ACMA’s approach to broadcast planning and varying licence area plans

Overview and policy guidelines

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About this paper

This paper explains our general approach to planning for broadcasting services in the broadcasting services bands (BSBs)[[1]](#footnote-2) and how we make broadcast planning decisions for both television and radio.

We explain how our planning decisions for television and radio services can promote the social and economic objectives set out in the *Broadcasting Services Act 1992* (the BSA). We also explain the assumptions we make and the approaches we take to achieve this.

We take a similar general approach to planning both radio and television. However, most of our current planning work involves planning for analog and digital radio.

There are several reasons for this. The planning for digital television was completed in 2014 and, unlike the planning instruments for analog radio, the instruments for digital television do not contain detailed technical specifications. This means that new television transmitters and changes of parameters for existing television transmitters can be done at the licensing level.

Because of this, most of the discussion in this paper focusses on radio, rather than television. However, we provide general information about how we make planning decisions for television to assist industry make requests to vary planning instruments (television licence area plans) and to apply to retransmit services and for technology trials.

If further planning work for digital television is required in the future, we will update this paper and provide information to assist industry with our approaches and requirements.

This paper also sets our current broadcast planning priorities for analog and digital radio. We will update this paper as our broadcast planning priorities change.

We are consolidating a number of previous planning policy documents[[2]](#footnote-3) and updating them to reflect the ACMA’s findings and outcomes from the [future delivery of radio report](https://www.acma.gov.au/publications/2020-03/report/future-delivery-radio) released in early 2020.

We established the Future Delivery of Radio Project to ask Australian broadcasters and audio content providers about emerging technologies, the impact on their businesses and the choices these create for the radio industry, including how radio will be delivered to audiences in the future.

In response to what we learned, we examined how to adapt our radio broadcast spectrum planning approaches so that our planning activities are directed towards those that best assist industry and listening audiences through its gradual transition to digital delivery.

Our conclusion was to prioritise the provision of spectrum to best assist broadcasters to serve the Australian community.

Our priorities include:

The continued transitioning of commercial, community and national services in regional areas from AM to FM where spectrum is readily available.

Arrangements to allow further rollout of digital radio where feasible.

Coverage improvements for national, commercial and community broadcasting where spectrum is available.

Support for trials of new types of broadcasting technology.

These priorities now guide our broadcast planning work. Each year we consult further with the broadcasting industry on our annual work program through our [five-year spectrum outlook](https://www.acma.gov.au/five-year-spectrum-outlook) (FYSO).

Through this paper, we refer to our policies for particular planning decisions, which include:

[principles for planning AM to FM conversion in regional licence areas](https://www.acma.gov.au/publications/2017-11/guide/am-fm-conversion-and-requests-fm-fill-transmitters)

[the retransmission of broadcasting services](https://www.acma.gov.au/retransmit-tv-channels)

[temporary community broadcasting licences](https://www.acma.gov.au/publications/2014-03/guide/temporary-community-broadcasting-licence-guidelines)

[special events policy guidelines](https://www.acma.gov.au/publications/2016-06/guide/special-events-policy-guidelines).

# Part 1 – How we plan broadcasting services

In this part, we set out the legal framework that governs how we approach making broadcast planning decisions.

## Overview of the broadcast planning framework

### Broadcasting in the BSB

We plan broadcasting services in the BSB in accordance with the specific broadcast spectrum planning provisions of Part 3 of the *Broadcasting Services Act 1992* (the BSA), rather than the general spectrum and market efficiency principles of the *Radiocommunications Act 1992* (the RA).

We are required to plan broadcasting services on an area basis. We do this by making licence area plans (LAPs) under section 26 of the BSA. LAPs set out the number and type of different broadcasting services in a licence area.

Radio LAPs include the technical specifications for each transmitter used to deliver the service. Whenever we plan a new radio service in a licence area, we need to vary the LAP for the area. Also, when we change the technical specifications of an already planned radio service, we need to vary the relevant radio LAP.

Planning for digital television was completed in 2014. Television licence area plans ­ or TLAPs ­ do not include all of the technical specifications of the transmitters used to deliver the service, which means we often do not need to vary TLAPs when technical specifications change – instead, we can solely vary the relevant transmitter licence.

Subsection 26(2) of the BSA gives the ACMA a discretionary power to vary LAPs. Existing radio broadcasters can request that we vary a LAP to change the technical characters of their transmitters or to plan for a new transmitter within their licence area. Prospective radio broadcasters can also request we plan for new services. However, there is no statutory right to apply for a variation to a LAP.

If we receive a request to vary a LAP, we conduct an initial assessment of the request as part of the ACMA’s incidental powers and functions under paragraph 10(1)(s) of the *Australian Communications and Media Authority Act 2005* (ACMA Act). Our general approach to assessing requests is set out in Part 3 of this paper.

Under section 33 of the BSA, we are required to make guidelines for the technical planning of individual services that use the BSBs. The [Broadcasting Services (Technical Planning (Guidelines) 2017](https://www.legislation.gov.au/Details/F2017L01290) (the TPGs) contain mandatory technical requirements for broadcasters when planning and operating new transmission facilities or proposing changes to existing facilities. The TPGs inform broadcasters how they are to apply the specifications in LAPs.

Under section 34 of the BSA, the ACMA can also make spectrum available on a temporary basis outside the LAP process where the spectrum is planned in LAPs but not yet needed.

When we make or vary LAPs under section 26, develop the TPGs under section 33, or make spectrum available under section 34, section 23 of the BSA requires us to:

Promote the objects of the BSA including the economic and efficient use of spectrum – see below.

Have regard to a range of matters listed in section 23, which we call the planning criteria – see below.

We are also required to take in account how Parliament intends us to use our powers and functions – as set out in sections 4 and 5 of the BSA.

Section 4 states it is Parliament’s intention that broadcasting services be regulated in a manner that, in the opinion of the ACMA:

Enables public interest considerations to be addressed in a way that does not impose unnecessary financial and administrative burdens on providers of broadcasting services.

Will readily accommodate technological change.

Encourages the development of broadcasting technologies and their application, and the provision of services made practicable by those technologies to the Australian community.

Section 5 provides that, in order to achieve the objects of the BSA in a way that is consistent with the regulatory policy in section 4, we are to:

monitor the broadcasting industry

use our functions and powers under Part 3 in a way that, in our opinion, produce regulatory arrangements that are stable and predictable.

Our decision-making is also subject to ministerial direction. Section 14 of the ACMA Act provides that the Minister for Communications may give written directions to the ACMA in relation to the performance of its functions and the exercise of our powers. Subsection 26(8) of the BSA gives the Minister a specific power to direct us about the exercise of its powers to make or vary a LAP for a particular area, and section 31 gives the Minister the power to notify the ACMA that capacity in the BSBs is to be reserved for a specified number of national broadcasting services or community broadcasting services. We also take into account government policy.

### Digital radio broadcasting

The planning framework for digital radio is split between the RA and the BSA. Digital Audio Broadcasting (DAB+) uses spectrum in VHF television Band III. Certain radio broadcasting services already licenced to provide AM or FM radio services in a particular licence area can access capacity on the digital radio multiplex transmitter (DRMT) licences to provide digital radio services in that licence area, where digital radio has been planned. DRMT licences are allocated under the provisions of the RA, with the foundation licences for a licence area generally issued to joint ventures of incumbent broadcasters in a particular licence area.

DAB+ digital radio was launched by all commercial and public service broadcasters in Sydney, Melbourne, Brisbane, Adelaide, and Perth in August 2009. DAB+ digital radio services launched in Hobart in April 2019, Darwin in May 2019, followed by Canberra in July 2019 and Mandurah in December 2019.

We completed channel allotment planning for regional digital radio in 2018. We propose to make digital radio channel plans (DRCPs) under section 44A of the RA for licence areas where a current commercial radio licensee or a national broadcaster are committed to providing digital radio services. DRCPs allot frequency blocks for use by DRMT licensees in each licence area. DRCPs also determine the number and types of DRMT licences to be issued and the technical specifications of the DRMTs operated under those licences.

### Broadcasting outside the BSB

The [*Australian Radiofrequency Spectrum Plan 2017*](https://www.acma.gov.au/australian-radiofrequency-spectrum-plan) (Spectrum Plan) provides that broadcasting can take place outside the BSB in bands without a broadcasting allocation in the Spectrum Plan, such as in the medium frequency Narrowband Area Services (MF NAS) band which is located directly above the AM band, and in frequency bands used by satellites. These are planned under the RA, not the BSA.

## Applying the planning criteria

The planning criteria in section 23 of the BSA fall into 2 main groups:

**Socio-demographics and demand**

1. demographics
2. social and economic characteristics within the licence area, neighbouring licence areas and Australia generally
3. the number of existing broadcasting services and the demand for new broadcasting services within the licence area, neighbouring licence areas and Australia generally.

**Technology and spectrum**

1. developments in technology
2. technical restraints to the delivery or reception of broadcasting services
3. the demand for radiofrequency spectrum for services other than broadcasting services.

The ACMA may also consider such other matters that it considers relevant, under paragraph 23(g).

We use the section 23 planning criteria to assess how audiences within a licence area are likely to be impacted by a proposed planning decision, and whether the proposed change has the potential to benefit audiences.

### Socio-demographics and demand

We analyse census data about who lives and works within a licence area and how the population in that licence area is distributed. This helps us understand the broadcasting needs of people in the licence area and how well the currently available services meet those needs.

Consideration of existing services in adjacent licence areas may be relevant because they may mean that the licence area is well served and there is low demand for new broadcasting services within the licence area. The number and type of services in other licence areas are a potential source of benchmarks, or bases for comparison, when assessing the level of services in a licence area. Adjacent areas may also influence the expectations of viewers or listeners in the area. While there are dangers in treating 2 areas as similar, the number and type of services operating in similar areas can sometimes provide a rough guide as to the likelihood of various planning options in the market to be planned.

### Technology and spectrum

Developments in radio and television broadcast technology can have an impact on the future planning of broadcasting services. For example, they may offer an improvement in the received quality of existing services or allow for improved spectrum efficiency in planning for conventional radio and television services.

For this reason, we monitor developments in broadcasting technology and evaluate their implications to the Australian broadcasting environment. We are also actively involved in national and international spectrum and broadcasting forums.

We will take into consideration any impact of the proposal on future planning options for other radio services, such as where:

* A request for a variation to a LAP has already been made (in the relevant licence area or adjacent licence), for example, a proposal to expand or increase the coverage of an existing FM service through the use of an additional transmitter or increased power.
* A concurrent request has been made for a variation in an adjacent licence area where competing demand for suitable spectrum may arise.
* Potential services are planned for the licence area (or adjacent licence areas),but have not yet commenced transmission.

A request may limit options to make changes to the transmission of existing services to improve coverage and reception.

In these instances, we will assess and weigh the competing uses of broadcasting spectrum on a case-by-case basis to achieve the optimal planning outcome.

In some instances, we may also consider allocating unused spectrum previously reserved for national broadcasting services or planned for other broadcasting services. No spectrum is currently reserved by the Minister for national broadcasting, and so the ACMA may plan other uses for the spectrum.[[3]](#footnote-4) This would be weighed against the impact on future options for national broadcasting services and the other broadcasting services.

We consider whether the frequency being planned is AM or FM and how the terrain of the licence area could impact reception of the service. Different technology platforms are either suited to, or challenged by, Australia’s geography and population distribution. These choices can be limited by the inherent nature of technology, for example, propagation characteristics.

### Other relevant matters

The ACMA draws upon various sources of information when assessing the different criteria, including the expertise and observations of the ACMA members and submissions received throughout the planning process. The ACMA has broad discretion to take other matters in account which it considers relevant. The relative weight given to each planning criterion is a question of judgement for the ACMA.

## Promoting the objects of the BSA

The BSA has a broad range of policy objects, not all of which will be promoted by our planning functions.

Some of the objects will be more directly promoted by our other functions – for instance, the development of broadcasting codes of practice and program standards are likely to promote objects such as the protection of children[[4]](#footnote-5) and accuracy in news[[5]](#footnote-6), and the Australian Content Standard is likely to promote the provision of programming reflecting a sense of Australian identity[[6]](#footnote-7).

The objects that are most likely to be promoted by our planning decisions are set out below. The extent to which a planning decision for a particular area is likely to promote one or more of the objects will depend on the circumstances of the area being planned.

### Promote the availability of a diverse range of services

#### Improving reception

One of the best ways we can promote this object is to enable improved reception of existing broadcasting services in areas where there is inadequate reception.

In most areas of Australia, there is a mix of broadcasting services available – commercial broadcasting, national broadcasting, community broadcasting, narrowcasting services on AM and FM frequencies, digital television and, in capital cities and some regional areas, digital radio and satellite services. This mix of service types is vital to making a diverse range of programming choices available to listeners. AM, FM and digital radio, and digital television, are delivered free-to-air, ensuring that anyone with the appropriate receiver can access radio services.

However, inadequate reception in some areas, particularly those outside of major centres, denies some Australians access to the full diversity of services currently on offer. Many areas of Australia can be regarded as under-served in terms of the number of services available to listeners compared with other parts of the same licence area and other towns and cities more generally.

Ways we can improve the reception of services are:

increasing the reach of areas served (only within the relevant licence area for licensed broadcasters)

improving the reception in blackspot areas

replanning AM radio services in less spectrum-congested areas, so they are broadcast in superior FM quality, with safeguards in place so listeners do not lose reception all together.

The reasons why improving reception is a priority planning activity for the ACMA is discussed more in [Our current planning priorities](#_Our_current_planning).

#### Authorising retransmissions

We can also promote this object by making spectrum available for the retransmission of broadcasting services within their licence areas under section 212 of the BSA by other parties, such as local councils, to make it possible for services to reach into parts of the licence area where they might not otherwise do so.

We consider requests from third parties who propose a retransmission of existing services in line with our [retransmission policy](https://www.acma.gov.au/retransmit-tv-channels).

#### Making spectrum available

We can also make spectrum available for use outside the licence area planning process under section 34 of the BSA. This enables low power open narrowcasting services and temporary community broadcasting services to increase the range of services on offer. It also enables us to authorise other activities such as [scientific trials](https://www.acma.gov.au/licences/scientific-licence) or [special events](https://www.acma.gov.au/publications/2016-06/guide/special-events-policy-guidelines).

Find out more about our [temporary community broadcasting guidelines](https://www.acma.gov.au/temporary-licences-community-broadcasters).

#### Planning new services

Another way we could potentially improve the availability of a diverse range of services is planning to introduce new radio services.

The ACMA is constrained by section 37A of the BSA from allocating more than 3 commercial television broadcasting licences in a licence area. As every television licence area has 3 licences planned, we cannot plan new commercial television services. We are also constrained by section 96B of the RA from granting new community television licences after 30 June 2021.[[7]](#footnote-8)

Planning for new radio services can place additional pressures on existing services in terms of fractured audience figures and advertising revenue (or sponsorship for community broadcasting services), which can undermine the viability of existing services. This financial strain may result in decreased levels of local programming, for instance, undermining another of the objects of the BSA.

The scope for introducing additional radio services in the AM band is very limited. AM audiences are in a slow, long-term decline, due to changes in audience preferences, the limitations in AM’s audio fidelity and interference susceptibility. Increasing levels of interference due to urban growth, such as electrical machinery, electronic equipment, power lines and electric vehicles, are exacerbating the issue. Other factors impacting AM include the higher cost in maintaining AM infrastructure and changes in technology that may mean AM receivers will be less popular and less available in some places, especially with the decline of AM internationally. For these reasons, we consider it unlikely that planning further AM services will promote the objects of the BSA.

There is also limited scope for the planning of new FM services in highly congested metropolitan areas, and in congested regional areas. In these areas, particularly on the eastern seaboard, identifying a new high power FM frequency is a highly resource-intensive task. Based on the ACMA’s analysis, it is unlikely that any significant additional productivity from FM spectrum can be realised, without significant replanning and potential disruption to existing broadcasting services, including loss of access to spectrum to some broadcasters.

The ACMA will also consider the socio-demographics and demand characteristic within a licence area, neighbouring licence areas and Australia generally when assessing requests for provision of a new service for that licence area.

If we receive a request to plan a new radio service, we will consider the likely impact on other services and balance the potential impact on existing services against the possible benefits that a more competitive environment may deliver for listeners.

Our general approach to planning new services is discussed more in [General approaches to specific types of requests](#_General_approaches_to).

#### Facilitating the rollout of digital radio

Facilitating the regional rollout of digital services is another way we can promote the availability of a diverse range of services. Digital delivery of services allows not only for better audio quality but also greater channel choice for listeners, as broadcasters can provide multiple digital services per licence.

Digital radio rollout across Australia is being led by the radio broadcasting industry. Our role is to facilitate that rollout through spectrum planning and licensing. It is up to broadcasters to decide where and when they will roll out digital services. Unlike analog broadcasting, where each broadcaster has its own transmitter, in DAB+ digital transmission individual broadcasters aggregate or multiplex their content onto one or more DRMTs using digital compression technology.

We will prepare DRCPs for licence areas where agreement has been achieved with the radio industry on the technical specifications for digital radio, and where a relevant commercial broadcasting licensee or a national broadcaster is ready to move forward.

The reasons why supporting digital rollout is a priority planning activity for the ACMA is discussed in more detail in [Our current planning priorities](#_Our_current_planning).

### Facilitate the development on an efficient, competitive and responsive broadcasting industry

We aim to promote this object by putting in place regulatory frameworks that support rather than hinder changes to business practices and technologies.

There may be times that we consider it necessary to vary the technical conditions of the licences of existing broadcasters in a manner which imposes costs on them. If we do so, we want to be satisfied that the benefits of the move in terms of promotion of the objects are sufficient to warrant imposing costs to licensees. Examples of circumstances where benefits warrant the costs could include:

Replanning of services in particular areas to maximise spectrum efficiency.

Relocation of transmitter sites or changes of frequency of existing services to maximise the number of channels available in an area.

Otherwise changing the technical specifications of existing services to improve the service to the public.

To avoid imposing unnecessary financial and administrative burdens, on service providers, we take account of the estimated cost to broadcasters of any variations to their existing technical specifications of their licences as a relevant consideration to be weighed against any benefits that might accrue in terms of the objects of the BSA and the economic and efficient use of spectrum. This is in line with the regulatory policy set out in section 4 of the BSA.

As noted in [Why we set broadcast planning priorities](#_Part_2_–), we seek to support the radio broadcasting industry through its long-term transition to digital. We are doing this by assisting broadcasters to reach more listeners within their licence areas, and to provide their audiences with better quality services, while providing flexibility to test and move to new technologies.

Our AM to FM conversion program promotes this object by assisting the industry to manage the slow decline in AM audiences by allowing broadcasters to provide formats that listeners seek. Converting from AM to an FM broadcast provides savings to broadcasters, for example, energy costs, site rentals, cost of land, and tower maintenance.

### Promote the provision of high quality and innovative programming

One of the most effective ways we can promote this object is through facilitating digital rollout into more areas. The additional services that can be provided using digital technology may permit additional high quality and innovative programming to be broadcast.

We may also be able to promote this object by planning for ‘niche’ narrowcasting services or community broadcasting services that serve a community of interest, such as indigenous or youth, where there is a demonstrated interest from an aspirant in providing such a service.

### Promote the coverage of matters of public interest and local significance

Planning of additional services may promote appropriate coverage of matters of local significance, where there is a real prospect, those additional services might be provided. Also, more services in a licence area may encourage service providers to provide more appropriate coverage of matters of local significance.

However, planning of additional services may hinder appropriate coverage of matters of local significance if the new services do not redress the deficiency by covering matters of local significance themselves. Further, economic pressures may result in loss of present levels of local programming of the existing services.

If the ACMA considers that planning of additional services may not promote this object, it will take those concerns into account in its decision-making and, where appropriate, weigh the possible costs in terms of local coverage against any benefits in terms of the other objects of the BSA.

In making its planning decisions, the ACMA will also take into account the contributions made by national, commercial and community services to coverage of events of local significance in many areas.

### Promote the economic and efficient use of the radiofrequency spectrum

Using the radiofrequency spectrum economically and efficiently means that it should not be planned in a wasteful way and that it should, as far as possible, be put to productive use now or be set aside for future use.

It also means planning an appropriate number of broadcasting services with no more than are required. It may be a waste of spectrum – and unlikely to further the objects of the BSA – to plan for more services in an area than are ever likely to be provided.

We need to consider the future use of the spectrum as well. For instance, by planning for very long-term demand in one area, we may limit our ability to meet more immediate demand in another.

We generally consider proposals that use spectrum to cover under-served areas as an economic and efficient use of spectrum. However, where spectrum is scarce, we may consider whether alternative delivery platforms are suitable, allowing the spectrum to be used for another purpose.

Often it is reasonably clear what will be an economic and efficient use of spectrum. For instance, DAB+ requests that can be accommodated within the indicative regional channel allotment planning, and in accordance with the radio planning principles, will be regarded as an economic and efficient use of spectrum.

In other circumstances, it may be less obvious. For instance, where an FM conversion is not able to match existing AM coverage, we will generally expect the service to be simulcast in both AM and FM. We do not consider simulcasting in these circumstances to be a waste of spectrum – listeners within the licence area are offered the same service at superior audio quality without significant numbers of listeners losing the service due to coverage loss.

In most cases, whether a specific proposed use of spectrum is economic and efficient at the technical specification level cannot be ascertained until detailed planning has been performed, where the impact of coverage, interference and signal overspill into other licence areas is assessed.

# Part 2 – Why we set broadcast planning priorities

In this part, we look at current demands for broadcasting spectrum and why we have chosen to set priorities for our broadcast planning work in the short-to-medium term.

We also detail what our planning priority activities are and how they will promote the objects of the BSA.

## Demand for broadcast spectrum

Since the digital television channel re-stack in 2014, the ACMA has not needed to undertake significant planning work for digital television. We continue to provide spectrum planning and licensing assistance to a small number of ad hoc requests for optimisation of the existing TV transmission infrastructure.

For radio, we continue to receive requests from existing radio broadcasters to vary radio LAPs for changes to the operating parameters of their transmitters, and from aspirant broadcasters for the planning of new services.

For the most part, we respond to radio industry requests on an ad hoc basis, while undertaking major planning tasks to support technology transitions, industry initiatives and government policy directions. This includes our current program of converting AM services to FM in regional solus (single licensee) radio licence areas.[[8]](#footnote-9) Conversion to FM allows audiences to listen in superior audio quality.

This responsive approach has worked reasonably well. We have generally been able to plan for new services or changes to existing services where requested, where they promote the objects of the BSA. We have facilitated technology trials that support broadcasters in testing and making technology transitions.

In 2019, we asked industry and the public about the ways in which technology evolution and changing audience preferences were impacting the delivery of radio. We wanted to hear whether we could change our approach to broadcast spectrum planning to support radio services into the future.

Submissions confirmed views that the radio industry and listening audiences are in a transition phase, adapting to new digital delivery technologies and new device and platform choices to support radio listening.

We learned that the radio industry sought to preserve multiple spectrum options for future delivery modes. This has resulted in our planning and allocation resources being spread thinly across multiple activities – including planning for the AM to FM conversion program and digital radio, as well as ongoing requests for service extensions and variations to LAPs to support changes in technical operating parameters.

In light of our findings, set out in [*The future delivery of radio* report](https://www.acma.gov.au/publications/2020-03/report/future-delivery-radio), we formed the view that, at this time, our resources are best directed to activities that assist the industry through this transition and facilitate the best outcomes for audiences. This is for the benefit of the industry as it adapts to the changes in listener preferences and growth of new services, and for listeners who want better sound quality and better coverage of existing services.

As a result, we are now setting strategic broadcast planning priority activities to better target our resources to improve the diversity and service quality offered in radio a licence area. This will provide a greater degree of certainty to the industry and improve the transparency about how planning requests will be considered.

We believe this prioritisation process is better suited to the current environment and will better promote the objects of the BSA, than if we continue to respond to broadcaster requests on an ad hoc basis.

Our broadcast spectrum planning priority activities are:

1. Converting commercial, community and national radio broadcasting services from AM to FM in areas where FM spectrum is readily available.
2. Improving coverage of national, commercial and community radio broadcasting services where spectrum is readily available.
3. Making DRCPs for regional licence areas where a commercial radio broadcasting licensee or national broadcaster has committed to a rollout.
4. Supporting trials of new broadcasting technology.

How we believe they will promote the objects of the BSA is set out below.

We will review and revise these priorities from time to time.

Each year, we will develop an annual work program of broadcast spectrum planning activities that fall within our priority categories. The annual work program will include the LAP and DRCP variations we intend to consider in detail during that year. We will consult on our work program in our [draft FYSO](https://www.acma.gov.au/five-year-spectrum-outlook).

## Our current planning priorities

### AM to FM conversions

The ACMA will continue to progress the current program of solus market AM to FM conversion/simulcasts. In addition, we will:

complete some AM to FM conversions of national broadcasting services, as requested by the ABC, mostly on currently planned frequencies

develop with industry a sub-program for regional non-solus licence area conversions

continue to progress to public consultation our work on the potential for replanning the Perth FM band to potentially enable conversion of all commercial and national radio broadcasting services to FM. This could overcome Perth’s unique geographic circumstances, which result in poor AM propagation.[[9]](#footnote-10)

Other than in Perth, we do not intend to use our resources to consider FM conversions in the metropolitan licence areas. The resource cost is high, and the potential for finding sufficient frequencies for each AM station is low, based on the ACMA’s work to date. Metropolitan AM broadcasters already have an established DAB+ digital radio delivery platform, which is the industry’s favoured long-term transmission option

We consider that this category of activity promotes the objects of BSA and the economic and efficient use of spectrum and, in general, does so than more than non- priority activities, for the following reasons:

* Promotes a diverse range of services.

Greater fidelity of FM allows a wider range of potential formats than AM.

Efforts will continue to so the existing reach of AM services is closely matched or that AM is left in simulcast.

Facilitates development of an industry that is efficient, competitive and responsive to audience needs.

Conversion will assist the industry manage the slow decline in AM audiences, and allow broadcasters to provide formats that listeners seek.

Compared to AM, FM provides improved outcomes for listeners in terms of better fidelity and less interference.

Switching AM off provides savings for broadcasters, for example, energy costs, site rentals, opportunity cost of land, tower maintenance.

Promotes economic and efficient use of spectrum.

We consider providing FM frequencies to match AM coverage (within a licence area for licensed broadcasters) is generally an economic and efficient use of spectrum. Whether a specific proposed LAP variation would be an economic and efficient use of spectrum needs to be determined at the individual service planning stage.

Where an FM conversion and any associated FM infill repeaters are not able to match AM coverage, we will generally expect the service to be simulcast in both AM and FM. We do not consider this coverage duplication to be a waste of spectrum, noting that the AM band currently has little value in alternative use, and the desire of the industry to move to alternative delivery platforms.

### Improving coverage

The ACMA will consider requests from the national broadcasters, licensed broadcasters, and third parties who propose a retransmission of existing services, to improve the coverage of broadcasting. Coverage improvements include:

increasing the reach of areas served (only within the relevant licence area for licensed broadcasters)

improving the reception in blackspot areas.

Many areas of Australia can be regarded as under-served in terms of the number of services available to listeners compared with other parts of the same licence area and other towns and cities more generally. This is particularly true in remote Australia.

Coverage improvement can be achieved by varying the LAP at a broadcaster’s request to change the technical parameters of existing transmitters (for example, power and antenna height) or planning additional transmitters. Where broadcasters do not plan to provide coverage to part of their licence area through their own transmitters, we may determine spectrum to be available under section 34 of the BSA for third parties (such as local councils) to retransmit services.

Coverage improvement is differentiated from broadcasters seeking to extend their licence area. We reaffirm our long-standing position that licence areas represent fixed media markets and should not be changed without good reason.

For competing demands for FM spectrum, we will consider whether a request for coverage improvement might be better realised by directing audiences to the broadcasters’ internet streaming service. Noting the relatively low bandwidth required for audio streaming, audiences may be adequately served by internet streaming, particularly at residences where the NBN is available.

We consider that this category of activity promotes the objects of the BSA and the economic and efficient use of spectrum and, in general, does so than more than non- priority activities, for the following reasons:

Promotes a diverse range of services.

Extending the reach of services to places not already served within the licence area, or throughout Australia for the national broadcasters, is a principal way in which diversity can be promoted in a specific location. For the national broadcasters, extending their reach enables them to fulfil their charter obligations.

Facilitates development of an industry that is efficient, competitive and responsive to audience needs.

Coverage improvement benefits the industry and audiences in general; broadcasters seek improvements to coverage in response to audience needs and where a business case exists.

Promotes economic and efficient use of spectrum.

Proposals that use spectrum to cover under-served areas are generally an economic and efficient use of spectrum. However, where spectrum is scarce, we may consider whether alternative delivery platforms might be more suitable, allowing the spectrum to be used for another purpose.

In most cases, whether a specific proposed use of spectrum is economic and efficient at the technical specification level cannot be ascertained until detailed planning has been performed, where the impact of coverage, interference and signal overspill into other licence areas is assessed.

### Making digital radio channel plans

The resource-intensive planning work for digital radio has been completed, with the national indicative channel allotment plan published in early 2019.

Before licensing can commence, the ACMA must make a DRCP for a particular licence area. Unless a broadcaster seeks a significant variation from the assumptions in the indicative plan, or something else complicates the planning process – including lack of consensus between stakeholders – the resources required to complete the legislative work should be minor to moderate.

We propose to make DRCPs where we have received a commitment to commence service in a specific time-window ending no later than 2 years from the date of a request.

We consider that this category of activity promotes the objects of BSA and the economic and efficient use of spectrum and, in general, does so than more than non- priority activities for the following reasons:

Facilitates development of an industry that is efficient, competitive and responsive to audience needs.

This provides a pathway to the benefits of digital delivery.

Promotes economic and efficient use of spectrum.

DAB+ requests that can be accommodated within the indicative regional channel allotment planning, and in accordance with the radio planning principles, will be an economic and efficient use of spectrum.

Maintenance and where possible, the development of diversity, including community public and Indigenous broadcasting in the Australian broadcasting system in the transition to digital broadcasting.

The related activity of deeming community radio licence areas in regional areas, where appropriate, will allow community radio participation in digital broadcasting.[[10]](#footnote-11)

### Supporting trials of new broadcasting technology

We will prioritise planning to enable trials of new broadcasting technology. The results of this will assist the industry to make informed decisions about choices of radio delivery platforms.

We consider that this category of activity promotes the objects of the BSA and the economic and efficient use of spectrum and, in general, does so more than non- priority activities, for the following reasons:

Facilitates development of an industry that is efficient, competitive and responsive to audience needs.

Trials facilitate information relevant to industry business decisions in relation to new broadcasting technologies.

Maintenance and where possible, the development of diversity, including community public and Indigenous broadcasting in the Australian broadcasting system in the transition to digital broadcasting.

Trials provide for the consideration of technologies that are relevant to the digital transition of all categories of broadcasting.

### Other routine activities

We will keep a watching brief on new technology for the delivery of broadcasting services including:

digital radio mondiale

satellite

developments in 5G broadcast technology.

We will also continue to undertake routine planning work to determine spectrum to fulfil applications for short-term narrowcasting for special events.

### Non-priority areas

Generally, we are not proposing to prioritise other LAP planning activities such as planning for new commercial, narrowcasting and long-term community broadcasting services.

In the context of an industry technology and audience transition, we consider that industry and ACMA resources are best focused on ensuring that existing services are transitioned through the current uncertain technology climate and that audiences are best served (and the objects of the BSA are best promoted) by activities that ensure the maintenance and improvement of existing services.

Requests for non-priority activities will still be assessed by the ACMA and considered when resources permit. This is explained in the next section.

# Part 3 – How we assess planning requests

In this part, we set out how we will prioritise, assess and respond to planning requests.

### Stage 1 – assessment against key priority areas

Firstly, we assess whether an individual planning request:

would promote the objects of the BSA

is a priority or non-priority request – in terms of the ACMA’s current priorities as set out in the current FYSO

would be a non-priority request that might impact on a current or expected priority activity request

involves the application of ACMA resources to identify suitable spectrum for a request would likely be fruitless – for example, in areas of known spectrum congestion.

We will consider any offsets such as engineering work provided by the requestor.[[11]](#footnote-12)

It may become apparent that a proposal does not promote the objects of the BSA. This could occur when the request is received – for example, a request that is not in accordance with the legislation or is outside operational guidance and a case is not made why an exception should be made.

One reason why the ACMA may consider that a request does not promote the objects of the BSA is because it is likely that no suitable spectrum could, with reasonable effort, be identified. Some preliminary engineering work may be required, particularly if the feasibility of finding available spectrum is not known.

**Where we consider that a request does not promote the objects of the BSA, we will advise the requestor at the earliest opportunity that we will not proceed with the requested variation**

Requests that support our key priorities will move to the next stage – consideration in the annual work program.

Non-priority requests may still promote the objects of the BSA, but to a lesser extent than the priority activities.

While non-priority requests will generally not be expressly included in the ACMA annual work program, there is a further opportunity for assessment when the relevant LAP is ‘under consideration’ for the detailed assessment of high-priority requests.

In cases where resources permit, non-priority requests may proceed on a stand-alone basis where it is unlikely to be in contention for spectrum with actual or prospective high-priority requests. Requests for spectrum involving a determination under section 34 of the BSA will proceed directly to consideration. This does not mean that requests cannot be considered, only that we will need to balance these requests with other priorities that better promote the objects of the BSA.

### Stage 2 – consideration of the annual work program

Requests that support our key priorities will be included in an annual broadcast spectrum planning work program. We will consult on that program each year through our FYSO. Priority requests that cannot be accommodated in one year would likely be included in the next year’s program. The annual work program will also contain our own initiatives such as technical studies and replanning proposals.

Some priority activities may be programmed in accordance with industry consultation. This will inform the order in which the LAPs are scheduled in the work program.

For requests that require a LAP variation, we generally take the following approach to ordering our work program for the year:

The ACMA will make a judgment about where its ‘own-motion’ planning activities (i.e., planning activities we have identified) should be ranked in the annual work program.

Priority requests (by kind) will be ranked in the order that they were received.

Planning requests will be prioritised on a geographic basis by LAP. For each yearly program, we will decide how priority areas are ranked relative to one another.

All outstanding requests (whether a priority or not) that relate to that LAP (and if relevant, LAPs that plan adjacent or overlapping licence areas) will undergo a detailed contemporaneous assessment. This allows us to consider priority LAP proposals holistically.

### Stage 3 – detailed assessment

In the detailed assessment phase, we consider all known requests and ACMA ‘own- motion’ initiatives for a particular LAP. This allows us to make informed decisions where there is contention between priority requests (or prospective future requests) for available spectrum.

Although priority planning activities would generally proceed ahead of non-prioritised activities, this may not always be the case. In some cases, a lower priority request might better promote the objects of the BSA than a request in a higher-priority class because it is a more economic and efficient use of spectrum in the specific circumstances.

The detailed engineering assessment or ‘planning’ is conducted in accordance with our engineering guidance set out on the ACMA’s [broadcast planning resources](https://www.acma.gov.au/broadcast-planning-resources) web page.

This detailed assessment stage may require engineering analysis to identify available spectrum and/or to predict coverage for new or changed services and the extent of interference.

When the detailed assessment is complete, we will make recommendations on each request to proceed or not proceed to make a LAP variation proposal.

### Stage 4 – legislative instrument process

Where the request involves a variation to a LAP or making or varying a DRCP, they are then considered by the ACMA. The ACMA must comply with section 17 of the *Legislation Act 2003,* which relates to consultation on proposals to make or vary a legislative instrument. If the ACMA agrees to release a consultation paper, we generally allow a minimum of 28 days for the receipt of submissions.

After considering submissions, the ACMA will make a final decision about whether to vary the LAP.

In some cases, where the ACMA needs further information before it can decide on a preferred option, it may adopt a 2-part process; first consulting on an options paper and considering submissions, then consulting again on a specific LAP variation proposal.

A LAP variation is a legislative instrument that usually takes effect the day after it is registered on the Federal Register of Legislation (FRL), unless specified otherwise in the instrument. The LAP variation is accompanied by an explanatory statement that assists the reader to interpret the changes made to the LAP.

### Stage 5 – licensing

Broadcasters that have requested changes to their existing service, including additional transmitters and AM to FM conversion, may apply immediately after the LAP variation is registered on the FRL for a new or varied transmitter licence.

Where a new commercial radio broadcasting service has been planned in the BSB, a price-based allocation process will be required to allocate the commercial radio broadcasting licence under the BSA. Where a new long-term community radio broadcasting licence is planned in the LAP, we conduct a merit-based allocation process for the BSA community licence. Applications for commercial and community radio broadcasting licences cannot be made until the ACMA calls for them.

For newly planned high power open narrowcasting (HPON) services operating under a BSA class licence, we need to take an additional step of determining spectrum under section 34 of the BSA. We allocate the transmitter licence by a price-based allocation system.

# Part 4 – General assumptions and approaches

In this part, we look at assumptions we make when we are planning broadcast services to promote the objects of the BSA, and at our general approaches to specific planning requests.

## Planning considerations in promoting the objects of the Act

We make a series of assumptions when we plan broadcasting services about what outcomes will almost always promote the objects of the BSA. These assumptions were made when LAPs were originally made and, in our view, continue to be relevant.

#### Universal access

We assume communities with a population of 200 or more are entitled to expect a service from a broadcaster that is licensed to provide one.

We ensure as far as possible that the technical characteristics of the service would enable the service provider to provide a service to communities within the licence area with a population of 200 or more.

Note: This assumption is relevant only when planning the technical characteristics of services.

It will not always be appropriate or even possible to plan to this criterion, particularly in areas where there is a scarcity of suitable BSB spectrum.

#### Fortuitous reception

We assume viewers and listeners are best served by the broadcasters that are licensed to service their licence areas.

Given the potential impact on spectrum availability and the need to ensure efficient use of the spectrum, the ACMA does not afford services with fortuitous reception protection from interference.

However, there may be circumstances where we may take account of the fortuitous coverage, for example, where a conversion would result in a listening audience losing the fortuitous reception of the AM service (being the only service it can receive), and it would be unable to receive the service fortuitously once it converted to FM.

#### Established licence areas

We assume that the licence areas of existing BSB commercial and community broadcasting services represent accepted media markets. We will not vary them without good reason.

We also assume additional broadcasting services within those licence areas should have the same licence area as existing services, unless there are good reasons to the contrary.

See below for more information about our policy for [General approaches to specific types of requests](#_General_approaches_to) relating to community radio.

#### Demographic, social or economic indicators of demand for new services

We assume demand for additional broadcasting services can be inferred from demographic, social or economic indicators within a licence area or from comparison with other licence areas with similar demographic, social or economic characteristics.

#### Aspirant broadcasters

We assume aspirant broadcasters have a role to play both in identifying and in creating popular demand for additional services.

We will have regard to expressions of interest by aspirant broadcasters when assessing demand for new services, even where we receive no relevant submissions from potential viewers or listeners during the public consultation phase of planning.

#### Planning for community broadcasting services

We assume, when planning for community broadcasting services, that it is appropriate to consider the population size and other demographic, social and economic characteristics of particular interest groups that may require a dedicated community service as well as the overall demographic, social and economic characteristics of the area.

#### Coverage of matters of local content

We assume audiences want broadcasting services to cover issues of local significance and to reflect something of the local character of the area in which they live.

#### Different needs of remote areas

We assume an area of relative isolation will to some extent have different needs, particularly for news and information, to those of audiences in the major markets of Australia.

#### Under-catered-for groups

We assume Aboriginal and Torres Strait Islander people, the print-handicapped, and people from a non-English speaking background are groups within society that are often poorly catered for in the mainstream media and would generally support the introduction of services catering to their needs or controlled by members of the group.

#### AM and FM to remain important in medium-to-long term

We assume AM and FM services will remain the most important media for radio services for a number of years. It will take an extended period of time for digital radio receivers to reach comparable penetration rates and for digital radio transmission facilities to provide comprehensive coverage throughout the country.

#### Broadcasting use of BSB

We assume the objects of the BSA, including the economic and efficient use of the radiofrequency spectrum, are best served by giving first priority to broadcasting uses of the BSB.

## General approaches to specific types of requests

As noted earlier, we consider and assess all requests to vary LAPs on the basis of the circumstances of the particular licence area in light of the section 23 criteria, the regulatory policy and role of the ACMA as set out in the BSA.

Whether or not we propose a LAP variation depends on the circumstances of the specific licence area, which we will assess using the planning criteria. Certain variations may generate tensions between the objects of the BSA, and the ACMA will consider the competing objects when assessing these variation requests. Whether the ACMA is likely to consider proposing a LAP variation in these situations will depend on the relative importance of each object in the particular circumstances.

That said, we have generally taken the following approaches to particular types of requests when we have assessed the request against the objects of the BSA. As such, these approaches have been adopted as our policies.

### Requests to plan new radio broadcasting services

Initial planning of radio licence areas across Australia was completed in 2003, leaving analog radio spectrum heavily congested, particularly in metropolitan and densely populated regional areas. Spectrum scarcity in these areas limits the ACMA's ability to plan new radio services.

This means that any changes to the technical specifications of services requires careful assessment to ensure they do not cause interference with other planning services or limit future use of the spectrum, making the planning of new services resource intensive.

We generally will not plan new services if it would involve significant replanning and potential disruption to existing broadcasting services, including loss of access to spectrum to some broadcasters.

Assuming technical capacity can be found to increase the number of services, we generally will not propose planning a new commercial radio service unless we are persuaded that an additional commercial service can be sustained by the market and will result in an increase in the overall level of programming in the area covering matters of local significance.

Key considerations we take into account when assessing requests to plan a new community radio broadcasting service are:

 whether there is funding support available in the area to sustain one or more community radio broadcasting services, and

whether additional community services serving special interest groups may complement rather than compete with existing community services.

### Requests for AM to FM conversions

Our current AM to FM conversion program is set out in [Principles for planning AM to FM conversions in regional licence areas](https://www.acma.gov.au/publications/2017-11/guide/am-fm-conversion-and-requests-fm-fill-transmitters).

The current program does not apply to requests for AM to FM conversion or FM infill transmitters from licensees of community radio broadcasting services. These requests will be considered on a case-by-case basis, taking into account the guidance in this paper.

### Requests to vary community broadcasting licence areas

We assume that licence areas are fixed and generally will not be varied without good reason.

However, there may be circumstances in which the ACMA would consider varying licence area boundaries of existing community broadcasting services. For such requests, the ACMA will, as a general rule, consider the following issues:

* the relevance of the service to the community in the area proposed to be served. The ACMA would generally look for indications of local relevance to listeners in the area proposed to be served.
* whether it is practical for community members in the area proposed to be served to participate in the provision of the service. The ACMA might consider the distance people would need to travel in the area in order to visit the station’s studio, along with any other issues relevant to participation in the service.

whether there are better options to improve the availability of community broadcasting services in the area. The size of the community and the feasibility of establishing a more local service to serve the particular community of interest will be of particular relevance.

The relevance of these issues will depend on the local circumstances of a request.

We sometimes receive requests to vary the technical specifications of a broadcasting service planned in a LAPbefore a BSA licence for a temporary community broadcasting licence (TCBL) is allocated – for instance, where the applicant for the TCBL would prefer to serve a different coverage area or to use different technical characteristics than those included in the LAP. We usually will not proceed with such changes.

The reason for this is the LAP variation process is often costly and time-consuming, and as long-term community broadcasting licences are advertised widely and allocated on a merits basis. The temporary community broadcasting licensee requesting the change may not prove to be the successful applicant for the long-term broadcasting service licence. The ACMA will consider exceptional circumstances; for example, where the specifications in the LAP would disadvantage the temporary broadcaster in applying for the long-term licence and there is little likelihood that another group might emerge to apply for the licence.

### Requests that would expand high powered open narrowcasting (HPON) coverage areas

The ACMA will generally not extend the defined coverage area of an HPON broadcasting licence – for example, by varying the transmitter location or increasing its power. HPON licences are allocated on a competitive price basis at auction, with bids based on the defined coverage for the licence at the time. Extending the defined coverage of an HPON licence after its allocation at auction would not generally be appropriate as it may increase the perceived value of the licence. Other potential purchasers at the auction would not have been made aware of the potentially improved technical operating conditions.

For more information about the ACMA’s approach to the coverage areas of open narrowcasting services, refer to [Planning of Open Narrowcasting Services | ACMA](https://www.acma.gov.au/publications/2021-07/guide/planning-open-narrowcasting-services).

### Requests that would result in excessive signal overspill

Commercial and community broadcasting services are licensed to serve specific geographic areas. Transmissions outside a licensee’s licence area must only be incidental to what is technically necessary to provide an adequate signal to that licence area unless another exception applies.[[12]](#footnote-13)

The [Broadcasting Services (Technical Planning) Guidelines 2017](https://www.legislation.gov.au/Details/F2017L01290) set out the maximum median field strength that a licensee must not exceed for transmissions in any urban centre beyond the licence area boundary (Part 3 – Coverage and interference) for a transmitter sited at a location other than the nominal location. They also require the transmitter site to be located within the licence area of the related licence, unless otherwise stated in the technical specifications of the LAP.

In considering requests that would result in significant overspill, the ACMA takes account of whether the population that would be covered fortuitously with a usable radio signal is wholly disproportionate to the population that is ostensibly being served within the licence area. In this situation, there is likely to be a commercial incentive created to serve the interests and needs of the fortuitous audience in preference to the audience in the ‘planned’ licence area.

### Requests from parties other than the licensee

The ACMA will not usually proceed with a LAP variation which has been requested by parties other than the relevant licensee to extend the coverage or licence area of a service. Although it would be possible for the ACMA to vary a radio LAP to extend the coverage or licence area of a service, including planning a transmitter, the licensee cannot be compelled to provide the extended service.

Similarly, requests to plan additional services will be more likely to be progressed if they are made by groups or individuals with an interest in being allocated the licence to operate the service, and who are likely to be in a position to provide such a service.

# How to request a LAP variation

[ACMA Form B92](https://www.acma.gov.au/publications/2019-11/form/form-b92-request-vary-licence-area-plan-radio) – Request to vary a licence area plan – radio (with guidance notes) should be used when requesting a variation to an analog radio LAP, including proposals to add new services to a radio LAP.

The ACMA Form B92 should only be used for requests to vary radio LAPs.

Before the ACMA can properly assess a request to vary a LAP, a requestor must provide sufficient detail of their proposal.

Importantly, the ACMA expects that this request will be evidence-based and include relevant supporting information about the requested variation.

There is no form to request a variation of a television licence area plan (TLAP) or a digital radio channel plan (DRCP). A broadcaster wishing to make a request about a TLAP variation or a DRCP variation should email bcp@acma.gov.au.

We will acknowledge receipt of your request within 10 working days and advise how your request aligns with our current priorities and work plan. We will give you regular updates about the progress of your request.

Our proposed work plan for the coming year is published in the FYSO.

We identify the LAPs and DRCPs we propose to vary and give indicative timeframes.

Broadcasters are invited to make submissions as part of that process. However, if they wish to request a variation to one of the LAPs on the forward work plan, they will need to submit a B92 form.

1. The BSBs are designated by the Minister for Communications and referred to the ACMA for planning in the Australian Radio Frequency Spectrum Plan, made by the ACMA under section 30 of the RA. [↑](#footnote-ref-2)
2. This paper replaces: The ABA’s *General Approach to Analogue Planning* (2003); the ACMA’s *Record of Advice and Assumptions* (2015), and the ACMA’s [*Policy to assess and prioritise requests to vary radio licence area plans*](https://www.acma.gov.au/node/2060) (2013). [↑](#footnote-ref-3)
3. Spectrum had been previously reserved under section 31 of the BSA. On 1 October 2015, the Notice for National Radio Broadcasting Services (No 1) 2005(the Reservation Notice) expired by sunsetting*.* Although the Reservation Notice has sunset, frequencies to comply with the Reservation Notice are currently planned in LAPs. [↑](#footnote-ref-4)
4. Paragraph 3(1)(j) of the BSA. [↑](#footnote-ref-5)
5. Paragraph 3(1)(g) of the BSA. [↑](#footnote-ref-6)
6. Paragraph 3(1)(e) of the BSA. [↑](#footnote-ref-7)
7. Some commercial community television services which are targeted (to a significant event) to remote indigenous communities will remain. [↑](#footnote-ref-8)
8. The current program includes solus commercial radio licence areas that overlap less than 30 per cent with other commercial radio licence areas. [↑](#footnote-ref-9)
9. AM propagation relies on good ground conductivity. Ground conductivity is poor in Perth due to the sandy soil draining moisture. [↑](#footnote-ref-10)
10. For a community radio broadcasting licensee to have access to digital radio, it must have the same licence area as the commercial licence area for which the relevant DRCP applies. [↑](#footnote-ref-11)
11. We also consider that the ACMA resources available to undertake our annual work program is a relevant consideration (s 23(g) of the BSA). [↑](#footnote-ref-12)
12. For example, see clause 8(3) of Schedule 2 to the BSA. [↑](#footnote-ref-13)