Submission to LAP Variation 2009/914 - Shepparton, Bendigo Horsham

July 2016

8SAT (Flow FM) is the commercial licensee for areas in South Australia, Victoria, New South Wales and the Northern Territory. Flow FM is a member of Commercial Radio Australia. Specifically, our license is adjacent to the Horsham, Bendigo and Shepparton Commercial License Area Plans and in some cases the Community Licenses being discussed.

Technical and ABC PNN radio services

Flow FM advises ACMA that the additional proliferation of ABC broadcast services is unnecessary both from a spectrum usage viewpoint and through lack of community interest. We ask the ACMA to not consider any further variation to the ABC services for additional PNN coverage at Horsham, Bendigo and Shepparton. ACMA is aware of the shortage of spectrum on the FM band in these three license regions and with AM to FM conversion and with many country towns still awaiting their first commercial service. Flow FM notes that two recent surveys conducted by XTRA Research 2014 / 2015 / 2016 indicate that at Horsham and Bendigo the listening audience for the PNN service is almost non existent.

Horsham PNN listeners - 0.2 percent or 1 person in 500


Shepparton PNN listeners – 0.1 percent or 1 person in 1000


These figures are very concerning given the massive public investment yet complete lack of engagement. Nationally funded services are also given generous engineering and technical implementation arrangements above that of local commercial services which results in an uneven playing field. We note that commercial services with less coverage and even narrowcasters are demonstrating larger audiences against the PNN ABC services. The case for moving the Horsham site and increasing power is not justifiable from both a budgetary or from a spectrum management viewpoint. We believe that the Minister for Communications should consider this proposal against alternative spectrum usage and that the ABC should be obliged to demonstrate a community of interest and programming that is compatible with the demands of rural and regional audiences in order to demonstrate engagement.

Technical Planning

Flow FM has previously advised ACMA of our continuing concern at two tiered planning which produces incongruity between Flow FM’s services and other Commercial LAP Variations. We note on that on page 7 of the draft relating to the 3EL and a retransmission in Bendigo that the ”in-fill transmitter do not provide an urban level signal strength to Bendigo City, with some areas in Bendigo City not even receiving a suburban level of the signal” as cause for a significant upgrade in
power. Yet we remind ACMA that in each of our LAP variations that ACMA has determined our planning rural grades as being sufficient thereby further reducing viability and the technical capability. We note a CRA report from April into our LAP variation where it was suggested 48 dBu was acceptable minimum field strength. While we accept that 66 dBu is optimal minimum received field strength, and advise that our services have not been afforded the same field strengths as other broadcasters. In addition we note that our services have been planned with protection to only 66 dBu from co channels and adjacent channel interference yet ACMA offers field strengths down to 54 dBu protection from interference for these plans, further evidence of the Technical Planning Guidelines being administered differently depending on the broadcaster involved. We find it hard to see how we can be asked to provide a minimum rural grade service of 54dBu when we have only been guaranteed interference free reception to 66dBu.

**Horsham AM Translators to Nhill and Ararat**

We are not opposed to these transmitters. We have previously discussed with ACMA licensing for southern Victoria’s unlicensed and unserviced areas which have yet to be served by a commercial licensee. We note that while the licensee is seeking further translators to towns which already have a commercial service, their remains in the Horsham license area a number of locations without commercial FM radio including Edenhope, Apsley and Harrow in the south, Rainbow, Beulah and Warracknabeal in the north and St Arnaud in the East all of which do not receive an FM commercial radio service from Horsham and in some cases below urban grade AM. We note that the Horsham licensee has not sought to extend their license area to provide services at Dergholm, Lake Bolac, Minamay and Serviceton areas which Flow FM applied to service in 2012.

**Hopetoun 3WMM Translator**

We note that the ACMA Discussion Paper states “Currently, there is no commercial or community broadcasting FM service delivered to Hopetoun”. This is now incorrect as of 8SAT’s advice to ACMA in December 2015 that 95.3 Mhz from Flow FM is now on air.

This application from ACE Radio was made in 2014 after the Flow FM licensing at Speed in the Northern Yarriambiack Shire was planned, consulted upon and now approved and on air, receiving strong community support. While the Horsham licensee has pointed out past interest from the community, (a school survey was undertaken many years ago) fulfilment of FM commercial radio has already occurred via the start up of the Flow Fm’s service on 95.3 FM.

The same licensee stated in a CRA submission against Flow FM’s license at Speed in 2014 ( in relation to their own scope for making additional revenue from Hopetoun), “revenue from this service is minimal (none?)”. This seems to indicate that ACE Radio do not believe their application to add another service to the one Flow is now providing would add any revenue. The licensee ACE radio owns 2 AM licenses that are overlapped at Hopetoun (Swan Hill and Horsham) which carry advertising and which are claimed to be listened to by the local community. They own and distribute a local newspaper ‘The Advertiser’ in Hopetoun which also carries Hopetoun advertising, the question remains as to why they would now seek to put in a 5th media service and 4th radio service for 555 people. The only thing that has changed to engender ACE Radio’s sudden interest in applying for a frequency ( which they have had 20 years to do ) is that a competitor is entering the market in the guise of Flow FM. Section 46 of the Competition and Consumer Act of 2010 states “A corporation
that has a substantial degree of power in a market shall not take advantage of that power in that or any other market for the purpose of: (a) eliminating or substantially damaging a competitor of the corporation or of a body corporate that is related to the corporation in that or any other market; (b) preventing the entry of a person into that or any other market; or (c) deterring or preventing a person from engaging in competitive conduct in that or any other market”.

Given the lack of provision of services by ACE Radio in the Horsham license area to other much larger population centres in the Horsham LAP like St Arnaud (over 2638 people), Warracknabeal (2493 people) and the combined areas of Edenhope Apsley and Harrow of 1300 people, one would expect more interest from the licensee in providing these services to areas of limited coverage as opposed to Hopetoun which is now receiving FM commercial radio. We would ask ACMA to reconsider the application given the already existing media in the town and ACE Radio’s previous comments about their inability to make any financial returns in the town from this potential service.

**Shepparton Mt Buller relocation to Mansfield**

We draw ACMA’s attention to the Shepparton LAP map which shows Mt Buller outside the Shepparton license and again exclusively in the Flow FM licence area (see ACMA Map Shepparton LAP). The relocation of the transmitter from Mt Buller significantly reduces the FM coverage on Mt Buller and surrounding valleys in a 270 degree direction. This will have implications on emergency service rescue in the region in snow, flood and fire conditions. We seek clarification on this planning and note that Mt Buller is now only served by the Flow FM service albeit at a much reduced technical specification than we originally requested (200 watts). Clearly, with this Shepparton change of site to Mansfield, Flow FM’s upgraded power to 1200 watts must now be implemented to provide the infill service coverage to Merrijig, Sawmill Settlement to the north, Howqua, Howqua Inlet, Jamieson, Goughs Bay, Macs Cove to the West and road coverage on the Woods Point Road including the towns of Kevington, Gaffneys Creek, Woods Point and Matlock. An application to this effect is being submitted to ACMA. We are not opposed to the Mansfield transmitter.

**Alexandra Eildon – Devils River**

We note that the Flow FM license area will receive overspill at Eildon South, Rubicon North at above 54 dBu. We accept that some overspill is necessary and ask that this be taken in account when our Mt Buller upgraded services are planned.

**Yea – Mt Broughton**

The service township of Yea lies on the boundary of the Flow FM license with parts of the town exclusively licensed to Flow FM.

Flow FM opposes this re-transmission as it excessively overspills outside the Shepparton license to both the Flow FM license and the Melbourne License Area Plan at Kinglake (Urban Centre 1347 people) and Kinglake West (Urban Centre 1066 people) to more people outside the target town than it serves at Yea (1068 people). The Mt Broughton transmitter site is more than 400 metres above average terrain height to Yea. It significantly overspills in a southerly direction based on 500 watts at above 70 dBu and in many places in the Flow FM license including Limestone at more than 80 dBu which at around 30dBu more than 54 rural grade is excessive and unreasonable. The transmitter location is located 10 kilometres from the boundary of the Flow FM license and where parts of the
town are outside of the Shepparton License. The 1000 watt directional technical specification has an insufficient protection toward the Flow FM license and the Melbourne LAP and overspills many hundreds of square kilometres of the Flow FM license including the settlements of Limestone, Murrindindi, Glenburn, Break O Day and Yea South all exclusively contained in the Flow FM license area. ACMA is aware of Flow FM interest in providing an FM translator to this area with a previous application from 2012 apparently ‘lost’.

Flow FM recommends that the Shepparton licensee needs to identify an alternative broadcast site for the township of Yea as the planned site would be difficult to reduce the overspill. Flow FM has identified the Optus Site at Smith Street Yea (Co-ordinates 37.13.16 S and 145.25.28 E) just inside the Shepparton LAP but giving excellent coverage of Yea and the roads in and out of the town with a 50W service. This site does not overspill into Kinglake in the Melbourne plan or most of the southern Murrindindi Shire. Flow FM would concede Limestone as unavoidable overspill but would seek similar overspill into the Shepparton plan with Flow FM’s Murrindindi transmitter application. Additionally, as overspill is across multiple markets we have advised Commercial Radio Australia for their input to ACMA.

**Community Radio – UGFM**

This license overlaps the Flow FM license across much of this area. Flow FM is in discussion with ACMA about providing a service to the Glenburn, Break O Day and Murrindindi areas.

We support ACMA’s decision to not extend this license into the Melbourne plan at Yarra Glen and associated areas as the proliferation of community radio in the area is increasing with services at Plenty Valley, Yarra Valley and other UGFM transmitters.

**Community Radio – Mansfield**

We draw the ACMA’s attention to Flow FM’s original application to broadcast at Mt Buller on 1200 watts to serve many of the these Great Divide areas. The new upgraded Flow FM transmitter at 1200 watts once established on Mt Buller will give excellent road coverage though this area.

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