

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of a resource consent  
application by **LIMITED  
VACO INVESTMENTS  
(WAIPU PROJECT) Ltd**  
to the **WHANGAREI  
DISTRICT COUNCIL**  
under section 88 of the  
Act to construct and  
operate the Waipu  
Service Centre

## **STATEMENT OF EVIDENCE OF DEREK KERR**

### **1. INTRODUCTION**

#### **Qualifications and experience**

- 1.1 My full name is Derek RUSSELL Kerr.
- 1.2 I hold the qualifications of a Bachelor of Social Sciences from University of Waikato.
- 1.3 I have 25 years of property experience, having worked in the industry in New Zealand, Australia and Asia. I am currently employed by BP Oil NZ Limited (BP) in the role of Network Development Manager for New Zealand and Australia
- 1.4 BP has been involved in this project since from 2021. BP has entered into an Agreement for Lease in August 2021 etc and has been working with the applicant and his team through the consenting process.

#### **Expert Witness Code of Conduct**

2. I appreciate that I am an employee of bp who is tasked with developing or redeveloping service stations. However, to the extent that parts of my evidence could be considered expert evidence, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state

that I am relying on the advice of another person, this evidence is entirely within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **3. SCOPE OF MY EVIDENCE**

3.1 In preparing my evidence I have reviewed: the Assessment of Environmental Effects; the Council's section 95A report and section 42A report; and the submissions received.

3.2 In this brief of evidence, I will discuss:

- (a) BP as a company;
- (b) the history and importance of the development at the 47 Millbrook Rd, Waipu site;
- (c) the need for the proposed of the service centre;
- (d) the management of hazardous facilities; and
- (e) BP's Operational Standards;

#### **The Company**

3.3 Since 1946, BP has been a leading energy retailer in New Zealand; continuously developing and leveraging innovation, leadership and technology.

3.4 Today, BP maintains:

- (a) 113 'BP Connect' sites throughout New Zealand which are operated directly by BP and include Wild Bean Cafés;
- (b) 96 BP branded independent retailers; and
- (c) a national network of truckstops and "service centres".

3.5 In addition to that, BP operates a fully integrated supply chain, including a national network of distributor partners and terminals.

3.6 Throughout our wider operations, BP employs around 3000 New Zealanders and a substantial part of our retail network is owned and operated by local business men and women.

- 3.7 We invest heavily in our communities and maintain a sustained level of investment in assets and infrastructure within New Zealand.
- 3.8 We maintain very strong partnerships and have the ability to leverage the benefits of a global parent whilst remaining a local New Zealand organisation.
- 3.9 While business imperatives drive our success, BP demonstrates a commitment to best in class practices, and energy efficient and sustainable initiatives. This includes adherence and compliance to relevant industry guidelines and standards.
- 3.10 The key to our success is our people, our customers, our communities and our environmental stewardship. Our licence to operate is only granted by the support of the communities in which we operate.

### **The importance of the State Highway location**

- 3.11 bp operates at a number of service centres of various sizes, including Papakura, Dairy Flat and Bombay. They are located at strategic locations to provide for a "full service" opportunity to fuel up, have a rest / toilet stop and provide a variety of food options. This is important for the travelling public and truck drivers. This location is particularly important for our truck driving community who come and go from the Port and carry general goods and stock to and from the mid and far north. We have been looking for a suitable location for a long period of time and this site meets all of our criteria which are based around visibility and ease and safety of access.
- 3.12 In terms of our other main highway sites, our nearest State highway service centre that provides for a dedicated truck stop is at Dairy Flat. It is noted that the volume of truck movements coming from the Port is expected to grow.
- 3.13 In addition, one of our strategic goals is to provide a fast, convenient and reliable charging network for Electric Vehicles ("EV"). This is for the cars that are on our roads now and the trucks and buses we expect to join the vehicle fleet in the future. You will note the plans cater for 1 EV light vehicle charger units (2 charge points/bays) and 2 EV truck charger units (2 charge bays). This level of charging units is aimed at providing a service where an EV charger is available 90% of the time to minimise the wait and queuing times for charging. This provision will be expanded as demand for EV charging grows.

- 3.14 We have a need to provide what is a significant gap in our network not only the travelling public but our truck and transport clients. The majority of our truck and transport users are on fleet card, so they only use bp sites. We currently account for approximately 25% of market share for trucking demand and 22% for car demand. We are also growing our EV charging network to provide an easily identifiable and convenient network into the future.
- 3.15 Based on our experience of this type of facility in similar locations, the fuel portion of the service station will mainly be used by transient customers on the State Highway network. In terms of the EV charging this may extend to the wider surrounding community as the demand grows for this energy vector.
- 3.16 On-site fuel storage has been specifically designed to provide for the diesel requirements of the truck fleet with one 100,000 litre tank, which is 2x more than more a standard truck site.
- 3.17 This will be a new and modern facility which our customers both like and expect. It will also allow travellers time to take a break, rest and refresh to reduce driving fatigue for their onward journey as they travel the longer distances from the Far North, through to Auckland and beyond.
- 3.18 I consider that both the layout and facilities will provide a service in the main to the travelling public. I am also satisfied that the environmental effects of the proposed development will be acceptable in this location, based on the expert assessments that the applicant has commissioned.

### **BP Service stations and Hazardous Substances**

- 3.19 I am not personally responsible for the management of bp's service stations. However, I am able to advise on the approach taken.
- 3.20 BP takes its responsibilities for environmental stewardship and managing risks to people and the environment seriously. Although service stations are often labelled as hazardous facilities, they are regulated and managed in New Zealand to reduce risk to a minimum. Not only does bp ensure that all of its service stations meet or better regulatory requirements, but it maintains these standards as good business practice to do so. It is important to bp as a corporate citizen to operate a very safe service station environment, both for the community and its customers. bp aims to be a good neighbour to all adjoining landowners, whether they are residential or commercial.

- 3.21 Many people do not realise how extensive the regulatory regime is for service stations. I attach at Appendix "A" to my statement the bp Design and Operational Standards which outlines the approach taken by bp and includes a list of legislation and regulations that bp adheres to.
- 3.22 bp is proud of its Connect stores and follow a number of onsite procedures to ensure they are presented to a high standard for customers and the surrounding environment. These include:
- (a) Staff and maintenance contractors inspect and clean forecourt control devices (interceptors, sumps and drainage at programmed intervals) in accordance with the Operational Environmental Management plan attached in Appendix B.
  - (b) Landscaping contractors are onsite every two weeks undertaking ground maintenance including tree pruning and general landscaping maintenance.
  - (c) Onsite staff clean the pumps, empty rubbish bins, undertake litter picks and carry out a general site inspection at least twice a day. Staff then fill out an onsite register that this has been completed and sign off that the forecourt and overall site is clean.
  - (d) The Store Manager then completes a walk over of the site on a daily basis and again signs off on the register that the site is clean and that there is no rubbish onsite. These registers are then regularly checked and audited by senior area managers.
- 3.23 It is quite common for neighbours of a service station to be concerned that there will be strong odours. Needless to say strong odours would indicate the presence of petroleum vapour which should not be emitted in the management of a safe, modern facility. Service stations are therefore now designed to ensure that vapours are contained, recovered or vented in a safe manner. The fuel in an underground tank experiences very minor expansion and contraction with small changes in temperature that occur underground. The tanks are vented to ensure that any air or vapour that is displaced by this minor movement is safely accommodated and vents are located well away from site boundaries. The main occasion when vapour discharge occurs is when fuel tanks are refilled. The delivery tankers are equipped with a vapour recovery system to ensure that vapours are contained within the delivery vehicle and not released into the atmosphere. I attach as Appendix "C" a diagram explaining the

vapour recovery system at delivery that will be newly installed on this site during the redevelopment.

### **BP Operational Controls**

- 3.24 bp trains all onsite staff on how to handle a variety of emergency scenarios in accordance with bp procedures and plans. These procedures and plans remain onsite at all times. I attach as Appendix "D" the Emergency Procedures Flipchart and the Operational Environmental Management Plan.
- 3.25 BP service stations have a number of design features to avoid and minimise spills. However, In the unlikely event a spill does occur there are special treatment devices to safely contain the spill. The sites stormwater drainage has been designed in accordance with the Ministry for the Environment Guidelines for water discharges from petroleum industry sites and provides containment and treatment of any spills in the refuelling areas in an interceptor. The Operational-Environmental Management Plan (O-EMP) and the emergency procedures flipchart provides staff with direction on emergency procedures in the event of a spill."

### **Conclusion**

- 3.26 In my opinion, bp is justifiably proud of its service stations and safety of its operations. The proposed service centre design has been carefully refined over time to ensure it is a high quality facility with minimal adverse effects on the environment. Service centres are an essential facility to meet the needs of the driving public and will inevitably be located on major arterial roads.

**Derek Kerr**  
**25 September 2024**

**Appendix A**  
**The BP Design and Operational Standards**

## **Appendix B**

### **Operational Environmental Management plan**



## **Appendix C**

### **Vapour Recovery System**

**Appendix D**  
**Emergency Procedures Flip Chart**