31st March, 2016

Draft Variation to RCEA LAP
Broadcasting Carriage Policy Section
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

LAPRequests@acma.gov.au

File Reference: ACMA2010/1753

Re: Broadcast Operations response to draft Remote Central and Eastern Australia LAP

The Super Radio Network (SRN) has commercial radio licences in the Mudgee RA1/RA3, Dubbo RA1, and Gunnedah RA1 areas among many others in New South Wales and South Eastern Queensland. SRN submits comments in relation to the following Preliminary views contained in the Draft Remote Central and Eastern Australia Licence Area Plan released for comment on 17 February 2016.

- make spectrum available for the commercial broadcasting services with the callsigns 4RBL and 4BRZ at Bocobble, New South Wales (Preliminary view 2)
- vary technical specifications for the commercial broadcasting service with the callsign 4RBL at the Warrumbungles, New South Wales (Preliminary view 2)
- make spectrum available for the commercial broadcasting service with the callsign 4BRZ at the Warrumbungles, New South Wales (Preliminary view 2)

Super Radio Network comments on the relevant Preliminary Views are as follows:

Bocobble, New South Wales

The communities of Kandos and Rylstone are, as stated, within the boundaries of the Mudgee RA1 and RA3 licence areas and are adequately served by the existing two commercial radio services 2GEE and 2MG which are both owned and operated by the Super Radio Network.

As stated in your Draft LAP variation Bocobble is located in the mid-west of New South Wales, approximately 25 kilometres west-north-west of Kandos and 25 kilometres south-east of Mudgee. The local area as stated had a population of 441 (as at the 2011 census), however it is our stated view that the Bocobble area itself, disregarding the “unavoidable overspill area”, is more likely to have a figure closer to 100.
I appreciate, in making this statement, no ABS figures are available for Bocoble in its own right.

The ACMA proposed to make spectrum available for the commercial radio broadcasting services 4RBL and 4BRZ at Bocoble. It was proposed that these services would operate on the frequencies 91.5 MHz (4RBL) and 95.1 MHz (4BRZ), with an ERP of 100 W DA from the 'Communal Site, Mt Bocoble, Bocoble'. Whilst it is pleasing to note ACMA have realised the original 2013 proposal was excessive it remains that even with the reduced operating provisions the Super Radio Network still cannot accept the outcome.

As you know the Super Radio Network have previously strongly opposed the provision of any 4RBL or 4RBZ commercial radio signals into this area of the Mudgee commercial radio licence area. The reasons we objected strongly to the ACMA proposals in the past still remain – nothing has changed and no reduced operating conditions are acceptable even though in an earlier submission an offer was made to consider an alternative to the 2013 operating conditions.

The ACMA have stated in the draft that “Due to the proximity of the North East Zone licence area to the Mudgee RA1 and RA3 licence areas, it is accepted that a degree of overspill into and from each licence area is unavoidable in order to allow each licensee to service their own licence areas”.

An acknowledgement that overspill is unavoidable means that parts of a licence area the size of Mudgee RA1 and RA3 will be served but four commercial radio licences.

It is at this point viability of a market is questioned, particularly as some of the critical centres that service Mudgee will be vigorously marketed by 4RBL and 4BRZ agents. A market the size of Mudgee is not able to sustain the competition of another two services.

It must be remembered that the 4RBL and 4BRZ licences have no local service centres to serve except what would be gained by providing those services with access to the areas (such as Kandos and Rylstone) beyond the overlap area.

It must be acknowledged they are simply making a grab for areas outside their licence area.

The provision of any services at Bocoble was opposed and as stated those reasons remain.

The argument opposing the provision of commercial service frequencies at Bocoble is no longer a technical one it is purely commercial and is totally contradictory to any planning criteria.

Although the towns of Rylstone and Kandos have their own business centres, Mudgee is the main service centre for this entire region.

The potential new planned audience numbers are small. In comparison the population within the reach of urban/suburban fortuitous coverage would be in the thousands and include Kandos and Rylstone, 2 of only 4 centres in the Mudgee licence area with a population of over 500.

- Nearby Rylstone urban centre has a population of 624, the Rylstone Census Community which also includes surrounding rural areas (much contained within the Mudgee licence area) has a population of 874.
- These two centres although having their own distinct local identities, have town boundaries only around 5km apart, linked for decades by a walking/cycle track and with recent intervening 'lifestyle block' housing development are effectively one large urban population in terms of population distribution within the wider region.
- Kandos and Rylstone also contain numerous small retail & service businesses and entertainment venues. In contrast no business centres are found in the planned service area for the proposed 4RBL/4BRZ services.
- All of which would suggest a strong commercial incentive for the planned services to cater to the fortuitous coverage areas in strong preference to those planned.

The above are strong reasons why the existing commercial services of 2GEE and 2MG must be allowed to continue to foster in their own right and without the possibility of competitive interference.
Having stated the above, an alternative to the Mt Bocoble site (which is in the overlap area) may be one further into the remote licence area and enabling coverage of the overlap area but utilising Mt Bocoble creates too many problems and issues for the incumbent in our view by providing access to markets the neighbouring licensee is not entitled to serve.

_In summary the areas of Bocoble, Pyramul, Iford, Castlereagh Highway and a large part of the areas surrounding Kandos and Ryldstone are all within Mudgee RA3, RA1 or both and are already serviced with commercial radio by 2GEE and/or 2MG and no additional commercial services should be permitted access to a tight commercial market._

**Warrumbungles, New South Wales**

The Warrumbungles region is located in central New South Wales, 450 kilometres north-west of Sydney, approximately 110 kilometres north-north-east of Dubbo.

As part of the 2013 draft variation, the ACMA proposed to change the frequency due to potential interference, the nominal location and maximum power level of the existing 4RBL Warrumbungles transmitter, and to make spectrum available for the commercial radio broadcasting service 4BRZ, also at the Warrumbungles. It was proposed that these services would operate on FM frequencies 88.5 MHz (4RBL) and 89.3 MHz (4BRZ), with a maximum ERP of 5 kW DA and a maximum antenna height of 114 metres from 'Broadcast Australia 152m Tower, Broadcast Australia Site, Mt Cenn Cruaich Access Rd, Mt Cenn Cruaich'.

The ACMA has reviewed the specifications in the 2013 draft variation after receiving submissions, which expressed concern about possible levels of overspill into the adjacent Dubbo RA1 and Gunnedah RA1 licence areas.

The above comments but the ACMA are noted with some comfort however the proposal is unacceptable to Super Radio Network. Our concern is accentuated by the following statement made, again by the ACMA, in the draft “due to the proximity of the North East Zone licence area to the Dubbo RA1 and Gunnedah RA1 licence areas, it is accepted that a degree of overspill from and into each licence area is unavoidable to allow each licensee to serve their licence area”.

The Mt Cenn Cruaich Broadcast Australia site is 1163m in height [plus another 35m on the tower] and only 25km from Coonabarabran. The proposed signal will easily provide excellent coverage in to Coonabarabran which is at 520m in height. Super Radio Network has just invested heavily to provide 2 different services on the FM band that cater for Coonabarabran.

The ACMA is proposing to specify a maximum ERP of 2.5 kW DA with a maximum antenna height of 35 metres and state that the associated overspill is considered unavoidable (as previously stated) in allowing Rebel Media to provide a service to its licence area.

**My question is – what about the existing incumbent licensee in the neighbouring market??**

If the quite considerable overspill is unavoidable then the proposal should be rejected outright. The Rebel Media proposal should be rejected outright and if anything they should be asked/required to re submit proposals for multiple low powered FM transmitter sites to service ONLY those areas OUTSIDE the Dubbo RA1 and Gunnedah RA1 licence areas without causing large areas of overspill.

I appreciate ACMA will probably not want to consider the use of multiple FM frequencies, but low powered synchronous FM transmitters may be the answer.

In continuing with the preliminary as it stands the investment made by the Super Radio Network in Coonabarabran (which took many years to have approved by the ACMA) is questionable. The
Coonabarabran area will now have 4 commercial radio services – this is a ridiculous outcome and like earlier preliminary views raises questions about the ACMA consideration of viability in forming its views.

In summary the areas impacted by the unavoidable overspill within Dubbo and Gunnedah RA1 areas are already serviced adequately with commercial radio and no additional commercial services should be permitted to access tight commercial regional markets.

Should there be any questions in relation to the above please contact Mr Allan Bone on 07 55244497 in the first instance.

Yours faithfully,

[Signature]

BILL CARALIS
MANAGING DIRECTOR