Explanatory Paper
Draft Variation to Licence Area Plan – Coffs Harbour Radio – No.1 of 2010

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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:

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By mail: Draft Variation to Coffs Harbour LAP
Radio Planning Section
Technical Planning and Evaluation Branch
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The closing date for submissions is 5.00 pm 28 May 2010.

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

¹ Under subsection 27(2) of the Broadcasting Services Act 1992, the ACMA is required to make all submissions available for public inspection. 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 Plan (LAP) for Coffs Harbour Radio (Coffs Harbour LAP) and relates to the planning of a new national radio broadcasting service, a new translator for an existing commercial radio broadcasting service and a new community radio broadcasting service for the Coffs Harbour area.

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 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:

\[ \text{to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.} \]

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.

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 preliminary view that it should:

- make FM spectrum 90.7 MHz available for the proposed new Grafton / Kempsey Parliamentary News Network/NewsRadio (PNN) national radio broadcasting service;
- make FM spectrum 100.5 MHz available for a proposed new translator service at Woolgoolga for the existing commercial radio broadcasting service (2HC); and
- make FM spectrum 94.1 MHz available for a new community radio broadcasting service at Coffs Harbour.

The draft variation also proposes to make some amendments to improve and simplify drafting, and to remove obsolete information. It further proposes updates to the licence area definitions in the Coffs Harbour 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 a new national radio broadcasting service to be provided by the Australian Broadcasting Corporation (ABC) at Grafton/Kempsey. The service to be provided is the PNN radio service. It is proposed that this service will operate on:

- 90.7 MHz from broadcast site Broadcast Mast 26 km WSW of Coffs Harbour, Mount Moombil with a maximum effective radiated power (ERP) of 20 kilowatts (kW) with a directional antenna (DA) pattern and mixed polarisation.

**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 Coffs Harbour LAP, determined in October 1998, currently makes available four national, three commercial and three community broadcasting services, as well as one open narrowcasting (HPON) service.

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 ABC’s PNN radio service to areas in Australia with a population of 10,000 or more, if the ACMA was able to confirm availability of spectrum.

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 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 Coffs Harbour (paragraphs 23 (c) and (e)).

The ACMA has considered whether there are any technical restraints relating to the delivery or reception of broadcasting services in the Coffs Harbour region.

Due to FM congestion in the Coffs Harbour region, FM frequency 90.7 MHz was identified by the ACMA as the most suitable FM frequency to meet the ABC’s request to provide similar coverage to the existing Coffs Harbour national radio services. The maximum ERP for this proposed service has, however, been restricted to 20 kW due to the potential for interference to neighbouring radio services, Sky Sports Radio (90.9 MHz) HPON service at Walcha, and ABC Radio National (90.5 MHz) at Tenterfield.

The use of this frequency will allow the PNN service to reach a population of at least 10,000 people in the Coffs Harbour region.

There is a further technical restraint due to predicted interference to the Newcastle NBN3 commercial television broadcasting service (NBN3) which is transmitted in analog mode.

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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.

3 The existing Grafton/Kempsey ABC FM radio services at Mount Moombil are Classic FM, Radio National, Triple J and ABC Local Radio.
While this service is operating it is necessary to limit the maximum ERP of the ABC’s PNN service from Coffs Harbour to 2 kW in the direction towards Newcastle. The transmitter licence issued for the PNN service, contains a special condition that frequency 90.7 MHz is subject to a restricted ERP of 2 kW over the arc 180-250 degrees or 2 kW OD.

It should be noted that this service could operate at a higher ERP than 2 kW to towards Newcastle by using vertical polarisation. As co-located national radio services operating from the same transmission site at Mount Moombil use mixed polarisation the ACMA has planned the PNN service for mixed polarisation.

The ABC intends to commence its service after clearance of NBN3. After clearance, the maximum ERP in this arc may be increased to 20 kW. NBN3 is scheduled to cease operation in analog mode by the end of December 2012 in accordance with the government’s digital television switchover timetable.

**Conclusion**

The ACMA is of the preliminary view that making the FM spectrum 90.7 MHz available for a new national radio broadcasting service for the Grafton/Kempsey area is an economic and efficient use of radio frequency spectrum, as it maximises the number of channels available in the region.

The ACMA is also of the preliminary view that making channel capacity available for a new national radio broadcasting service 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 – Commercial Radio

The ACMA proposes to make channel capacity available for a translator at Woolgoolga for the commercial radio broadcasting service provided by the licensee of 2HC, Coffs Harbour Super AM 639 Pty. Ltd. It is proposed that this translator service operate on:

- 100.5 MHz from Vodafone site, 43a Saye Place, Emerald Heights, Woolgoolga with a maximum ERP of 50 W with an OD pattern and mixed polarisation.

Background

Coffs Harbour Super AM 639 Pty. Ltd, the licensee of commercial radio broadcasting service 2HC in Coffs Harbour, has submitted a request to the ACMA to make a translator service available to rectify deficient coverage of its service to Woolgoolga, located in the north of the Coffs Harbour RA1 licence area.

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 Coffs Harbour (paragraphs 23 (c) and (e)).

The ACMA has considered whether there are any technical restraints relating to the delivery or reception of broadcasting services in the Coffs Harbour region.

In its application for an FM translator service, 2HC nominated to use frequency 90.7 MHz operating at a maximum ERP of 250 W from Emerald Heights, Woolgoolga. As this frequency has been identified for the ABC’s high powered PNN service to serve the Grafton/Kempsey region, the ACMA has identified for use an alternative frequency of 100.5 MHz.

A desktop engineering analysis conducted by the ACMA confirmed 2HC’s claim of deficient coverage of its service in Woolgoolga which is located in the north of the Coffs Harbour RA1 licence area and has planned an FM translator, broadcasting on 100.5 MHz with a maximum ERP of 50 W from the transmitter site.

These technical specifications will provide a “suburban grade” of signal to the Woolgoolga area where the AM signal for this service is currently deficient. The translator service has been planned to minimise any overlap between 2HC’s main AM service.

On 23 December 2009, the ACMA made spectrum temporarily available to 2HC, under section 34 of the BSA, to allow operation of the translator service, pending a final decision by the ACMA about planning the translator service in the Coffs Harbour LAP.

Conclusion

On balance, it is considered that the FM translator is the best option for 2HC. There is sufficient evidence to suggest that providing 2HC with an FM translator will not lead to an unplanned and unintended AM to FM conversion and that planning such a translator will be in the overall public interest.

The ACMA is therefore of the preliminary view that FM frequency 100.5 MHz should be made available to commercial radio broadcasting service 2HC at a maximum ERP of 50 W for use for a translator service.
The ACMA proposes to make channel capacity available for a community radio broadcasting service in Coffs Harbour. It is proposed that this service operate on:

- 94.1 MHz from Site 1, Macauleys Reservoir, Macauleys Headland, with a maximum ERP of 1 kW with an omniOD pattern.

The ACMA proposes that the new Coffs Harbour RA3 licence area, which the new community radio service will serve, be defined using 2006 census boundaries.

Background

The Coffs Harbour area is currently served by two licensed community radio broadcasting services that serve the Coffs Harbour RA2 licence area.

Community Media CHY Ltd, the licensee of FM 104.1 MHz (2CHY), broadcasts a youth format community radio broadcasting service at a maximum ERP of 5 kW OD from a site located at Bruxner East Point at Coffs Harbour.

Coffs Coast Community Radio Inc, the licensee of FM 107.9 MHz (2AIR), broadcasts a general geographic format community radio broadcasting service at a maximum ERP of 5 kW (OD) from a site located at Bruxner Park.

Coffs Harbour Christian Broadcasters Inc (2IAM) has been operating a Christian radio broadcasting service in the Coffs Harbour area under a temporary community broadcasting licence (TCBL) using FM frequency 94.1 MHz at a maximum ERP of 200 W OD since May 2002.

The ACMA is now taking the opportunity to incorporate frequency 94.1 MHz into the Coffs Harbour LAP as a planned but not yet allocated community radio broadcasting service to be available for long-term use within a new licence area, Coffs Harbour RA3.

Discussion

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.

In performing its planning functions under Part 3 of the BSA, the ACMA is also 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 Coffs Harbour (paragraphs 23 (c) and (e)).

Due to spectrum congestion in the Coffs Harbour area, the maximum ERP for this service will be restricted to 1 kW OD. As a consequence of this restriction, the estimated coverage provided by this service will not match the coverage provided by the existing community radio broadcasting services in the Coffs Harbour RA2 community licence area which operate at a maximum ERP of 5 kW OD.
A new Coffs Harbour RA3 licence area will therefore be created to reflect the predicted coverage for this service.

Making a new community radio broadcasting service available in this new licence area will allow aspirant community broadcasters to apply for a permanent community radio broadcasting service licence.

Although there is currently a TCBL provided on this frequency, it should also be noted that holding a TCBL confers neither rights nor preference to aspirant broadcasters with respect to the future allocation of permanent community radio broadcasting services.

**Conclusion**

The ACMA is of the preliminary view that making FM frequency 94.1 MHz with a maximum ERP of 1 kW available for a community radio broadcasting service will ensure optimal coverage for this frequency within the Coffs Harbour RA3 community licence area and represents an economic and efficient use of radio frequency spectrum.
Preliminary View – Licence Areas

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

The licence areas for the commercial and community radio broadcasting services in Coffs Harbour RA1, Coffs Harbour RA2 and Bellingen RA1 are currently described in terms of areas defined by the 1996 Census count. The Australian Bureau of Statistics (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 Coffs Harbour LAP be redefined in terms of areas defined by the ABS at the 2006 Census, but otherwise remain unchanged.
Preliminary View – Minor Amendments

The ACMA proposes to update Schedules and Attachments in the Coffs Harbour LAP.

The ACMA proposes to make amendments to Schedule One, Two and Three and to each of the Attachments that contain the characteristics, including technical specifications, of the broadcasting services in the Coffs Harbour area.

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

The proposed changes to Schedule One to Three include removing the words “October 1998” 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 “October 1998” 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 antenna height at Attachments 1.2 – 1.5 has been changed from 90 to 113 metres on the advice of Broadcast Australia that these were the actual antenna heights of the broadcasting radio services. The change in antenna height does not change the performance of each of the services.