Explanatory Paper
Draft Variation to Licence Area Plan for
Kalgoorlie Radio – No.1 of 2010

MARCH 2010
Call for Submissions

Submissions on the matters raised in this explanatory paper can be made to the Australian Communications and Media Authority (the ACMA) as follows:

By email: lain@acma.gov.au

By mail: Draft Variation to the Kalgoorlie LAP
Radio Planning Section
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

By fax: (02) 6219 5347

Please quote file reference: ACMA2010/830 in your reply.

Contact details for submissions:

Email: lain@acma.gov.au
Telephone: Rebecca Press on (02) 6256 2874
Facsimile: (02) 6219 5347

The closing date for submissions is 5.00 pm 16 April 2010.

All submissions received will be made available for public inspection on the ACMA’s web site.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.
Explanatory Paper

This explanatory paper accompanies the draft Variation to the Licence Area Plan for Kalgoorlie Radio – No.1 of 2010.

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 addressing.

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

- making channel capacity available for a new Australian Broadcasting Corporation (ABC) Parliamentary News Network/NewsRadio (PNN) at Kalgoorlie;
- making channel capacity available for two new high power open narrowcasting (HPON) radio services at Kalgoorlie and Kambalda;

The draft variation also proposes to vary the technical specification of one planned community radio broadcasting service at Kalgoorlie to increase the effective radiated power (ERP).

In addition the ACMA also proposes in this variation to increase the size of the Kalgoorlie RA2 licence area to incorporate the two planned community radio broadcasting services and to remove the Kalgoorlie RA3 licence area from the LAP.

The draft variation makes some minor amendments to improve and simplify drafting of the LAP for Kalgoorlie Radio (Kalgoorlie LAP) and remove obsolete information, and further proposes to update the licence area definitions in the Kalgoorlie 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 below.

Legislative Framework

The ACMA prepares LAPs under subsection 26(1) of the Broadcasting Services Act 1992 (BSA). LAPs determine the number and characteristics, including technical specifications, of broadcasting services in particular areas of Australia within 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 greatest relevance to the ACMA’s powers in relation to section 26 of the BSA is that at paragraph (a) of subsection 3(1),

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

Section 27 of the BSA stipulates that the ACMA must make provision for wide public consultation when considering whether to make or vary a LAP.

The ACMA refers to the Australian Broadcasting Authority’s (ABA’s) General Approach to Analog Planning when it considers the planning of broadcasting services. This document sets out the legislative framework and planning criteria for the planning of broadcasting services. It also contains a record of advice and assumptions.
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 Kalgoorlie. The service to be provided is the Parliamentary News Network/NewsRadio (PNN) radio service. It is proposed that this service operate on:

- 100.3 MHz from Broadcast Site, Peters Hill, 4 km NW of KALGOORLIE, with a maximum effective radiated power (ERP) of 6 kilowatts (kW) using an omni-directional (OD) antenna 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 allowance for a mix of different types of broadcasting services in an area. The Kalgoorlie LAP determined in September 1996 made available four national radio broadcasting services, two commercial radio broadcasting services, three community radio broadcasting services and one open narrowcasting service to serve the Kalgoorlie area.

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 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

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 (paragraph 23 (c)), and to technical restraints relating to the delivery and reception of broadcasting services in Kalgoorlie (paragraph 23 (e)).

The ACMA considers that the provision of a new national service contributes to meeting the demand for new services, and there are no technical restraints concerning its delivery. The ACMA has found that the frequency 100.3 MHz is available and suitable for use for a national radio broadcasting service at Kalgoorlie, and its use would meet the population coverage criterion of the government and the ABC.

Conclusion

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 criterion is for PNN services to be provided to population centres of more than 10,000 people.
The ACMA is of the preliminary view that making the frequency 100.3 MHz available at Kalgoorlie for the proposed PNN radio service is an economic and efficient use of radiofrequency spectrum.

The ACMA is also of the view that making channel capacity available for a new national radio broadcasting service at Kalgoorlie is likely to further promote the objects of the Act, in particular the availability of a diverse range of radio services (paragraph 3(1)(a) of the BSA).
Preliminary View – Open Narrowcasting Radio

The ACMA proposes to make channel capacity available for two new high powered open narrowcasting (HPON) services at Kalgoorlie and Kambalda. It is proposed that these services operate on:

- 104.3 MHz from Western Australian Museum, Kalgoorlie-Boulder, 17 Hannan St, Great Eastern Highway, KALGOORLIE, with a maximum effective radiated power (ERP) of 100 watts (W) using an omni-directional (OD) antenna pattern; and
- 106.7 MHz from Telstra/NTA Site, Redhill Lookout, Redhill Lookout Rd, KAMBALDA, with a maximum ERP of 100 W using an OD antenna pattern.

Background

The ACMA takes the view that planning for open narrowcasting services has an important role in promoting the object at paragraph 3(1)(a) of the BSA. For example, open narrowcasting formats such as foreign language, racing information and tourist or traveller information services have a unique contribution to make to the range of broadcasting services available.

In forming the preliminary view above, the ACMA has considered the likely effects of the introduction of a new open narrowcasting service in Kalgoorlie and Kambalda, having regard to the local circumstances in the Kalgoorlie and in Kambalda areas and other relevant matters under paragraphs 23(a) to (g) of the BSA.

Existing services and demand for new services.

Paragraph 23(a) requires the ACMA to have regard to demographics. Kalgoorlie has a population of 28,2424 and Kambalda has a population of 2,7065. Both are contained within the Kalgoorlie LAP.

Paragraph 23 (c) requires the ACMA to have regard to the number of existing services and the demand for new broadcasting services within a licence area. The current Kalgoorlie LAP makes four national services, two commercial services, two community radio broadcasting services and one open narrowcasting service available at Kalgoorlie. The two planned community broadcasting services have yet to be allocated, although one of the services is currently being operated under a temporary community broadcasting licence. The Kalgoorlie LAP also makes available one national and one commercial radio broadcasting translator service at Kambalda.

In considering whether to plan for new HPON services at Kalgoorlie and Kambalda, the ACMA has considered whether there is any interest in providing additional open narrowingcasting services at Kalgoorlie and Kambalda.

In August 2007, Racing and Wagering Western Australia (RWWA), the licensee of HPON services operating in various locations in Western Australia, requested that the ACMA consider making available spectrum for new HPON radio services at Kalgoorlie and Kambalda.

RWWA currently operates an all racing service on a 1 watt low powered open narrowcasting service in Kalgoorlie on FM frequency 88 MHz.

---

4 2006 Census data.
5 2006 Census data.
**Channel Capacity**

The ACMA is required to have regard to technical restraints relating to the delivery and reception of broadcasting services in the Kalgoorlie and Kambalda area (paragraphs 23 (c) and (e) of the BSA).

The ACMA has considered whether channel capacity exists in the FM band in Kalgoorlie and Kambalda for the provision of new HPON services. The ACMA has identified that 104.3 MHz at Kalgoorlie and 106.7 MHz at Kambalda are available and suitable for HPON services and that the use of these frequencies will not limit the ACMA’s planning options in the future.

The estimated coverage of the proposed HPON services is illustrated in the attached maps at Appendix 1.

**Allocation Process**

The ACMA uses a price-based allocation system to allocate licences to provide HPON services that have been made available in LAPs.

Licences are allocated to the highest bidder or, if there is only one applicant, the licence is allocated at the reserve price (subject to the requirements of the BSA and the Radiocommunications Act 1992 and the determination which governs the system), following payment in full.

**Conclusion**

The ACMA considers RWWA’s request of August 2007 to demonstrate an expressed demand for new HPON services at Kalgoorlie and Kambalda and also believes that if it were to make channel capacity available for new HPON services, it is likely they would be taken up.

The ACMA is of the preliminary view that making channel capacity available for HPON services in Kalgoorlie and Kambalda is likely to promote the objects of the BSA, in particular the availability of a diverse range of services (paragraph 3 (1) (a) of the BSA).
The ACMA proposes to increase the maximum ERP of the planned community radio broadcasting service with the service licence number SL10334 from 1kW to 6kW. It is proposed that this service operate on:

- 99.5 MHz from Broadcast Site, Peters Hill, 4km NW of Kalgoorlie, KALGOORLIE with a maximum ERP of 6 kW with an OD antenna pattern.

The ACMA also proposes to extend the Kalgoorlie RA2 licence area to include Kurrawang and redefine the new boundaries of the licence area using 2006 Census data. It is proposed to designate Kalgoorlie RA2 to be the licence area for both community radio broadcasting services.

The ACMA also proposes to remove the Kalgoorlie RA3 licence area from the Kalgoorlie LAP.

Background
The Kalgoorlie LAP makes two community radio broadcasting service available at Kalgoorlie, one in the Kalgoorlie RA2 licence area and one in the Kalgoorlie RA3 licence area. The Kalgoorlie RA2 service was to operate on 99.5 MHz with a maximum ERP of 1 kW, with the Kalgoorlie RA3 service was to operate on 96.3 MHz with a maximum ERP of 6 kW.

Discussion
In performing its functions under Part 3 of the BSA, the ACMA is to promote the objects of the Act including the economic and efficient use of radiofrequency spectrum, and have particular regard to the criteria set out in section 23 of the BSA.

The ACMA is proposing to increase the maximum ERP of the planned community radio broadcasting service with the service licence number SL10334 to operate at a maximum ERP of 6 kW.

When the Kalgoorlie LAP was determined in 1996 the planned community radio broadcasting service with the service licence number SL10334 was limited to a maximum ERP of 1 kW to avoid interference to the television service operating on channel 5 at Kambalda. Channel 5 has now been cleared, making it possible for this service to operate at the higher maximum ERP of 6 kW. As a consequence of the increase in ERP, this service will now match the coverage of the community radio broadcasting service with the service licence number SL10334. It is therefore proposed to designate Kalgoorlie RA2 to be the licence area for both Kalgoorlie community radio broadcasting services (SL 10334 & 10341) and remove Kalgoorlie RA3 from the Kalgoorlie LAP.

The Kalgoorlie RA3 licence area currently incorporates the towns of Kurrawang (17 km south west of Kalgoorlie) and Coolgardie (35 km south west of Kalgoorlie). Coverage predictions indicate that 6 kW ERP for both planned community radio broadcasting services would provide coverage to Kurrawang but not Coolgardie. Therefore, it is proposed to include Kurrawang but not Coolgardie in the new Kalgoorlie RA2 licence area.

Conclusion
Having regard to the above matters, the ACMA considers that increasing the maximum ERP for the planned community radio broadcasting service with the service licence number SL10341 will represent an economic and efficient use of radio frequency spectrum.

The ACMA is also of the view that the Kalgoorlie RA3 licence area should be removed from the Kalgoorlie LAP and the Kalgoorlie RA2 licence area should be designated to be the licence area for both Kalgoorlie community radio broadcasting services (SL 10334 and 10341) as outlined above.
The ACMA proposes that the Kalgoorlie RA1 licence area be redefined by using 2006 Census data, but otherwise remain unchanged.

The licence area for the commercial radio broadcasting services in Kalgoorlie is currently described using boundaries from the 1991 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 commercial licence area Kalgoorlie RA1 be redefined using 2006 Census data.
Preliminary View – Minor Amendments

The ACMA proposes to update schedules and attachments in the Kalgoorlie LAP to improve drafting, to update information and to remove unnecessary text.

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 Kalgoorlie LAP.

The proposed amendments delete and insert information, included for reference only, that do not form part of the Kalgoorlie LAP and which may be obsolete or create confusion. The ACMA does not intend these minor amendments to alter any existing rights or obligations. The ACMA 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 and Schedule Two include removing the words “- September 1996” from the headings. This information was included for ease of reference only, but may be confusing.

The proposed change to the determination to the Kalgoorlie LAP numbers each of the paragraphs in the determination consecutively as clauses (1), (2), (3) and adds a new clause (4) into the determination that will ensure it refers to schedules and attachments that have been amended from time to time by the ACMA. All text appearing immediately under the heading “SCHEDULES” in the Kalgoorlie LAP (including the heading itself) will also be removed. The information was previously included for reference only, but may be confusing.

The changes to the attachments include adding the words “Kalgoorlie Radio” after the words “LICENCE AREA PLAN” to the heading in each attachment. The ‘site tolerance’ has also been updated 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 that the Kalgoorlie LAP refers to the full title of this relevant legislative instrument. The nominal location of each transmitter site name has also been updated to reflect the 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 antenna height at Attachment 1.10, Attachment 1.11, Attachment 1.12 Attachment 1.13, Attachment 1.14, Attachment 1.15, Attachment 1.16 and Attachment 1.17 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 these services.