

**17.2 Buffalo Update****Motion – Exclusion of the Public – Section 90(3)(b, d & h) Order C090719/1551**

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 185/19 Buffalo - Update in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 185/19 Buffalo - Update on the following grounds:**
  - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is  
  
conducting business; or  
would prejudice the commercial position of the Council.**
  - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected  
  
to prejudice the commercial position of the person who supplied the information, or  
to confer a commercial advantage on a third party.**

**In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.**
  - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice which has been provided by Mellor Olsson on instructions from the Council.**

3. **The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Lonie, Seconded Councillor Abley

**Carried**

The Acting Chief Executive Officer provided a verbal update on the removal of the Buffalo in relation to the Council Resolution (C140519/1483) of the meeting on 14 May 2019.

**Motion**

**C090719/1552**

**That the Acting Chief Executive Officer proceed with the actioning of Council Resolution (C1400519/1483) with the Licensee given 21 days to undertake the works outlined in the Deeds of Release and Termination.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

**RETAIN IN CONFIDENCE – Section 91(7) Order**

**C090719/1553**

**That having considered Agenda Item: 17.2 Buffalo Update in confidence under section 90(2) and (3)(b, d & h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act, orders that any discussion items for Item 17.2 Buffalo Update that pertain to the Licensee, Licence Agreement and/or Commercial Operations be retained in confidence for a period of 24 months with a review after 12 months.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

**CONFIRMED**

**Tuesday 22 July 2019**

**MAYOR**