Explanatory Paper

NOVEMBER 2009
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Submissions

To the Australian Communications and Media Authority (the ACMA) as follows:

By email:  lais@acma.gov.au
By mail:  Draft Variation to Moree and Remote LAPs
         Broadcast Planning Section
         National Allocations and Licensing Branch
         Australian Communications and Media Authority
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Please quote file reference: ACMA2009/861 (Moree LAP) or ACMA 2009/2160
(Remote LAP) in your reply.

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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, will not be considered by the
ACMA in finalising the LAP variation.
This Explanatory Paper accompanies the proposed draft variations to the Licence Area Plans (LAPs) for Moree Radio (Moree LAP) and Remote Central and Eastern Australia Radio (Remote LAP).

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:

> 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’s General Approach to Analog Planning further sets out the legislative framework and planning criteria as well as the ACMA’s 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 ACMA’s General Approach to Analog Planning the ACMA has reached the following preliminary views for national and community radio broadcasting services in the Moree and Remote LAPs:

- channel capacity should be made available in the Moree LAP for a new national radio broadcasting service at upper Namoi, provided by the Australian Broadcasting Service (ABC);
- the carrier frequency of the community radio broadcasting service 2TRR at Dunedoo should be changed to avoid interference with the new national radio broadcasting service at upper Namoi;
- channel capacity should be made available for community radio broadcasting service 2TRR at Coolah and that the Dunedoo RA1 licence area should be extended to include the area of Coolah; and
- channel capacity should be made available for a new community radio broadcasting service in Gin Gin in the Remote LAP.

The draft variations also make some minor amendments to improve and simplify drafting, correct drafting errors and remove obsolete information. They further propose updates to the licence area definitions in the LAPs 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.
Preliminary View 1 - National Radio - Upper Namoi

The ACMA proposes to make channel capacity available for a new national radio broadcasting service to be provided by the ABC at upper Namoi. The service to be provided is the Parliamentary News Network/NewsRadio (PNN) radio service. It is proposed that this service will operate on:

- 101.5 MHz from TV Tower MT DOWE with a maximum effective radiated power (ERP) of 20 kilowatt (kW) with a directional radiation pattern.

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 Moree LAP, determined in 9 July 1998, makes available four national, two commercial and one community broadcasting services, and two open narrowcasting services.

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 broadcasting service to areas in Australia with a population of 10,000 or more, if the ACMA could 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 where there are no existing ABC radio services, a high power frequency.

Discussion

Channel Capacity

The ACMA has had regard to whether channel capacity exists for the provision of an additional high powered national radio broadcasting service to serve the upper Namoi. In performing its functions under Part 3 of the BSA, the 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 Moree (paragraphs 23(c) and (e)).

The ACMA found that FM spectrum in the Moree licence area is heavily congested and there are no suitable unencumbered FM frequencies available that would meet the ABC’s request to provide the same level of coverage as provided by the existing ABC radio broadcasting services at upper Namoi. However, the ACMA has identified that FM frequency 101.5 MHz is potentially available and would meet the population coverage criterion of the minister. The coverage of the proposed service with a maximum ERP of 20 kW would provide coverage to the communities of Narrabri, Moree and Gunnedah.

The frequency 101.5 MHz is co-channelled with a licensed long-term community radio broadcasting service (2TRR) at Dunedoo. The availability of this frequency for the proposed upper Namoi PNN service at 20 kW is dependant on changing the frequency of 2TRR from 101.5 MHz to 96.1 MHz to avoid co-channel interference.

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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 Classic FM, Local Radio, Radio National and Triple J.
4 The proposed service at 5 kW would provide coverage to 14,700 people or at 20 kW to 36,250 people.
A broadcasting engineering assessment indicates that 2TRR and the proposed upper Namoi PNN service could operate on the same frequency without 2TRR receiving interference but the PNN service would be limited to a maximum ERP of 5 kW. At this power level the proposed upper Namoi PNN service would only provide adequate coverage to Narrabri but not Moree or Gunnedah.

Further discussion on the ACMA’s planning proposal for 2TRR is at Preliminary View 2.

**Conclusion**

The ACMA is of the preliminary view that making spectrum available 101.5 MHz for a national radio broadcasting service and making an alternative frequency available for 2TRR community radio broadcasting is an economic and efficient use of the radiofrequency spectrum, as it maximises spectrum productivity in the Moree and Dunedoo licence areas.

The proposed change of frequency for 2TRR will enable the ACMA to make high power national radio broadcasting service available in the upper Namoi region, where spectrum availability is limited, and it is likely to promote the availability to audiences throughout the upper Namoi a diverse range of broadcasting services.
In order to make channel capacity available at upper Namoi for PNN and avoid co-channel interference to the community radio broadcasting service 2TRR in Dunedoo, the ACMA proposes to change the carrier frequency of 2TRR at Dunedoo. It is proposed that this service will operate on:

- 96.1 MHz from Three Rivers Radio Reservoir Rhodes St DUNEDOO with a maximum ERP of 1 kW with an omni-directional (OD) radiation pattern.

The ACMA also proposes to make channel capacity available for a translator for the community radio broadcasting service provided by the licensee of 2TRR, Talbragar Broadcasters Inc. The 2TRR translator is proposed to operate on:

- 95.3 MHz from Trig Station Mt Oaky with a maximum ERP of 2 kW with an OD radiation pattern.

The ACMA also proposes that the Dunedoo RA1 licence area be extended to include the area of Coolah and that the Dunedoo RA1 licence area be defined using 2006 census data.

Background

The Remote LAP, determined in October 1996, made available channel capacity for the community radio broadcasting service 2TRR to operate in the Dunedoo region on the FM Frequency 101.5 MHz with a maximum ERP of 200 watts (W).

As outlined in Preliminary View 1, the ACMA’s preferred option for introducing a new PNN service at upper Namoi is to make the frequency 101.5 MHz with a maximum ERP of 20 kW available. However, this option would require an alternative frequency to be identified for 2TRR at Dunedoo.

Talbragar Broadcasters Inc. (TBI), the licensee of the 2TRR service, has also requested that the ACMA consider increasing the power of its Dunedoo transmitter to 2 kW so that it may extend its coverage to include Coolah, Mendooran and Elong Elong. These towns are not contained within 2TRR’s current licence area.

2TRR subsequently modified its request to also include making channel capacity available for a translator at Coolah to provide coverage to the communities of Coolah, Neilrex and Weetaliba, and to extend its licence area (Dunedoo RA1) to include those communities.

Discussion

Channel Capacity

In performing its functions under Part 3 of the BSA, the ACMA is required to have regard to existing broadcasting services, to demand for new broadcasting services within a licence area and to any technical restraints relating to the delivery and reception of broadcasting services.

The ACMA found, when planning for the introduction of a new PNN service at upper Namoi that FM spectrum is heavily congested in the upper Namoi region and the only potentially suitable and available frequency is that currently made available for 2TRR at Dunedoo. Operation of the proposed PNN service at Upper Namoi at 20 kW would cause co-channel interference to 2TRR.

A broadcasting engineering assessment of 2TRR’s proposal to increase the power of its transmitter at Dunedoo indicates that the maximum ERP that the frequency 101.5 MHz can be operated at is 500 W, which would not provide coverage to Coolah, Mendooran and Elong Elong.
The assessment did show that the frequency 96.1 MHz at Dunedoo is available and could be operated up to a maximum ERP of 1 kW. At this power level the quality of the 2TRR signal would be increased in Dunedoo but because of topography the coverage would only be marginally increased towards Coolah and would provide no coverage to Elong Elong and Mendooran. The assessment also found that the frequency 95.3 MHz is available at Coolah and can be operated up to a maximum ERP of 2 kW which would provide coverage to the communities of Coolah, Neilrex and Weetaliba.

The ACMA is of the preliminary view that changing the frequency of the 2TRR service at Dunedoo from 101.5 MHz to 96.1 MHz an increasing its maximum power level from 200 W to 1 kW as well making the frequency 95.3 MHz available at Coolah for a translator represents an economic and efficient use of radiofrequency spectrum.

No change is proposed to deal with Mendooran and Elong Elong, as 2TRR has withdrawn this aspect of its request.

Proposed licence area extension for 2TRR

In assessing the request by 2TRR to extend its licence area to include Coolah, Mendooran and Elong Elong, and to Coolah, Neilrex and Weetaliba, the ACMA must have regard to the matters in section 23 of the BSA. This requires an assessment of the proposed extension, including the demographics and social and economic characteristics of the licence areas concerned.

In looking at the proposed area of extension it can be noted that Coolah has a resident population of 9215 and is not currently located within any community radio broadcasting service licence area.

Given the small resident population, it is unlikely that a dedicated community radio service would be established if offered and the ACMA is also unaware of any aspirant broadcasters in the area.

Community of Interest links between Dunedoo and Coolah

In having regard to the matters in section 23 in relation to an extension to an existing community radio broadcasting service’s licence area, the ACMA considers whether a community of interest exists between the currently served licence area and the proposed additional licence area and whether a community of interest is currently being served in the additional area.

To demonstrate that a community of interest exists between Dunedoo and Coolah, 2TRR has submitted that:

- Dunedoo and Coolah are contained within the same Roman Catholic and Anglican parishes; and
- Dunedoo and Coolah are contained within the same local, state and federal divisions; and
- that Dunedoo and Coolah’s football and netball teams compete in the same leagues; and
- home health care in Dunedoo is administered from Coolah;
- Dunedoo receives its television services from a translator based in Coolah; and
- residents in each community travel for work, family and social interaction in the other community.

Conclusion

The ACMA is of the preliminary view that changing the frequency of the 2TRR service at Dunedoo from 101.5 MHz to 96.1 MHz and increasing its maximum power level from 200 W to 1 kW, as well making the frequency 95.3 MHz available at Coolah for a translator, represents an economic and efficient use of radiofrequency spectrum.

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5 2006 Census data.
Following consideration of the supporting evidence provided by TBI, it is considered that there are strong community of interest links between Dunedoo and Coolah and that the Dunedoo RA1 licence area should be extended to include Coolah.
The ACMA proposes to make channel capacity available for a community radio broadcasting service under service licence number SL1130096 to serve the Gin Gin area. It is proposed that these new services operate on:

- 104.9 MHz from Railway Station Mulgrave Road Gin Gin with a maximum ERP of 100 W with an OD radiation pattern.

The ACMA proposes that the Gin Gin RA1 licence area be defined using 2006 census data.

Background

As the ACMA is considering other community radio broadcasting issues for the Remote LAP, it believes it prudent at this time to also consider whether making a new community radio broadcasting service available at Gin Gin is likely to promote the objects of BSA, including the economic and efficient use of radio spectrum.

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

Discussion

Existing services and demand for new services in Gin Gin

Gin Gin has a population of 8876, is contained within the Remote LAP and is located approximately 51 km west of Bundaberg and 370 km north-west of Brisbane. The Remote LAP makes the 4RBL commercial radio broadcasting service available there. The Remote LAP makes no other radio broadcasting services available at Gin Gin. However, the community of Gin Gin would receive radio reception of the ABC’s national radio broadcasting services covering the Wide Bay region of Queensland.

In considering whether to plan for a new long-term community radio broadcasting service in Gin Gin, the ACMA has considered whether there was any interest in providing an additional community radio broadcasting service in the region.

Gin Gin Community Broadcasters Inc (GGCB) has been providing a temporary community radio broadcasting service in Gin Gin since January 2009, using the frequency 104.9 MHz.

The ACMA believes that the operation of GGCB’s temporary community radio broadcasting service, suggests demand for a new community broadcasting service in Gin Gin and believes that if it were to make channel capacity available for a new long-term community radio broadcasting service, it is likely that it would be taken up.

Channel Capacity

The ACMA is required to have regard to technical restraints relating to the delivery and reception of broadcasting services in the Gin Gin area (paragraphs 23 (c) and (e) of the BSA). The ACMA has also considered whether channel capacity exists in the FM band in the Gin Gin area for a new long-term community radio broadcasting service.

The ACMA has identified that the frequency 104.9 MHz is available and suitable for a long-term community radio broadcasting service and that its use will not limit the ACMA’s planning options in the future.

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6 The proposed Gin Gin RA1 licence area using 2006 Census data.
The ACMA considers that planning a long-term community radio broadcasting service in the Gin Gin market using 104.9 MHz will represent an 'economic and efficient use of the radiofrequency spectrum'.

**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 demographics, social and economic characteristics within the licence area, within neighbouring licence areas and within Australia generally.

In considering whether to determine a licence area for the new community radio broadcasting service in the Gin Gin area, the ACMA notes that GGCB has not requested nor made known to the ACMA that it wishes to increases the coverage of its current temporary service.

Following consideration of the evidence available to it, the ACMA is therefore of the view that the licence area of the new community radio broadcasting service should include only the community of Gin Gin and should be defined using 2006 Census boundaries.

**Conclusion**

Having regard to the above matters and taking into consideration the available spectrum, the ACMA believes that making the frequency 104.9 MHz using a 100 W channel available for a new community radio broadcasting service at Gin Gin is likely to promote the objects of the BSA at paragraphs 3(1)(a) and (g) by increasing the number and mix of broadcasting services in the Gin Gin market and providing for an increase in the broadcast of matters of local significance.

Although temporary community broadcasting licences held by aspirant community broadcasters do not confer any long-term rights nor 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 it would be taken up.
Preliminary View 4 - Licence Areas

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

The licence areas for the commercial and community radio broadcasting services in the Moree RA1 and Moree RA2 are currently described using boundaries from the 1991 Census count.

The licence areas for commercial and community radio broadcasting services in the Remote Commercial Radio Service Central Zone RA1, Remote North East Zone RA1, Coonabarabran RA1, Coonamble RA1, Gilgandra RA1, Nturiya RA1, Peppimenarti RA1 and Weipa RA1 are currently described using boundaries from the 2001 Census count.

The licence areas for community radio broadcasting services in the Ali Curung RA1, Amata RA1, Aurukun RA1, Barunga RA1, Bathurst Island RA1, Beswick RA1, Borroloola RA1, Bulman RA1, Central Zone RA2, Daguragu RA1, Doomadgee RA1, Ernabella RA1, Finke RA1, Fregon RA1, Galiwinku RA1, Gununa RA1, Hermannsburg RA1, Hope Vale RA1, Imanpa RA1, Indulkana RA1, Kintore RA1, Kowanyama RA1, Lajamanu RA1, Lockhart River RA1, Maningrida RA1, Milikapiti RA1, Milingimbi RA1, Minjilang RA1, Ngukurr RA1, Numbulwar RA1, Oenpelli RA1, Palumpa RA1, Papunya RA1, Pmara Jutunta RA1, Pormpuraaw RA1, Pularumpi RA1, Ramingining RA1, Umbakumba RA1, Wadeye RA1, Warruwi RA1, Willowra RA1, Wujal Wujal RA1, Yuelamu RA1 And Yuendumu RA1 are currently described using boundaries from 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 these licence areas be redefined using 2006 boundaries, but otherwise remain unchanged.
The ACMA proposes to update Schedules and Attachments in the Moree LAP to correct previous drafting errors or to update information.

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 specified in the Moree LAP.

The proposed amendments delete and insert information, included for reference only, that does not form part of the Moree LAP and which may be obsolete or create confusion.

The ACMA does not intend these minor amendments to significantly 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 One and Schedule Two 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 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, Attachment 1.14, Attachment 1.15, Attachment 1.16, Attachment 1.17, Attachment 1.18, Attachment 1.19, Attachment 1.20, Attachment 1.21, Attachment 1.22, Attachment 1.23, Attachment 1.24 and Attachment 1.25 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 to ensure accuracy only.

The nominal location of the transmitter specified in each of Attachment 1.13, Attachment 1.14, Attachment 1.15, Attachment 1.19, Attachment 1.20 and Attachment 1.24 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, Attachment 1.3, Attachment 1.4, Attachment 1.5, Attachment 1.6 and Attachment 1.7 has been updated to reflect the actual operating conditions for these services on the advice of the ABC. The change in antenna height does not change the planned performance of either of the services.
The ACMA proposes to update Schedules and Attachments in the Remote LAP to correct previous drafting errors or to update information.

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 Remote Central and Eastern Australia area.

The proposed amendments delete and insert information, included for reference only, that does not form part of the Remote LAP and which may be obsolete or create confusion.

The ACMA does not intend these minor amendments to significantly 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 Schedules include (where appropriate):

- the insertion of the heading “Licence Area” and the corresponding “licence area name” immediately below the new heading “Licence Area Plan : Remote Central and Eastern Australia Radio”.

The proposed changes to Attachment headings include (where appropriate):

- the removal of the words “ – December 2000” or “ – August 2002” or “ – December 2003” or “ – March 2006”; and
- the addition of the word “Radio” where appropriate, so that the Attachment headings read “LICENCE AREA PLAN : Remote Central and Eastern Australia Radio”.

The changes to the Attachments’ technical specifications include (where appropriate):

- updating the nominal locations to reflect the actual current transmitter site name; and/or
- updating the Australian Map reference following information held by the ACMA; and/or
- updating the site tolerance to: “Broadcasting Services (Technical Planning) Guidelines 2007”, so that it refers to the full title of the relevant legislative instrument.

This information has been updated for ease of reference only and does not signify a change to the broadcast site for the transmitters. The relevant Attachments are:

The nominal location of the transmitter specified in each specified below are proposed to be updated to reflect the actual locations of the transmitters for these services on the advice of the licensees. The change in co-ordinates does not change the planned performance of each of the services. The relevant Attachments are:

- 1.6, 1.8, 1.17, 1.18, 1.21, 1.22, 1.23, 1.24, 2.3, 2.5, 2.7, 2.8, 2.9, 2.10, 2.14, 2.15, 2.17, 2.20, 2.23, 2.26, 2.27, 2.28, 2.29, 2.31, 2.33 and 2.50

The specification number of some services is proposed to be updated to reflect the actual specification number contained in the ACMA’s database of technical specifications. The change in specification number does not change the planned performance of each of the services. The relevant Attachments are:

- 2.12, 2.43, 2.51, 3.65, 3.66, 3.83, 3.84, 3.85 and 3.86.

It is proposed that a Special Condition be varied or added to Attachment 3.108, Attachment 3.109, Attachment 3.110, Attachment 3.111, Attachment 3.112, Attachment 3.113, Attachment 3.114, Attachment 3.115, Attachment 3.116, Attachment 3.117, Attachment 3.118, and Attachment 3.119. The Special Condition describes the coverage radius of the transmission in kilometres from a point with AMG co-ordinates. This point is the same as the nominal location. The Special Condition is not a significant change to the provision of the services.

The Special Condition at Attachment 3.120, which specified the coverage radius of the service, is proposed to be modified so that it is described in the same manner as the Special Conditions added to Attachment 3.108, Attachment 3.109, Attachment 3.110, Attachment 3.111, Attachment 3.112, Attachment 3.113, Attachment 3.114, Attachment 3.115, Attachment 3.116, Attachment 3.117, Attachment 3.118, and Attachment 3.119, but otherwise remains unchanged.