Explanatory Paper
Draft Variation to Licence Area Plan for Murray Bridge Radio - No.1 of 2009

AUGUST 2009
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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 (the ACMA) as follows:

By email: lais@acma.gov.au

By mail: Draft Licence Area Plan Variation – Murray Bridge
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

By fax: (02) 6253 3277

Please quote file reference ACMA2009/576 in your reply.

Any enquiries concerning matters raised in this document should be directed to Nicole Brown on (02) 6256 2821.

The closing date for submissions is 5.00pm Friday, 25 September 2009.

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

This Explanatory Paper accompanies the draft licence area plan (LAP) variation for Murray Bridge radio.

The ACMA generally considers variations to LAPs in response to submissions made to it or on becoming aware of technical issues that need addressing.

The ACMA has received four submissions in relation to radio broadcasting services in the Murray Bridge market. In summary, the submissions request the ACMA to consider:

- making changes to the technical specifications of the community radio broadcasting service 5EFM in Yankalilla, to change the frequency;
- making changes to the technical specifications of the community radio broadcasting service 5GSFM in Victor Harbor, to change the antenna height and polarisation: and
- making channel capacity available for a community radio broadcasting service in the Goolwa area.

A full discussion on these requests is set out in the ACMA’s preliminary views below.

Legislative Framework

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, that the ACMA is required 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 significance 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.
Preliminary View – Community Radio – Victor Harbor

The ACMA is proposing to vary the technical specifications of two community radio broadcasting services in the Victor Harbor region.

It is proposed to change the frequency of the community radio broadcasting service provided by the licensee of licence number SL1150781 (5EFM) in Yankalilla. The current licensee of 5EFM is Encounter FM Community Broadcasting Association Inc. It is proposed that 5EFM operate on:

- 94.7 MHz from the Normanville site with a maximum effective radiated power (ERP) of 100 Watts with an omni directional (OD) antenna radiation pattern.

It is proposed to change the antenna height and polarisation of the community radio broadcasting service provided by the licensee of licence number SL1150786 (5GSFM). It is proposed that 5GSFM operate on:

- 90.1 MHz from Brown Hill with a maximum ERP of 1 kW OD with an antenna height of 20 metres and vertically polarised.

Community Radio – 5EFM

The Licence Area Plan for Murray Bridge Radio (Murray Bridge LAP), determined in December 2001, made available channel capacity for community broadcasting service 5EFM to operate a transmitter from Victor Harbor on frequency 89.3 MHz and translators at Yankalilla (88.3 MHz) and Strathalbyn (94.7 MHz).

Encounter FM Community Broadcasters Association Inc, the licensee of the community radio broadcasting service 5EFM in Victor Harbor, requested that the ACMA consider changes to the operating conditions of its translator service at Yankalilla to alleviate interference to the off-air feed.

Neither law nor policy affords the right of protection from interference to off-air feed inputs. However, after consideration by the ACMA and discussions with the licensee of 5EFM, an alternate FM frequency (94.7 MHz) for the Yankalilla service was identified. This frequency is the same FM frequency used for 5EFM’s Strathalbyn translator service. To confirm the suitability of using an analog single frequency arrangement on 94.7 MHz, the ACMA requested 5EFM conduct test transmissions to establish whether its translators could operate on the same frequency without causing mutual interference.

In April 2008, 5EFM commenced test transmissions at Yankalilla on 94.7 MHz for an initial period of three months. After the tests were concluded, 5EFM provided the test results to the ACMA. On the basis of the information provided, the test results indicated that co-channelling the translator services is feasible. Therefore, the ACMA now proposes to vary the Murray Bridge LAP to make 94.7 MHz also available at Yankalilla.

In January 2009, the ACMA issued an additional transmitter licence to allow 5EFM to operate on 94.7 MHz in Yankalilla as an interim measure, pending consideration of a LAP variation.
Community Radio – 5GSFM

In July 2009, 5GSFM submitted a proposal to the ACMA aimed at addressing deficient coverage within its licence area. 5GSM requested that the ACMA vary the technical specifications for licence number SL1150786, to allow for an increase in antenna height from 10 m to 20 m and change the polarisation of the antenna from horizontal to vertical.

The broadcasting engineering assessments conducted by the ACMA have identified no potential interference or overspill issues with the increase in the antenna height.

Subsequently, a transmitter licence was issued allowing 5GSM to operate temporarily at the new antenna height of 20 m and vertically polarised. To date no complaints about overspill or interference have been received by the ACMA.
Preliminary View – Community Radio – Goolwa

The ACMA is proposing to make channel capacity available for a community radio broadcasting service under licence number SL1130054 to serve the Goolwa area. It is proposed that the new service operate on:

- 96.3 MHz from Kerby Hill with a maximum effective radiated power (ERP) of 500 Watts with an omni directional (OD) antenna pattern.

The ACMA proposes that the Goolwa RA1 licence area be defined using 2006 Census boundaries.

The ACMA believes that this preliminary view promotes the objects of the Broadcasting Services Act 1992 (the BSA) at paragraphs 3(1)(a), (f) and (g), including the economic and efficient use of the radiofrequency spectrum.

In forming this preliminary view, the ACMA considered the likely effects of the introduction of this service, having regard to the local circumstances in the Murray Bridge market, and other relevant matters under paragraphs 23(a) to (g).

Existing services and demand for new services in Goolwa

In considering whether to plan for new long-term community radio broadcasting services in Goolwa, the ACMA first investigated whether there was any interest in providing an additional community radio broadcasting service in the region. The ACMA found that there is interest from aspirant community radio broadcasters.

Since January 2005, aspirant community broadcasters Radio Alexandrina Community Broadcasters Association Inc (Alex FM) and Fleurieu Christian Broadcasters Inc (Spirit FM) have provided temporary community radio broadcasting services in Goolwa on 96.5 MHz at 50 W in the proposed licence area, Goolwa RA1. Alex FM and Spirit FM operate on a time share basis, with Alex FM broadcasting from midnight Saturday to noon Wednesday; Spirit FM from noon Wednesday to midnight Saturday.

Given these aspirant groups, the ACMA believes that if it were to make channel capacity available for a new long-term community radio broadcasting service in the Goolwa region, it is likely that such capacity would be taken up.
**Channel Capacity**

The ACMA has also considered whether channel capacity exists on the FM band in the Goolwa region for a new long-term community radio broadcasting service.

The ACMA is required to have regard to existing services, to demand for new broadcasting services within a licence area and to technical restraints relating to delivery and reception of broadcasting services in Goolwa (paragraphs 23(c) and (e)).

The ACMA identified 96.5 MHz, with a maximum ERP of 50 W, or 96.3 MHz, with a maximum ERP of 500W, as suitable FM spectrum for community radio purposes. However, it is not technically feasible to operate 96.3 MHz and 96.5 MHz simultaneously in Goolwa because of the proximity of the frequencies. That is, there is sufficient suitable spectrum available to plan one, but not two, community radio broadcasting services.

The ACMA considers that planning an additional community radio broadcasting service in the market using 96.3 MHz will represent an ‘economic and efficient use of the radiofrequency spectrum’, as this frequency can be operated at the higher power level and would provide greater coverage to the wider Goolwa area.

**Licence Areas**

In determining a licence area, the ACMA is required by paragraphs 23(a) and (b) of the BSA to have regard to the demographic, social and economic characteristics within the licence area, within neighbouring licence areas and within Australia generally. The ACMA is also required to take into account technical restraints relating to the delivery or reception of broadcasting services (paragraph 23(e)).

In considering whether to determine the licence area for the new community radio broadcasting service in the Goolwa region, the ACMA noted that Alex FM has expressed interest in providing a long-term community radio broadcasting service to serve the general area of Goolwa. It also noted that Spirit FM has expressed its interest in extending the licence area for its TCBL service. They submitted that the licence area should encompass the areas of Yankalilla, Strathalbyn and Murray Bridge.

In its submission, Spirit FM stated the region of the Southern Fleurieu is predominantly a rural/tourist area, serviced by four major urban centres: Victor Harbor, Goolwa, Strathalbyn and Murray Bridge, with major social and economic links between these urban centres.

Following consideration of the supporting evidence provided by Spirit FM, the ACMA came to the view that there are strong community interest ties between Goolwa, Victor Harbor and Strathalbyn. However, there is little evidence to support the claim that the same community links exist between Goolwa and Murray Bridge. The considerable distance between these two centres contributes to the conclusion that they represent significantly different communities of interest.

Additionally, to adequately provide a service to the larger licence area proposed by Spirit FM, a total of four FM frequencies would be required to be allocated, with transmitter sites being located in Goolwa, Strathalbyn, Yankalilla and Murray Bridge. The ACMA is of the
view that this technical proposal would not represent ‘economic and efficient use of the radiofrequency spectrum’.

The ACMA is therefore of the view that the licence area of the new community radio service should include the towns of Goolwa, Port Elliot and Victor Harbor and should be defined using 2006 Census boundaries.

**Conclusion**

Having regard to the above matters and taking into consideration the available spectrum (paragraph 23(e)), the ACMA’s preferred option for promoting the objects of the BSA at paragraphs 3(1)(a), (f) and (g), is to make available a new community radio broadcasting service at Goolwa, using a 500 W FM channel.

Although temporary community broadcasting licences held by aspirant community broadcasters do not confer any long term rights or indicate any preference by the ACMA for a group to be granted a long-term community radio broadcasting licence, 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 the licence would be taken up. The ACMA is also of the view that, taking into consideration the different formats of the aspirant groups, a new community radio broadcasting service would add to the diversity of radio broadcasting services available at Goolwa. In addition, new services of this type are likely to have a positive effect on innovative programming (paragraph 3(1)(f)) and coverage of matters of local significance (paragraph 3(1)(g)).
Preliminary View – Licence Areas

The ACMA proposes that the existing commercial and community radio licence areas in the Murray Bridge LAP be redefined by using 2006 Census boundaries, but otherwise remain unchanged.

The licence areas for the commercial and community radio broadcasting in Murray Bridge and Victor Harbor are currently described using boundaries from the 1996 Census count. The Australian Bureau of Statistics (ABS) has now 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 Murray Bridge LAP be redefined using 2006 Census boundaries, but otherwise remain unchanged.