Explanatory Paper
Draft Variation to Licence Area Plan for Cooma Radio – No.1 of 2011

MAY 2011
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Submissions

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

Email: rps@acma.gov.au

Mail: Draft Variation to Cooma LAP (No.1 of 2011)
RPS/TPEB/DTD
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Fax: (02) 6219 5347


Contact details for submissions:

Email: rps@acma.gov.au

Telephone: Nicole Brown on (02) 6256 2821

Fax: (02) 6219 5347

The closing date for submissions is 5.00 pm, Friday 17 June 2011.

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 Plan - Cooma Radio – No.1 of 2011 (Cooma LAP).

Legislative Background

The ACMA prepares licence area plans (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 about matters relevant to the ACMA’s functions and powers under Part 3 (subsection 27(2)) of the BSA.

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 frequencies 92.5 MHz and 91.7 MHz, with a maximum effective radiated power (ERP) of 50 watts (W), available for additional transmitters at Charlotte Pass for commercial radio broadcasting services 2XL and 2KI to extend their coverage (Preliminary View 1);

> update the descriptions of the Cooma RA1 and Cooma RA2 licence areas so that they are defined in terms used by the Australian Bureau of Statistics (ABS) in the census of 2006, and are consistent with the ACMA’s most recent determination of population of the licence areas under section 30 of the BSA (Preliminary View 2); and

> make minor amendments to delete information included for reference only that do not form part of the Cooma LAP and which may create confusion (Preliminary View 3).

A full discussion of these matters is set out in the ACMA’s preliminary views below.
Preliminary View 1 – Commercial Radio

The ACMA proposes make channel capacity available for additional transmitters for the commercial radio broadcasting services 2XL and 2SKI at Charlotte Pass. It is proposed that these services operate on:

- 2XL on 92.5 MHz from Chairlift Head, Kangaroo Ridge CHARLOTTE PASS with a maximum ERP of 50 W with an omni-directional (OD) antenna pattern and mixed polarisation.
- 2SKI on 91.7 MHz from Chairlift Head, Kangaroo Ridge CHARLOTTE PASS with a maximum ERP of 50 W with an OD antenna pattern and mixed polarisation.

Background

When carrying out its planning functions under Part 3 of the BSA, the ACMA is required to perform its functions in a way that promotes the objects of the Act, including the economic and efficient use of the radiofrequency spectrum. The ACMA is also required, when performing these functions, to have regard to the range of matters set out in paragraph 23 (a) to (g) of the BSA.

The Cooma LAP was determined in July 1999 and varied in November 2003 and September 2004. In the LAP, the following radio services have been made available:

> one national radio broadcasting services at Cooma, three at Cooma (town), two at Jindabyne and two at Thredbo;
> two commercial radio broadcasting services (2XL and 2SKI) at Cooma, each with additional transmitters at Bombala, Cabramurra, Jindabyne, Khancoban, Perisher, Talbingo and Thredbo;
> one community radio broadcasting service (2MNO) at Monaro with additional transmitters at Cooma (town), Jindabyne and Bombala; and
> five open narrowcasting radio services at Bombala, Cooma, Jindabyne, Thredbo and Perisher.

In January 2008, the licensee of the 2XL and 2SKI services, Capital Radio Pty Ltd (Capital Radio), requested the ACMA consider making additional FM frequencies available at Charlotte Pass so that it could extend coverage of its services there.

Currently, the 2XL and 2SKI services are provided under a temporary ‘retransmission’ licence by Charlotte Pass Village Pty Ltd. Capital Radio has advised that, once they are included in the LAP, it would assume control of these licences.

Discussion

In considering whether to make additional channel capacity available at Charlotte Pass, the ACMA has considered the factors listed in section 23 of the BSA, and in particular demographics and social and economic characteristics (paragraphs 23 (a) and (b)), the number of existing broadcasting services and the demand for new services (paragraph 23 (c)), and the technical restraints relating to the delivery of broadcasting services (paragraphs 23 (e)).

The ACMA has found that:

> Charlotte Pass is located in the Kosciuszko National Park approximately 10 kilometres west of Perisher Village and is contained within the Cooma RA1 licence area. It is situated in a collection district that on census night had 114...
permanent residents\(^2\). However, as Charlotte Pass is a popular ski resort, its population is presumed to increase substantially during the winter months;

> the Cooma LAP currently contains no specifications for any radio broadcasting services at Charlotte Pass, and the planned transmitters in the Cooma LAP do not provide coverage to Charlotte Pass;

> there is no evidence of any other aspirant broadcasters or groups in the Charlotte Pass area who, by operating a radio broadcasting service, would better promote the objects of Act;

> the frequencies 92.5 MHz and 91.7 MHz, operated from the Charlotte Pass Hotel with a maximum ERP of 50 W and with an OD radiation pattern and mixed polarisation, are available and are suitable for use as additional transmitters for the 2XL and 2SKI services.

**Conclusion**

The ACMA is of the preliminary view that making the FM frequencies 92.5 MHz and 91.7 MHz available for additional transmitters for the existing commercial radio broadcasting services 2XL and 2SKI represents an economic and efficient use of the radio frequency spectrum, as it maximises spectrum productivity in the Charlotte Pass area.

It is also expected to promote the objects of the Act, in particular the objects at paragraph 3(1)(a), (f) and (g), as it increases the overall number of broadcasting services available and is likely to increase the provision of diverse programming and coverage of matters of local significance in Charlotte Pass.

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\(^2\) 2006 census data
The ACMA proposes that the existing commercial and community radio broadcasting licence areas in Cooma LAP be redefined using 2006 census data but otherwise remain unchanged.

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

The ABS has made available to the ACMA the most recently published census (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 updated licence areas are detailed in the document “Licence Area Maps” that accompanies this explanatory paper.
Preliminary View 3 – Minor Amendments

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

The ACMA proposes to make amendments to the schedules and to each of the attachments that contain the characteristics, including technical specifications, of the radio broadcasting services in the Cooma area.

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 to facilitate these minor amendments.

The proposed changes to schedules include:
> renaming Schedule One and Two so that they read “Licence Area Plan : Cooma Radio”;

The proposed changes to attachments include:
> updating the headings on all attachments so that they read “LICENCE AREA PLAN : Cooma Radio”;
> updating the site tolerance field on all attachments so that they refer to the Broadcasting Services (Technical Planning) Guidelines 2007;
> updating the nominal location at attachments 1.2, 1.3, 1.4, 1.5, 1.11, 1.15, 1.18, 1.19, 1.23, 1.26, 1.26.1, 1.27, 1.28, 2.2, 2.3 and 2.5;
> updating the Australian map grid reference at attachments 1.3, 1.4, 1.5 and 2.3
> updating the recording method for the output radiation pattern at Attachment 1.10; and
> correcting the wording at attachments 1.10, 1.12, 1.26, 1.26.1 and 1.27 of special conditions.

This information has been updated for ease of reference only and does not signify a change to the broadcast site for the transmitters or a change to the planned performance or operation of those services.