Explanatory Paper
Draft Variations to the Licence Area Plans for Bourke, Cairns and Maryborough Radio – No.1 of 2010

OCTOBER 2010
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Submissions

Submissions to this proposal may be made to the Australian Communications and Media Authority (ACMA) as follows:

By email:  rps@acma.gov.au

By mail:  Draft Variations to Bourke, Cairns and Maryborough LAPs
Radio Planning Section
Technical Planning and Evaluation Branch
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

By fax:  (02) 6219 5347

Please quote file reference: ACMA2009/763 (Bourke) or ACMA2009/759 (Cairns), or ACMA2009/852 (Maryborough) in your reply.

Contact details for submissions:

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The closing date for submissions is 5.00 pm, Friday 29 October 2010.

All submissions received will be made available for public inspection on the ACMA’s web site.¹ (www.acma.gov.au)

¹Under subsection 27(2) of the Broadcasting Services Act 1992, the ACMA is required to make all submissions available for public inspection. Any submission marked “In confidence”, “Confidential” or similar, will not be considered by the ACMA in finalising the LAP variation.
Explanatory Paper

This explanatory paper accompanies the proposed draft variation to the licence area plans (LAPs) for Bourke Radio (Bourke LAP), Cairns Radio (Cairns LAP) and Maryborough Radio (Maryborough LAP).

Legislative Background
The ACMA prepares LAPs under subsection 26(1) of the Broadcasting Services Act 1992 (the BSA). LAPs determine the number and characteristics, including technical specifications, of broadcasting services in particular areas of Australia with the use of the broadcasting services bands. The ACMA may vary LAPs under subsection 26(2) of the BSA.

Section 23 of the BSA imposes specific obligations on the ACMA when carrying out its planning functions, including, amongst other things, a requirement to perform its functions in a way that promotes the objects of the BSA, including the economic and efficient use of the radiofrequency spectrum.

The object of most obvious relevance to the ACMA’s powers in relation to section 26 of the BSA is that at paragraph (a) of subsection 3(1), that being:

to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.

Section 27 of the BSA provides that the ACMA must make provision for wide public consultation when considering whether to make or vary a LAP.

The ACMA refers to the General Approach to Analog Planning when it considers the planning of broadcasting services. This document sets out the legislative framework and planning criteria as well as the general approach to the planning of broadcasting services. It also contains a record of advice and assumptions.

This document can be obtained from the ACMA’s website at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_90248.

Preliminary Views
In the context of the information contained in the General Approach to Analog Planning, the ACMA has reached the following preliminary views, namely that it should:

• vary the transmission site and radiation pattern of the existing community radio broadcasting service 4WBR at Maryborough;
• make FM spectrum 99.9 MHz, with a maximum ERP of 1 kilowatt (kW), available for a new community radio broadcasting service at Mossman in the Cairns LAP;
• make FM spectrum 107.1 MHz, with a maximum ERP of 50 W, available for a new community radio broadcasting service at Tiaro in the Maryborough LAP; and
• make FM spectrum 103.1 MHz, with a maximum effective radiated power (ERP) of 50 Watts (W), available for a new community radio broadcasting service at Wilcannia in the Bourke LAP.

The draft variations also propose to update the licence area definitions in the Bourke, Cairns and Maryborough LAPs so that the licence areas are defined in accordance with the 2006 Australian Bureau of Statistics (ABS) census data. The draft variations
further propose to make some amendments to improve and simplify drafting, and to remove obsolete information.

A full discussion of these matters is set out in the ACMA’s preliminary views below.
The ACMA proposes to make channel capacity available for a new community radio broadcasting service under service licence number SL1130134 to serve the Wilcannia area. It is proposed that this service operate on:

- 103.1 MHz from CDEP Bdlg, 39 Reid St. WILCANNIA with a maximum effective radiated power (ERP) of 50 watts (W) with an omni-directional (OD) antenna pattern.

The ACMA proposes that the new Wilcannia RA1 licence area, which the new community radio broadcasting service will serve, be defined using 2006 census data.

Background

Wilcannia is located approximately 295 km south-east of Bourke and has a population of 595² and is contained within the Bourke LAP. The LAP provides for a translator of the Bourke long-term community radio broadcasting service 2WEB into Wilcannia, but makes no other radio broadcasting services available for Wilcannia.

Wilcannia also receives radio reception of the ABC’s local radio and national radio services the specifications for these national services are contained in the LAP for Remote Central and Eastern Australia Radio.

In forming this preliminary view, the ACMA has considered the likely effects of the introduction of a new community radio broadcasting service at Wilcannia, having regard to the local circumstances in the Wilcannia area and other relevant matters under paragraph 23(a) to (g) of the BSA.

Discussion

Existing services and demand for new services in Wilcannia

In considering whether to plan for a new long-term community radio broadcasting service at Wilcannia, the ACMA has considered whether there was any interest in providing a community radio broadcasting service in the region.

Murdi Paaki Regional Enterprise Corporation (MPREC) has been providing a temporary community radio broadcasting service in Wilcannia since August 2008, using the frequency 103.1 MHz.

The ACMA believes that the operation of the MPREC temporary community radio broadcasting service suggests demand for a new community broadcasting service in Wilcannia. The ACMA believes that if it were to make channel capacity available for a new long-term community radio broadcasting service, it is likely that it would be taken up.

Channel Capacity

The ACMA is required to consider technical restraints relating to the delivery and reception of broadcasting services in the Wilcannia area (paragraph 23(c) and (e) of the BSA). The ACMA has also considered whether channel capacity exists in the FM band in the Wilcannia area for a new long-term community radio broadcasting service.

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² The population of the proposed Wilcannia RA1 licence area using 2006 census data.
The ACMA has identified that the frequency 103.1 MHz is available and suitable for a long-term community radio broadcasting service and that its use will not limit the ACMA’s planning options in the future.

The ACMA considers that planning a long-term community radio broadcasting service in the Wilcannia market using 103.1 MHz will represent an economic and efficient use of radiofrequency spectrum.

**Licence Areas**
Wilcannia is contained within the Bourke RA2 community licence area, however as this new service is intended to cover Wilcannia only, it is not appropriate that it service the entire Bourke RA2 licence area. The ACMA is therefore of the view that a new Wilcannia RA1 licence area will be determined, based on the expected coverage of the service. This new licence area will include only the community of Wilcannia. The new licence area will be defined using 2006 census data.

**Conclusion**
Following consideration of the evidence available to it, the ACMA is therefore of the preliminary view that planning a long-term community radio broadcasting service in the Wilcannia market using 103.1 MHz will represent an economic and efficient use of radiofrequency spectrum, and promote the objects at paragraphs 3(1)(a), (f) and (g) of the BSA.

Although temporary community broadcasting licences held by aspirant community broadcasters do not confer any long-term rights nor indicate any preference by the ACMA for a group to be granted a long-term community radio broadcasting licence, the ACMA is of the view that if a long-term community radio broadcasting licence were to be made available for allocation, it is likely that it would be taken up.
Preliminary View 2 - Community Radio - Mossman

The ACMA proposes to make channel capacity available for a new community radio broadcasting service under service licence number SL1130137 to serve the Mossman area. It is proposed that this service operate on:

- 99.9 MHz from Telstra Radio Terminal, NEWELL BEACH, with a maximum ERP of 1 kilowatt (kW) with an OD antenna pattern.

The ACMA proposes that the new Mossman RA1 licence area, which the new community radio broadcasting service will serve, be defined using 2006 census data.

Background
As discussed in the legislative background (at page 2), the ACMA takes the view the planning for additional community radio broadcasting services has an important role to play in promoting the object at paragraph 3(1)(a) of the BSA.

In forming this preliminary view, the ACMA has considered the likely effects that the introduction of a new community radio broadcasting service would have in Mossman. In particular it has taken account the local circumstances at Mossman and other relevant matters under paragraph 23(a) to (g) of the BSA.

Discussion
Existing services and demand for new services in Mossman
Mossman is located approximately 66 km north-west of Cairns and has a population of 8,858. The Cairns LAP does not make provision for a community radio broadcasting service at Mossman.

In considering whether to plan for a new long-term community radio broadcasting service at Mossman, the ACMA has considered whether there was any interest in providing a community radio broadcasting service in the region.

Coral Coast Country Community Radio Inc. (CCCC) has been operating a temporary community radio broadcasting service on 100.1 MHz at Mossman since February 2004.

The ACMA is of the opinion that the operation of CCCC temporary community radio broadcasting service suggests demand for a new community broadcasting service in Mossman, and the ACMA believes that if it were to make channel capacity available for such a purpose, it is likely that it would be taken up.

Channel Capacity
The ACMA is required to have regard to technical restraints relating to the delivery and reception of broadcasting services in the Mossman area (paragraph 23(c) and (e) of the BSA). The ACMA has also considered whether channel capacity exists in the FM band in the Mossman area for a new long-term community radio broadcasting service.

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3 Population of the proposed Mossman RA1 licence area using 2006 census data.
The ACMA has identified that the continued use 100.1 MHz limits the use of a potentially available high powered frequency at Cairns. The ACMA has found that the frequency 99.9 MHz is available and would be suitable for the provision of a long-term community broadcasting service at Mossman that would replicate the current coverage provided by CCCC.

The ACMA considers that making a community service available on 99.9 MHz as opposed to the currently used 100.1 MHz represents the most economic and efficient use of the radiofrequency spectrum. Making 99.9 MHz available instead of 100.1 MHz potentially also makes available a high power frequency in the Cairns market which would maximise spectrum productivity in the Cairns area.

**Licence areas**
Mossman is not included in any existing community licence area, therefore a new Mossman RA1 licence area will be determined, based on the expected coverage of the service. This new licence area will include only the community of Mossman. The new licence area will be defined using 2006 census data.

**Conclusion**
Following consideration of the evidence available to it, the ACMA is therefore of the preliminary view that planning a long-term community radio broadcasting service in the Mossman market using 99.9 MHz will represent an economic and efficient use of radiofrequency spectrum, and promote the objects at paragraphs 3(1)(a), (f) and (g) of the BSA.

Although temporary community broadcasting licences held by aspirant community broadcasters do not confer any long-term rights nor indicate any preference by the ACMA for a group to be granted a long-term community radio broadcasting licence, the ACMA is of the view that if a long-term community radio broadcasting licence were to be made available for allocation, it is likely that it would be taken up.
Preliminary View 3 - Community Radio - Tiaro

The ACMA proposes to make channel capacity available for a new community radio broadcasting service under service licence number SL1130133 to serve the Tiaro area. It is proposed that this service operate on:

- 107.1 MHz from Water Tower, Forgan Terrace, Tiaro with a maximum ERP of 50 W with an OD radiation pattern.

The ACMA proposes that the new Tiaro RA1 licence area, which the new community radio broadcasting service will serve, be defined using 2006 census data.

Background
As the ACMA is considering other community radio broadcasting issues for the Maryborough LAP (preliminary view 4), it believes it prudent at this time also to consider whether making a new community radio broadcasting service available at Tiaro is likely to promote the objects of the BSA, including the economic and efficient use of radiofrequency spectrum.

In forming this preliminary view, the ACMA has considered the likely effects that the introduction of a new community radio broadcasting service would have in Tiaro. In particular it has taken account the local circumstances at Tiaro and other relevant matters under paragraph 23(a) to (g) of the BSA.

Discussion
Existing services and demand for new services in Tiaro
Tiaro is approximately 25 kms south-west of Maryborough and has a population of 20534. The Maryborough LAP makes available no other community radio broadcasting services in Tiaro.

In considering whether to plan for a new long-term community radio broadcasting service in Tiaro, the ACMA has considered whether there was any interest in providing an additional community radio broadcasting service in the region.

Tiaro District Community Centre Inc. (TDCC) has been providing a temporary community radio broadcasting service in Tiaro since March 2005, using the frequency 107.1 MHz.

The ACMA believes that the operation of TDCC temporary community radio broadcasting service suggests demand for a new community broadcasting service in Tiaro. The ACMA believes that if it were to make channel capacity available for a new long-term community radio broadcasting service, it is likely that it would be taken up.

Channel Capacity
The ACMA is required to have regard to technical restraints relating to the delivery and reception of broadcasting services in the Tiaro area (paragraph 23(c) and (e) of the BSA). The ACMA has considered whether channel capacity exists in the FM band in the Tiaro area for a new long-term community radio broadcasting service.

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4 The population of the proposed Tiaro RA1 licence area using 2006 census data
The ACMA has identified that the frequency 107.1 MHz with a maximum ERP of 50 W is available and suitable for a long-term community radio broadcasting service and that its use will not limit the ACMA's planning options in the future.

The ACMA considers that planning a long-term community radio broadcasting service in the Tiaro market using 107.1 MHz will represent an economic and efficient use of radiofrequency spectrum.

**Licence Areas**
Tiaro is not included in any existing community licence area, therefore a new Tiaro RA1 licence area will be determined, based on the expected coverage of the service. This new licence area will include only the community of Tiaro. The new licence area will be defined using 2006 census data.

**Conclusion**
Following consideration of the evidence available to it, the ACMA is therefore of the preliminary view that planning a long-term community radio broadcasting service in the Tiaro market using 107.1 MHz will represent an economic and efficient use of radiofrequency spectrum, and promote the objects at paragraphs 3(1)(a), (f) and (g) of the BSA.

Although temporary community broadcasting licences held by aspirant community broadcasters do not confer any long-term rights nor indicate any preference by the ACMA for a group to be granted a long-term community radio broadcasting licence, the ACMA is of the view that if a long-term community radio broadcasting licence were to be made available for allocation, it is likely that it would be taken up.
The ACMA proposes to vary the technical specification of the existing community radio broadcasting service 4WBR at Maryborough to change the transmission site and radiation pattern. It is proposed that this service operate on:

- 105.1 MHz from Broadcast Site Scrub Hill NIKENBAH with a maximum ERP of 10 kW with a directional radiation pattern.

Background

In performing its function under section 26 of the BSA, the ACMA is required to promote the objects of the BSA, including the economic and efficient use of the spectrum. The ACMA is also required to have regard to the object at paragraph 3(1)(a) of the BSA by making available a mix of different types of broadcasting services in an area.

In January 1998, the Australian Broadcasting Authority (ABA) determined the Maryborough LAP. The LAP made available four commercial and one community radio broadcasting services and one open narrowcasting radio service. It was proposed that these services all transmit from the broadcast site at Bingham, Maryborough.

Discussion

In October 1998, the licensee of the commercial radio broadcasting service 4MBB at Maryborough advised the ABA that permission to use the use the nominal site had been withdrawn by the Hervey Bay City Council and sought permission to change the site of transmission to Scrub Hill, Nikenbah.

4MBB also requested a change in the radiation pattern, in order to rectify deficiencies that would occur from the alternative transmitter site, in the urban centres of Torbanlea, Howard and Burrum Heads in Maryborough.

After consulting on the proposal by 4MBB to which no objections were received, the ABA in August 2001 varied that Maryborough LAP so that the commercial radio broadcasting services 4MBB and 4CCC operated from the alternate transmission site at Nikenbah.

Shortly after the August 2001 variation, the Maryborough community radio broadcasting service 4MBR approached the ABA to consider also allowing a change to its site of transmission and radiation pattern to reflect that it too could not operate from the nominal LAP site.

In October 2001, the ABA varied 4WBR’s transmitter licence to reflect that it was planned to operate from the same location and at the same power levels as the Maryborough commercial radio services, but the ABA did not update the LAP at that time.

To promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.
As the service has been operating for nine years at the new transmitter site with no complaint of interference, the ACMA is of the opinion that it is appropriate that the technical specification for the 4WBR service be updated to reflect its actual operation.

**Conclusion**

Therefore, in considering the objects of the BSA and the matters mentioned in section 23, including the economic and efficient use of the spectrum, the ACMA is of the preliminary view that updating the Maryborough LAP to reflect the actual operating conditions of the 4WBR service continues to represent an economic and efficient use of spectrum.
Preliminary View 5 - Licence Areas

The ACMA proposes that the existing commercial and community radio broadcasting licence areas in the Bourke, Cairns and Maryborough LAPs be redefined using 2006 census data but otherwise remain unchanged.

The licence areas for the community radio broadcasting services in the Bourke RA1, Bourke RA2 and Lightning Ridge RA1 licence areas in the Bourke LAP are currently described using boundaries from the 2001 census.

The licence areas for commercial and community radio broadcasting services in the Cairns RA1, Cairns RA2 and Cairns RA3 licence areas in the Cairns LAP are currently described using boundaries from the 2001 census.

The licence areas for Maryborough (Qld) RA1 and Hervey Bay RA1 licence areas in the Maryborough LAP are currently described using boundaries from the 1991 census.

The ABS has made available to the ACMA the most recently published census count (2006), as prepared by the Australian Statistician. Therefore, the ACMA proposes that these licence areas be redefined using 2006 census data, but otherwise remain unchanged.
The ACMA proposes to update schedules and attachments in the Bourke LAP.

The ACMA proposes to make amendments to Schedules One, Two and Three and to each of the attachments that contain the characteristics, including technical specifications, of the broadcasting services in the Bourke area.

The proposed amendments delete information, included for reference only, that does not form part of the Bourke LAP and which may be obsolete or create confusion.

The ACMA does not intend these minor amendments to alter any existing rights or obligations. It proposes to replace schedules and attachments in their entirety, without changing the substantive parts, to facilitate these minor amendments.

The proposed changes to Schedules One to Three remove the words “December 1996” from the headings. This information was included for ease of reference only, but may be confusing.

The changes to the attachments’ technical specifications include (where appropriate):

- updating the specification numbers to a similar numbering format common across all radio LAPs;
- updating the nominal locations to reflect the actual current transmitter site name; and/or
- updating the site tolerance to: “Broadcasting Services (Technical Planning) Guidelines 2007”, so that it refers to the full title of the relevant legislative instrument.

This information has been updated for ease of reference only and does not signify a change to the broadcast site for the transmitters.

The method of recording the output radiation pattern of the Attachments specified below have been changed to a format common across all LAPs. This information is updated for ease of reference only and does not signify a change in maximum ERP.

The relevant attachments are:

- 1.2, 1.3 and 1.5.

The special condition at Attachment 1.2 has been reworded to better reflect the intent that this service should not cause interference to Sydney radio services.
The ACMA proposes to update schedules and attachments in the Cairns LAP.

The ACMA proposes to make amendments to Schedules One, Two and Three and to each of the attachments that contain the characteristics, including technical specifications, of the broadcasting services in the Cairns area.

The proposed amendments delete information, included for reference only, that does not form part of the Cairns LAP and which may be obsolete or create confusion.

The ACMA does not intend these minor amendments to alter any existing rights or obligations. It proposes to replace schedules and attachments in their entirety, without changing the substantive parts, to facilitate these minor amendments.

The proposed changes include removing the word “October 1997” or “September 2004” from the headings. This information was included for ease of reference only, but may be confusing.

The proposed changes to attachment headings include (where appropriate):

- the removal of the words “- Radio – October 1998” or “September 2004”; and
- the addition of the word “Radio” where appropriate, so that the attachment headings read “LICENCE AREA PLAN : Cairns Radio”.

The changes to the attachments’ technical specifications include (where appropriate):

- updating the nominal locations to reflect the actual current transmitter site name; and/or
- updating the site tolerance to: “Broadcasting Services (Technical Planning) Guidelines 2007”, so that it refers to the full title of the relevant legislative instrument.

This information has been updated for ease of reference only and does not signify a change to the broadcast site for the transmitters.

The nominal location and the Australian Map Grid reference of the transmitter specified in each attachment specified below are proposed to be updated to reflect the actual locations of the transmitters for these services on the advice of the licensees. The change in co-ordinates does not change the planned performance of each of the services. The relevant attachments are:

- 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.18, 2.2 and 2.3.

The maximum antenna height specified in the attachments below has been updated to reflect the actual operating conditions for these services on the advice of the licensees. The change in antenna height does not change the planned performance of any of the services. The relevant attachments are:

- 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 1.17 and 1.18

The method of recording the output radiation pattern of the attachments specified below have been changed to a format common across all LAPs. This information is
updated for ease of reference only and does not signify a change in maximum ERP. The relevant attachments are:

- 1.8, 1.14, 1.15, 1.16, 1.17, 1.20, 2.2 and 2.3
Preliminary View 8 - Minor Amendments - Maryborough LAP

The ACMA proposes to update schedules and attachments in the Maryborough LAP.

The ACMA proposes to make amendments to Schedules One and Two and to each of the attachments that contain the characteristics, including technical specifications, of the broadcasting services in the Maryborough area.

The proposed amendments delete information, included for reference only, that does not form part of the Maryborough LAP and which may be obsolete or create confusion.

The ACMA does not intend these minor amendments to alter any existing rights or obligations. It proposes to replace schedules and attachments in their entirety, without changing the substantive parts, to facilitate these minor amendments.

The proposed changes include removing the word “February 1998” from the headings. This information was included for ease of reference only, but may be confusing.

The proposed changes to attachment headings include (where appropriate):

- the removal of the words “- Radio – February 1998” or “August 2001”; and
- the addition of the word “Radio” where appropriate, so that the attachment headings read “LICENCE AREA PLAN : Maryborough Radio”.

The changes to the attachments’ technical specifications include (where appropriate):

- updating the nominal locations to reflect the actual current transmitter site name; and/or
- updating the site tolerance to: “Broadcasting Services (Technical Planning) Guidelines 2007”, so that it refers to the full title of the relevant legislative instrument.

This information has been updated for ease of reference only and does not signify a change to the broadcast site for the transmitters.