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

MARCH 2010
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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: lais@acma.gov.au

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

By fax: (02) 6219 5347


Contact details for submissions:

Email: lais@acma.gov.au
Telephone: Megan Wynnik on (02) 6256 2827

The closing date for submissions is 5.00 pm, 30 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 Perth Radio – No.1 of 2010 (Perth LAP).

In October 2001, the Australian Communications and Media Authority’s (ACMA) predecessor, the Australian Broadcasting Authority (ABA) determined the Perth LAP. At that time the ABA determined that seven wide-coverage community radio broadcasting services and four high power open narrowcasting radio services were to be available in the Perth RA1 licence area. The Perth RA1 licence area covers metropolitan Perth and its outer suburbs.

In November 2006, the ACMA varied the Perth LAP to make channel capacity available for a new community radio broadcasting service to serve the Perth city area. The licence area for this service is Perth RA2, covering only the inner suburbs of metropolitan Perth.

The ACMA has now formed a preliminary view that a further additional high power open narrowcasting (HPON) service should be made available in Perth using the FM band of the radiofrequency spectrum. However, the ACMA recognises that making an additional HPON service available would be at the expense of a possible future Perth RA2 community radio broadcasting service and seeks views on this proposal.

The draft variation also makes some minor amendments to improve and simplify drafting and remove obsolete information, and further proposes to update the licence area definitions in the LAP so that the licence areas 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 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 BSA, 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),

> 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 ABA’s General Approach to Analog Planning when it considers the planning of broadcasting services in analog mode. 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.

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2 One on the AM band and six on the FM band.
3 Two on the AM band and two on the FM band.
The ACMA proposes to vary the Perth LAP to make an additional high power open narrowcasting (HPON) radio service available in Perth in place of the Perth RA2 community radio broadcasting radio service. The service is proposed to operate as follows:

- At a frequency of 90.5 MHz from Mills Road, GOSNELLS with a maximum effective radiated power (ERP) of 5 kW with a directional antenna (DA) radiation pattern and vertically polarised with a maximum antenna height of 15 m.

Background

As discussed in the Legislative Framework, 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, such open narrowcasting formats 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 areas.

The ABA determined the Perth LAP in October 2001. In the LAP, the ABA decided that four open narrowcasting radio services were to be made available in Perth, two on the MF-AM band and two on the FM band. The two Perth-wide open narrowcasting radio services operate on 657 kHz and 1206 kHz with a maximum ERP of 2 kW, and the two Perth city only open narrowcasting radio services operate on 103.3 MHz and 104.9 MHz with a maximum ERP of 50 W.

The ABA also determined that channel capacity be made available for seven wide-coverage community radio services in Perth.

In November 2006, the ACMA varied the Perth LAP to make channel capacity (90.5 MHz with a maximum ERP of 500 W) available for a new community radio broadcasting service to serve the Perth city area. The licence area for this service is Perth RA2, covering only the inner suburbs of metropolitan Perth. Capital Community Radio Incorporated (CCR) currently provides a community radio broadcasting service in the Perth RA2 licence area.

In November 2009, the ACMA allocated the long-term community broadcasting licence to operate on 101.7 MHz with a maximum ERP of 10 kW in the Perth RA1 licence area to CCR. CCR will surrender its Perth RA2 licence before it is allocated the licence for the larger Perth RA1 licence area.

Planning criteria

When planning the use of the broadcasting services bands, the ACMA is required to promote the objects of the BSA, including the availability throughout Australia of a diverse range of radio (and television) services and the economic and efficient use of the radiofrequency spectrum. Paragraph 23(c) of the BSA requires the ACMA to have regard to the number of existing broadcasting services and the demand for broadcasting services within a licence area, within neighbouring licence areas and within Australia generally. With these objects in mind, and noting that the Perth area is well served by community radio services with six (increasing to seven when CCR
commences its service on 101.7 MHz) specialist Perth-wide services and four local
coverage services serving the community interest of the general geographic area), the
ACMA decided to reassess the number of community radio broadcasting services that
are available in Perth.

There are also existing open narrowcasting radio services operating in Perth. There
are two AM MF band HPON radio services. The coverage area of these transmissions
is defined as the Perth RA1 licence area. There are two FM band HPON radio
services with a smaller coverage of the Perth city area only.

After reviewing the use of the spectrum to be vacated by CCR in Perth RA2, the
ACMA is now of the preliminary view that another open narrowcasting radio service
should be made available in Perth using the FM frequency 90.5 MHz, recognising that
it would mean one less community radio broadcasting service available.

Interest in the provision of open narrowcasting radio

The ACMA has received an expression of interest from an aspirant service provider to
use 90.5 MHz for an HPON service in Perth. The ACMA has no competing channel
requirements from other categories of radio service for 90.5 MHz.

Channel capacity

Paragraph 23(e) of the BSA requires the ACMA to have regard to the technical
restraints relating to delivery and reception of broadcasting services.

In forming its preliminary view, the ACMA considered the technical restraints on
planning an HPON radio service on 90.5 MHz from the proposed site at Mills Road,
Gosnells, WA with a 5 kW directional radiation pattern.

The ACMA’s engineering assessment indicates that the proposed HPON radio service
has potential to cause interference to the reception of the commercial television
broadcasting service SSW3 Bunbury. As a result, the maximum ERP of the proposed
HPON radio service would be limited to 250 W in the sector 50° T - 220° T to protect
the reception of SSW3 in the Mandurah/Pinjarra and surrounding areas within the
South West and Great Southern TV1 licence area.

The ACMA’s engineering analysis also shows that reception of the proposed HPON
service may receive fourth adjacent channel interference near the transmitter site of
the community radio broadcasting service 6PCR in Fremantle operating on 91.3 MHz.

The proposed HPON radio service also has the potential to cause interference to the
reception of the Perth Seven Network commercial television broadcasting service on
its digital channel TVW6 and its analog channel TVW 7 in areas near the FM
transmission site in Mills Road Gosnells. If during the ‘start up’ transmissions
interference is identified, the licensee is responsible for rectifying it in accordance with

Estimated Field Strength Contour

The predicted coverage map of the proposed HPON transmission of the proposed
HPON radio service is illustrated in the attached map at Appendix A.

Allocation process

The ACMA uses a price-based allocation system to allocate transmitter licences to
provide open narrowcasting 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 or the
Radiocommunications Act 1992 (as applicable) and the determination that governs the
system), following payment in full.

Conclusion

For the reasons given above the ACMA is of the opinion that making 90.5 MHz
available for an HPON radio service in Perth is likely to promote the object at
paragraph 3(1) (a) of the BSA, and the economic and efficient use of the radiofrequency spectrum.
Preliminary View – Licence Areas

The ACMA proposes that the commercial and community licence areas be redefined by using 2006 census boundaries, but otherwise remain unchanged.

The licence areas for the commercial and community radio broadcasting services in the Perth LAP are currently described using boundaries from the 2001 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 and community licence areas in the Perth LAP be redefined using 2006 census boundaries. The ACMA also proposes to remove the Perth RA2 licence area from the Perth LAP.