July 30, 2018

Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, our file # TCII/27/2018

On June 29, 2018 Tourism, Culture, Industry and Innovation received your request for access to the following records:

Any information regarding Oceanex Transportation and Logistics Park and or Armour Inc. development adjacent to Three Arm Pond and Conception Bay South Bypass Road, including applications or grants for commercialization funding to relocate this industry. The approximate municipal address is 275 Conception Bay South Bypass Road.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Tourism, Culture, Industry and Innovation to provide access to some of the requested information. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exception to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

s.29(1)(a)

Policy advice or recommendations

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.
The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

If you have any further questions, please feel free to contact me phone at (709) 729-3356 or by e-mail at heatherbrown@gov.nl.ca

Sincerely,

Heather Brown
ATIPP Coordinator
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
Brown, Heather

From: O'Rielly, Alastair
Sent: Wednesday, July 22, 2015 10:16 AM
To: Johnstone, Terry J.
Subject: FW: Meeting Note

Follow Up Flag: Follow up
Due By: Monday, July 27, 2015 10:00 AM
Flag Status: Flagged

Terry

Please follow up,

Thanks,

Alastair

Deputy Minister
Business, Tourism, Culture and Rural Development

From: King, Tracy
Sent: Wednesday, July 22, 2015 10:14 AM
To: O'Rielly, Alastair
Cc: Jordan, Melissa
Subject: FW: Meeting Note

Alastair,
Would you please prepare a meeting note?

Thanks,
Tracy

Tracy King
Assistant Secretary to Cabinet
Cabinet Secretariat, Executive Council
Government of Newfoundland and Labrador
(709) 729-2850

From: Evans, Catherine
Sent: Wednesday, July 22, 2015 9:58 AM
To: Mullailey, Julia; Burt, Paula; Heath, Daisy; Coultas, Lea
Subject: Meeting Note

May we have a meeting note please. Matthew Hynes, Executive vice President at Oceanex has requested a meeting with Premier. Mr. Hynes would like to discuss the expansion of their services with a land development project on the CBS Access.

Meeting time has not been confirmed.
Thanks
Catherine

Catherine Evans
Personal Assistant to the Premier
(o) 709-729-6912
(f) 709-729-5875
good

Best wishes,

Darin

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DARIN KING, MHA
District of Grand Bank
Government House Leader
Minister of Business, Tourism, Culture, and Rural Development

Sent from my iPad

> On Jul 31, 2015, at 11:11 AM, Joy, Carla <CarlaJoy@gov.nl.ca> wrote:
> > Minister,
> > Can you please review and approved the attached note that will be forwarded to Cab Secretariat for the Premier’s office.
> > Best Regards,
> > Carla Joy
> Administrative Assistant to Deputy Minister Business, Tourism, Culture
> & Rural Development 2nd Floor, West Block Confederation Building St.
> John’s, NL A1B 4J6
> Tel: 709.729.4732
> >
> > This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
> >
> >
> >------< HP TRIM Record Information >------
> >
> > Record Number : DOC/13955/2015
> > Title : Meeting Note for Premier - Oceanex (July 29 2015)
> >
> > <Meeting Note for Premier - Oceanex (July 29 2015).DOC> <Meeting Note for Premier - Oceanex (July 29 2015).tr5>
Meeting Note  
Department of Business, Tourism, Culture and Rural Development  
Mr. Matthew Hynes  
Date and Location of Meeting to be Confirmed

Attendees:  Premier Davis and Matthew Hynes, Executive vice President at Oceanex.

Purpose of Meeting:
• To provide information on Oceanex Inc. in advance of a meeting with the Premier and Mr. Matthew Hynes to discuss the expansion of their services with a land development project on the CBS Access.

Background:
• Oceanex Inc. is an integrated freight management company providing intermodal transportation services to the Island of Newfoundland in the province of Newfoundland and Labrador. The company is headed by Executive Chairman, Captain Sid Hynes, and employs up to 400 employees. Oceanex offers a range of pier-to-pier and door-to-door services, including: Full-load container and trailers, Less than truckload (LTL) freight, Refrigerated (reefer) cargo and “Any size” machinery and project cargo.

• Oceanex was formed in 1990 through the merger of Atlantic Container Express Inc. of Montreal and Atlantic Searoute Limited Partnership of Halifax. In 1991, a marine terminal operator in Newfoundland merged its operations into Oceanex. And in 2001 Oceanex opened a new facility in St. John’s merging its maintenance, pier operations, trucking, safety and administrative teams into one facility located at the west end of St. John’s Harbour.

• In 2007 Oceanex Inc., which was operating as an Income Trust, was privatized. Captain Sid Hynes led the ownership group as Managing Partner.

• The company operates out of three terminals:
  o St. John’s, NL – The St. John’s terminal is the company’s main terminal and is the largest general freight terminal in Newfoundland and Labrador. It is the only container, trailer and RoRo (Roll On/Roll Off) terminal in the Port of St. John’s. It has 2 RoRo Ramps and 2 mobile harbour cranes, an on-site maintenance facility and is capable of handling temperature controlled containers;
  o Montreal, QC – Oceanex has contracted Empire Stevedoring Inc. for its terminal operations; and
  o Halifax, NS – Oceanex has contracted terminal operations to Halterm Container Terminal Limited. It has over 65 acres of storage space.

• With weekly sailings between St. John’s, Montreal and Halifax, the Company offers intermodal connections for all North American freight and for international carriers for Newfoundland’s import/export business. Through a combination of third party contractors and in-house trucking services Oceanex provides inland transportation to and from its marine terminals. Currently 50% of all cargo shipped to the island goes through Oceanex terminals in St. John’s.
• The company currently has three vessels:
  o The Oceanex Connaigra – a 1,300 TEU (twenty foot equivalent) RoRo Vessel, carries containers, trailers and motor vehicles that sails between Montreal and St. John’s;
  o The Oceanex Sanderling – a 1,125 TEU RoRo Vessel, carries containers, trailer and motor vessels that Sails between Halifax and St. John’s and
  o The Oceanex Avalon – a 1,004 TEU LoLo (lift on/lift off) Vessel, carries containers. It also has movable cells to convert 40 foot container spaces into 53 foot container spaces in anticipation of growth in 53 foot containers.

• In December 2007, a combined investment of $2.7 million by the Government of Canada, the Corner Brook Port Authority, the provincial Department of Business, Tourism, Culture and Rural Development (BTCRD) and Oceanex Inc. was announced. The purpose was to increase cargo capacity at the Port of Corner Brook and included the installation of a dockside crane for loading and unloading cargo. The contributions were as follows: The Province (BTCRD) - $400,000 grant, Oceanex - $300,000, ACOA - $300,000, Corner Brook Port Authority - $1.7 Million.

• Four years later on May 16, 2011, Oceanex suspended its service to the Port of Corner Brook for the summer due to low volumes; operations resumed in the fall. However, in March 2014, Oceanex closed its operation in the Port of Corner Brook and laid off 4 Oceanex employees and 4 security people. Chairperson Sid Hynes cited a lack of volume and competition from Marine Atlantic. The company continues to deliver goods to the West coast via St. John’s. They maintain a building and the dockside crane at the Port of Corner Brook.

• In June 2015, Oceanex announced an investment of $8,000,000 to expand its refrigerated services at the Port of St. John’s. The company will be adding 125 new 53 foot marine rated refrigerated containers to handle domestic fresh and frozen goods to its existing fleet.

• Earlier this year Oceanex was recognized as a top 101 Company in Atlantic Canada by Progress Magazine. The rankings are based on revenue. Oceanex has moved from #29 to #19 over the past 5 years. In mid-March, Oceanex was named as one of Canada’s best managed companies Gold Standard Member for 2014. The national award is sponsored by Deloitte, CIBC, The National Post, Queen’s School of Business and MacKay CEO Forums and recognizes Canadian owned and managed companies with revenues over $10 million for sustained growth, financial performance, management practices and efforts over the entire organization.

Agenda item
• Little is known about the company’s plans to expand its services with a land development project on the CBS Access.

Potential Speaking Points
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\[S.29 (1) (a)\]
Ministerial Approval: Received from the Honourable Minister Darin King

July 31, 2015
Meeting Note
Department of Business, Tourism, Culture and Rural Development
Department of Transportation and Works
Mr. Matthew Hynes
Date and Location of Meeting to be confirmed

Attendees: Premier Davis and Matthew Hynes, Executive Vice President at Oceanex.

Purpose of Meeting:
• To discuss the expansion of Oceanex services through development of a ‘Transportation and Logistic Park’ and construction of a new CBS Bypass Road interchange, and potential cost-sharing arrangements.

Background:
• Oceanex Inc. is an integrated freight management company providing intermodal transportation services in the Province. The company operates out of three terminals: St. John’s, Halifax and Montreal. The St. John’s terminal is the company’s main terminal and is the largest general freight terminal in Newfoundland and Labrador. Weekly sailings between St. John’s, Montreal and Halifax, offers intermodal connections for all North American freight and for international carriers for Newfoundland’s import/export business. Currently 50% of all cargo shipped to the island goes through Oceanex terminals in St. John’s.

• In December 2007, a combined investment of $2.7 million by the Government of Canada ($300K), the Corner Brook Port Authority ($1.7M), BTCRD ($400K) and Oceanex Inc. ($300K) was announced. The purpose was to increase cargo capacity at the Port of Corner Brook. In March 2014, Oceanex closed its operation in the Port of Corner Brook and laid off 4 Oceanex employees and 4 security people, citing a lack of volume and competition from Marine Atlantic. The company continues to deliver goods to the West coast via St. John’s. They maintain a building and the dockside crane at the Port of Corner Brook.

• In June 2015, Oceanex announced an investment of $8,000,000 to expand its refrigerated services at the Port of St. John’s. The company will be adding 125 new 53 foot marine rated refrigerated containers to handle domestic fresh and frozen goods to its existing fleet.

• In November 2014, Oceanex applied to the City of St. John’s to have a large block of land situated at 275 CBS Bypass Road rezoned to accommodate development of a ‘Transportation and Logistic Park’ and associated road interchange to provide access to the site. The City of St. John’s has confirmed that the re-zoning process is underway (including consultation with the Towns of Paradise and CBS) and is expected to go to St. John’s City Council on August 10, 2015 for a decision.

• The Transportation and Logistic Park is planned to comprise three lots to be occupied by Oceanex, Armour Inc., and a potential third business. Oceanex’s lot is planned to include a warehouse, an office building, a fenced laydown yard, areas for the storage of containers/trailer/chassis units, and a one-bay equipment maintenance garage. Armour’s lot is
planned to include a warehouse with cross dock facility and a vehicle storage yard for 295 vehicles, including trucks of various sizes.

- Currently, there is no access to the site for the proposed Park via the CBS Bypass Road, a regional arterial highway and a protected road under the Provincial Protected Road Zoning Regulations. Oceanex has proposed, pending approval from the City of St. John’s, the Town of Paradise and the GNL, to provide access to the Park by constructing a new interchange at the CBS Bypass Road. The diamond layout interchange would provide access to residential lands adjoining Three Island Pond in Paradise and a future connection to the Trans-Canada Highway (TCH Route 1) north of Paddy’s Pond.

- Oceanex has expressed interest in a cost-sharing arrangement with GNL, the City of St. John’s, the Town of Conception Bay South (CBS) and the Town of Paradise to fund the new interchange construction at the CBS Bypass Road (Route 2). The proposed interchange is in the city limits of St. John’s and Route 2 is under the jurisdiction of the Province.

- On February 25, 2015, Oceanex meet with Minister Hutchings to seek support for the project. The Town of Paradise also attended the meeting and expressed an interest in participating in the project as the Town saw it as an opportunity to help alleviate some traffic issues associated with entering and exiting the Town.

- Because of its adjacency, the Town of Paradise has been consulted by the City of St. John’s as part of the rezoning process. Paradise has advised that it has no objection to the proposed rezoning or development proposal.

- In 2014, the Town of Paradise completed a traffic study to inform a means of addressing the ongoing traffic issues, including access to, from and within the town. The findings of the study suggests the proposed interchange would alleviate some the possible traffic issues associated with continued development in Paradise and on Kenmount Road Extension.

- On March 12, 2015, the City of St. John’s received comments from the Town of CBS with regard to the proposed rezoning and interchange development. CBS noted concerns about the impacts on the functioning of the CBS Bypass Highway/Manuels Access Road of commercial traffic from the proposed Park and increased residential traffic from Paradise. CBS also asserted that a traffic impact study is needed to “document the impacts of the transportation and logistics park as well as the proposed interchange and connection with Paradise on the regional transportation network...(and) identify the improvements to the Manuels Access Road required to meet the increased traffic demand.”

- TW issued an Expression of Interest for such a traffic study which closed July 30 and will be awarded by the end of the week of August 3. The Mayor of CBS has made similar comments publicly when news of this potential re-zoning became public in November 2014.
Analysis:

- The extensive development and growth of Paradise both residentially and commercially is contributing to an ever-increasing problem of higher traffic queues that use the TCH interchanges for the various movements. Although there are delays associated with movements at current TCH access/exit locations, there is not known to be a significant collision history.
Potential Speaking Points

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Ministerial Approval:  Minister Darin King / Minister David Brazil

August 3, 2015
General Overview of Oceanex Inc.

- Oceanex Inc. is an integrated freight management company providing intermodal transportation services to the Island of Newfoundland in the province of Newfoundland and Labrador. The company is headed by Executive Chairman, Captain Sid Hynes, and employs up to 400 employees. Oceanex offers a range of pier-to-pier and door-to-door services, including: Full-load container and trailers, Less than truckload (LTL) freight, Refrigerated (reefer) cargo and “Any size” machinery and project cargo.

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