Explanatory Paper

Draft Variation to Licence Area Plan for Mudgee Radio
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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: lapvariation@acma.gov.au

By mail: Draft LAP Variation – Mudgee Radio
          ACMA
          PO Box 34
          BELCONNEN ACT 2616

By fax: (02) 6253 3277

Please quote file reference 2005/1004 in your reply.

Any enquiries concerning matters raised in this document should be directed to Christopher Roberts on (02) 6256 2856.

The closing date for submissions is 5.00pm, Friday 30 May 2008.

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

¹ Note that any submission marked “In Confidence”, “Confidential” or similar, cannot be considered by the ACMA in finalising the LAP variation.
Preliminary Views

Preliminary View – Commercial Radio – Mudgee

ACMA proposes to vary the technical specification of the 2GEE commercial FM radio translator on 97.9 MHz located in Kandos as follows;

- Move the Kandos translator from the existing site at Shire Council Tower Baldy Peak Cumber Melon Range via Kandos to a new site, approximately 4 kms away at Communal Site, Mt Bocoble;
- Extend the southern boundary of the 2GEE licence area to include the areas of Illford and Pyramul;
- Redefine the Mudgee RA1 licence area using 2001 census boundaries.

Background

In June 1997, the then Australian Broadcasting Authority (ABA) determined the licence area plan for Mudgee, making capacity available for a S.39 licence (2GEE) in Mudgee on 93.1 MHz with an omni-directional radiation pattern using mixed polarisation and a maximum ERP of 10 kW. The ABA also made channel capacity available for a translator FM service from Shire Council Tower Baldy Peak Cumber Melon Range via Kandos (Cumber Melon) broadcasting an omni-directional radiation pattern on 91.7 MHz using mixed polarisation with a maximum ERP of 1 kW. The Cumber Melon translator has never been operated by 2GEE.

Request for variation to 2GEE translator site - Kandos

In May 2005, Mudgee Broadcasting Co Pty Ltd, licensee of the 2MG and 2GEE commercial radio services (2GEE) forwarded a submission to ACMA requesting a change of site to Mt Bocoble and that the licence area for 2GEE be extended to the boundaries of the recently formed Mid Western Regional Council. If this was not possible, that the western boundary of the licence area be moved 4 kms to include Mt Bocoble.

2GEE consider the Mt Bocoble site to be a superior site to Cumber Melon citing the following reasons:

- superior road access, Mt Bocoble is accessed via a public road whereas Cumber Melon is on private property;
- a readily available power supply exists at Mt Bocoble;
- Mt Bocoble provides a superior signal coverage to the valley areas surrounding Kandos/Rylstone;
- the leasing costs for the Mt Bocoble site were less than those quoted for the Cumber melon site; and
- the Mt Bocoble site would allow 2GEE to reach radio black spot listeners in the Mudgee region.

By way of support, 2GEE provided a letter from the Mid Western Regional Council which stated that Mudgee, where the 2GEE signal originates is the administrative,
commercial and social centre for all residents of the Mid Western Regional Council local government area. The Council considered that Mudgee Broadcasting Co. was best placed to broadcast urgent information to the public during emergencies and natural disasters occurring within the Shire as Mudgee is the hub for the Rural Fire Service, SES and for the co-ordination of other emergency services in the Mid Western local government area.

In its submission, 2GEE stated a licence extension would allow it provide valuable assistance in the event of a natural disaster. 2GEE stated that the outlying areas of the Council boundaries are located in the Remote Licence Area, although Wollar and Bylong do not receive the Rebel FM (Queensland) services. 2GEE questioned the ability of announcers located in Queensland to properly handle a local disaster in the Mudgee/Kandos valley district. 2GEE stated its staff are always on standby for such occasions. 2GEE also noted that it provides daily news bulletins and weather reports for the area.

2GEE also noted that though the valleys surrounding Kandos/Rylstone are not densely populated, rural residents in many low lying areas are left with poor or no reception of local programming. 2GEE stated that Mudgee is the natural broadcast centre for many people who live in these areas because it is also home to:

- The local government administrative centre;
- The closest large shopping and business centre;
- The district hospital;
- High school;
- Entertainment;
- Sporting venues; and
- The district sale yards.

**Discussion**

The service area of commercial services operating before commencement of the *Broadcasting Services Act 1992* (the Act) in October 1992 continued as licence areas by virtue of section 8 of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*.

In determining service areas, factors taken into account by the Minister, under the *Broadcasting Act 1942*, included the following: social and economic links between the major urban centres in the area; governmental functions and responsibilities; topography; signal coverage and possible effects on the commercial balance between the station and other stations claiming to serve the community or communities in the area.

ACMA has regard to the planning criteria in section 23 of the Act which cover similar matters.

ACMA generally assumes that the licence areas of existing commercial and community broadcasting services using the broadcasting services bands represent accepted media markets and the ABA will not vary them without good reason, other than to update them where boundaries are based on outdated Census descriptions.
ACMA has assessed 2GEE’s proposal of a translator at Mt Bocoble using 97.9 MHz at a maximum effective radiated power (ERP) of 1 kW as unsuitable from the Mt Bocoble site. This ERP would cause significant signal overspill in the Bathurst and Lithgow licence areas to the south of the Mudgee licence area. Further, the radio path between Mt Bocoble site to Wollar and Bylong in the north is severely terrain obstructed and it would be unable to provide acceptable coverage to those areas. For those reasons, ACMA has excluded the northern and eastern locations of the requested extensions, which include Wollar and Bylong from the proposed licence area extension.

ACMA agree there are community of interest ties between Mudgee where the 2GEE signal originates and the townships within the Mid Western Regional Council and consider the extension of the 2GEE licence area, were practical, to be appropriate. However, it also takes into account that much of this area is within the Remote Commercial Radio North Eastern Zone licence area (remote licence area) and is served by commercial broadcasting services operating as 4RBZ and 4RBL.

ACMA therefore proposes the transmitter site for 2GEE operate at 97.9 MHz with a directional signal using mixed polarisation and a maximum ERP of 250 watts from Mt Bocoble to serve the urban centres of Kandos and Rylstone and the localities of Pyramul and Ilford and the majority of the Castlereagh Highway. This solution will provide a rural or better grade of service to those locations.

The impact of the change of site is that the service will extend into the Remote Licence Area but to a lesser extent than the original Cumber Melon site. The proposed extension will mean that two census collection districts, CD1032405 (population 224) and CD1142509 (population 474) will be added to the existing licence area. These two CDs include Pyramul and Ilford, the transmission site at Mt Bocoble and sections of the Castlereagh Highway to the south of the existing licence area.

The extension will add to the existing licence area overlap between 2GEE and the Remote Licence Area, commercial radio services 4RBZ and 4RBL. It should be noted that currently, neither of these services are broadcast into the area of the proposed 2GEE licence area extension. The existing overlap of the licence areas is the section of the 2GEE licence area that was to be served by unused translator at Kandos/Rylstone.

The proposed extended 2GEE licence area will boarder the Bathurst licence area and bring it close to the northern part of the Lithgow licence area. However, ACMA has planned the service to ensure there is no signal overspill into urban centres in any of these licence areas. Furthermore, there should be no broadcasting interference to or from existing television or radio broadcasting services in the surrounding licence area.

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2 For the purposes of broadcast planning, an urban centre is considered more than 1000 people.
Preliminary View – Community Radio – Mudgee and Kandos

ACMA proposes the following community licence areas be redefined using 2001 Census boundaries, but otherwise remain unchanged:

- Mudgee RA2; and
- Kandos RA1

The Mudgee RA2 and Kandos RA1 community radio licence areas are currently designated against the 1991 Census count. The Australian Bureau of Statistics (ABS) has made available to ACMA the most recently published census count (i.e. 2001), as prepared by the Australian Statistician.

Therefore, the ABA proposes that the Mudgee and Kandos community radio licence areas be redefined using 2001 Census boundaries, but otherwise remain unchanged.