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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 Wangaratta Radio Broadcast Planning Section
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2617

By fax: (02) 6219 5347

Please quote file reference ACMA2009/945 in your reply.

Any enquiries concerning matters raised in this document should be directed to Ms Rebecca Press on (02) 6256 2874.

The closing date for submissions is Friday 9 October 2009.

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

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

The ACMA generally considers variations to 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 the Kiewa Valley Community Radio Association Inc (Alpine Radio), the licensee of the community radio broadcasting licence for the Mount Beauty RA1 licence area.

Alpine Radio requests that the ACMA consider:

- making changes to the technical specifications of its service to change the nominal transmitter site and increase the maximum transmission power; and
- extending the Mount Beauty RA1 licence area to include Falls Creek.

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

The draft variation also makes some minor amendments to improve and simplify drafting and remove obsolete information, and updates the licence area definitions so that the licence area populations are defined in accordance with the 2006 Australian Bureau of Statistics (ABS) Census data.

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, 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 proposes to vary the technical specification of the community radio broadcasting service provided by the licensee of licence number SL1150015 (3VKV) in Mount Beauty. The current licensee of 3VKV is Kiewa Valley Community Radio Association Inc (Alpine Radio).

It is proposed to change the site, frequency and increase the maximum effective radiated power (ERP) and antenna height of the community radio broadcasting service. It is proposed that Alpine Radio operate on:

96.5 MHz from Big Hill with a maximum ERP of 100 Watts (W), and with an omni directional (OD) radiation pattern with an antenna height of 30 metres (m).

It is also proposed to extend the Mount Beauty RA1 licence area to include the areas of Falls Creek, Bright and Dederang and redefine the new boundaries of the licence area using 2006 Census data.

Background

The Licence Area Plan for Wangaratta Radio (Wangaratta LAP), determined in September 1997, made available channel capacity for a long-term community radio broadcasting service to operate a transmitter from Mount Beauty on FM frequency 92.5 MHz with a maximum ERP of 20 W.

Alpine Radio, the licensee of the community radio broadcasting service 3VKV in Mount Beauty, has requested that the ACMA consider an extension to its licence area to include Falls Creek, Bright and Dederang.

As part of this proposal Alpine Radio also requested that the ACMA consider a change in the location of its transmitter to Big Hill and an increase in the maximum ERP to enable it to provide adequate coverage to the proposed new licence area.

Proposed licence area extension for Alpine Radio

In assessing the request from Alpine Radio, the ACMA must have regard to section 23 of the BSA. This requires an assessment of the requested variation, including the demographics and social and economic characteristics of the licence areas concerned, the services currently received in those areas and the technical feasibility and efficiency of the proposal.

In looking at the areas of proposed extension it can be noted that:

A) Bright has a resident population of 2111 and is currently not located within any community radio broadcasting service licence area.

B) Dederang has a resident population of 422 and is located on the border of the Wangaratta RA2 licence area which is served by community radio broadcasting service 3WPR ‘Oak FM’.

C) Falls Creek has a resident population of 271 and is located within the Omeo RA1 licence area which is served by community radio broadcasting service, 3HCR ‘High Country Radio’.

Given the small permanent population in each of the three areas, it is unlikely that a dedicated community radio service would be established in any of the three areas.
Wangaratta Public Radio Inc, the licensee of Oak FM has confirmed orally to Broadcast Planning Staff, that the 3WPR community radio broadcasting service is not able to be received at Dederang and they therefore do not oppose the proposal by Alpine Radio.

The licensee of High Country Radio, the Omeo Shire Community Access Radio Inc. has indicated in writing that it has no objections to Alpine Radio’s proposal, which if adopted would create an overlap between the Omeo RA1 and Mount Beauty RA1 licence areas at Falls Creek.

Community of interest links between Mount Beauty, Falls Creek, Bright and Dederang

In applying the section 23 criteria 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(s) and whether that community-of-interest is currently being served.

To demonstrate that a community of interest exists between Falls Creek and the Kiewa Valley towns of Mount Beauty, Bright and Dederang, Alpine Radio submitted to the ACMA written support from stakeholders including Falls Creek Resort Management, Alpine Shire Council, Falls Creek Chamber of Commerce and the Federal Member for Indi, Sophie Mirabella MP.

Submissions emphasised that a majority of the staff working at Falls Creek Snow Resort reside in the Kiewa Valley. In particular, the Falls Creek Resort Management claim that many tourists incorporate both the Kiewa Valley and Falls Creek snow resort into their holiday and would benefit from a continuous radio service covering the entire Alpine Shire.

Alpine Radio believe the necessity for expansion of coverage to the entire Alpine Shire was further highlighted with the fire threats in 2003, 2006 and 2009 when the station was staffed 24 hours a day and provided the local community with direct updates concerning the fires.

Community of interest links between Mount Beauty and Falls Creek

Community, economic and social links between Mount Beauty and Falls Creek include employment at Falls Creek for a number of the residents of Mount Beauty and that the closest police station, shopping centre and medical centre for Falls Creek residents are located at Mount Beauty.

Mount Beauty and Falls Creek are further connected because of the topography, in particular during winter when the only access to Falls Creek is via Mount Beauty.

In its submission, Alpine Radio indicated that it had explored whether there is interest among members of the Falls Creek community in them developing their own independent locally-based community radio broadcasting service. They advised that the Falls Creek community lacks time and interest in this regard. On the other hand, Alpine Radio states that the community members of Falls Creek express strong support for the Alpine Radio service to be provided into Falls Creek.

In the event that the licence area of Alpine Radio were extended, and members of the Falls Creek community became interested in participating in the operation and programming of the community radio broadcasting service, the geographic distance (approximately a 45 minute drive) is unlikely to prohibit active participation.

Community of interest links between Mount Beauty and Bright

The communities of Mount Beauty and Bright share a number of administrative links. The sergeant of Mount Beauty police station must report to the senior sergeant at Bright police station. The closest dental office to Mount Beauty is located in Bright.
Alpine Health has a campus located in Mount Beauty and Bright and nursing staff alternate between both campuses.

As Mount Beauty has no State Emergency Service (SES) branch, the Bright SES is responsible for clearing and repairing storm damage in Mount Beauty. In the event of a storm affecting both towns simultaneously, the Bright SES calls on the Mount Beauty Fire Brigade to assist.

Mount Beauty and Bright are further connected because of topography, in particular, both towns border the Bogong National Park. The park is jointly administered by the Victorian Department of Sustainability and Environment, located in Bright, and Parks Victoria, located in Mount Beauty.

Alpine Radio currently has two presenters at its station that reside in Bright. This demonstrates that the geographic separation between Mount Beauty and Bright doesn’t exclude active participation in Alpine Radio by interested community members of Bright.

**Community of interest links between Mount Beauty and Dederang**

Community, economic and social links between Mount Beauty and Dederang include the fact that a majority of school students residing in Dederang attend high school in Mount Beauty. In addition to this, the Mount Beauty Neighbourhood Centre provides activities and training up to TAFE level. The students are almost all from the Kiewa Valley including Dederang.

Dederang and Mount Beauty field combined teams for both football and netball. Alpine Radio’s Saturday sport and fishing program incorporates interviews from both Mount Beauty and Dederang sporting associations and the president of the Dederang fishing club.

**Proposed changes to technical specifications for Alpine Radio**

The broadcasting engineering assessment conducted by the ACMA indicates that the higher elevation of the Big Hill transmitter site coupled with an increase in the maximum ERP to 100 W mean that an alternative frequency would be necessary to avoid potential co-channel interference to a planned (not currently operational) commercial radio broadcasting translator service in Omeo.

The ACMA has identified that there is spectrum available to provide coverage to the geographic area requested, with no related interference issues.

The engineering analysis of this radio broadcasting service using FM frequency 96.5 MHz with a maximum ERP of 100 W indicates that there should be adequate coverage to Mount Beauty and Dederang. The areas of Bright and Falls Creek, where the predicted signal strengths are lower, may not receive adequate coverage. However, should the coverage prove deficient, the ACMA could consider any further request from the licensee to improve coverage of the service.

**Conclusion**

Following consideration of the supporting evidence provided by Alpine Radio, it is considered that there are strong community of interest links between Mount Beauty and each of Falls Creek, Bright and Dederang.

The ACMA is therefore of the preliminary view that the licence area of the community radio broadcasting service Alpine Radio should be extended to encompass these towns.
The ACMA proposes that the existing commercial and community radio broadcasting licence areas in the Wangaratta LAP be redefined using 2006 Census boundaries, but otherwise remain unchanged.

The licence areas for the commercial and community radio broadcasting services in WangarattaRA1, Mount Beauty RA1 and Wangaratta RA2 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 the licence areas in the Wangaratta LAP be redefined using 2006 Census boundaries, but otherwise remain unchanged.