QLDC before commencement of any work on site.
- d)** Residences may not be occupied until a code of compliance certificate is issued in accordance with Building Act 2004



requirements. Millbrook may request a copy of such certificate as proof of issue.

- e)** Construction of residences including any fencing must be completed within five (5) years of the initial title issue date of each new lot. Landscaping is to be completed within three (3) months of completion of the residence. Construction of the residence must be continuous and once started must be completed within twelve (12) months of breaking ground.
- f)** No second hand or relocatable buildings may be brought onto the property
- g)** Boats, trailers, caravans, additional cars may not be parked on the property unless garaged.
- h)** No commercial use of a property is permitted other than a home office.
- i)** The land will not be further subdivided. l) A single residential dwelling only may be erected on the property except that the following (subject to any Resource Consent/Consent Notice) may be attached or detached from the main dwelling but within the building platform:
 - (a) a guest house up to a maximum of 60m² or
 - (b) Caretaker Unit that shall not exceed 100m² or
 - (c) an additional fully equipped living unit for senior or handicapped residents that shall not exceed 100m². An additional enclosed parking space shall be provided for any of those additional uses described in this sub-clause. It should also be noted that the lot owner is responsible for any additional headwork's or development contributions payable to QLDC (if any) for any of these additional uses.

4.3 Site Management Controls

During construction of their Millbrook home it will be the responsibility of the lot owner to ensure builders, subcontractors, workmen and suppliers comply with these design guidelines and minimise disturbance to other Members and residents.

- a)** A pre-construction conference between the DRP convenor and the lot owner's contractor is required to discuss the contractors work plan, establish the location of services, site buildings, delivery routes and these site management controls etc.

- b)** Prior to commencing, and in order that Millbrook has surety that damage (that may/occur to any of Millbrook's property/land during construction) will be rectified satisfactorily and in a timely manner, the owner shall deposit with Millbrook an amount of monies that Millbrook deem to be suitable, based on the location and size of construction to be undertaken, but not less than \$5,000. This will be set against any damage to services, roadways and landscape areas. Any unexpended sum will be returned to the lot owner at practical completion. Should damage in excess of this amount be incurred then Millbrook reserves the right to recover such additional sums from the site owner. Road crossing bonds are not payable to QLDC for houses within Millbrook.
- c)** Access to construction areas must be via the new western entrance. Contractors and owners shall ensure where possible, that smaller delivery trucks are used. Where deliveries are made by larger semis or B-trains, that require greater turning distances than are available within the residential areas, then contractors shall arrange for goods to be first de-cantered onto smaller trucks and then delivered to site. The lot owner's contractor will immediately repair any damage caused by oversized trucks inappropriately brought onto the site, or if repaired by Millbrook, the costs recovered from the construction bond and/or site owner.
- d)** All trade vehicles are to be parked on the lot or in such other position as agreed by Millbrook or agreed by a neighbouring lot owner. Trade vehicles are not to be parked on the roads or on the grass swales or reserve areas
- e)** Temporary buildings associated with construction are permitted but must be in a tidy condition and located on the lot.
- f)** The dwelling will be constructed on site. No kitset, pre-built transportable or relocatable house, caravan, shed or garage may be erected or permitted for permanent or temporary accommodation
- g)** Only one construction sign is permitted on site – no larger than 900x600mm. The sign must be fixed and is permitted only within the lot boundaries.

h) Hours of work on site are restricted to: 1st November to 31st March 8am to 8pm Monday to Saturday and 1st April to 31st October 8am to 5.30pm Monday to Saturday, however under no circumstances should there be any construction noise emanating from the site after 5.30pm

i) Noise: All care is to be taken to keep noise levels to a minimum. Contractors are not permitted to have radios or music playing on site.

j) Health & Safety: Owners shall ensure that all contractors on site have an up to date Health & Safety policy and adhere to site safety standards at all times.

k) All buildings must be constructed in accordance with the current Building Act and Building Code and must be built in a good and tradesmenlike manner. All construction must be carried out by a current member of the Master Builders Association or such other contractor as approved by Millbrook.

l) During construction:

(i) No building material or waste may be placed on any adjoining lot, community area or any part of the Millbrook Resort

(ii) The Building Contractor must carry full contract insurance and public liability cover for an amount deemed adequate by the DRP.

(iii) The DRP reserves the right to enter on to any building site for the purpose of inspecting the building to ensure that design and building standards and site maintenance requirements are observed.

m) No builder's waste or rubbish may be allowed to accumulate on the property. A refuse skip must be used during construction. Wind blown material is to be promptly retrieved.

n) All building materials and equipment brought onto the property during construction must be contained within the perimeter of the section.

o) Contractors and sub-contractors are not permitted to have dogs or pets on site

p) Contractors or sub-contractors are not permitted to have rubbish fires on site without first obtaining the approval of the DRP convenor.

q) Grass and other groundcover on the lot will be maintained so as not to exceed 100 mm in height. Millbrook may enter the property and cut grass and groundcover at the cost of the owner if this site maintenance requirement is not observed or remedied upon request.



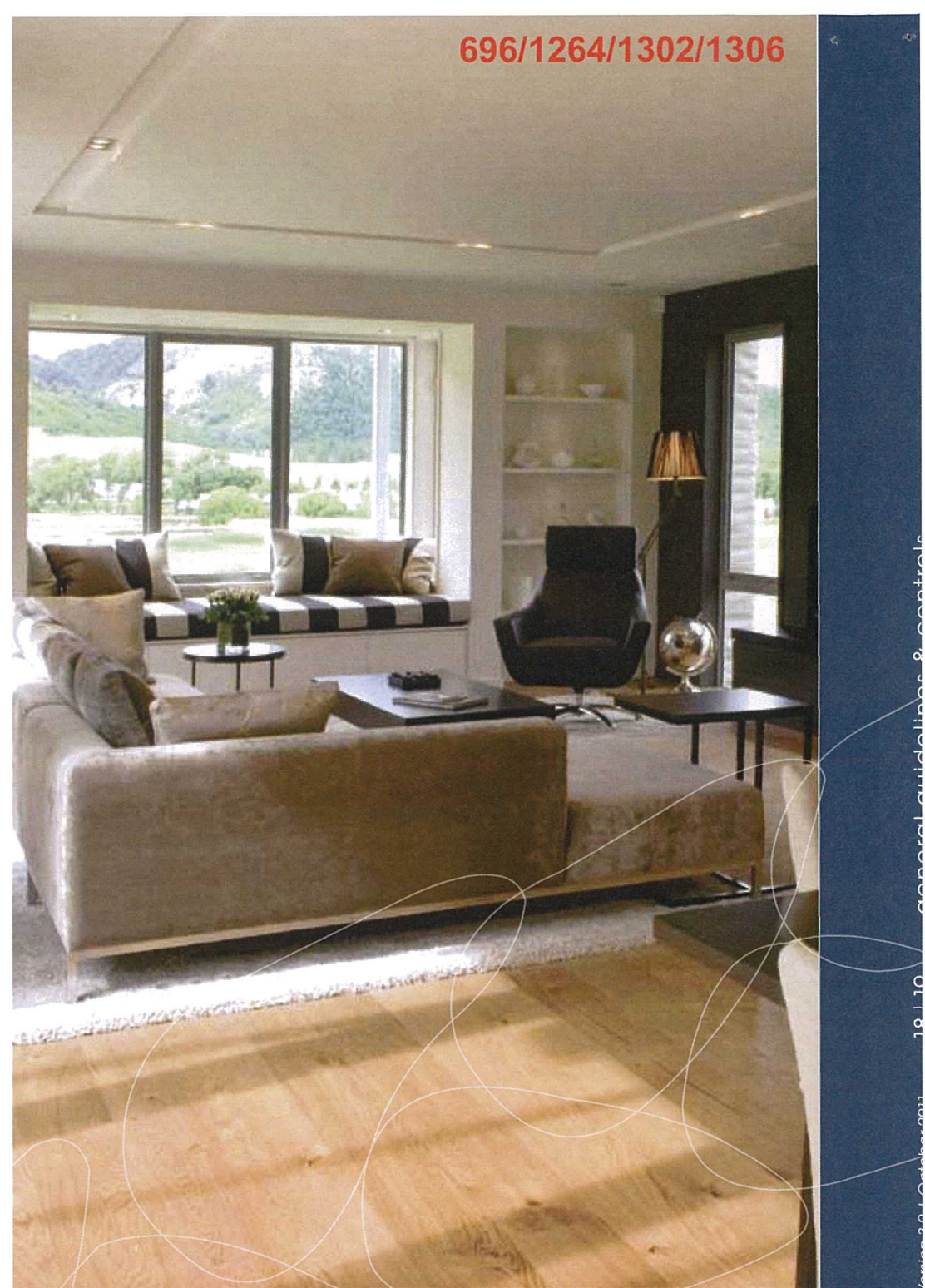
4.4 Codes of Practice

- a) All dwelling plans, exterior finishes and landscape works are to be approved by Millbrook as per the process outlined in section 5.2.
- b) The DRP has the right to enforce all protective covenants, design guidelines and codes of practice applying to the property from time to time and if the breach is of a serious nature or is not rectified promptly then Millbrook reserves its rights to enforce the rent charge provisions of the Memorandum of Encumbrance.
- c) The DRP reserves the right to make reasonable changes to these design guidelines and to determine the placing of adjacent buildings and codes of practice from time to time as the DRP considers practical and necessary without unreasonably interfering with the integrity of the overall objectives of the Millbrook Design Guidelines. Where a neighbour's property may be affected by any proposed decision, the DRP will consult with the neighbour so affected but the DRP's decision will be final.
- d) In applying these covenants the DRP shall act in the best interests of Millbrook and the owners at all times. All decisions shall be made to ensure high design and building standards.
- e) In the event of resale of the property the owner must make these guidelines known to the purchaser to ensure the purchaser understands these requirements and that no misunderstandings arise which could involve the owner, the DRP or any other party in legal proceedings.
- f) In exercising its rights under these guidelines Millbrook shall act reasonably in all respects.

4.5 Architect Approval

Each Architect appointed by a lot owner must first complete an induction process and commit to the Millbrook Design Protocol Agreement using the form attached in Appendix B.

Millbrook reserves the right to reject any architect who does not agree to be bound by, or who has breached the Millbrook Design Protocol Agreement in the past.



design review

5.1 Design Review Panel Organisation

5.1.1 Design Review Panel Membership

The DRP will consist of 3 to 4 members namely an Architect, a Landscape Architect and one to two Millbrook development representatives. If and when an Owners Association is formed then a representative of that group may be added by agreement between Millbrook and the Association. Each person will hold office until such time as he/she has resigned, or has been removed, or his/her successor has been appointed.

5.1.2 DRP Convenor

The DRP Convenor is responsible for the design review process and administration and shall have the authority to agree more minor queries or submissions that comply with the design guidelines without calling for a full meeting.

5.1.3 Appointment of Members

Millbrook will appoint the DRP members. Millbrook will also have the power to remove and replace DRP members. At such time as Millbrook as Developer no longer owns any of the lots within the Development and after all the lots have been fully developed, and all dwellings have been completed, the power of appointment



and removal in respect of membership of the DRP may, at Millbrook's discretion, be handed to the Home Owners Association or Residents Association if such exists.

5.1.4 Resignation of Members

Any member of the DRP may at any time resign from the DRP upon written notice stating the effective date of the member's resignation to the DRP. Millbrook will thereafter appoint new members to the DRP.

5.1.5 Functions of the DRP

It shall be the duty of the DRP to consider and act upon such proposals or plans from time to time submitted to it in accordance with the design review procedures established by these Design Guidelines; to amend the Design Guidelines as deemed necessary; and to perform any duties assigned to it by Millbrook.

5.1.6 Right of Waiver

The DRP recognizes that each lot has its own characteristics and that each Owner has their own individual needs and desires. For this reason the DRP has the authority to approve deviations from any of the Design Guidelines or Regulations contained within this document. It should be understood, however, that any request to deviate from these Design Guidelines will be evaluated at the sole discretion of the DRP, and that the approval of the deviations will be limited to only the most creative design solutions to unique situations. Prior to the DRP approving any deviation from a Design Guideline, it must be demonstrated that the proposal is consistent with the overall vision of the development, the objectives of the Design Guidelines, and will not adversely affect adjoining lots or the Development as a whole.

The DRP also reserves the right to waive any of the procedural steps outlined in this Design Guideline document provided that the Owner demonstrates there is good cause.

5.1.7 Non-liability

Provided that DRP members act in good faith and with due diligence, neither the DRP nor any member shall be liable to Millbrook or any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of:

1. Approving or disapproving any plans, specifications and other materials, whether or not defective.
2. Constructing or performing any work, whether or not pursuant to approved plans, specifications and other materials.
3. The development or manner of development of any land within the development.
4. Executing or recording a form of approval or disapproval, whether or not facts stated therein are correct.
5. Performing any other function pursuant to the provisions of the Design Guidelines.

5.2 Design Review Process

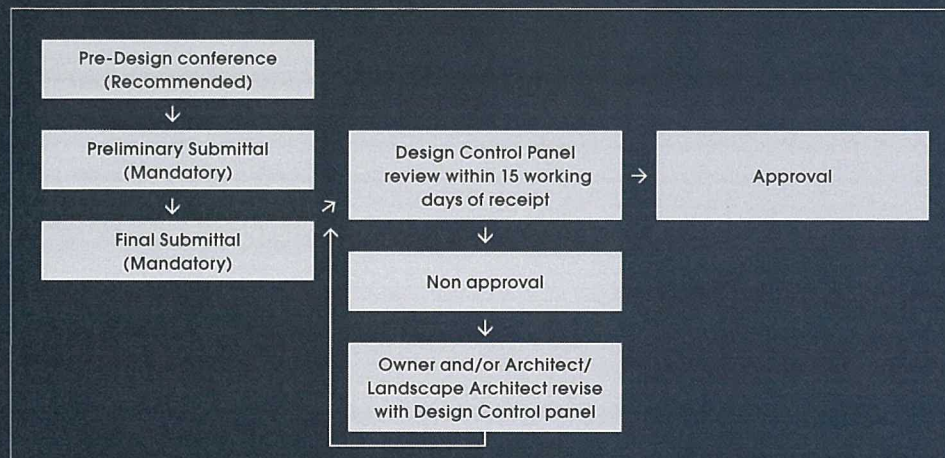
Drawings of the site development and dwelling will be carefully reviewed by the DRP to ensure that the proposed design is compatible with the overall development as a whole, is responsive to the particular site, and is in compliance with the "resource consent(s)" issued to Millbrook by QLDC for the development in general and complies with the Design Guidelines. This design review process must be followed for any of the following improvements:

- Construction of all new buildings;
- The renovation, expansion or refinishing of the exterior of any existing building;
- Major site and /or landscape improvements; and
- Construction of, or additions to fencing or enclosure structures

The DRP evaluates all development proposals on the basis of the Design Guidelines. Most of the guidelines outlined in this document are written in relative terms. The interpretation of these standards is left up to the discretion of the DRP. Other guidelines such as building height, roof and exterior wall materials are more definite, or absolute design parameters.

Any Improvements as described above shall require and be preceded by the submission of plans, and specifications describing the proposed improvements and be accompanied by the noted application fee. The Owner shall retain competent assistance from an Architect, and Landscape Architect. The Owner shall carefully review the Neighbourhood Design Plan, and these Design Guidelines and any other documents pertaining to this development issued from time to time prior to commencing the design process.

Having secured final design approval from the DRP, the Owner is also required to meet all relevant Consents from QLDC. The review process takes place in four steps:



5.2.1 Pre-design Conference (recommended)

Prior to the preparation of any material for formal DRP review it is strongly recommended that the Owner and/or Owners Consultant(s) meet with the DRP convenor for a pre-design conference. The purpose of this meeting will be for the DRP Convenor to answer any questions the Owners and/or Consultant(s) may have and to discuss the particular characteristics and restrictions on the site, its access, the Building Platform, etc and the requirements, fees, and the design review process.

5.2.2 Preliminary Review (Mandatory)

In order to continue the process after the pre-design conference, the Owner or their consultant shall submit a written application accompanied with their Preliminary Design (PD) documents and the appropriate fee. A checklist of what is required to be contained in the PD and an application form will be made available from the DRP convenor. This step is intended to avoid wasted time and professional fees that result from pursuing a design solution that is in conflict with the standards expected from the DRP. Note: for ease of interpretation a scale model or 3D images are required at this stage of the review process.

Upon receipt of these documents, the DRP will liaise with the Owner to schedule a meeting to review the PD documents. The Owner and /or Consultants are encouraged to be present at the meeting. The DRP will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s) if present, and subsequently provide the Owner with the conclusion of the meeting in writing.

A second review meeting may be necessary to review corrected and/or any new submission

5.2.3 Final Submittal (Mandatory)

The final submittal documents are to include.

- a) Landscape/Site Plan (1:100 scale in A3)
 - Sidewalks, stairways, parking, driveways, decks, patios, courtyards, swimming pools, tennis courts, awnings, fences and walls, garages, other accessory buildings
 - Any fencing, location, height, appearance
 - Location of plants, lawn area, trees, ground cover areas and shrubs
 - Plant list including species, size and height at maturity
 - Scale model or 3D renderings

b) Building Plans (1:100 scale in A3)

- Site Plan of works
- Plans, sections, elevations
- Cross Sections
- Roof slope and building height
- Colours and materials identified
- Any rooftop equipment, chimneys, exterior lighting
- Window details

c) Specifications

- Samples and colours of roof, window joinery and wall materials, and of other special features

Upon receipt of these documents, the DRP will liaise with the Owner to schedule a meeting to review the FD documents. The owner and/or consultants are encouraged to be present at the meeting. The DRP shall review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s) if present, and subsequently provide the Owner with an approval or conclusive recommendations in writing for refinements to the design. A second review meeting may be necessary to review corrected and or new submission.

5.2.4 Observation

During Construction the DRP shall check on the progress to ensure compliance with the approved Final Design. Notwithstanding these procedures, the onus is on the Owner to ensure the construction complies with the Final Design documents. The DRP must not be seen as policemen, but rather as a body, which is acting in the best interest of the development for the benefit of all the Homeowners. If changes or alterations have found not to be approved, the DRP shall issue a Notice to Comply.

5.2.5 Subsequent Changes

Subsequent construction, landscaping or other changes in the intended improvements that differ from approved final design documents must be submitted in writing to the DRP for review and approval prior to making changes.

5.2.6 Notice to Comply

When as a result of a construction observation the DRP finds changes and/or alterations that have not been approved, the DRP will issue a Notice to Comply. The DRP will describe the specific instances of non-compliance and will require the Owner to comply or resolve the discrepancies.

5.2.7 Meeting Frequency and Approval Times

The DRP will make every reasonable effort to comply with this time schedule for the design review process. However the DRP will not be liable for delays that are caused by circumstances beyond their control. The DRP will meet depending on the demand of reviews required. It is expected that during high demand periods that the DRP will meet regularly on a monthly or shorter cycle. Where the demand reduces the DRP will meet on an as needed basis. Notwithstanding the above the DRP's objective is to meet within 15 working days of a submission and respond within 3 working days of a meeting. The DRP convenor will also be available between meetings to offer feedback and/or decisions where he/she can.

5.2.8 Application Fees

- In order to defray the expense of reviewing plans and related data, and to compensate for the cost to monitor the design, a one-off set fee is required. The fee is \$600+GST and is payable prior to, or to be attached with the preliminary submittal. The fee covers the full design review steps as set out in this section. The DRP reserves the right to charge additional fees for those owners, or owners consultants who in the opinion of the DRP require excessive resubmittals.
- The DRP reserves the right to amend these charges in the future and/or to introduce a fee for additions/alterations to dwellings.





Key

- 5m building height restriction
- 6.5m building height restriction. Windows to be averted from lot 301
- Grasses and tussock planting or other low level <1m high planting permitted at the discretion of the DRB
- No planting over 3m in height
- Unrestricted planting within approved plant list
- Unrestricted planting within approved plant list and approved landscape structures allowed

Note: buildings on lot 328 - 339 are indicative only

- Building platforms
- Lot Boundaries
- Retaining wall
- Bridge
- Water feature
- Golf course fairway

Schedule				
Lot #	Area	BP area	Floor/Garage Level	Height
201	3108m ²	1117m ²	424.0	6.5m
202	2036m ²	1241m ²	424.0	6.5m
203	1804m ²	1201m ²	424.0	6.5m
204	1105m ²	-	422.5	7.5m
205	976m ²	-	422.5/422.65	7.5m
206	955m ²	-	422.5/422.65	7.5m
207	893m ²	-	422.5	7.5m
208	4195m ²	1394m ²	424.0	5.5/6m
209	1380m ²	567m ²	425.0	5.5/6.5m
210	1560m ²	917m ²	426.5	6.5m
211	1727m ²	1025m ²	426.5	6.5m
212	1645m ²	950m ²	426.5	6.5m
213	2192m ²	920m ²	424.5	6.5m
214	1194m ²	-	422.5	7.5m
301	2050m ²	1030m ²	408.0	7.5m
302	2003m ²	959m ²	409.0	7.5m
303	2002m ²	991m ²	410.0	7.5m
304	1721m ²	1040m ²	421.5	7.5m
305	1652m ²	1021m ²	423.5	7.5m
306	1560m ²	890m ²	425.5	7.5m
307	7053m ²	4045m ²	427.0-428.0	7.5m
311	1514m ²	959m ²	426.0	7.5m
312	704m ²	-	425.0/423.5	7.5m
313	740m ²	-	424.0/422.5	7.5m
314	719m ²	-	423.0/421.5	7.5m
315	795m ²	-	422.0/420.5	7.5m
316	785m ²	-	421.0/419.5	7.5m
317	722m ²	-	420.0/419.5	7.5m
318	694m ²	-	419.0	7.5m
319	624m ²	-	418.0/419.0	7.5m
320	711m ²	-	418.0/419.0	7.5m
321	724m ²	-	418.0/419.0	7.5m
322	692m ²	-	418.0/419.0	7.5m
323	692m ²	-	419.0	7.5m
324	718m ²	-	420.0/419.5	7.5m
325	1478m ²	955m ²	412.0	7.5m
326	1392m ²	915m ²	412.0	7.5m
327	1562m ²	1018m ²	412.0	7.5m
328	784m ²	-	408.5/407.5	7.5m
329	956m ²	-	408.5/407.0	7.5m
330	951m ²	-	408.5/407.0	7.5m
331	901m ²	-	406.5/407.0	7.5m
332	747m ²	-	406.5/407.0	7.5m
333	680m ²	-	406.5/407.0	7.5m
334	620m ²	-	406.5/407.0	7.5m
335	620m ²	-	406.5/407.0	7.5m
336	741m ²	-	406.5/407.0	7.5m
337	796m ²	-	406.5/407.0	7.5m
338	597m ²	-	406.5/407.0	7.5m
339	691m ²	-	407.0	7.5m
340	2269m ²	1538m ²	407.0	5.5m
341	2144m ²	1324m ²	407.0	5.5m
342	1748m ²	907m ²	407.0	7.5m/6.5m
344	1745m ²	945m ²	407.0	7.5m/6.5m



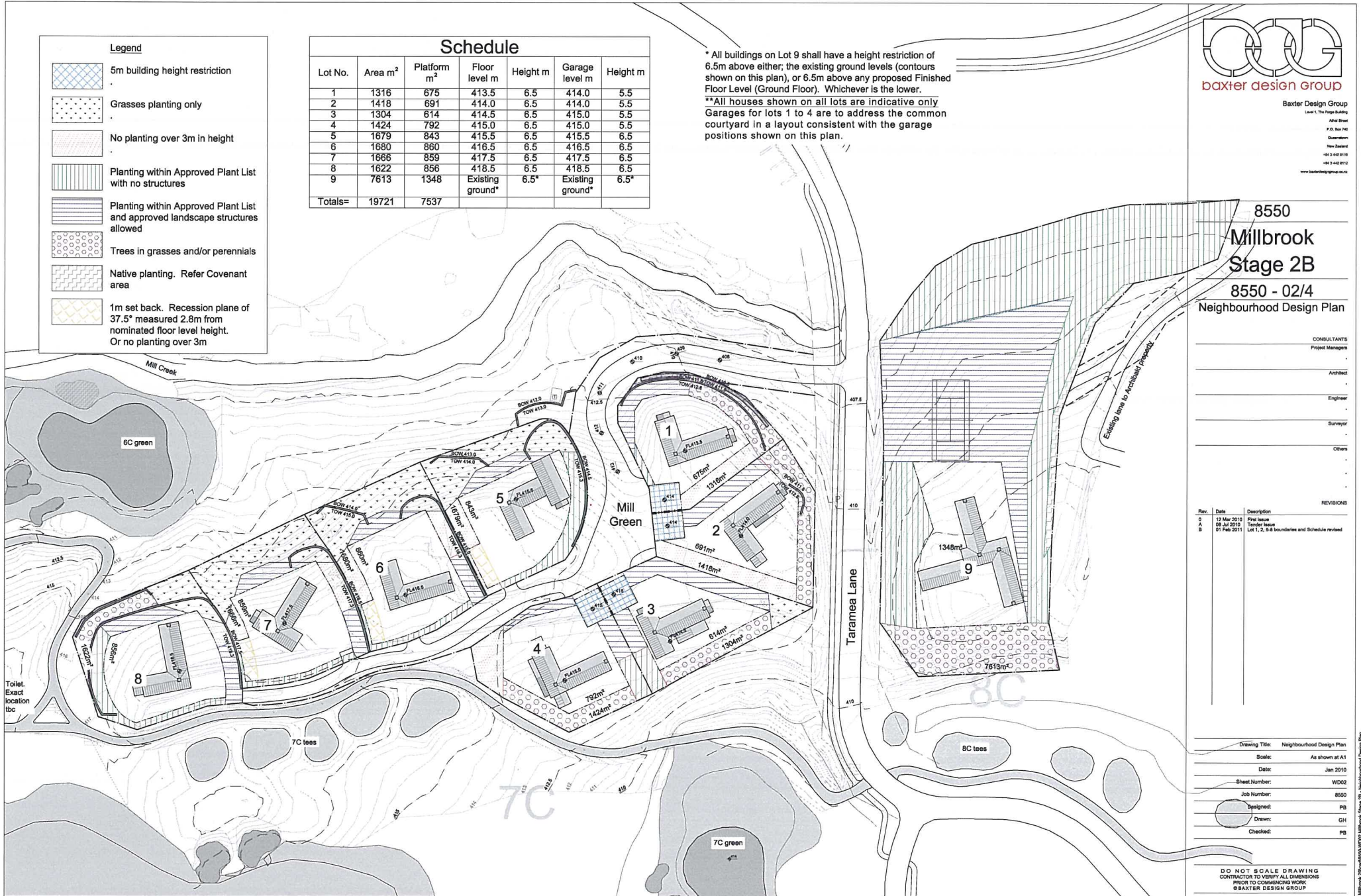
Baxter Design Group
 Level 1, The Hub Building
 4th Floor
 P.O. Box 740
 Devonport
 New Zealand
 Tel: 042 242 918
 Tel: 042 242 912
 www.baxterdesigngroup.co.nz

* All buildings on Lot 9 shall have a height restriction of 6.5m above either; the existing ground levels (contours shown on this plan), or 6.5m above any proposed Finished Floor Level (Ground Floor). Whichever is the lower.
 **All houses shown on all lots are indicative only
 Garages for lots 1 to 4 are to address the common courtyard in a layout consistent with the garage positions shown on this plan.

Schedule						
Lot No.	Area m ²	Platform m ²	Floor level m	Height m	Garage level m	Height m
1	1316	675	413.5	6.5	414.0	5.5
2	1418	691	414.0	6.5	414.0	5.5
3	1304	614	414.5	6.5	415.0	5.5
4	1424	792	415.0	6.5	415.0	5.5
5	1679	843	415.5	6.5	415.5	6.5
6	1680	860	416.5	6.5	416.5	6.5
7	1666	859	417.5	6.5	417.5	6.5
8	1622	856	418.5	6.5	418.5	6.5
9	7613	1348	Existing ground*	6.5*	Existing ground*	6.5*
Totals=	19721	7537				

Legend

- 5m building height restriction
- Grasses planting only
- No planting over 3m in height
- Planting within Approved Plant List with no structures
- Planting within Approved Plant List and approved landscape structures allowed
- Trees in grasses and/or perennials
- Native planting. Refer Covenant area
- 1m set back. Recession plane of 37.5° measured 2.8m from nominated floor level height. Or no planting over 3m



8550
 Millbrook
 Stage 2B
 8550 - 02/4
 Neighbourhood Design Plan

CONSULTANTS

Project Managers

Architect

Engineer

Surveyor

Others

REVISIONS

Rev.	Date	Description
0	12 Mar 2010	Final Issue
A	08 Jul 2010	Tender Issue
B	01 Feb 2011	Lot 1, 2, 5, 8 boundaries and Schedule revised

Drawing Title: Neighbourhood Design Plan
 Scale: As shown at A1
 Date: Jan 2010
 Sheet Number: WD02
 Job Number: 8550
 Designed: PB
 Drawn: GH
 Checked: PB

DO NOT SCALE DRAWING
 CONTRACTOR TO VERIFY ALL DIMENSIONS
 PRIOR TO COMMENCING WORK
 © BAXTER DESIGN GROUP

7 Feb 2011 1:00:00 Millbrook 2010\8550\WD02 Millbrook Stage 2B - Neighbourhood Design Plan

5.6 Appendix D

millbrook design
protocol agreement

Whereas

A. Millbrook is developing the land on the western side of the resort and has developed an overall Master Plan and established design objectives that it seeks individual lot owners appointed Design Consultants to join in with to achieve the unified design it is seeking ("Millbrook Master Plan")

B. Millbrook has developed a set of design guidelines (version 2.0 as at 15 December 2009) ("the Design Guidelines").

C. The Design Consultant has been engaged by('the Client')
to design their dwelling and/or landscape (strike out where appropriate) on lot of the Millbrook development.

Signed for on behalf of.....**(the client)**

This Agreement made this day of 20

Between('the Design Consultant').

And Millbrook Country Club Limited ('Millbrook').

It is agreed

1. The Design Consultant has, or will be, retained by the Client to design the Clients new dwelling and/or landscaping works on the Client's Millbrook lot.

2. The Design Consultant shall immediately notify Millbrook in the event that the Design Consultants engagement is terminated or comes to an end at anytime prior to the completion of the dwelling/landscaping.

3. The Design Consultant acknowledges that they have received, read and understood a copy of the Millbrook Master Plan and the Design Guidelines.

4. The Design Consultant acknowledges Millbrook's Master Plan objectives and undertakes to design the Clients Dwelling and/or landscaping so as to be consistent with the Millbrook Master Plan.

5. The Design Consultant agrees to design the client's dwelling and landscaping in accordance with the Design Guidelines and to follow the approvals procedure set out therein

Signed for on behalf of.....

Millbrook Country Club Limited (Millbrook)

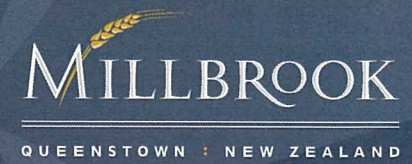


696/1264/1302/1306





696/1264/1302/1306

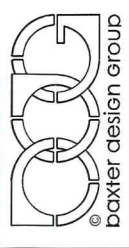


Contact: **Ben O'Malley** *Design Review Committee Convenor* E ben@millbrook.co.nz P 441 7054 M 021 347 608

www.millbrook.co.nz

Appendix 2

NDP Example



baxter design group

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 Suite 100
 Richmond, BC V6V 2G9
 Tel: 604.273.1111
 Fax: 604.273.1112
 www.baxterdesigngroup.com

MILLBROOK

Stage 3A

Neighbourhood Design Plan

1725-WD02

Signal Management Group

Mason And Wales

MWH

Clark Fortune McDonald And Assoc.

John Edmonds And Assoc.

REVISIONS

Rev.	Date	Description
A	13 Jun 2012	Lot 9-14 updated
B	22 Jun 2012	Lot 14 as per plan received
C	18 Jul 2012	Plan received from Clark Fortune McDonald
D	18 Oct 2012	Plan received from Clark Fortune McDonald
E	19 Nov 2012	Plan received from Clark Fortune McDonald
F	20 Nov 2012	Plan received from Clark Fortune McDonald
G	20 Nov 2012	Lot 9-14 updated
H	04 Feb 2013	Lot 9-14 updated
I	04 Feb 2013	Additional fence and vegetation added to Lot 9
J	04 Feb 2013	Lot 9-14 updated
K	30 May 2016	Construction Issues

Neighbourhood Design Plan

Drawing Title	As shown
Scale	As shown
Date	July 2012
Sheet Number	WD02
Job Number	1725
Designed	GH
Drawn	GH
Checked	PH

DO NOT SCALE DRAWING

CONSTRUCTION

CONSTRUCTION DESIGN GROUP



Lot Number	Lot Area m ²	Building Platform m ²	Finished Floor Level (FFL) m	Max. Building Height Above FFL m
1	2029	1018	412.8/414.3	6.0/6.5**
2	1772	921	417.8	6.0/6.5**
3	1502	844	418.3	6.0/6.5**
4	1512	881	418.8	6.0/6.5**
5	1264	765	419.3	6.5
6	1303	708	419.3	6.0/6.5**
7	1457	760	423.3	6.0/6.5**
8	1877	777	From 426.3 to 432.8	6.5 to max ridge height of 432.8
9	1187	445	412.0-413.0	6.0/6.5**
10	958	500	412.5-413.5	6.0/6.5**
11	958	496	413.5-414.5	6.0/6.5**
12	996	496	414.5-415.5	6.0/6.5**
13	1078	497	415.5-416.5	6.0/6.5**
14	1464	542	417.5-418.5	6.0/6.5**
15	1281	722	416.8	6.0/6.5**
16	1232	665	418.5	6.0/6.5**
17	1146	598	420.2	6.0/6.5**
18	1102	556	421.9	6.0/6.5**
19	3280	1200	From contours shown	7.5 to max ridge height of 431.3
Totals	27357			

* Maximum building height for lots 9-14 to be 6.8m above ground level (contours as depicted on this plan)

** Maximum building height to be 6.0m above the FFLs stipulated in the table above. In addition, up to 85m² of the building footprint can be to a height not exceeding 5.5m.

Contour and heights stated are derived from Clark Fortune McDonald & Associates drawings using the MTR No. 2000 & NSL Datum

Neighbourhood Design Legend

- Building platforms
- Lot boundaries
- Retaining wall
- Proposed contours and associated proposed levels
- Grasses and tussock planting or other low level <1m high planting or landscape structures permitted at the discretion of the DRB
- No planting over 3m in height
- Unrestricted planting within approved plant list
- Unrestricted planting within approved plant list and approved landscape structures allowed
- Trees in grasses and/or perennials

Scale: 1:500 at A1 / 1:1000 at A3

1 Neighbourhood Design

Appendix 3

Amendments/Additions to the Millbrook Design Controls for R14, 15 & 16 activity areas.

1. **Building Heights:** No part of the height of a building shall exceed the following heights (excluding chimneys which may exceed the height control by up to 2 metres).

Indicative Residential Site as shown on the Structure Plan	Datum (masl) using the "Mt Nic 2000 & MSL" datum
1	481.8
3	478.8
6	475.8
7	475.8
8	475.8
9	475.8
10	475.8
11	475.8
12	475.8
13	475.8
14	476.8
19	472.8

2. In addition no part of a building on Indicative Residential Sites 1 and 3 as shown on the Structure Plan shall protrude through a recession plane running due southward at an angle of 30 degrees commencing at the boundary of the indicative residential sites noted below and as measured from the following heights above sea level:

Indicative Residential Site as shown on the structure plan	Datum (masl) using the "Mt Nic 2000 & MSL" datum
1	478
3	475

3. **Roof Colours and Materials:** Roof colours will be limited to dark grey corrugated iron or tray profile steel, natural dark grey slate and copper tray profile roofing (left to weather). Gutter and down pipes shall match the roof cladding.
4. **External Claddings:** Shall be limited to Millbrook quarry stone, painted or stained weatherboards, steel sheeting, board form concrete and painted plaster. Paint colours will be limited to dark and recessive colours (with a maximum 30% reflectivity value).
5. **External Joinery:** All external joinery, including door frames, window joinery, and any other external joinery shall be of a dark and recessive colour.
6. **External lighting:** Shall be limited to down lighting only, not more than 1.5 metres above the finished floor level of the dwelling with the light source shielded from horizontal view.
7. Amenity Landscape Overlay areas have been identified on the Amended Structure Plan. Future resource consent applications for development of the site will include practical and reasonable measures within the Amenity Landscaping overlay areas to mitigate or avoid adverse effects on the amenity values enjoyed within properties beyond the Zone boundary, including planting utilising the species lists for the Gully Planting and Open Planting Overlays set out below.
8. Gully Planting and Open Planting Overlays have been identified on the Amended Structure Plan and future resource consent applications for development of the site will include plans for planting and maintenance of these Gully Planting and Open Planting Overlay areas (being at a minimum equal or greater than the combined area shown) with at least 90% of plants from the following lists. Landscaping plans and/or consent conditions shall include details on and commitments to prompt establishment, density of planting, replacement of dead and diseased plants, restrictions on removal of other vegetation, irrigation, fertiliser, composting, rabbit control and use of gender dimorphic stock, sourced from local seeds.

Gully Planting Overlay

- Carex cecta
- Hebe salicifolia
- Aristotelia serrata
- Coprosma Lucida
- Coprosma Propinqua
- Nothofagus solandri var. cliffortioides
- Olearia lineata
- Cortaderia richardii
- Phormium tenax

Open Planting Overlay

- Festuca novae-zelandiae
- Coprosma propinqua
- Leonohebe cupressoides
- Olearia odorata
- Melicytus alpinus
- Sophora microphylla
- Olearia avicenniifolia
- Carmichaelia petriei
- Poa colensoi
- Hebe subalpina