

# **CONFIDENTIAL MEMORANDUM**

TO: Council

MEETING DATE: 3 March 2021

TITLE: Tender Award - Contract 3950 Victora Esplanade - Park Road

**Entrance and Cook Street Intersection Upgrade** 

PRESENTED BY: Kathy Dever-Tod, Manager - Parks and Reserves

Robert van Bentum, Manager - Transport & Infrastructure

APPROVED BY: Sheryl Bryant, Acting Chief Infrastructure Officer

It is recommended that this report be considered with the public excluded, as permitted by the Local Government Official Information and Meetings Act 1987 under clause:

s7(2)(b)(ii) Third Party Commercial - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information

## RECOMMENDATION FOR PUBLIC RELEASE

5th March 2021, when the tender has been awarded and the contract signed

#### RECOMMENDATIONS TO COUNCIL

- That Council approves the award of Contract 3950 for the construction of the Victoria Esplanade – Park Road Entrance and Cook Street Intersection Upgrade to Downer NZ Ltd. for the sum of \$1,623,761 subject to Officers reaching agreement with the Contractor on the tender price and scope of work.
- 2. That Council approves additional unbudgeted funding of \$189,950 for Programme 1081 City Reserves Victoria Esplanade Park Road Entrance and Parking Reconfiguration to increase the 2020-2021 budget from \$745,620 to \$935,570.
- 3. That Council approves additional unbudgeted funding of \$540,844 for Programme 324 -Park Road / Cook Street Intersection Upgrade to increase the 2020-2021 budget from \$667,723 to \$1,208,567.
- 4. That the confidential memorandum titled 'Tender Award Contract 3950 Victoria Esplanade Park Road Entrance and Cook Street Intersection Upgrade' and decisions, presented to the Council on 3 March 2021, be released from Part II following signing of



the contract.

 That Council gives the Chief Executive the delegated authority to vary the contract sum by the maximum amount of 10% of the contract sum within the Programme Budget, to be used as contingency should it be required for the successful delivery of Contract 3950.

### ISSUE

- 1.1 An open tender process has been completed for Contract 3950 Victoria Esplanade Park Road Entrance and Cook Street Intersection Upgrade resulting in a single tender submission having been received. The tender price submitted is significantly higher than the total budget approved for the project.
- 1.2 Contract 3950 is funded from three programmes, namely:
  - Programme 1081 City Reserves Victoria Esplanade Park Road Entrance and Parking Reconfiguration (\$745,620)
  - Programme 324 Park Road/Cook St Intersection Upgrade (\$667,723)
- 1.3 This report seeks Council approval for additional unbudgeted funding for Programme 1081 and Programme 324, and approval of the award of the tender subject to Officers reaching agreement on the final price and scope.

## 2. BACKGROUND

- 2.1 The Council has approved funding within the Long Term Plan to realign the Park Road entrance of the Victoria Esplanade along with completing an upgrade of the Park Road/Cook Street Intersection. The intersection is at the junction of a high volume arterial road carrying significant heavy vehicles, the main entrance to the Esplanade being one of Council's premier parks and Cook Street which is key cycling link in the city's urban cycling network. There is a history of significant crashes (six from 2010 to 2019) and numerous anecdotal reports of near misses.
- 2.2 The Victoria Esplanade Park Road Entrance portion of the project is in progress and scheduled to be completed during the 2020-21 financial year. Current expenditure and physical progress is detailed in Table 1. During the 2019-20 financial year Council workshops were held and concept designs completed ahead of detailed design and tender under a separate operating budget.

Table 1: Programme 1081 – Progress and Expenditure to Date

Work Elements	Actual Expenditure/
---------------	---------------------



	Estimated Cost
2020-21 (Completed)	\$100,000
<ul> <li>Complete detailed design</li> <li>Ground and soakage testing</li> <li>Tender document preparation and</li> </ul>	
evaluation     Project management	
2020-21 (To be completed)  Stormwater drainage  Civil works  Rangitane artwork installation  Project and contract management  Contingency	\$835,570
Total	\$935,570

2.3 The Park Road/Cook St – Intersection Upgrade project is also being implemented in the 2020-21 financial year with expenditure and physical progress as detailed in Table 2.

Table 2: Programme 324 – Progress and Expenditure to Date

Work Elements	Actual Expenditure/ Estimated Cost
<ul> <li>2020-21 (Completed)</li> <li>Complete detailed design</li> <li>Design safety audit</li> <li>Pavement testing</li> <li>Tender document preparation and evaluation</li> <li>Project management</li> </ul>	\$110,000
2020-21 (To be completed)  Streetlight relocation  Traffic light installation including cabling  Post-construction audit  Project and contract management  Contingency	\$1,098,567
Total	\$1,208,567



- 2.4 The current approved budget for Programme 1081 Victoria Esplanade is \$745,620 and Programme 324 Park Rd/Cook St Intersection is \$667,723 giving a total project budget of \$1,413,343.
- 2.5 The significantly higher tender price when taken together with design, project and contract management costs means there is currently inadequate funds to complete the full scope of work.

### 3. TENDER PROCESS

- 3.1 In order to efficiently procure the work and as required by Council's procurement policy, Officers elected to go to market with a package of work to be delivered under a single contract. The procurement process comprised of an open tender advertised on GETS with a mid-tender interview.
- 3.2 The Tender was initiated on 29<sup>th</sup> October and closed on 16<sup>th</sup> December 2020 after being extended. Three tenderers attended individual mid tender interviews, namely . Only submitted a tender. Both indicated that due to limited resources they were unable to tender.
- 3.3 The evaluation was based on the NZTA Price Quality Method utilising a Health & Safety pre-condition with four non-price attributes comprising relevant experience and track record, relevant skills, resources and management skills, methodology and local contribution as well as the weighted price. The tender evaluators included a Procurement Specialist, Senior Parks Planner, the Project Manager and a Senior Civil Engineer whom is a NZTA qualified tender evaluator.
- The design work undertaken prior to tender was procured by way of three invited quotes from three consultants, submitted compliant tenders, while submitted compliant tenders, while did not respond. provided the lower price so were selected.
- 3.5 Both tender processes were approved and endorsed through approval of the Procurement Plan by the Procurement Unit of Council and the respective clients in the Infrastructure Unit.

# 4. TENDER ASSESSMENT AND EVALUATION

- 4.1 The tender evaluation panel consisted of:
  - (PNCC Project Manager Infrastructure)
  - (PNCC Senior Parks Planner Infrastructure)
  - (PNCC Procurement Specialist Finance)



- (PNCC Senior Civil Engineer & Qualified NZTA Tender Evaluator)
- 4.2 All four evaluators confirmed the absence of any conflict of interest and signed the potential conflict of interest/bias declaration forms.
- 4.3 The evaluation was undertaken using the price quality method with a two-envelope process and tender attribute weightings as set out below in Table 3.

Table 3: Attributes and Weighting for Tender Evaluation

Tender Attribute		Weight			
Non-price attributes:	Non-price attributes: Relevant Experience and Track Record				
	Relevant Skills, Resources and Management Skills	10%			
	Methodology	15%			
	Local Contribution	5%			
Price		50%			
Total		100%			

4.4 Following the close of the tender on 16<sup>th</sup> December 2020, only one submission had been received from Downer NZ Ltd.



- 4.5 The submission from Downer NZ Ltd was confirmed to comply with all the requirements for the non-price attributes as agreed during the tender evaluation meeting.
- 4.6 Officers have subsequently undertaken negotiations with Downer NZ Ltd as the preferred tenderer and identified significant value engineering and cost saving opportunities which have reduced the tender by more than \$400,000. The original tender price and revised price together with the split of cost for each programme is summarised in Table 4 below.

**Table 4: Price Submission Summary** 



Contract Schedule Component	Tender Price	Final Negotiated Price	Difference
Programme 1081 - City Reserves – Victoria Esplanade – Park Road Entrance and Parking Reconfiguration	57(2)(D)(I) Third Party Co		s7(2)(b)(ii) Third Party Co
Programme 324 - Park Road/Cook St – Intersection Upgrade	67(2)(b)(ii) Third Party Comme	67(2)(b)(ii) Third Party Co	s7(2)(b)(li) Third Parly Col
Total		\$1,623,761	

- 4.7 Key areas accounting for around \$197,000 of savings in respect of Programme 1081 included:
  - Stormwater design modified to a soak pit \$82,000
  - Delete the requirement to shift the service entry for John Boult Pool Lido -\$43,365
  - Modified crossing from raised to flush \$68,000
  - PNCC to undertake tree removal by direct contract \$3,500
- 4.8 Key areas accounting for \$130,000 in savings in respect of Programme 324 included:
  - Reducing area of AC surfacing \$73,500
  - Removed eastern shared pathway connection from scope (to be included in the Park Road shared pathway project next year) - \$47,000
  - Reduction in extent of ducts for traffic signals \$9,600

# 5. PROGRAMME BUDGET

5.1 The estimated cost to complete the scope of work for Programmes 1081 and Programme 324 compared to the available budget, is summarised in Table 5. While Officers have been able to negotiate significant reductions in the tender price to deliver the works, there is still a significant shortfall in the budget allowing for costs incurred to date and project and contract management costs required to complete the project.

Table 5: Budget Reconciliation



Contract Schedule Component	Estimated / Tender Cost	Approved Budget	Additional Funding					
Programme 1081 - City Reserves – Victoria Esplanade – Park Road Entrance and Parking Reconfiguration								
s7(2)(b)(ii) Third Party Commercial			67(2)(b)(ii) Third Party Col					
s7(2)(b)(ii) Third Party Commercial			67(2)(b					
Total	\$935,570	\$745,620	\$189,950					
Programme 324 - Park Road/Cook St – Into	ersection Upgr	ade						
s7(2)(b)(ii) Third Party Commercial								
Total	\$1,208,567	\$667,723	\$540,844					

- 5.2 The estimated cost to complete the project is \$2,144,137, of which only \$1,413,343 is currently budgeted. The specific elements of the additional costs are summarised in Table 5.
- 5.3 To address the remaining shortfall of \$189,950 for Programme 1081 and \$540,844 for Programme 324, Council will need to provide either approval for additional unbudgeted expenditure of \$730,794 or request Officers re-scope the work to try to deliver the programme within the available budget.
- 5.4 Officers recently highlighted to NZTA the likely increase in the cost to deliver Programme 324 and have requested additional NZTA approval for subsidy on expenditure up to a total of \$1,400,000. Should Council approve additional funding



Officers will look to confirm with NZTA approval of subsidy for the higher amount. Initial indications are that this will be approved.

## 6. OPTIONS TO ADDRESS BUDGET SHORTFALL IN PROGRAMME 1081 & 324

- 6.1 Officers have identified two options to address the remaining budget shortfall:
  - 1. Revise the scope of work and retender to try to deliver the project within existing budget
  - 2. Approve additional unbudgeted funding to deliver the project as currently scoped

# 6.2 Option 1: Revise Work Scope and Re-Tender

- Significant re-scoping of the project to close the budget gap will require a significant change in design potentially impacting on the road safety outcomes of the project. This would require a new safety audit and significantly delay the implementation.
- Re-scoping, re-design and re-tendering will incur additional staff costs and time delays, which will negate some of the potential savings in the change of scope.

# 6.3 Option 2: Approve Additional Funding and Proceed with Project as Scoped

- The tender process followed was robust and open and the single tender submission reflects the current market capacity constraints. The contracting market is over-committed such that completing work in this environment is likely to be challenging in respect of achieving cost competitive tender outcomes.
- The contract provides for the full scope of work to be completed in the current financial year. If the work for Programme 324 is not completed this year, the approved NZTA funding portion of 51% will need to be re-negotiated and approved by NZTA as part of the next RLTP application process.
- To proceed with the project as scoped, however, will require approval of the additional budget of \$540,844 applicable to Programme 324 by NZTA, of which Council's share would be 49%.

## 7. RECOMMENDATIONS

- 7.1 Officers recommend that the project proceeds as currently scoped. This is because in the currently constrained contractor environment any re-design and re-tender process is unlikely to deliver the required savings without key elements of the design being removed which will impact negatively on the safety and amenity outcomes of the project.
- 7.2 In order to proceed with the project as scoped Officers request Council approve an additional unbudgeted sum of \$189,950 to increase the current approved budget for Programme 1081 City Reserves Victoria Esplanade Park Road Entrance and



Parking Reconfiguration from \$745,620 to \$935,570 and an additional unbudgeted sum of \$540,844 to increase the current approved budget for Programme 324 - Park Road/Cook St – Intersection Upgrade from \$667,723 to \$1,208,567.

7.3 If additional funding is approved, Officers also seek Council approval for the award of Contract 03950 – Victoria Esplanade – Park Road Entrance and Cook Street Intersection Upgrade to Downer NZ Ltd for a sum not exceeding \$1,623,761 excluding GST.

### 8. NEXT STEPS

- 8.1 Should Council approve the award of Contract 03950 Victoria Esplanade Park Road Entrance and Cook Street Intersection, Officers will issue the formal letter of award of contract to Downer NZ Ltd.
- 8.2 The letter will request necessary insurance and supporting documents to compile the final contract for signing and arrange a start-up meeting with the successful tenderer to agree the programme and pre-contract actions for Council and the successful tenderer.

## 9. COMPLIANCE

Does the Committee have delegated authority to decide?	Yes
If Yes quote relevant clause(s) from Delegations Manual <enter text=""></enter>	165
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	Choose an item.
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	No
Are the recommendations inconsistent with any of Council's policies or plans?	No

The recommendations contribute to Goal 1: An Innovative and Growing City and Goal 2: A Creative and Exciting City.

The recommendations contribute to the outcomes of the City Development Strategy and Creative and Liveable Strategy.

The recommendations contribute to the achievement of action/actions in the Strategic Transport Plan and the Active Community Plan

The actions are:



Undertake remedial work in areas with high crash or safety concerns taking into consideration context sensitive design.

Implement new projects from approved Master Plans, Reserve Management Plans and Development Plans and Asset Management Plan

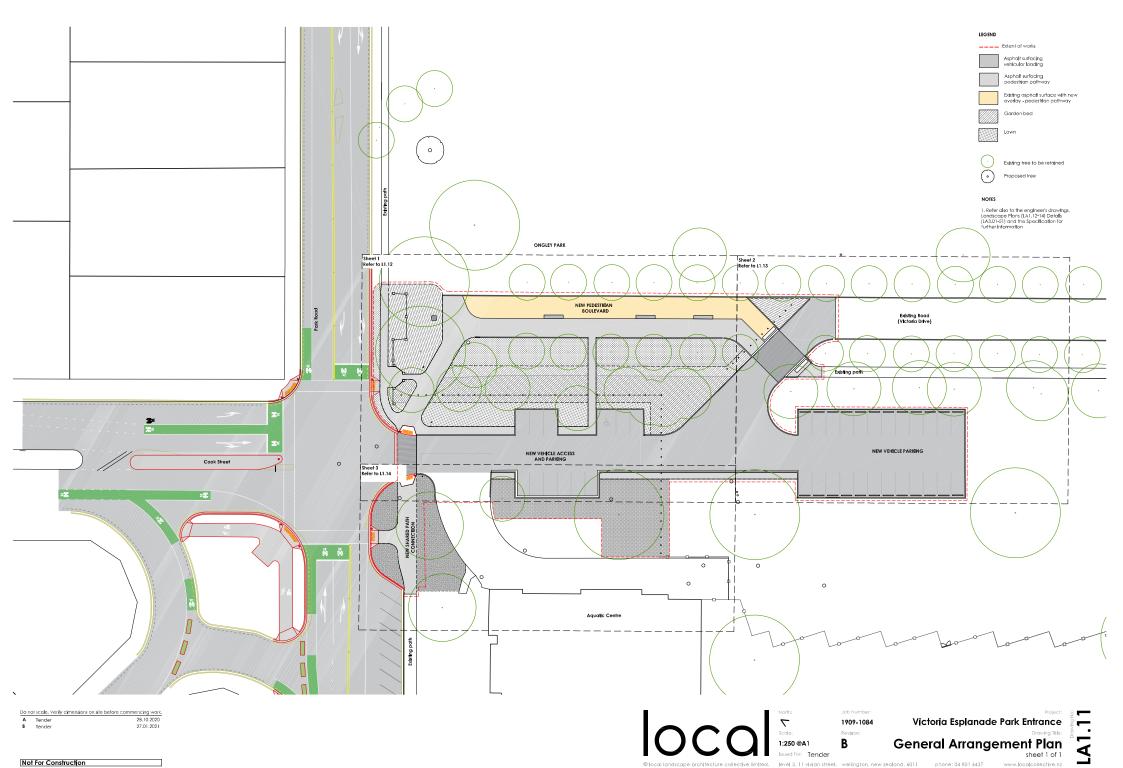
Contribution to strategic direction and to social, economic, environmental and cultural wellbeing The intersection upgrade to traffic lights increases the ease of pedestrian and cyclist movement supporting active transport and recreation.

The intersection upgrade will improve safety of the intersection.

The park entrance improvements will create a better park entrance presence, provide a gathering space taking advantage of the cherry trees and improve connectivity to the Manawatu River and Victoria Esplanade.

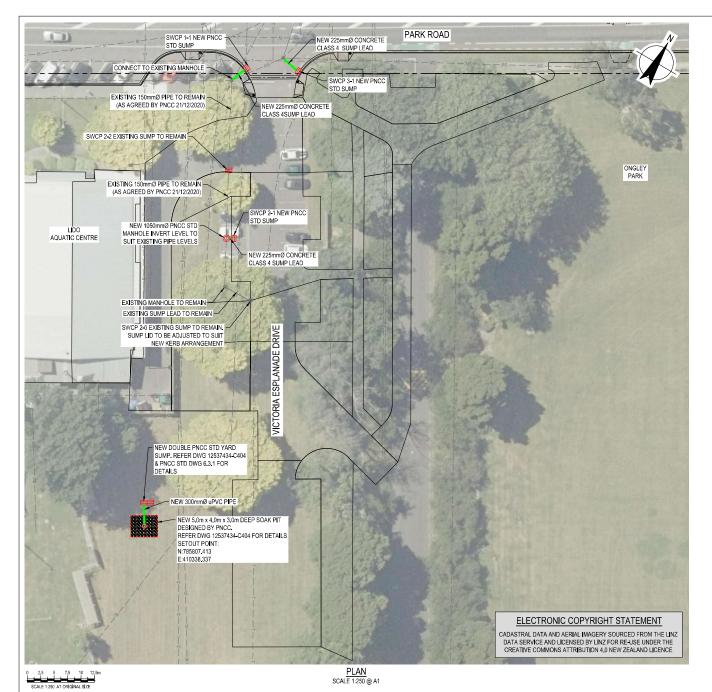
### **ATTACHMENTS**

- 1. Victoria Esplanade Entrance Overview
- 2. Victoria Esplanade Stormwater Design
- 3. Park Road/Cook Street Intersection



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Not For Construction



	Sump						
Identifier	Туре	Easting	Northing	Pit setout RL	Depth to Invert	Standard Drawings	
SWCP 1-1	PNCC STD SUMP	410,311.60	785,890.83	29.38	0.9	6.3	
SWCP 2-1	PNCC STD SUMP	410,320.53	785,895.36	29.17	to siut existing pipe invert	6.3	
SWCP 3-1	PNCC STD SUMP	410,325.25	785,862.04	29.24	0.9	6.3	
SWCP 4-1	NEW DOUBLE PNCC STD YARD SUMP	410,336.11	785,811.21	29.01	0.9	6.3.1	

#### GENERAL NOTES

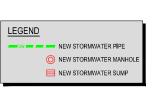
- PIPES, CABLES AND OTHER UTILITIES, FOUNDATIONS, LEVELS, REFERENCE MARKS AND OTHER OBSTRUCTIONS NOILCATED ON THIS DRAWING ARE BASED ONLY ON READILY AVAILABLE RECORD FLANS AND OTHER INFORMATION. THIS INFORMATION MAY NOT BE COMPLETE, ACQUIATE OR UP TO DATE PRIGOT O CARRYING OTHAY EXCAVATION OR OTHER PHYSICAL WORK, CONTRACTORS SHALL OBTAIN THE LATEST NOFMATION FROM UTILITY PROVIDERS AND CARRY OUT DETAILED EXPLORATORY WORK, TRACING, LOCATING, PROTECTION, SOLATION, AND ALTERATIONS AS REQUIRED UNDER NZS 3910 CLAUSE 5,12, CONTRACTOR MUST FOLLOW OSH GUIDELINES FOR SAFE LOCATION OF UNDERGROUND SERVICES.
- RESIDENTS SHALL BE ADEQUATELY NOTIFIED PRIOR TO WORKS COMMENCING, AND 24 HOURS PRIOR TO DISRUPTION OF SERVICE.
- ALL CARE MUST BE TAKEN BY THE CONTRACTOR NOT TO DAMAGE PRIVATE PROPERTY, OR ANY GARDENED AREA OTHER THAN THOSE NECESSARY AS PART OF THE WORKS.
- ALL WORKS ARE TO BE CONSTRUCTED USING BEST TRADE PRACTICES.
- APPROVAL MUST BE SOUGHT FROM THE ENGINEER PRIOR TO REMOVAL OF ANY FIXTURE (I.E. FENCE, TREE) IN PRIVATE PROPERTY.
- 6. ALL WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH NATIONAL CODE OF PRACTICE FOR UTILITIES ACCESS TO TRANSPORT CORRIDORS HUTT VALLEY LOCAL CONDITIONS APRIL 2011, NATIONAL CODE OF PRACTICE FOR UTILITIES ACCESS TO THE TRANSPORT CORRIDOR NOVEMBER 2011 REGIONAL STANDARD FOR WATER SERVICES NOVEMBER 2012 CAPACITY, WELL WORTOW WATER APPROVED MATERIALS REGISTER 2014 AND MANUFACTURERS SECIFICATIONS.

#### STORMWATER NOTES

- THE CONTRACTOR IS TO ALLOW FOR ALL SHORING REQUIRED FOR TRENCHING IN ANY UNSTABLE GROUND WHICH MAY BE ENCOUNTERED.
- CONTRACTOR TO DEWATER AS NECESSARY TO COMPLETE THE WORKS.
- CONTRACTOR TO REINSTATE ALL ROAD SURFACE MARKINGS AND RRPMs.
- WHERE EXISTING MANHOLES ARE BEING REPLACED WITH NEW, THE CONTRACTOR SHALL RECONNECT ALL EXISTING PIPELINES TO THE NEW MANHOLE.
- THE PIPELINES ARE TO BE CONSTRUCTED AT THE INVERT LEVELS.
  SHOWN ON THE LONG SECTIONS, WITH DEPTHS TO INVERT AND PIPE
  GRADES PROVIDED FOR GUIDANCE ONLY. DEPTHS TO INVERT AND
  PIPE GRADES SHALL BE ADJUSTED BY THE CONTRACTOR F
  NECESSARY TO ACHIEVE THE SPECIFED OWERT LEVELS.
- THE CONTRACTOR SHALL CHECK AND CONFIRM ALL EXISTING SEWER LOCATIONS AND LEVELS ON SITE AS AN INITIAL ACTIVITY, ADVISE THE ENGINEER FOR FURTHER INSTRUCTION SHOULD THESE DIFFER FROM THE INFORMATION SHOWN ON THE DRAWINGS.
- ALL MANHOLES AFFECTED BY THE WORKS SHALL HAVE THEIR CONDITION REVIEWED BY THE CONTRACTOR AS AN INITIAL ACTIVITY INCLUDING A RECOMMENDATION AS TO WHETHER UPGRADE OR REPLACEMENT IS REQUIRED. THE ENGINEER SHALL INSTRUCT ON THE REQUIRED APPROACH THEN.

#### NOTES

ALL SUMP GRATES ARE TO BE CYCLE-FRIENDLY





#### IMPORTANT SERVICES NOTE

THE SERVICES SHOWN SHOULD BE CONSIDERED INDICATIVE ONLY AND ARE BASED ON RECORDS SUPPLIED BY THE UTILITY COMPANIES, PRIVATE SERVICES AND CONNECTIONS ARE NOT SHOWN.

THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL SERVICES ARE LOCATED/MARKED BY THE APPROPRIATE SERVICE AUTHORITY, OR THEIR OWN STAFF, PRIOR TO ANY SITE WORKS, AND FOR PROTECTION THESE SERVICES FOR THE DIRECTION OF THE SITE CONTRACT

#### **TENDER**

С	TENDER REVISED	PG	<b>I</b> R	RB	13/01/21
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PALMERSTON NORTH CITY COUNCIL
PARK ROAD / COOK STREET
INTERSECTION UPGRADE
PROPOSED STORMWATER PLAN

Drawing No: 12537434-C401

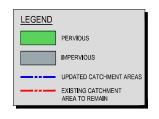


EXISTING CATCHMENT AREAS							
SUMP NAME	IMPERVIOUS (M²)	PERVIOUS (M²)	IMPERVIOUS 10% AEP FLOW (L/S)	PERVIOUS 10% AEP FLOW (L/S)	TOTAL FLOW (L/S)		
SOAK PIT	0	1306	0	9	9		
SWCP 1-1	138	215	3	1	4		
SWCP 3-1	144	215	3	1	4		
SWCP 2-0 (EXISTING)	0	308	0	2	2		
SWCP 2-1	362	313	7	2	9		
SWCP 2-2 (EXISTING)	439	75	9	1	10		

	NEW CATCHMENT AREAS						
SUMP NAME	IMPERVIOUS (M²)	PERVIOUS (M²)	IMPERVIOUS 10% AEP FLOW (L/S)	PERVIOUS 10% AEP FLOW (L/S)	TOTAL FLOW (L/S)		
SOAK PIT	905	401	19	3	22		
SWCP 1-1	138	215	3	1	4		
SWCP 3-1	1135	215	23	1	24		
SWCP 2-0 (EXISTING)	110	198	2	1	3		
SWCP 2-1	325	350	7	2	9		
SWCP 2-2 (EXISTING)	439	75	9	1	10		

#### **NOTES**

- 1. RAIN FALL INTENSITY (HIRDS) FOR A 10% AEP
  - AND 10 MINUTE EVENT = 82
- 2. IMPERVIOUS RUN-OFF COEFFICIENT = 0.9
- PERVIOUS RUN-OFF COEFFICIENT = 0.3





#### IMPORTANT SERVICES NOTE

THE SERVICES SHOWN SHOULD BE CONSIDERED INDICATIVE ONLY AND ARE BASED ON RECORDS SUPPLIED BY THE UTILITY COMPANIES. PRIVATE SERVICES AND CONNECTIONS ARE NOT SHOWN.

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## **TENDER**

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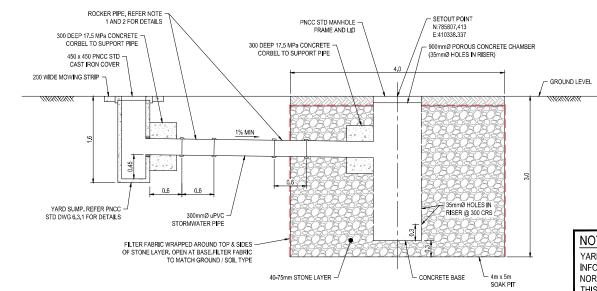


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PALMERSTON NORTH CITY COUNCIL
PARK ROAD / COOK STREET
INTERSECTION UPGRADE
STORMWATER CATCHMENT PLAN



## NOTE

YARD SUMP/SOAK PIT DETAIL DRAWING INFORMATION SUPPLIED BY PALMERSTON NORTH CITY COUNCIL AND ONLY SHOWN IN THIS DRAWING SET FOR DOCUMENTATION PURPOSE ONLY

**NOTES** 

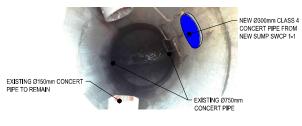
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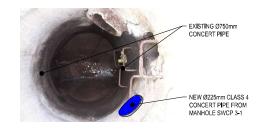
1. REFER PNCC STD DWG 4.3 FOR DOUBLE

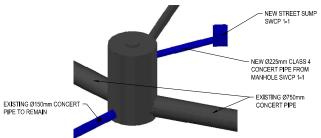
FLEXIBLE ROCKER PIPE CONNECTION

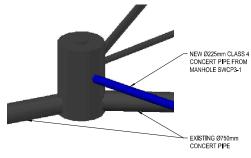
2. SAND-COAT PVC PIPE WHERE IN CONTACT

#### YARD SUMP / SOAK PIT DETAIL SCALE 1:25 @ A1









#### **EXISTING MANHOLE 1** (PNCC HANHOLE NUMBER MH2275)

#### **EXISTING MANHOLE 2** (PNCC HANHOLE NUMBER MH2828)

#### **TENDER**

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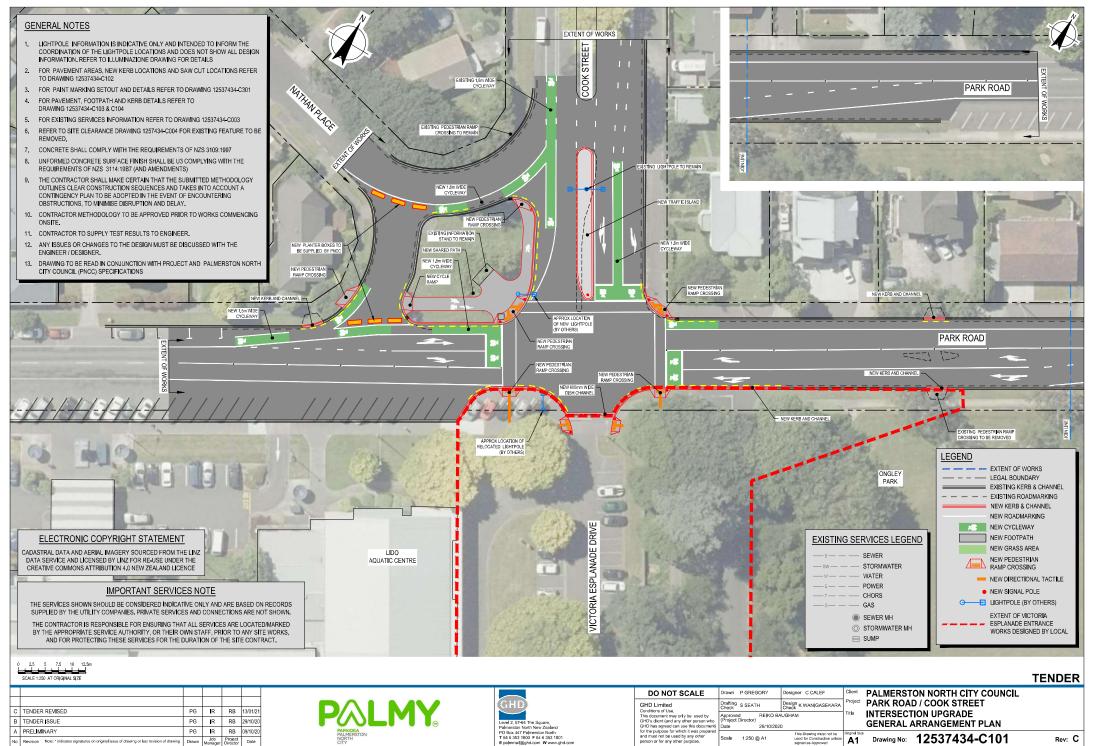


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PALMERSTON NORTH CITY COUNCIL Project PARK ROAD / COOK STREET INTERSECTION UPGRADE STORMWATER DETAILS

A1 Drawing No: 12537434-C404

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