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6 November 2020

The Manager
Broadcasting Carriage Policy Section
Spectrum Management Policy Branch
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

Sent by email: BCP@acma.gov.au

Dear Manager

Nambour RA1 Licence Area

Sunshine Coast Broadcasters Pty Limited, a wholly owned subsidiary of EON Broadcasting Pty Limited, is the holder of two commercial radio broadcasting licences in the Nambour RA1 licence area, which, as you would be aware, is contiguous with and adjacent to the Brisbane RA1 licence area.

We have become aware of the ACMA's "Consultation Paper" of September 2020, entitled "**Proposal to vary the Queensland DRCP and declare a foundation DRMT licence for the Gold Coast**".

The Consultation Paper says that "the ACMA welcomes comment from interested stakeholders on the issues raised in this paper or any other issues relevant to digital radio in Brisbane and the Gold Coast." We do not have any comment on the Gold Coast proposal but do have comment on, in fact we have an objection to, what appears to be a separate proposal from the Gold Coast proposal and which arises from an apparently separate matter under which the ACMA proposes to make changes to the technical specifications for DRMTs for the Brisbane RA1 licence area which have a material adverse effect on the Nambour RA1 licence area.

Your Paper states:

"The ACMA has previously consulted in 2016 on a proposal to vary the Queensland DRCP to allow greater ERP levels to improve coverage in the Brisbane area. In response, the ACMA received objections to the proposal from commercial radio broadcasting licensees that provide commercial radio broadcasting services in licence areas adjacent to the Brisbane area. The objections concerned the potential for increased overspill of digital radio transmissions into those adjacent licence areas, among other things."

One of those submissions was made by us and we note that, other than an acknowledgement of receipt of our objection, we have never received any response to the concerns set out in that submission. We are, therefore, surprised and disappointed that the ACMA now propose to move forward with this proposal without any response, notice or consultation with EON Broadcasting.

Indeed the proposed power and antenna pattern in the current consultation are virtually identical to that proposed in 2017 with no restriction in power towards the north, as stated 50 kW ERP from 290° to 125°T, as compared to 2017 which stated 50 kW ERP from 290° to 220°T. This shows that there has been no change in power towards the Nambour RA1 while there has been a reduction towards the Gold Coast of approximately 3 dB.

The reason for our objection

As the holder of a commercial broadcasting licence we consider that we should be provided with the capacity to broadcast in our licence area without undue interference from licence holders from adjacent licence areas. We accept that the Brisbane licensees are entitled to serve their licence area but this must be accommodated with caution and with high regard to the impact on neighbouring licence areas, including the Nambour RA1 licence area. This issue has been a constant objection of Sunshine Coast Broadcasters.

We understand the principle of inadvertent or fortuitous overspill but contend that the proposal will, if implemented, mean that the Brisbane DAB+ broadcast power unduly and inappropriately extends into the Nambour RA1 licence area. It will be far more than inadvertent overspill and is a thinly disguised way of achieving coverage in a growing area between Brisbane and Maroochydore. Already, our listeners are subjected to strong FM and DAB+ broadcasts across our licence area. Brisbane DAB+ signals can already be heard clearly in Maroochydore, which is in the middle of the Nambour RA1 licence area.

The proposed DRCP variation will significantly increase the Brisbane DAB+ signal throughout our licence area but particularly in the segment that is contiguous with Brisbane and we consider it to be a fundamental infringement of our exclusive right to broadcast in the Nambour RA1 licence area (with the other Nambour RA1 licence holder).

There are at least 47 DAB+ radio services operating in Brisbane offering many genres of services. To inflate the problem faced by Sunshine Coast Broadcasters there are also 19 analogue radio services in Brisbane, many of which currently also overspill into the Nambour market and are duplicated in DAB+.

The ACMA's justification for the proposal

You are of course aware of your justification for this proposal. So far as we understand it, you consider that the interests of 141,000 to 242,000 in the Brisbane RA1 licence area will receive better coverage compared to the 17,000 to 44,500 people in the Nambour RA1 area who will receive interference of overspill.

We do not accept that this data is correct because the actual penetration of the Brisbane DAB+ signal will be greater than is theoretically modelled. This can be demonstrated by comparing the penetration today of the Brisbane DAB+ penetration into Nambour RA1 area as compared to the theoretical penetration.

The overspill analysis in the consultation paper is generalised to the total overspill only stating an estimated 17,000 to 44,500, an analysis which appears to exclude the impact of the Mt Mee repeater. Our analysis indicates that the expected overspill, at the reference level of 54 dBuV/m at Rx height of 1.5 m, is 25,400 without Mt Mee and over 30,000 with Mt Mee when it operates at its full specified power of 500W. Hence we contend that the vast majority of the overspill will occur in the Nambour only part of the Nambour RA1 licence area. Our estimate corresponds well with the previous ACMA analysis which indicated overspill of 23,890 which corresponds to 5.3%¹ of the Nambour RA1 population in 2016. Due to increased population in the suburban growth areas south and west of Caloundra this percentage is reasonably expected to increase.

¹ See Table 5 of the ACMA document "Engineering Report-DRCP-Brisbane-Jan2017 for distribution"

This analysis is supported by recent drive field tests conducted by EON which clearly showed that current vehicle reception has significant overspill with measurements indicating good uninterrupted reception up to Palmview which is over 25 km north of the Brisbane RA1 boundary. These measurements were made using a Subaru Forester vehicle with a “sharks fin” antenna which are known to have low gain relative to whip antennas with which many vehicle are fitted. Indeed the proposed addition of over 10 dB of ERP will extend the vehicle grade coverage area many kilometres north and into the main population centres in the Nambour RA1.

Further, we do not accept that the mere fact that more people are benefitted in one licence area compared to the people detrimented in the contiguous area is a valid or definitive criterion for the decision making process and that any decision based simply on that consideration is flawed. This is especially the case where, as we submit in this case, there are valid alternatives which should be considered by the ACMA.

Our proposed alternatives

We have attempted commercial agreement with the Brisbane licence holders through the meetings with the Brisbane JVC facilitated by Commercial Radio Australia (CRA) without success. We have made a number of alternative proposals for consideration but they have rejected all proposals other than their preferred outcome which is apparently the one advocated by the ACMA in the current consultation.

Accordingly, we engaged the advice of Dr Les Sabel of S-Comm Technologies Pty Ltd to compile some alternatives and to prepare a submission to ACMA on this proposal. That report is attached.

The S-Comm report outlines suggested approaches which could be used to fulfil the Brisbane broadcasters rights to cover the overlap area of Caboolture shire while limiting overspill in the Nambour exclusive area at virtually no cost in addition to that required for the update of the Mt Coot-tha antenna. There are also other alternatives which could be employed to ensure all parties will receive appropriate coverage and limit overspill. The Brisbane JVC has elected not to engage in further discussions on these alternatives.

Commercial detriment to EON Broadcasting

EON Broadcasting Pty Limited considers that it is likely to suffer significant economic loss if the ACMA proceed with the proposed variation to the DRCP. We believe that the proposed variation significantly undermines the value of the exclusive rights inherent in the holding of a commercial radio broadcasting licence in a dedicated licence area and for which we paid a significant premium. We believe that that part of the population of our licence area that will now receive the strong “overspill” Brisbane signal are lost to us as listeners.

We reserve our rights in all regards in respect of this decision.

Yours faithfully



John Williams
Chief Executive Officer
EON Broadcasting Pty Limited