Explanatory Paper

Draft Variation to the Licence Area Plan for Nowra Radio - No.1 of 2009

OCTOBER 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 Variation No.1 of 2009 to LAP for Nowra Radio
          Broadcast Planning Section
          Australian Communications and Media Authority
          PO Box 78
          BELCONNEN ACT 2617

By fax: (02) 6219 5347

Please quote file reference ACMA2009/886 in your reply.

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

The closing date for submissions is 30 October 2009.

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.
Explanatory Paper

This explanatory paper accompanies the draft Variation to the Licence Area Plan for Nowra Radio – No. 1 of 2009 (the draft variation).

The ACMA generally considers variations to Licence Area Plans (LAPs) in response to submissions made to it or on becoming aware of technical issues that need to be addressed.

The ACMA has received a submission from South Coast and Tablelands Broadcasting Pty Ltd (Grant Broadcasters), the licensee of the commercial radio broadcasting service 2ST.

Grant Broadcasters request that the ACMA consider changing the site and antenna height of the FM translator it uses to provide this service, currently located at Bewong.

A full discussion on this request is set out in the ACMA’s preliminary view below.

The draft variation also makes changes to each of the attachments to the LAP to correct drafting errors, remove obsolete information and update the licence area definitions to ensure consistency in layout through the attachments. The licence area definitions are defined in accordance with the 2006 Australian Bureau of Statistics (ABS) Census boundaries.

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 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 proposes to vary the technical specification of the FM translator of the commercial radio broadcasting service provided by the current licensee of service licence number SL4133, South Coast and Tablelands Broadcasting Pty Ltd (Grant Broadcasters) in St Georges Basin (operating as 2ST).

It is proposed to change the antenna height, the site, the maximum effective radiated power (ERP), and the radiation pattern of the FM translator currently located at Bewong. It is proposed that the translator operate on:

- 91.7 MHz from Huskisson at a maximum ERP of 1 kW, directional (DA) mixed polarisation with a rotated radiation pattern and an antenna height of 70 metres (m).

The Licence Area Plan for Nowra Radio (Nowra LAP), determined in August 1999, made available channel capacity for AM commercial radio broadcasting service 2ST to operate in the Nowra region on AM frequency 999 kHz.

A variation to the Nowra LAP provided for an FM translator at Bewong to address AM coverage deficiencies in the St Georges Basin area situated within the 2ST licence area. The translator currently operates on frequency 91.7 MHz with a 30 m antenna and a maximum ERP of 2 kW.

Grant Broadcasters has requested that the ACMA consider a change in the location and antenna height of the Bewong translator service to address issues with the maintenance and operation of the translator at the current site. Grant Broadcasters submitted that the issues include problems with accessing the site by private road, tower space restrictions and the requirement, due to electromagnetic radiation (EMR), to turn off transmission every time riggers need to climb past the FM antenna. This in turn causes disruption to its 2ST service into the St Georges Basin area.

Grant Broadcasters requested a LAP variation to enable it to operate its service from an alternative site at Huskisson with an antenna height of 70 m at a maximum ERP of 2 kW.

The ACMA has instead proposed that the FM translator service broadcast on 91.7 MHz with a maximum ERP of 1 kW, DA mixed polarisation from the Huskisson site at an antenna height of 70 m. This would provide an adequate coverage of signal to the areas where the AM signal is currently deficient. The reduction in the maximum ERP is to compensate for the height increase at the site. The ACMA’s analysis indicates that the FM translator has been planned to minimise any signal overlap between the main AM and the FM translator services where AM signal is adequate.
Preliminary View – Licence Areas

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

The licence areas for the commercial and community radio broadcasting services in the Nowra LAP (Nowra RA1, Nowra RA2, Bowral RA1, Moss Vale RA1, Ulladulla RA1 and Sanctuary Point RA1) are currently described using boundaries from the 2001 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 Nowra LAP be redefined using 2006 Census boundaries, but otherwise remain unchanged.
Preliminary View – Minor Amendments

The ACMA proposes to update Attachments in the Nowra LAP to correct drafting errors.

The ACMA proposes to make amendments to each of the Attachments that contain the characteristics, including the technical specifications, of the broadcasting services in the Nowra area.

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

The ACMA does not intend these minor amendments to significantly alter any existing rights and obligations.

The changes to Attachment 1.2, Attachment 1.3, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 2.2, Attachment 4.2, Attachment 4.3, Attachment 4.4 and Attachment 5.2 include the removal of the words “– Radio - August 1999” from the headings. The changes to Attachment 1.12, Attachment 2.3 and Attachment 6.2 include the removal of the words “- Radio – June 2008”. The information was included for ease of reference only but may be confusing.

The site tolerance has also been updated in Attachment 1.2, Attachment 1.3, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 2.2, Attachment 4.2, Attachment 4.3, Attachment 4.4 and Attachment 5.2 to refer to the Broadcasting Services (Technical Planning) Guidelines 2007, rather than referring to the “Technical Planning Guidelines”. This information has been updated to ensure the Nowra LAP refers to the full title of this relevant legislative instrument.

The nominal location information has also been updated in Attachment 1.2, Attachment 1.3, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 2.2, Attachment 4.2, Attachment 4.3, Attachment 4.4, Attachment 5.2 and Attachment 6.2 to reflect the actual current transmitter site name. This information has been updated for ease of reference only and does not signify a change to the broadcast site for the transmitters.

The Australian Map Grid reference has also been updated in Attachment 1.5, Attachment 1.6, Attachment 2.2 and Attachment 5.2. This information has been updated to provide a more accurate description of the transmitter site of each of these services and does not signify a change in the broadcast site.

A note was removed from Attachment 1.5 which specified that the service could not commence earlier than 1 June 1999. This note is now redundant.
A note was removed from Attachment 1.8 which specified that the service could only commence after transmission on the assigned frequency from another service had ceased. This note is now redundant.

A note was removed from Attachment 5.2 which specified that the licence for this service would be delayed for 12 months after the Nowra Radio LAP was determined in August 1999. This note is now redundant.