Explanatory Paper

Draft Variation to Licence Area Plan for Geelong Radio – No. 1 of 2008

August 2008
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CALL FOR SUBMISSIONS

Submissions on the matters raised in this Explanatory Paper may be made to the Australian Communications and Media Authority (ACMA) as follows:

By email:  aas@acma.gov.au
By mail:  Draft Variation to Geelong Radio
          ACMA
          PO Box 78
          BELCONNEN  ACT  2616
By fax:  (02) 6219 5347

Please quote file number PF2007/2007 in your reply.

Any enquiries concerning the matters discussed in this Explanatory Paper should be directed to Mr Christopher Roberts on (02) 6256 2856.

The closing date for submissions is Friday 5:00pm, 19 September 2008.

All submissions\(^1\) received will be made available for public inspection on the ACMA website. (www.acma.gov.au)

\(^1\) Note that any submission marked “In Confidence”, “Confidential” or similar, cannot be considered by ACMA in finalising the LAP variation.
PRELIMINARY VIEW 1 – NATIONAL RADIO

The ACMA proposes to make channel capacity available for an ABC Local Radio broadcasting service in Geelong to operate as follows:

- On 94.7 MHz from Bay FM Site Founds Road Murradoc, with a maximum effective radiated power (ERP) of 56 kW, using a directional radiation pattern.

Background

In performing its functions under section 26 of the Broadcasting Services Act 1992 (the Act), ACMA is required to promote the objects of the Act including the economic and efficient use of the spectrum.

ACMA promotes the object at section 3(1)(a) of the Act ² by making available a mix of different types of broadcasting services in an area. The 2000 Geelong licence area plan (LAP) made available two commercial radio broadcasting, three community radio broadcasting, and two open narrowcasting radio services.

In 2004, the former Government made a commitment to fund the extension of ABC radio services to all transmissions areas around Australia with populations of 10,000 and above, subject to the availability of spectrum in those areas.

On 5 November 2004, Senator the Hon Helen Coonan, the then Minister for Communications, Information Technology and the Arts advised the Australian Broadcasting Authority (ABA) of her intention to reserve channel capacity under section 31 of the Act.

In May 2008, the new Government announced it will continue the extension of ABC NewsRadio services to the remaining towns with a population over 10,000.

Currently, there are no high, medium or low power ABC national radio broadcasting services operating in Geelong. All the national radio broadcasting services received in Geelong are transmitted from Mt Dandenong in Melbourne.

Discussion

Channel Capacity

ACMA has had regard to whether channel capacity exists in the Geelong market for the provision of additional high powered national radio broadcasting services. In performing its functions under Part 3 of the Act, 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 Geelong (s.23 (c) and (e)).

Due to spectrum congestion for high power services in the Geelong area, ACMA was unable to identify any vacant high power spectrum that could be used for the ABC Local Radio

² To promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.
broadcasting service. ACMA found the only vacant frequency available in Geelong to be 91.9 MHz. This frequency can only be operated at 3 kW, but will still provide adequate coverage to the Geelong City area. The ABC indicated its preference for a high powered frequency and requested ACMA consider the use of 94.7 MHz, which can be operated at 56 kW. The frequency of 94.7 MHz was determined in the Geelong LAP for a community radio broadcasting service and is currently being used by Geelong Ethnic Communities Council Inc. under a temporary community broadcasting licence (TCBL). As a result, ACMA is proposing that 94.7 MHz be made available for the ABC and 91.9 MHz be made available for a long-term community radio broadcasting service in Geelong. The proposal to make 91.9 MHz available as a community radio broadcasting service is discussed in more detail under Preliminary View 2 – Community Radio.

When the LAP for Geelong was determined in June 2000, 94.7 MHz was planned to operate with a maximum ERP of 56 kW from Murradoc Hill, with a directional radiation pattern and mixed polarisation. It is proposed that the ABC Local Radio broadcasting service will operate in accordance with the existing technical specifications for 94.7 MHz.

**Conclusion**

ACMA believes that proposing to make 94.7 MHz available for a national radio broadcasting service and 91.9 MHz available for a long-term community radio broadcasting service in Geelong is an economic and efficient use of the radiofrequency spectrum, as it maximises the number of channels available within the Geelong licence area.

The proposed change of frequency for the community radio broadcasting service will enable ACMA to make a high power national service available in Geelong, where FM spectrum availability is limited and is likely to promote the availability to audiences throughout Geelong of a diverse range of broadcasting services.
PRELIMINARY VIEW 2 – COMMUNITY RADIO

ACMA is proposing to make channel capacity available for a community radio broadcasting service in Geelong to operate as follows:

- On 91.9 MHz from Broadcast Site Brownhill Heights Reserve Ceres, with a maximum ERP of 3 kW, using an omni-directional radiation pattern.

ACMA proposes that the licence area of the new Geelong community radio service will incorporate Geelong City and its immediate environs, defined using 2001 Census boundaries.

Background

In the June 2000 LAP for Geelong Radio, channel capacity was continued to be made available for the existing FM community radio broadcasting service 3YYR on 100.3 MHz. At the same time, the ABA made 94.7 MHz available as an alternative frequency for 3YYR to operate from Murradoc Hill with a maximum ERP of 56 kW, using a directional radiation pattern. In 2001, 3YYR changed its frequency from 100.3 MHz to 94.7 MHz.

The licensee of the 3YYR service, Geelong Community Radio Co-operative Ltd, decided to surrender its licence on 94.7 MHz in June 2004. Geelong Ethnic Communities Council Inc. subsequently applied for and was issued with a TCBL on 94.7 MHz.

A process for the allocation of a long-term community radio broadcasting licence had commenced in February 2005; however, it was put on hold pending the finalisation of planning relating to the Government’s commitment to the rollout of additional ABC and SBS radio broadcasting services. At that time, Geelong Ethnic Communities Council Inc. was the only applicant for the allocation of the long-term community radio broadcasting licence.

Channel Capacity

As mentioned in Preliminary View 1, ACMA is proposing that the frequency 94.7 MHz be made available for an ABC Local Radio broadcasting service in Geelong. To ensure the continuation of the TCBL service, ACMA has identified 91.9 MHz as an alternative frequency for Geelong Ethnic Communities Council Inc.

ACMA’s engineering assessment of 91.9 MHz found that this frequency is suitable at a maximum ERP of 3 kW from Brownhill Heights Reserve with an omni-directional radiation pattern. The proposed frequency will provide coverage to Geelong City and its environs. Brownhill Heights Reserve is the preferred site, rather than the other broadcasting site in Geelong at Murradoc Hill, as it provides better coverage to Geelong city and there is no potential for interference to and from any existing FM services.

However, it should be noted that the proposed frequency of 91.9 MHz has the potential to cause interference to the reception of the Channel Seven Melbourne commercial television broadcasting service in Geelong and also to the off-air input signal of the Channel Seven...
translator (HSV59) at Geelong (Newtown). Should interference occur, it may be necessary for the licensee of 91.9 MHz to install filters. The risk of interference is considered manageable as it will be not widespread and will only affect those close to the transmitter site.

Interference issues are managed under the provisions of the “Start-Up Procedures” of ACMA’s Broadcasting Services (Technical Planning) Guidelines 2007 (TPGs). Under the TPGs, a broadcasting licensee must adjust, or fit devices to, the transmitter or affected receivers or undertake other necessary measures in order to eliminate or minimise interference to other broadcasting services. The TPGs are available on the ACMA’s website at www.acma.gov.au.

ACMA proposes that 91.9 MHz be made available for a long-term community radio broadcasting service in Geelong to operate from Brownhill Heights Reserve with a maximum ERP of 3 kW using an omni-directional radiation pattern with mixed polarisation. Until the allocation of a long-term community broadcasting service is undertaken, 91.9 MHz will be available for the current aspirant group, Geelong Ethnic Communities Council Inc.

**Licence Areas**

In performing its functions under Part 3 of the Act, ACMA is required by section 23 (a) and (b) to have regard to demographics and social and economic characteristics within a licence area, within neighbouring licence areas, and within Australia generally. ACMA is also required to take into account the technical restraints relating to delivery or reception of broadcasting services (section 23(e)).

In the 2000 LAP for Geelong, the ABA determined that the licence area for the 3YYR community radio broadcasting service was to be identical to the 3BAY commercial radio broadcasting service’s licence area. This was based on the fact that both services will be operating with similar technical specifications, including a maximum ERP of 56 kW.

ACMA believes that the licence areas of existing commercial and community radio broadcasting services, which use the broadcasting services bands, are accepted by industry and will not vary them without good reason, other than to update them where boundaries are based on outdated Census descriptions. ACMA also believes that additional broadcasting services for these locations, which use the broadcasting services bands, should have the same licence area as existing broadcasting services unless there are good reasons for the contrary.

As mentioned previously, ACMA is proposing for the community radio broadcasting service to operate on 91.9 MHz with a maximum ERP of 3 kW. Due to the reduced maximum ERP, the proposed community service will not provide identical coverage to the existing commercial and community radio broadcasting services in Geelong. As such, ACMA considers it is not appropriate for the existing and new community radio broadcasting services’ licence areas to be identical, and is proposing to define a new licence area for a long-term community radio broadcasting service to operate on 91.9 MHz. The proposed licence area can be viewed in the document entitled “Additional Information on the Variation to the Licence Area Plan - Geelong radio”.

Although the proposed licence area is smaller than that previously defined for 3YYR, ACMA considers that the main community-of-interest in the Geelong area will continue to be served by the proposed community radio broadcasting service on 91.9 MHz.

Conclusion

Having regard to all the above matters, ACMA’s preferred option for promoting the objects under section 3 of the Act, and for addressing the matters in section 23, including the economic and efficient use of radiofrequency spectrum, is to make 91.9 MHz available as a local community radio broadcasting service in Geelong. As there is already an aspirant community group providing such a service in Geelong, ACMA believes that making 91.9 MHz available for a local coverage community radio broadcasting service will promote the objects of the Act at section 3 (1) (a). In addition, a long-term community radio broadcasting service is likely to have a positive impact on coverage of matters of local significance and innovative programming (section 3 (1) (f) and (g)).
PRELIMINARY VIEW 3 – EXISTING COMMERCIAL AND COMMUNITY RADIO LICENCE AREAS

ACMA proposes that the licence areas of the existing commercial and community radio services in Geelong be redefined using 2001 Census boundaries.

The licence areas for the existing commercial and community radio broadcasting services (3BAY, 3CAT, 3GGR and 3GPH) are described against 1996 census boundaries. ACMA proposes to take this opportunity to redefine these licence areas using 2001 census boundaries, but otherwise they shall remain the same.