



The proposal to increase flexibility in the TPGs, LCD and radio LAPs so that broadcasters can make small technical changes (such as slight moves in antenna location, height or power) without a formal variation process should be rejected in its current form. While reducing unnecessary burden is a valid goal, the risks outweigh the benefits, particularly given existing weaknesses in LAP planning across south-east Queensland, the essential role of paperwork in accountability, the broader policy implications of allowing largely centralised commercial broadcasters to effectively set the terms of spectrum use with reduced government oversight, and the structural imbalance created by the current infill-licence approach.

1. Scope and identified issues – south-east Queensland LAPs already show poor optimisation

The consultation's scope (TPGs, LCD and radio LAPs) is too narrow to safely allow broad "small movement" flexibility. In **Sunshine Coast and Gympie LAPs**, infill licences have already been granted on frequencies that could arguably have been freed up if existing commercial stations had been moved or re-planned earlier. The same problem is visible across the **Brisbane, Ipswich, Gold Coast and Beaudesert LAPs**, where multiple infill transmitters now operate in a patchwork of frequencies that could likely have been rationalised with better initial planning.

For example, stations such as **Rebel Radio and Breeze FM** are already broadcasting on **multiple infill frequencies** across these licence areas. In many cases, modest, properly assessed tweaks to their primary or infill transmitters (frequency, site, height or power) could provide **greater and more efficient coverage** than the current scattered approach. Instead, new infill licences are layered on top of sub-optimal plans, locking in complexity and interference risk.

There are also reported cases where community stations (for example, it is alleged **Bay 100.3 FM Community**) are operating 2 meters **higher than licenced** in order to cover more of Brisbane.

Rather than regularising this through a transparent LAP variation and technical assessment, the current approach effectively tolerates non-compliance, which undermines confidence in the planning process.

The real issue is not just “too much paperwork”, but **sub-optimal LAP design and inconsistent enforcement**. Allowing unapproved micro-changes now will lock in those poor decisions and make future infill and new services even harder to fit.

2. Minimum coverage and overspill criteria – “creep” will worsen already-tight LAPs

Relaxing minimum coverage and overspill rules to allow small, unapproved changes risks a slow “creep” in transmitter parameters. LAPs depend on **fixed coordinates, heights and power levels** to prevent interference. If each station can shift a metre or two, or tweak power, without oversight, those small moves accumulate over time, changing coverage and overspill in ways that were not assessed when the LAP was made.

In already-tight or poorly planned LAPs such as **Brisbane, Ipswich, Gold Coast, Beaudesert, Sunshine Coast and Gympie** this can quickly create **unusable spectrum** and block future infill licences. The existence of multiple infill transmitters for stations like Rebel and Breeze shows how fragmented the band has become; unchecked flexibility will make that fragmentation worse, not better.

Any review of coverage and overspill criteria should maintain a requirement that changes which could affect interference or future planning must go through a documented variation process.

3. Alignment between TPGs and LCD, and across service types – fairness across commercial, community and narrowcast

If flexibility is introduced for commercial licences, it must be **equally available** to community, narrowcast, MFNAS and government services. Otherwise, we create a two-tier system where large commercial operators can continuously optimise their sites, while smaller operators, community large and small including MFNAS and Narrowcasters remain locked into rigid, sometimes outdated specs.

Given that some LAPs (including **all Capital Cities and Regional**) already appear to have favoured existing commercial allocations and allowed a patchwork of infill solutions and overlap, giving commercial broadcasters more informal flexibility would entrench those imbalances.

Community stations like Bay FM, which is alleged to be already stretching their authorised parameters to serve their communities, should not be left in a position where they are effectively “tolerated” while others are formally optimised by this change.

Alignment between the TPGs and LCD is desirable, but it must not come at the cost of weaker accountability or unequal treatment across service classes.

4. Clarity, exemptions and emergency use – targeted, documented flexibility only

The TPGs and Framework do need greater clarity, and there is a strong case for specific exemptions to support **emergency and standby transmissions** that cannot meet normal criteria. However, these should be:

- Clearly defined (when they apply, for how long, under what conditions).
- Limited to genuine emergency, disaster-recovery or temporary infill scenarios.
- Still subject to notification or post-event reporting so the ACMA and other licensees know what changed and why.

A general “you can move a bit without asking” rule is not the right tool for this, especially in licence areas where multiple infill transmitters already exist and the spectrum is heavily utilised. If sites had been properly managed this rule would not be required.

5. Paperwork is accountability, not just burden

The consultation frames paperwork (LAP variations, notifications, forbearance requests) as an administrative burden to be reduced. In reality, this paperwork is a **core accountability mechanism**:

- It creates a clear, time-stamped record of **who changed what, when, and why**.
- It allows the ACMA, other licensees, and the public to see how the spectrum is being used and whether changes are causing interference.
- It ensures that every licensee—commercial, community, narrowcast or government—is answerable for technical choices that affect everyone else’s service.

Removing or weakening that documentation does not reduce regulation; it makes it **less transparent and harder to enforce**, which ultimately harms good operators and protects bad ones. Across Australia, where stations are already operating on multiple infill frequencies and, in some cases, above authorised heights, strong paperwork and variation processes are essential to bring order to the band.

6. Commercial centralisation and the risk of private control over public spectrum

Allowing greater flexibility without robust government oversight effectively lets **centralised commercial radio (and potentially TV) interests dictate the terms of spectrum use**. This has larger ramifications than are currently on the table:

- **Commercial radio is highly centralised**: programming and decision-making are dominated by network head offices, with **local content often making up less than 5% of the broadcast week** and heavily concentrated in networked strips.

- In this environment, technical “flexibility” is likely to be used first and most aggressively by large network operators to **optimise coverage and reduce costs** at a system level, not to enhance local service quality.
- Community, narrowcast and small independent operators do not have the same engineering resources or negotiating power, so they cannot respond in kind. Over time, this shifts the **effective control of the public spectrum** towards a small number of commercial network players, even though the spectrum is a public asset that should be managed in the public interest.
- If similar flexibility were later extended to television, the same dynamic would apply: large network operators could incrementally reshape coverage footprints without meaningful public scrutiny or local input.

This is not just a technical issue; it is a **media-policy and democracy issue**. Weakening the variation process and reducing ACMA’s granular oversight in favour of “light-touch” flexibility risks handing de-facto planning power to centralised commercial operators, while local communities and smaller licensees lose influence over how the spectrum is used.

7. Infill licences vs “brute-force” power increases – a structural imbalance

A wiser long-term decision would be to **reduce reliance on infill licences** and instead allow existing transmitters to **increase power or improve antenna height in a controlled, assessed way** to cover areas that were sparsely populated or not considered important when the original licences were granted. The current approach creates a **complete imbalance**:

- When many LAPs were first designed, commercial broadcasters focused on **major population centres**, leaving smaller or emerging communities under-served.
- Rather than revisiting those original allocations and allowing targeted power/height increases where appropriate, the ACMA has layered on **multiple infill licences** to patch the gaps.
- This results in a fragmented spectrum: many low-power infill transmitters on different frequencies, each with their own interference footprint, instead of a smaller number of well-planned, higher-powered main transmitters that could cover the same (or larger) areas more efficiently.
- The burden of this patchwork falls disproportionately on community and narrowcast operators, who must navigate a crowded band and complex interference environment created by historical commercial planning decisions.

If flexibility is to be introduced, it should prioritise **rationalising infill transmitters** and, where technically sound, allowing **controlled power/height increases** on existing sites to “brute-force” coverage into areas that were previously ignored, rather than perpetuating an ever-growing web of infill licences. This would simplify the band, reduce interference risk, and create a fairer starting point for all service types.

8. Risks of increased flexibility – illustrated by current LAP problems

The risks of increasing flexibility in the TPGs and radio LAPs include:

- Higher likelihood of **harmful interference**, especially in crowded or poorly planned LAPs like Brisbane, Ipswich, Gold Coast, Beaudesert, Sunshine Coast, Toowoomba, Beaudesert and Gympie.
- More complaints and investigations, potentially leading to **heavier-handed regulation later** to fix problems that could have been prevented.
- Greater uncertainty for all licensees about what is allowed, because “small change” allowances are inherently vague.
- Entrenchment of existing planning weaknesses by allowing gradual drift away from the originally planned parameters, while stations like Rebel, Breeze and others continue to operate on multiple infill frequencies that could have been rationalised with proper planning.
- Normalisation of de-facto non-compliance (e.g. stations running higher than allowed) instead of fixing the underlying LAP and variation process.
- A long-term shift in **who effectively controls spectrum planning**: from the ACMA and the public interest, towards centralised commercial networks that can exploit flexible rules more aggressively than local or community operators.
- Perpetuation of an **imbalanced model** that favours adding more infill licences over properly re-engineering existing transmitters to serve under-covered areas.

9. Recommended approach – proper planning, equal flexibility, strong accountability and public oversight

Instead of broad, lightly-documented flexibility, the ACMA should:

- Keep a **mandatory variation or notification process** for any change that could affect interference, coverage, overspill, or future LAP options.
- Define any “minor change” tolerances very precisely (exact limits on location, height, power, and frequency of changes).
- Ensure any flexibility is **available equally** to all licence types: commercial, community, narrowcast, MFNAs and government.

- Prioritise **proper reviews and re-planning** of LAPs that have shown weaknesses—specifically **Sunshine Coast, Gympie, Brisbane, Ipswich, Gold Coast, Toowoomba and Beaudesert**—to rationalise infill frequencies (including those used by Rebel, Breeze and similar stations) and regularise any over-height or over-power operations (such as reported Bay FM operations) through transparent variations.
- Consider a **strategic shift away from proliferating infill licences** towards rationalising existing transmitters and, where technically justified, allowing **controlled power/height increases** to cover areas that were previously under-served.
- Introduce targeted, clearly bounded exemptions for emergency and standby transmissions, with required reporting.
- Recognise that **technical planning rules are a key lever of media policy**: in a highly centralised commercial radio environment, strong government oversight and transparent paperwork are essential to ensure that spectrum use serves local communities and the public interest, not just network efficiency.

Paperwork is not the enemy; it is the backbone of a fair, transparent and enforceable spectrum regime. Any move to reduce it must not come at the cost of accountability, especially in LAPs that have already demonstrated the consequences of weak planning, fragmented infill solutions, and the risk of centralised commercial interests effectively setting the terms of spectrum use.