

13 March 2019

Mr Mite Domazetovski
Change Strata Management
Suite 4, Level 4, 350 George Street
Sydney NSW 2000

Dear Mr Domazetovski

**Telecommunication Services & Pivit Pty Ltd
DP 270427 - Prince Henry at Little Bay**

I refer to the above matter and previous correspondence regarding the provision of telecommunication services at Prince by Pivit Pty Ltd (**Pivit**). In particular, we refer to the letter dated 1 March 2019 from you in your capacity as Managing Agent for the Prince Henry at Little Bay, Community Association.

For clarity, Landcom wishes to make a clear statement of its position and role in respect to the ongoing discussions between Landcom, the Community Association, Pivit and any proposed new telecommunications provider for Prince Henry. In this regard, Landcom confirms the following:

- While Landcom remains the principal under the Network Management Services Agreement (**NMSA**) with Pivit, this is purely as a result of history. Landcom confirms that it has no ongoing obligations to the Community Association nor the residents of Prince Henry in respect to the telecommunications services at Prince Henry. If the Community Association has a different opinion, could you please point out the legal basis for this;
- Despite issues relating to the quality of the telecommunication services being provided by Pivit, it is Landcom's understanding that Pivit is technically compliant with the *Telecommunications Act 1997 (Clth)*. Landcom is therefore not inclined to pursue any action in respect to the alleged non-performance by Pivit;
- Further, while Landcom is willing to facilitate discussions between the above parties to find a suitable resolution and hopefully a new telecommunications provider, Landcom does not wish to (nor is Landcom obliged to) be a party to any agreement with that new provider. As the Community Association represents the residents at Prince Henry and Landcom does not own any land nor does it have any legal interest in Prince Henry, Landcom believes that it would be much more appropriate for the Community Association to be the Principal under any new agreement;
- Landcom's preferred position is that, once the Community Association has identified a suitable new provider and satisfactorily negotiated the commercial terms, the Community Association should enter into an agreement with the new provider, at which time Landcom would terminate the current NMSA with Pivit. In this way, the Community Association would have the benefit of any and all rights under the new agreement, including any rights relating to enforcement; and

- In the meantime, Landcom agrees that the charge on Pivit's assets should remain to ensure Pivit ongoing service obligations. Landcom has written to the PPSR to this effect.

While Landcom is under no obligation to do so, in an effort to find a suitable resolution for the residents of Prince Henry, Landcom is willing to continue to make enquiries regarding possible telecommunication options and to bring this information to the Community Association for consideration. To this end, Landcom strongly encourages the Community Association to continue to be a party to the ongoing discussions so that their wishes can be addressed and any outstanding issues resolved.

As regards the issues you informed us that the Community Association feel strongly about, Landcom believes that these issues should be the subject of commercial negotiations between the Community Association and any new provider once they are identified.

We hope that this letter clarifies Landcom's position. We looking forward to hearing from you and continuing the pathway to a satisfactory resolution for all the parties, in particular the Community Association and residents at Prince Henry.

Yours sincerely



Stuart McCowan
Program Director