Explanatory Paper
Draft Variation to Licence Area Plan for Bundaberg Radio – No.1 of 2010 and Draft Variation to Licence Area Plan for Kingaroy Radio – No.1 of 2010

NOVEMBER 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 Variation to Bundaberg and Kingaroy 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: ACMA 2009/755 (Bundaberg LAP) or ACMA2009/838 (Kingaroy LAP) in your reply.

Contact details for submissions:

Email: rps@acma.gov.au
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The closing date for submissions is 5.00 pm, Friday 24 December 2010.

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

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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 Plan (LAP) for Bundaberg Radio (Bundaberg LAP) – No.1 of 2010 and Draft Variation to LAP for Kingaroy Radio (Kingaroy LAP) – No.1 of 2010.

Legislative Background

The ACMA prepares LAPs under subsection 26(1) of the Broadcasting Services Act 1992 (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 web site 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:

- make FM spectrum 97.7 MHz, with a maximum effective radiated power (ERP) of 10 kilowatt (kW), available for a new Australian Broadcasting Corporation (ABC) Parliamentary News Network/NewsRadio (PNN) at Wide Bay in the Bundaberg LAP;
- remove the planned but non-operational national FM frequency 97.7 MHz at Murgon from the Kingaroy LAP to make it available for the PNN service at Wide Bay;
- make FM spectrum 96.3 MHz, with a maximum ERP of 200 watts (W), available for a new community radio broadcasting service at Bundaberg in the Bundaberg LAP; and
- change the transmission site and increase the maximum ERP to 500 W for the existing community radio broadcasting service 4WHO at Yarraman in the Kingaroy LAP.
In addition, the ACMA proposes to determine a new Bundaberg RA2 licence area using 2006 census data for the new Bundaberg community service as well as increase the size of the Yarraman RA1 licence area to reflect the changes in the technical specifications of the 4WHO service at Yarraman.

It also proposes to update the licence area definitions in the Bundaberg and Kingaroy LAPs so that the licence areas are defined in accordance with the 2006 Australian Bureau of Statistics (ABS) census data, and 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 national radio broadcasting service to be provided by the ABC at Wide Bay in the Bundaberg LAP. The service to be provided is the PNN radio service. It is proposed that this service operate on:

- 97.7 MHz from Broadcast Site, MT GOONANEMAN, 60 km WNW of Maryborough, with a maximum effective radiated power (ERP) of 10 kilowatts (kW) using a directional (DA) antenna pattern.

The ACMA also proposes to remove the planned but unallocated national broadcasting service at Murgon in the Kingaroy LAP to allow the proposed PNN service at Wide Bay to commence operating.

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 spectrum.

The ACMA promotes the object at paragraph 3(1)(a) of the BSA\(^2\) by making available a mix of different types of broadcasting services in an area. The Bundaberg LAP, determined in February 1998, makes available four national radio broadcasting services at Wide Bay and three commercial and one community radio broadcasting services and two open narrowcasting radio services at Bundaberg.

The Kingaroy LAP, determined in October 1998 and varied in April 2004 makes available six national\(^3\), two commercial and three community radio broadcasting services and two open narrowcasting services in the Kingaroy region.

In accordance with a government commitment, the ACMA has undertaken spectrum planning and consultation activities to facilitate the roll-out of the ABC’s PNN radio broadcasting service to areas in Australia with a population of 10,000 or more, if the ACMA could confirm availability of spectrum.

The ABC has asked that the ACMA should, when planning for PNN radio services, identify FM frequencies that will provide the same level of coverage as existing ABC radio services in an area, or where there are no existing ABC radio services, a high power frequency.

Discussion

The ACMA has considered whether channel capacity exists for the provision of an additional high powered national radio broadcasting service to serve the Wide Bay area. In performing its functions under Part 3 of the BSA, the ACMA is required to have regard to existing broadcasting services, to demand for new broadcasting services within a licence area and to technical restraints relating to the delivery and reception of broadcasting services in Darling Downs (paragraphs 23(c) and (e)).

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\(^2\) To promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.

\(^3\) Three national radio broadcasting services at Darling Downs, two at Eidsvold and one at Murgon.
The ACMA has found that spectrum in the Wide Bay area is heavily congested and that there are no suitable unencumbered FM frequencies available that would meet the ABC’s request to provide the same level of coverage as provided by the existing ABC radio broadcasting services at Wide Bay. However, the ACMA has identified that FM frequency 97.7 MHz is potentially available and would meet the requirements of the policy to extend the PNN services as well as the ABC’s frequency request. The use of this frequency would, however, cause interference to a planned but not allocated national radio broadcasting service at Murgon in the Kingaroy LAP.

The availability of 97.7 MHz for the proposed PNN service at Wide Bay would be dependent on removing that channel capacity at Murgon.

The ABC has indicated to the ACMA its preference for the proposed service at Wide Bay to be planned at the expense of the service at Murgon. It should be noted that Murgon is currently served by the ABC’s Darling Downs radio services.

The ACMA has identified a potential alternative frequency that meets the requirements of the national reservation at Murgon, in accordance with the Notice of Reservation of Capacity for National Radio Broadcasting Services (No. 1) 2005. However, as the ABC has indicated that it has no plans to implement an additional service at Murgon, the ACMA is not planning the technical specifications for the use of this new frequency in the LAP at this time.

**Conclusion**

The ACMA is of the preliminary view that making FM spectrum 97.7 MHz available for a new national radio broadcasting service at Wide Bay in the Bundaberg LAP and removing that channel capacity from Murgon in the Kingaroy LAP represents an economic and efficient use of the radio frequency spectrum, as it maximises spectrum productivity in the Bundaberg and Kingaroy licence areas.

The ACMA is also of the preliminary view that making channel capacity available for a new national radio broadcasting service is likely to further promote the objects of the BSA, in particular the availability of a diverse range of radio services (paragraph 3(1)(a) of the BSA).

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4. Classic FM, Local Radio, Radio National and Triple J who operate at a maximum ERP of 80 kW.
5. The proposed service at Wide Bay would provide coverage to 167,620 people.
The ACMA proposes to make channel capacity available for a new community radio broadcasting service under service licence number SL1130138 to serve the Bundaberg area. It is proposed that this service operate on:

- 96.3 MHz from Council Reservoir, SLOPING HUMMOCK with a maximum ERP of 200 watts (W) with an omni-directional (OD) antenna pattern.

The ACMA proposes to create the Bundaberg RA2 licence area, which the new community radio broadcasting service will serve and which will be defined using 2006 census data.

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 promotes the object at paragraph 3(1)(a) of the BSA by making available a mix of different types of broadcasting services in the area. The Bundaberg LAP, determined in February 1998, makes available four national radio broadcasting services, two open narrowcasting services and one community radio broadcasting service at Bundaberg.

Bundaberg is located approximately 295 km north of Brisbane, has a population of 46,961\(^6\) and is contained within the Bundaberg LAP. Community radio broadcaster 4BCR has been operating in the Bundaberg RA1 licence area since May 2000 and currently provides generalist content.

In forming this preliminary view to make available channel capacity for an additional community radio broadcasting service in Bundaberg, the ACMA has considered the likely effects the introduction of a new community radio broadcasting service at Bundaberg will have, having regard to the local circumstances in the Bundaberg area and other relevant matters under paragraph 23(a) to (g) of the BSA.

Discussion

Existing services and demand for new services in Bundaberg

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

Since December 2002 the Bundaberg Burnett Community Broadcasting Association (BBCB) has been licensed to provide a temporary community radio broadcasting service (TCBL) in Bundaberg. This service broadcasts from the Council Reservoir broadcasting site at Sloping Hummock using frequency 96.3 MHz with a maximum ERP of 200 W OD.

The ACMA believes that the operation of the BBCB temporary community radio broadcasting service suggests demand for a new community broadcasting service in Bundaberg. The ACMA believes that if it were to make channel capacity available for a

\(^6\) The population of the proposed Bundaberg RA2 licence area using 2006 census data.
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 Bundaberg area (paragraph 23(c) and (e) of the BSA). The ACMA has also considered whether channel capacity exists in the FM band in the Bundaberg area for a new long-term community radio broadcasting service.

The ACMA has identified that the frequency 96.3 MHz (currently used by the TCBL) 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 Bundaberg market using 96.3 MHz will represent an economic and efficient use of radiofrequency spectrum.

Licence Areas

Bundaberg is within the Bundaberg RA1 radio licence area. The proposed new community radio service is not planned to match the coverage of Bundaberg RA1 radio broadcasting services and it is not appropriate that it service the entire Bundaberg RA1 licence area.

The ACMA is therefore of the view that a new Bundaberg RA2 licence area should be determined, based on the expected coverage of the new service. The new licence area would be defined using 2006 census data.

The proposed draft Bundaberg RA2 licence area is detailed in the document “Licence Area Maps” that accompanies this explanatory paper.

Conclusion

Following consideration of the evidence available to it, the ACMA is of the preliminary view that planning a long-term community radio broadcasting service in the Bundaberg market using 96.3 MHz will represent an economic and efficient use of radio frequency spectrum, and promote the objects of the BSA at paragraphs 3(1)(a), (f) and (g). 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 - Kingaroy

<table>
<thead>
<tr>
<th>The ACMA proposes to change the broadcasting site and increase the maximum ERP of the planned community radio broadcasting service at Yarraman with the service licence number SL1150825. It is proposed that this service operate on:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>99.7 MHz from Broadcast Site, 12090 Daguilar Highway YARRAMAN with a maximum ERP of 500 W with an OD antenna pattern.</strong></td>
</tr>
</tbody>
</table>

The ACMA also proposes to extend the Yarraman RA1 licence area to reflect the service’s coverage area and redefine the new boundaries of the licence area using 2006 Census data.

### 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 promotes the object at paragraph 3(1)(a) of the BSA by making available a mix of different types of broadcasting services in the area. The Kingaroy LAP, determined in October 1998 and varied in April 2004 makes available six national, two commercial and three community radio broadcasting services and two open narrowcasting services in the Kingaroy region. In addition the LAP makes available four community broadcasting services at Cherbourg, Gayndah/Biggenden, Wondai and Yarraman.

The long-term community radio broadcasting service at Yarraman (4WHO) currently operates on the FM frequency 99.7 MHz with a maximum ERP of 250 Watts OD. Yarraman and District Historical Society (YDHS) is the licensee of this community radio broadcasting service.

YDHS has requested that the ACMA consider a variation to the location of its transmitter and maximum power level so that it may improve the quality and level of reception of its service at Yarraman.

As a part of this proposal YDHS have also requested that the ACMA consider extending its licence area to include the communities of Blackbutt, Benarkin, Maidenwell, Nanango and Upper Yarraman. These communities are contained within a 20 kilometre radius of Yarraman and are not contained within 4WHO’s current licence area.

### Discussion

#### Channel Capacity

In performing its functions under Part 3 of the BSA, the ACMA is required to have regard to existing broadcasting services when considering the demand for new broadcasting services within a licence area and to any technical restraints relating to the delivery and reception of broadcasting services.

YDHS contend that the proposed new transmitter site would allow it to provide better levels of reception in Yarraman as it located at a higher altitude than the current site.

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7. Three national radio broadcasting services at Darling Downs, two at Eidsvold and one at Murgon.
YDHS’s proposal to increase the maximum power level of the transmission from 250 W to 500 W would improve the level and quality of reception within Yarraman, as well as provide coverage to the communities of Blackbutt and Benarkin. Although the increase in power would increase the current level of fortuitous reception towards the community of Nanango, it would not be possible, due to low signal strength, for 4WHO to provide adequate levels of coverage to Maidenwell, Nanango and Upper Yarraman.

The ACMA considers that changing the site of transmission for the 4WHO service to 12090 Dagular Highway, Yarraman and increasing its maximum ERP to 500 W will represent an economic and efficient use of radiofrequency spectrum.

Proposed Licence Area Extension

Because appropriate signal strength cannot be received in Maidenwell, Nanango and Upper Yarraman these communities are not being considered for inclusion in the Yarraman RA1 licence area.

However in considering the request to extend the Yarraman RA1 licence area to include Blackbutt and Benarkin, the ACMA must have regard to the matters in section 23 of the BSA. This requires an assessment of the proposed extension, including the demographics and social and economic characteristics of the licence areas concerned.

In looking at the proposed area of extension it can be noted that Blackbutt has a resident population of 572\(^8\) and Benarkin a population of 499\(^9\) and neither location is currently located within any community radio broadcasting service licence area. Given the small resident population in Blackbutt and Benarkin, it is unlikely that a dedicated community radio broadcasting service would be established if a licence were offered for allocation, and the ACMA is unaware of any aspirant broadcasters in these areas.

It should also be noted that Blackbutt and Benarkin currently receive fortuitous reception of the 4WHO at a rural grade of service.

Community Interest Ties

In having regard to the matters in section 23 in relation to an extension to an existing community radio broadcasting service’s licence area, the ACMA considers whether a community interest exists between the currently served licence area and the proposed additional licence area and whether a community interest is currently being served in the additional area.

To demonstrate that a community of interest exists between Yarraman, Blackbutt and Benarkin, 4WHO has submitted that:

- considerable local support exists from businesses and institutions in both Blackbutt and Benarkin for the proposals;
- Blackbutt and Benarkin members of the Local Ambulance Committee rely on 4WHO broadcasts during times of emergency;
- residents of Blackbutt and Benarkin travel to Yarraman for groceries, foodstuffs and other essential items; and
- residents in each community travel for work, family and social interaction in the other community.

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\(^8\) Locality of Blackbutt, 2006 census Data.
\(^9\) Locality of Benarkin, 2006 census Data.
Conclusion

The ACMA is of the preliminary view that changing the transmitter site to 12090 Daguiiar Highway, Yarraman and increasing the maximum power to 500 W represents an economic and efficient use of radiofrequency spectrum.

Following consideration of the submissions provided by 4WHO, it is considered that there are suitable community interest links between Yarraman, Blackbutt and Benarkin and, particularly noting the current level of fortuitous reception that the Yarraman RA1 licence area receives, it should be extended to include both these areas.

The proposed draft Yarraman RA1 licence area is detailed in the document “Licence Area Maps” that accompanies this explanatory paper.
Preliminary View 4 - Licence Areas

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

The licence area for the commercial radio broadcasting services in the Bundaberg RA1 licence area in the Bundaberg LAP are currently described using boundaries from the 2001 census.

The licence areas for commercial and community radio broadcasting services in the Kingaroy RA1, Cherbourg RA1, Gayndah RA1 and Wondai RA1 licence areas in the Kingaroy LAP are currently described using boundaries from the 2001 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.

These updated licence areas are detailed in the document “Licence Area Maps” that accompanies this explanatory paper.
The ACMA proposes to update Schedules and Attachments in the Bundaberg LAP.

The ACMA proposes to make amendments to Schedule One and to each of the Attachments that contain the characteristics, including technical specifications, of the broadcasting services in the Bundaberg area.

The proposed amendments delete information, included for reference only, that does not form part of the Bundaberg 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 Schedule One include removing the words “February 1998” from the heading. This information was included for ease of reference only, but may be confusing.

The proposed changes to the Attachments include (where appropriate):

- Removing the words “February 1998” from the headings to attachments in which they appear;
- Updating the site tolerance field to refer to the Broadcasting Services (Technical Planning) Guidelines 2007; and
- Updating the nominal locations of the transmitter specified to provide a more accurate description of the transmitter site.

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

The antenna height at attachments 1.2 - 1.5 has been changed from 75 to 77 metres on the advice of the licensees that these were the actual antenna heights of the broadcasting radio services. The change in antenna height does not change the performance of each of the services.
The ACMA proposes to update Schedules and Attachments in the Kingaroy LAP.

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

The proposed amendments delete information, included for reference only, that does not form part of the Kingaroy 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 from the headings of Schedules One, Two, Three and Four the words “October 1998” and “April 2004” from the heading of Schedule Five. This information was included for ease of reference only, but may be confusing.

The proposed changes to the Attachments include (where appropriate):

- removing the words “October 1998” from the headings to Attachments in which they appear;
- removing the words “February 2004” from the headings to the Attachments in which they appear;
- updating the site tolerance field to refer to the Broadcasting Services (Technical Planning) Guidelines 2007; and
- updating the nominal locations of the transmitter specified to provide a more accurate description of the transmitter site.

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

The antenna height at attachments 1.2 - 1.4 has been changed from 120 to 137 metres, the new height being determined following a site conducted before 2005. The change in antenna height does not change the performance of each of the services.

The special conditions numbered (2) at attachments 1.11 and 1.12 have been removed. The inclusion of these special conditions in the original LAP was an administrative error.