

Palais Theatre Lease Implementation Activities – 13 September 2016

Item	Lease requirement	Actions	Status
Fair Competition and Confidentially Policy	<ul style="list-style-type: none"> Develop a Fair Competition and Confidentiality Policy for the hire of the Premises consistent with the Fair Competition and Confidentiality Policy Principles in the Lease for approval by Council within 60 days after the lease commencement and to comply with such Fair Competition and Confidentiality Policy. The Fair Competition and Confidentiality Policy may only be varied with the prior written approval of Council, which must not be unreasonably withheld. Live Nation will provide an annual report to Council on its compliance with the Fair Competition and Confidentiality Policy and Council is entitled to audit compliance. 	<ul style="list-style-type: none"> Live Nation to develop a draft Fair Competition and Confidentiality Policy consistent with the policy principles in the lease. Officers to assemble an independent advisory panel comprising legal, venue management and promotions expertise. Panel to conduct a high level review of the draft policy to ensure it aligns with the policy principles in the lease. Live Nation to consult with their customers on the draft policy. Live Nation to report back to Council on the results of its consultation and any proposed revisions to the draft policy. The panel to assess the policy for its alignment with policy principles as well as its commercial feasibility for Live Nation. If necessary, Live Nation to review feedback from panel and make changes to the draft policy. Officers report to Council (in an open Council meeting) seeking approval of the proposed policy. 	Complete Approved by Council
Community Advisory Committee	<ul style="list-style-type: none"> Live Nation to establish a Community Advisory Committee for the purpose of providing input into the considerations of the Palais Theatre Community Fund (PTCF) Committee and to inform St Kilda residents on the Tenant's proposed business plan, event calendar and any proposed construction works. The aim of the Community Advisory Committee is to encourage participation and involvement by St Kilda residents in providing recommendations to the PTCF Committee. Live Nation has indicated they intend to also use this forum to engage with local residents and traders as a 'good neighbour', checking in and dealing with any amenity or other issues as they arise. 	<ul style="list-style-type: none"> Live Nation has agreed to set up the Committee as soon as possible to use as a mechanism for engaging early with the community. Live Nation to provide the draft Terms of Reference to Council for its approval. Council to approve Terms of Reference. Live Nation to undertake an EOI process with local community that describes the purpose of the committee and includes reference to other opportunities to engage. Live Nation to appoint membership and notify Council of its appointments. 	Complete Committee appointed <i>Need to update Council on membership and how many applied.</i>

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Palais Theatre Community Fund Committee	<ul style="list-style-type: none"> • Live Nation to establish a Palais Theatre Community Fund Committee (PTCF Committee) to administer the PTCF (see below). • Terms of Reference for the committee to be approved by the Landlord. • Membership of the PTCF Committee is: <ul style="list-style-type: none"> • Up to two members of Live Nation’s management team • Up to two members nominated by Council • Up to two community representatives. 	<ul style="list-style-type: none"> • Live Nation has agreed to establish the PTCF Committee as soon as possible, as a means to engage early with the Port Phillip community. • Live Nation to develop draft Terms of Reference for the Committee and a process for nominations with support from Council Officers for approval by Council. • Officers to develop approach for filling Council nominated positions for Council approval. • Council to approve draft Terms of Reference, to include criteria for community representation and approach for filling Council nominated positions. • Live Nation to undertake an EOI process seeking nominations and manage the appointment process. 	<p>Underway</p> <p>All but council nominated positions filled.</p> <p><i>Council report to seek approval to appoint two council nominated positions</i></p>
Palais Theatre Community Fund	<ul style="list-style-type: none"> • Live Nation to establish the Palais Theatre Community Fund (PTCF). • The purpose of the PTCF is to raise money for funding community projects, programs and developments on an annual basis. • Allocation of \$0.50 per ticket sold will go to the PTCF. • Live Nation also to undertake fund raising activities during each year to raise additional funds for the PTCF, over and above the ticket allocation. 	<ul style="list-style-type: none"> • Live Nation to establish the fund once the Palais Theatre Fund Committee has been appointed. 	<p>Underway</p> <p>Bank account established</p> <p>Now committee established, process for assessments and allocating funds will be developed in line with TOR</p>
Community Purpose Reservation Days	<ul style="list-style-type: none"> • Council has the right to book the Palais for eight days a year at a one-off charge of \$1 (including GST) plus the operating costs incurred by Live Nation in making the Palais Theatre available for use. • The dates for three of the eight days can be nominated by Council, with the other five dates to be nominated by Live Nation. The eight days need to be confirmed 12 months in advance each year. 	<ul style="list-style-type: none"> • Council officers to develop a process for allocation for approval by Council. • Council to approve the community purpose reservation days process. • This will be coordinated with development of the Palais Theatre Community Fund establishment. 	<p>Underway</p> <p>Policy in development – being led by CD</p> <p><i>Council report to approve Policy</i></p>

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Asset Management Plan	<ul style="list-style-type: none"> • An Asset Management Plan to be developed for approval by Council that includes capital renewal, functional upgrades and non-capital maintenance over the term of the lease. • The Asset Management Plan will be reviewed and updated every three years. 	<ul style="list-style-type: none"> • Joint development (Council and Live Nation) of the Asset Management Plan post works being completed at start of lease. 	<p>Underway</p> <p>Initial condition assessment complete</p> <p>Asset Management plan in development</p>
Annual Reporting requirements	<p><i>Annual Report</i></p> <ul style="list-style-type: none"> • Live Nation to provide an annual report, including: <ul style="list-style-type: none"> ○ The major items of repair, maintenance and capital improvement works carried out by the Tenant in accordance with the Asset Management Plan. ○ Events conducted at the Palais Theatre, including the type of events, spread of promoters and patronage demographics; and ○ The use of the Palais Theatre for community benefit activities and functions, including: <ul style="list-style-type: none"> ○ A statement as to use of the Premises. ○ A report on the PTCF activities, application of funding and financial position. ○ A report on the activities of the Community Advisory Committee. <p><i>Annual Forecast</i></p> <ul style="list-style-type: none"> • Live Nation to provide a report on forecasts for the upcoming 12 month period, including: <ul style="list-style-type: none"> ○ Management of assets and facilities, including details of the major items of repair, maintenance and capital improvement works to be carried out in accordance with the Asset Management Plan. ○ Events to be conducted at the Palais Theatre, including, where available, the type of events, spread of promoters and proposed patronage demographics. ○ The use of the Palais Theatre for community benefit activities and functions, including a statement as to how these beneficial community outcomes will continue to be met. 	<ul style="list-style-type: none"> • Live Nation to prepare a draft Annual Report template that includes forecast reporting. • Council officers to review the draft template and provide feedback. • Live Nation commence reporting using the template following the first year of operation. 	<p>Not started</p> <p>Priority placed on time sensitive items.</p> <p>This will be a focus once committees established and asset management plan complete.</p>

