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Submissions

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

By email:  lais@acma.gov.au
By mail:    Draft Variation to Albury and Deniliquin LAPs
            Broadcast Planning Section
            National Allocations and Licensing Branch
            Australian Communications and Media Authority
            PO Box 78
            BELCONNEN  ACT  2616
By fax:     (02) 6219 5347

Please quote file references: ACMA2009/715 in your reply.

Contact details for submissions:

Email:      lais@acma.gov.au
Telephone:  Christopher Roberts: (02) 6256 2856
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The closing date for submissions is 5.00 pm Friday 11 December 2009.

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

¹ Note that any submissions marked “In confidence”, “Confidential” or similar, cannot be considered by the ACMA in finalising the LAP variation.
This Explanatory Paper accompanies the proposed draft variation to the Licence Area Plans (LAPs) for Albury Radio (Albury LAP) and Deniliquin Radio (Deniliquin LAP) and relates to the planning of new national radio broadcasting services in the upper Murray and Deniliquin areas.

**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 Act, 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 Australian Broadcasting Authority’s (ABA’s) *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](http://www.acma.gov.au/WEB/STANDARD/pc=PC_90248)

**Preliminary Views**

In the context of the information contained in *The ABA’s General Approach to Analog Planning*, the ACMA has reached the following preliminary view for national and community radio broadcasting services in the Albury and Deniliquin LAPs:

- it should make the FM frequency 100.9 MHz available in both Albury and Deniliquin for the proposed Parliamentary News Network/NewsRadio (PNN) radio broadcasting service;
- the technical specifications of the planned community radio broadcasting service at Wodonga should be changed so that the frequency is 98.5 MHz rather than 100.7 MHz;
- the technical specifications of the planned community radio broadcasting service at Deniliquin should be changed so that the frequency is 89.7 MHz rather than 100.9 MHz, and the Deniliquin RA2 licence area should be made smaller as a result.

The draft variations also propose to make some amendments to improve and simplify drafting, correct drafting errors and remove obsolete information. They further propose
updates to the licence area definitions in the LAP so that the licence areas are defined in accordance with the 2006 Australian Bureau of Statistics (ABS) Census data.

A full discussion on these matters is set out in the ACMA’s preliminary views, below.
The ACMA proposes to make channel capacity available for new national radio broadcasting services in upper Murray and Deniliquin. It is proposed that these services operate on:

- 100.9 MHz from broadcast site 15 km S of Wodonga (Mt Baranduda) with a maximum effective radiated power (ERP) of 2 kilowatts (kW) with an omni-directional (OD) antenna pattern.
- 100.9 MHz from broadcast site 5 km NE of Deniliquin with a maximum ERP of 2 kW with an omni-directional (OD) antenna pattern.

In order to make channel capacity available at upper Murray and Deniliquin, the ACMA proposes to vary the technical specifications of community radio broadcasting services planned in the Wodonga and Deniliquin licence areas. It is proposed that the planned community radio broadcasting service under service licence number SL1150833 at Wodonga operate on:

- 98.5 MHz from Carrols Lane West Wodonga with a maximum ERP of 200 W with a directional antenna pattern.

It is proposed that the planned community radio broadcasting service under service licence number SL10409 at Deniliquin operate on:

- 89.7 MHz from Broadcast site, 5 km NE of Deniliquin with a maximum ERP of 500 W, OD.

The ACMA also proposes to reduce the size of the Deniliquin RA2 licence area to reflect the reduction in coverage that will result from the changed specifications and to update that new definition against 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 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 an area. The Albury LAP, determined in September 1997, makes available six national, two commercial and seven community broadcasting services, and seven open narrowcasting services. The community radio broadcasting service for Wodonga was to operate on 100.7 MHz with a maximum ERP of 200 W. This service has yet to be allocated but the frequency is currently used by Albury Wodonga Christian Broadcasters Inc (AWCB) under a temporary community broadcasting licence.

The Deniliquin LAP, also determined in September 1997, makes available two national, two commercial and one community broadcasting services, and seven open narrowcasting services. The community radio broadcasting service at Deniliquin was to operate on the frequency 100.9 MHz with a maximum ERP of 2 kW. At the time of determination, interest was expressed from three aspirant groups in providing this service. To date neither a request for allocation nor a request to use the frequency under a temporary community broadcasting licence has been made.

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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.
In accordance with a commitment by the previous government, endorsed by the current government, the ACMA has undertaken spectrum planning and consultation activities to facilitate the roll-out of the Australian Broadcasting Corporation (ABC) PNN radio service to areas in Australia with a population of 10,000 or more, if the ACMA could confirm availability of spectrum, under section 31 of the BSA.

The ABC has asked the ACMA that, when planning for PNN radio services, it 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

In performing its planning functions under Part 3 of the BSA, the ACMA is required to have regard to, among other things, existing services and the demand for new broadcasting services within a licence area, and to technical restraints relating to the delivery and reception of broadcasting services in Albury and Deniliquin (paragraphs 23 (c) and (e)).

Albury

The ACMA has had regard to whether there are any technical restraints relating to the delivery or reception of broadcasting services in the Albury region. It has found that FM spectrum in the Albury market is heavily congested and there are no suitable unencumbered FM frequencies that would meet the ABC’s request to provide the same level of coverage as the existing upper Murray national radio services.3

The ACMA has identified that the frequency 100.9 MHz is potentially available for use at upper Murray, and its use would meet the population coverage criterion of the Minister4. However, its use would cause adjacent channel interference5 to the planned community radio broadcasting service on 100.7 MHz at Wodonga and would require an alternative frequency to be identified for that affected radio service.

The ACMA has identified that FM frequency 98.5 MHz is available at Wodonga and that it would allow for similar coverage to that of the frequency planned for a community radio broadcasting service when operated at the maximum ERP of 200 W. This frequency is currently being used by AWCB under a temporary community radio broadcasting licence. The proposed FM frequency also has the potential to operate with an increased maximum ERP of 500 W.

Deniliquin

The ACMA has also identified that employing the same frequency proposed for the PNN radio service at upper Murray (100.9 MHz) at Deniliquin via a co-frequency repeater will allow PNN coverage of both the Albury and Deniliquin areas, and also allow the ABC to trial this co-frequency repeater configuration. If successful, similar configurations could be used in other spectrum congested areas under certain circumstances. The use will require re-planning of a community radio broadcasting service to another frequency from 100.9 MHz.

The ACMA has found that FM frequency 89.7 MHz is currently available in the Deniliquin area but due to spectrum congestion will need to be limited to operate at a maximum ERP of 500 W. At this power the proposed frequency will not provide the

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3 The existing ABC radio services Classic FM, Local Radio, and Triple J operate at upper Murray with a maximum effective radiated power of 80 kW.

4 The proposed service would provide coverage to 60,090 persons (2006 Census data). The criterion is for PNN services to be provided to population centres of more than 10,000 people.

5 Adjacent channel interference is interference caused by extraneous power from a signal in an adjacent channel.
same level of coverage as the currently planned (but unallocated) community broadcasting service. The ACMA therefore proposes to modify the licence area to match the predicted coverage of a future community radio broadcasting service operating at 500 W.

**Conclusion**

The ACMA is of the preliminary view that varying the frequencies used by community radio broadcasting services in the Albury and Deniliquin LAPs to make new national radio broadcasting services available is an economic and efficient use of radio frequency spectrum, as it maximises the number of channels available.

The ACMA is also of the view that making channel capacity available for new national radio broadcasting services available in upper Murray and Deniliquin 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).
Preliminary View – Licence Areas

The ACMA proposes that the existing commercial and community radio broadcasting licence areas in the Albury and Deniliquin LAPs be redefined using 2006 Census boundaries, but otherwise remain unchanged.

The licence areas for the commercial and community radio broadcasting services in Albury RA1, Albury RA2, Omeo RA1, Upper Murray RA1, and Wodonga RA1 are currently described in terms of areas defined by the 2001 census count. The licence area for radio broadcasting services in Deniliquin RA1 are currently described in terms of areas defined by the 1991 census count.

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 the licence areas in the Albury and Deniliquin LAPs be redefined using 2006 census boundaries, but otherwise remain unchanged.
Preliminary View – Minor Amendments

The ACMA proposes to update Schedules and Attachments in the Albury and Deniliquin LAPs to correct drafting errors.

Albury

The ACMA proposes to make amendments to Schedule 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 Albury area.

The proposed amendments delete and insert information, included for reference only, that does not form part of the Albury 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 the entirety, without changing the substantive parts, to facilitate these minor amendments.

The proposed changes to Schedule Two and Four include removing the words “September 1997” from the headings. This information was included for ease of reference only, but may be confusing.

The proposed changes to the Attachments include updating the site tolerance field to refer to the Broadcasting Services (Technical Planning) Guidelines 2007. This information has been updated for accuracy only.

Additional changes include removing the words “- September 1997” and “- April 2005” from the headings to the Attachments in which they appear.

The nominal location of the transmitter specified in many of the Attachments will be updated to provide a more accurate description of the transmitter site. This information is updated for ease of reference only and does not signify a change in broadcast site.

The Australian Map Grid reference at Attachment 1.7, Attachment 2.2 and Attachment 2.3 has been updated to reflect the actual locations of the transmitters for these services based on the records of the Australian Communications Authority (the ACMA’s predecessor body). The change in co-ordinates does not change the planned performance of each of the services.

The antenna height at Attachment 1.4, Attachment 1.5, Attachment 1.9, Attachment 1.10 and Attachment 1.11 has been updated to reflect the actual operating conditions for these services on the advice of the Australian Broadcasting Corporation. The change in antenna height does not change the planned performance of each of the services.

The Australian Map Grid reference and antenna height at Attachment 1.8 has been updated on the advice of Broadcast Australia. The change in co-ordinates and antenna height does not change the planned performance of each of the services.

Deniliquin

The ACMA proposes to make amendments to Schedule One and Schedule Two and to each of the Attachments that contain the characteristics, including technical specifications, of the broadcasting services in the Deniliquin area.
The proposed amendments delete and insert information, included for reference only, that does not form part of the Deniliquin 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 the entirety, without changing the substantive parts, to facilitate these minor amendments.

The proposed change to Schedule One and Schedule Two includes removing the words “September 1997” from the headings. This information was included for ease of reference only, but may be confusing.

The proposed changes to Attachment 1.1, Attachment 1.2, Attachment 1.3, Attachment 1.4, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 1.11, Attachment 1.12, Attachment 1.13 and Attachment 2.2 include updating the site tolerance to refer to the Broadcasting Services (Technical Planning) Guidelines 2007 and removing the heading “- September 1997”. This information has been updated for accuracy only.

The nominal location of the transmitter specified in each of Attachment 1.2, Attachment 1.3, Attachment 1.4, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 1.11, Attachment 1.12 and Attachment 1.13 will be updated to provide a more accurate description of the transmitter site. This information is updated for ease of reference only and does not signify a change in broadcast site.

The antenna height at Attachment 1.2 and Attachment 1.3 have been updated to reflect the actual operating conditions for these services on the advice of the Australian Broadcasting Corporation. The change in antenna height does not change the planned performance of either of the services.