

21 MAR 2013

Doc. No.....

GDA Ref.....

Years.....



Our reference: DOC13/1244
Contact: Trevor Solomon (Ph: 9995 6087)

Mr Roger Bailey
General Manager
City of Lithgow Council
PO Box 19
LITHGOW NSW 2790

15 MAR 2013

Attn: Mr Andrew Muir

Dear Mr Bailey

I would like to congratulate City of Lithgow Council on being selected to participate in the 2013 Wood Smoke Reduction Program. The Environment Protection Authority (EPA) received 20 applications to participate in the Program. A review committee consisting of representatives of Local Government and the EPA assessed the applications and recommended that 17 applicants be funded, reflecting significant positive interest from councils in reducing the impacts of wood smoke on their communities. The grant you proposed in your application was \$20,000 and it has been approved.

Enclosed are two copies of the Deed of Grant. If you agree to the terms of the Deed of Grant, please sign both copies of the Deed and forward one copy back to the EPA within 10 working days of receiving the Deed to confirm your participation in the Program. Once the Deed has been received, arrangements will be made to pay the first instalment of the grant as set out in the Deed.

If you have any questions relating to the Program, please contact Mr Trevor Solomon on telephone (02) 9995 6087 or email trevor.solomon@epa.nsw.gov.au. He will also contact your nominated program officer to discuss the details of commencing the Program. The EPA looks forward to working with you and seeing the positive outcomes of the Program.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ann-Louise Crotty'.

ANN-LOUISE CROTTY
Manager Air Policy
Environment Protection Authority

GUIDELINE – WOOD SMOKE REDUCTION PROGRAM 2013

A. PROGRAM OVERVIEW

This document outlines a program to be conducted by the NSW Environment Protection Authority (EPA) and participating councils which aims to improve the operation of wood heaters through community education and local enforcement initiatives and to help the community shift away from polluting wood heaters to cleaner forms of heating.

The three options under the Wood Smoke Reduction Program 2013 are:

1. Community education programs about the health impacts of wood smoke pollution and how best to operate wood heaters;
2. Smokey chimney surveys by councils and appropriate educational/enforcement action; and
3. Targeted cash incentives to replace old, polluting wood heaters and fireplaces with cleaner alternatives.

NOTE: The following information includes references to all three options. Councils should note the information that is relevant to the options they have chosen under the program.

The overall outcomes of the program will be to:

- promote awareness of the environmental and health impacts of wood heaters;
- promote environmental best practice in the operation of wood heaters;
- accelerate the replacement of polluting wood heaters with cleaner forms of heating;
- produce educational material for continued use by the councils and the EPA;
- improve the skills of council workers and the community in dealing with wood heater issues in the future;
- increase council understanding of legislation in place to control the installation and operation of wood heaters; and to
- report on the process, activities and outcomes of the program.

The funds available for this program will be allocated by the EPA between the participating councils. This amount includes, where applicable, cash incentive payments and funding for staffing needs associated with the program. Participating councils incurring program-related expenses in excess of the portion of funds allocated to them must meet such expenses from their own budgets.

B. PROGRAM IMPLEMENTATION

The program has three distinct components that will be implemented concurrently to achieve the greatest improvement in air quality outcomes:

1. ***Community education on the correct operation of wood heaters***
 - Promote awareness of the environmental and health impacts of wood heaters by radio, newspaper articles and general promotion of the incentive program
 - Educate households that use wood heaters inappropriately on correct wood heater operation including use of appropriate fuel and correct storage of firewood

2. Smoky chimney identification and enforcement of responsible operation of wood heaters

- Undertake evening or early morning smoky chimney surveys each week
- Respond to complaints about smoky chimneys as they arise
- Issue warning notices, letters or phone calls to households that use wood heaters inappropriately, together with an offer of appropriate educational support (publications, site visit). The following sequential steps are recommended:
 - (i) card in letterbox noting complaint, or officer's observation of a smoky chimney, and providing information on correct wood heater operation;
 - (ii) site visit for discussion and demonstration of correct wood heater operation;
 - (iii) warning letter.
- After following the above steps enforce good wood heater use by issuing a prevention notice or smoke abatement notice under the Protection of the Environment Operations (POEO) Act 1997 (in accordance with the council's policies).
- Council may adopt and implement its own enforcement policy although the EPA recommends a structured, sequential enforcement approach as outlined above.

3. Economic incentive program to switch to cleaner forms of heating

- Targeted cash incentives, especially for households with lower income levels (\$500, or \$700 for holders of pension or health benefits cards), distributed by councils in accordance with scheme rules (see details in Section E below);
- Site visits to advise applicant households on appropriate alternative heating equipment and to confirm the eligibility for cash incentives;
- Old heaters must be disabled and recycled or scrapped.

C. PROGRAM DELIVERY

The EPA will manage and support the overall program and provide funds to the participating councils to implement the program locally. The particular roles of the EPA and the councils are described below.

EPA Responsibilities

The EPA will manage the overall program including developing generic documentation and education materials, providing training for council officers, allocating funds to councils and reporting on the success of the program. The EPA will provide participating councils with the following training and education materials to undertake the program:

- Training – information session for council program delivery officers on the environmental and health impacts of wood smoke; correct operation of wood heaters; how to identify smoky chimneys; testing the moisture content of wood; program guideline (this document) on community education, smoky chimney identification and enforcement procedures and the incentive scheme;
- Program poster for distribution and public display;
- Letterbox card – tips on cleaner wood heater operation for delivery to households as a first notice following complaints or observation on smoky chimney surveys;
- Media materials – including press releases for newspaper and radio;
- Letter and notice templates for use by councils in following up excessively smoky chimneys;
- Cash incentive application template for distribution to eligible applicants;
- Administration support materials - proforma letters, forms, spreadsheets and record-keeping.

A post-implementation review will be prepared by the EPA, based on the information provided by participating councils, including assessment of the actual number of old wood heaters replaced in each area and a review of the challenges and successes encountered by the council staff.

Funds will be provided to enable program delivery officer/s at each council to implement the program in their local area in accordance with this guideline.

Council Responsibilities

The council will be required to run its nominated program components (community education, smoky chimney surveys or targeted cash incentives), and report to the EPA on the success of the program. This includes providing the EPA with monthly summary financial statistics and progress reports.

Each council will be responsible for developing its own policy on enforcement procedures for appropriate wood heater use (the EPA can provide guidance on recommended approaches).

Council must ensure adequate supervision of the program's implementation, especially where the program delivery officer has been recruited from outside council. Specific duties of personnel implementing the program are set out in the program guideline.

The specific duties of the program delivery officer are:

Pre-Implementation

- Review the program guideline and discuss potential issues or concerns with the EPA program manager
- Become familiar with all aspects of the program and reporting requirements
- Undertake training focussed on the major components of the scheme - education, enforcement, cash incentives and administration.

Knowledge to be acquired:

- Health impacts of wood smoke
- Effective operation of wood heaters
- Relevant legislation and government policies
- Enforcement guidelines and procedures
- Educational resources
- Practical options for improving home energy efficiency
- The comprehensive range of alternative, cleaner heating options.

Skills to be acquired:

- Conducting smoky chimney surveys;
 - Promoting the program through various media.
- Establish internal procedures for implementation (approvals, payments, record-keeping)
 - Establish a local implementation plan including milestones.

Implementation

- Communicate regularly with the EPA program manager to advise of program issues as they arise
- Provide education on appropriate wood heater use. Examples of activities include:
 - Place media materials in local newspapers
 - Discuss results of smoky chimney surveys and incentive scheme on local radio
 - Conduct presentations to relevant or interested groups
 - Negotiate with wood sellers regarding the moisture content of firewood

- Undertake smoky chimney surveys and enforcement procedures according to council policy:
 - Survey streets in the early morning or evening to locate smoky chimneys and to respond to complaints
 - Record details of households with smoky chimneys and provide various levels of education/warnings according to council policy. The following sequential steps are recommended:
 - (i) card in letterbox noting complaint, or officer's observation of a smoky chimney, and providing information on correct wood heater operation;
 - (ii) site visit for discussion and demonstration of correct wood heater operation;
 - (iii) warning letter; and
 - (iv) prevention notice or smoke abatement notice under the POEO Act.
- Record the number of smoky chimneys in the area on a typical week night or early morning each week to track the impact of the program.
- Run the economic incentive program, involving:
 - Visits to interested households to explain the program and verify eligibility
 - Ensuring disposal or recycling of old heaters and purchase of alternative heaters
 - Payment of cash incentives according to the program guideline
- A monthly financial and statistics summary should be completed for the months of May to September 2013 and emailed with the monthly progress report to the EPA generally within 10 working days of the end of each month (see specific dates in program guideline), in a format to be advised by the EPA.

Post-Implementation

- Finalise cash incentive payments to claimants
- Attend a post-program debriefing in Sydney in October 2013
- Prepare final report on completion of the program and submit to the EPA by 31 October 2013. The final report must include a program report and a financial report, and must detail the activity and outcomes of the program and the extent and nature of in-kind support the council has provided. The EPA will provide a proforma for the financial report and a list of topics to be addressed in the program report.

D. TIME FRAME

Program timing is driven by the fact that householders are most likely to consider heating needs during autumn or early winter. The council will work on the program from March to October 2013, with implementation of the program from May to August 2013. Wrap up and acquittals by councils will be completed by 30 September 2013, with the submission of final reports from councils by 31 October 2013.

E. CASH INCENTIVE AMOUNT

Generally, cleaner heating cash incentives will be provided as one-off payments of \$500 or \$700. The actual level of cash incentive will depend on the type of replacement heating system, whether the participant is a pensioner or low-income earner with a valid Pensioners Card or Health Care Card.

The following replacement heater technologies will attract a standard cash incentive of \$500, or \$700 for pensioners and low-income earners:

- Fixed electric heaters with thermostatic controls
- Night storage heaters
- Fixed flued gas heaters
- Fixed flued oil heaters
- Electric heat pumps

- Reverse-cycle air conditioners
- Ducted gas central heating
- Solar
- Pellet fires

The program delivery officer will advise each applicant household on possible heating alternatives for their particular premises.

At the discretion of the council, slow combustion wood heaters that meet the current Australian Standard (AS/NZS 4013:1999) can attract a cash incentive of \$350 where the applicant:

- (i) is a pensioner or low-income earner; and
- (ii) does not have access to reticulated gas (i.e. gas reticulation does not pass within a reasonable distance of the building).

The number of cash incentives is limited by available funds. Council will have to pay for cash incentives offered in excess of funds provided by the EPA.

F. ELIGIBILITY REQUIREMENTS

To qualify for a cash incentive under the program, applicants must comply with all of the conditions and procedures set out in this program guideline.

Applicant details

To be eligible for a cash incentive, the applicant must be a ratepayer in the participating council's local government area and the property must be located within areas zoned for Residential, Commercial or Industrial use as determined by the council.

Rental properties are eligible to participate providing the tenant and owner of the property agree.

As a general rule, only one cash incentive payment is available for each premises. Any proposal to vary this rule should be referred to the EPA for determination.

Eligible systems

Cash incentives will only be available for the replacement of solid fuel heaters that are currently being used as the main source of home heating and are in the main living area of the home. The household must be replacing one of the following heaters:

- an open fireplace
- a conventional wood heater (including potbelly stoves, older-style slow combustion heaters, including heaters with an auxiliary function such as water heating)
- a controlled combustion heater that does not comply with Australian Standard AS/NZS 4013:1999.

Any replacement heating system must be new (to ensure safety and reliability) and must adequately heat the same area as the existing solid fuel heater.

Installation

The replacement heating system must be installed in the same household to heat the same areas as the existing solid fuel heater. Where the replacement heating system requires a flue, a new flue must also be installed.

It must be installed and commissioned no later than 31 August 2013. Applications must only be accepted that will allow installation by that date.

At the time of the new heater's installation, the existing solid fuel heater must be removed and deposited at a waste facility for metal recycling. In the case of an open fireplace, a replacement heater must be inserted into the fireplace, or the fireplace permanently disabled to the satisfaction of council by, for example, blocking the lower end of the chimney with a metal plate. Additional requirements for disabling fireplaces may be applicable in the case of heritage listed properties.

Required standards

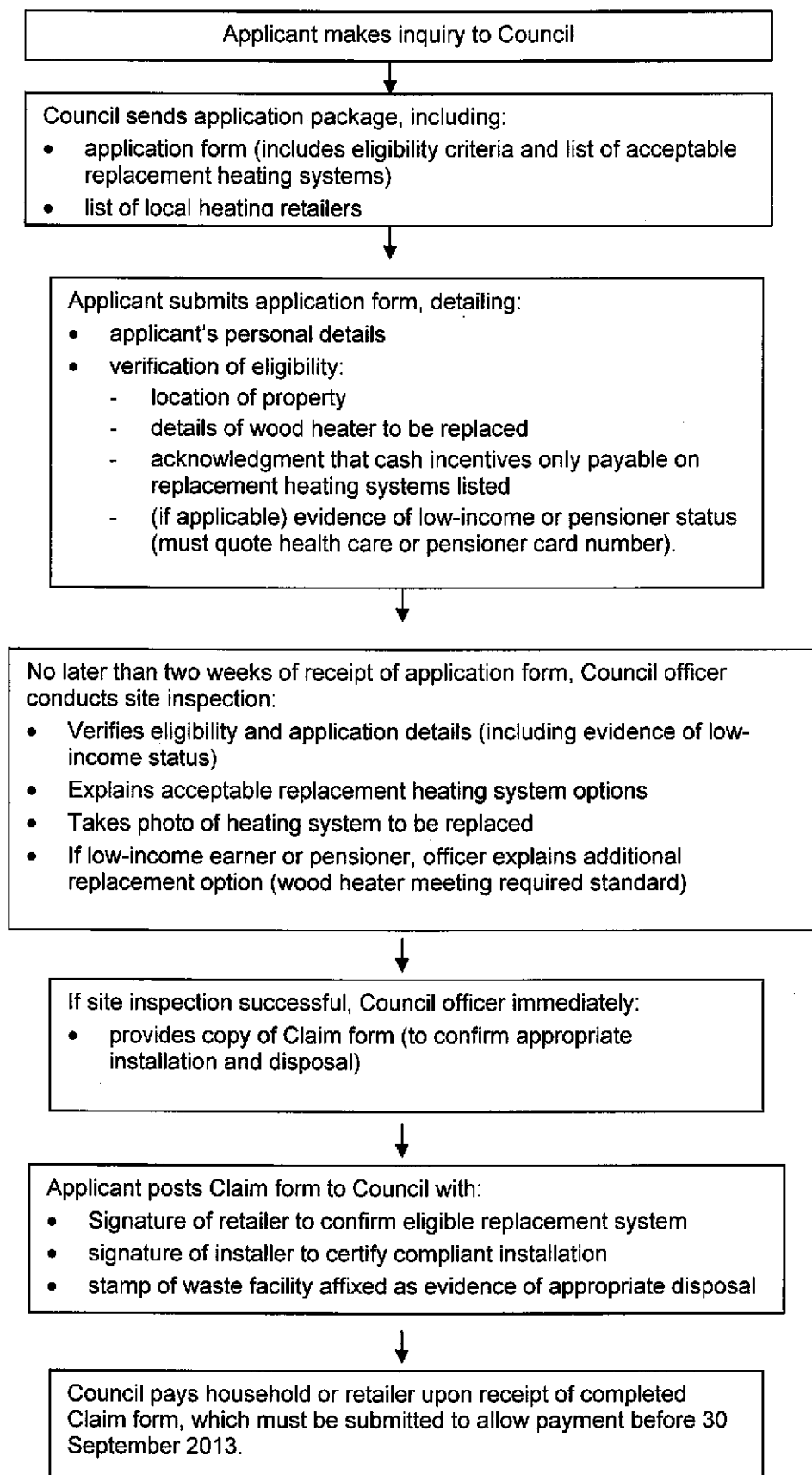
Replacement systems, their installation and operation must comply with all relevant Australian Standards, building codes, local government requirements and the manufacturer's recommendations.

No retrospective cash incentives

Applicants who have already replaced an eligible solid fuel heater prior to submitting an application for a cash incentive will not be eligible for a cash incentive.

This requirement assists council in ensuring that the heater in respect of which the cash incentive is being claimed is actually installed in the home and that it is being used as the main form of heating.

G. APPLICATION PROCEDURE FOR CASH INCENTIVE APPROVAL



Disclaimer

Applications will be processed by the council and the council may decide, in its sole and absolute discretion, whether an applicant is eligible to receive a cash incentive and, in particular, whether the applicant has complied with the conditions and procedures set out in this program guideline. Applicants should not assume that they will receive a cash incentive on submitting an application.

Where difficulties are encountered, in any specific case, with interpretation of this program guideline, the council may seek the assistance of the EPA in determining the application.

Applicant's rights and responsibilities

The information provided in the application form, with the exception of the optional information provided, will be used to determine eligibility for a cash incentive under the program and may be published or made available to other persons by the EPA. The optional information provided will only be used for evaluation purposes, will be kept securely and no personal information will be disclosed or published.

The applicant shall repay the cash incentive if any of the conditions in the program guideline have been breached.

No EPA Warranty

There is no warranty given or implied by the EPA on any aspect of the replacement heating systems funded through the program. The EPA accepts no responsibility for the adequacy or quality of heating systems for which a cash incentive is approved, nor does it accept any responsibility for any damage or injury arising from the removal of old heaters and installation of new heating systems and the operation of these new systems.

WOOD SMOKE REDUCTION PROGRAM 2013 DEED OF GRANT

PARTIES

THIS DEED is made on the 15 day of MARCH 2013

BETWEEN Environment Protection Authority (EPA)

AND City of Lithgow Council (ABN: 59 986 092 492)
PO Box 19, LITHGOW NSW 2790 ("the Program Participant").

BACKGROUND

- A The Wood Smoke Reduction Program 2013 ("the Program") is funded by the NSW Government via the EPA. A total of \$1,125,000 over three years has been provided for this Program.
- B The Program aims to reduce wood smoke emissions through better wood heater operation and by supporting a community shift away from polluting wood heaters to cleaner forms of heating.
- C The EPA called for expressions of interest from councils and groups of councils throughout NSW to participate in the Program. Applications were evaluated using criteria that included: the number of heating degree days, the extent of the council's wood smoke problem in the council's area, level of understanding and commitment to implementing the program and value for money.
- D The Program has three distinct component options that will be implemented concurrently:
- community education program on the correct operation of wood heaters,
 - enforcement program including smoky chimney identification, instruction on responsible wood heater operation and issuing of notices,
 - targeted economic incentives, especially for low income earners or pensioners, to switch to cleaner forms of heating.
- E The EPA has agreed to make a grant ("the Grant") to the Program Participant under the Program, subject to the Program Participant accepting and complying with the conditions as set out in the document entitled *Conditions for Wood Smoke Reduction Program* ("the Program Conditions"), a copy of which is Annexure A to this Deed.
- F Based on the Program Participant's approved application, provisional allocation to City of Lithgow Council is:
- | | |
|----------|--|
| \$5,000 | For delivering the Enforcement component of the Program |
| \$15,000 | For cash incentives to approved applicants under the Cleaner Heating Cash Incentive Scheme |

AGREEMENT

By this Deed:

1. The Program Participant accepts the Program Conditions and agrees that it will comply with them in connection with the Program.

2. The EPA agrees to pay the Grant to the Program Participant, subject to and in accordance with the Program Conditions.

EXECUTION

EXECUTED by the parties as a Deed:

SIGNED for and on behalf of the
**CROWN IN RIGHT OF THE STATE OF NEW
SOUTH WALES (ENVIRONMENT
PROTECTION AUTHORITY)** by:

in the presence of:

Simon Smith
(sign)
Simon Smith
(print name)
A/D R + C
(title)

K Jones
(witness sign)
KAYLENE JONES
(print name)

SIGNED for and on behalf of City of Lithgow
Council by:

in the presence of:

(sign)

(print name)

(title)

(witness sign)

(print name)

OR

THE COMMON SEAL of City of Lithgow
Council was affixed to this Agreement in
accordance with its constitution in the
presence of:

(sign)

(print name)

(title)

(sign)

(print name)

(title)

ANNEXURE A – CONDITIONS OF THE WOOD SMOKE REDUCTION PROGRAM 2013

Acceptance of Grant

1. You must accept the following conditions of the Grant by signing both copies of the Deed of Grant and returning one of the signed copies to the EPA. The Deed of Grant must be returned signed to the EPA within 10 working days of receiving the Deed of Grant to confirm your participation in the Program.

Interpretation

2. Expressions used in this Annexure have the same meaning as specified in the Deed of Grant, unless the context changes their meaning.
3. In this Annexure:

“**Council’s Program**” means those aspects of the Program to be carried out by you, as set out in your Expression of Interest;

“**EPA**” means the Environment Protection Authority;

“**Information Products**” means the material brought into existence by you or on your behalf in the course of, and as part of, undertaking the Council’s Program. It does not refer to material supplied by the EPA for the purposes of the Program;

“**you**” means the Program Participant.

4. The following documents are taken to form part of the Deed of Grant (“this Deed of Grant”):

- (a) the Guideline – *Wood Smoke Reduction Program 2013* (“the Program Guidelines”);
and
- (b) this Annexure.

Designing and Implementing the Wood Smoke Reduction Program 2013

5. You must carry out the Council’s Program in accordance with the Program Guidelines, this Annexure and this Deed of Grant, subject to such variations to the Council’s Program as are agreed to in writing by the EPA in accordance with the conditions of this Deed of Grant. You must ensure that any individuals or groups that you engage to assist you in the Council’s Program also comply with this requirement.

Training for Council officers

6. The program officers implementing the Council’s Program must participate in a one-day training course provided by the EPA on 30 April 2013. Officers will be able to claim associated travel and accommodation costs from the Council’s Program budget.

Commencement, closing and completion dates

7. You must substantially commence Council’s Program within 10 working days of signing this Deed or such other date as is approved in writing by the EPA.
8. The final date for new heater installations under the Cleaner Heating Cash Incentive Scheme is 31 August 2013 and you must only accept applications that will allow installation by that date.

9. You must complete the Council's Program by 30 September 2013, including payment of cash incentives to all approved claimants under the Cleaner Heating Cash Incentive Scheme, or by such other date as is approved in writing by the EPA.
10. You must provide the EPA with any information relating to the Council's Program within 10 working days of it being requested by the EPA.

Payment of the Grant

11. Subject to the conditions of this Deed of Grant, the EPA will pay you in instalments as follows:

First instalment (30%):	Will be paid by 31 March 2013 but not before the EPA has received a copy of the Deed duly executed by you.
Second instalment (50%):	Will be paid by 12 July 2013 but not before the EPA has received the progress report for May 2013 that complies with the Program Conditions.
Third instalment (20%):	Will be paid by 13 September 2013 but not before the EPA has received the progress reports for June and July 2013 that comply with the Program Conditions.

Note: The funding allocation to Council has been determined so as to ensure that all components of the program, ie, education initiatives, enforcement activities and the cash incentive payments, are adequately resourced.

12. Payment by the EPA of any of the instalments (as referred to in condition 11) is subject to the EPA receiving documentation, as required under condition 19, showing satisfactory progress of Council's Program.

Expenditure of the Grant

13. You must spend the Grant only on and for the purposes of the Council's Program as outlined by the EPA and in accordance with the Program Conditions. You must repay to the EPA any Council's Program monies spent otherwise than in accordance with this condition.
14. Budgeted amounts are the maximum payable for each component of the Council's Program unless a formal variation is sought and approved by the EPA. If you overspend the total allocated Grant, you will not receive compensatory funds from the EPA.
15. You must keep accurate records of all expenditure incurred in carrying out the Council's Program, using the EPA pro forma to be provided. These records must be kept available for inspection by the EPA for a period of at least two years after the date of completion of Council's Program.
16. Any portion of the Grant that you do not spend by the 31 October 2013 must be repaid to the EPA within 30 days of expiry of this period.
17. If you propose to receive funding or non-financial support for the Council's Program from any source other than the EPA you must first notify the EPA of the source, amount, nature (including the estimated monetary value) and any obligations tied to this funding or other support.

Goods and Services Tax

18. This grant is specifically covered by appropriation under the terms of ATO Public Ruling GSTR 2011/2. Goods and Services Tax (GST) will not be added by the EPA to the amount of the grant and GST should not be paid by the recipient of the grant for receipt of the grant. The recipient of the grant will be responsible for payment of all taxes incurred in any application of the funds received as would be expected in the normal conduct of their business operations including the payment of GST to their suppliers and subsequent recovery as Input Tax Credits as appropriate.

Progress and Final Reports

19. You must prepare and provide the EPA with Council's Program progress reports, in accordance with this Deed of Grant and the Program Guidelines. The five progress reports are to be emailed to the EPA by the following dates:

May progress report:	14 June 2013
June progress report:	12 July 2013
July progress report:	14 August 2013
August progress report:	13 September 2013
September progress and final report combined:	31 October 2013

or by such other date as is approved in writing by the EPA, using the standard pro forma to be provided.

20. You must prepare and provide the EPA with a Final Report, in accordance with this Deed of Grant and the Program Guidelines, by 31 October 2013. The Final Report must comprise a financial report and other information as required by the EPA; detail the activity and outcomes of the Council's Program; and the extent and nature of financial or non-financial support not provided by the EPA.
21. The financial report contained in the Final Report must be certified by the council's financial controller as to the accuracy of the financial statement.
22. All information in the Progress and Final Reports is public information, except for any financial information or confidential information clearly marked by you as such. If information is commercial-in-confidence or private and confidential, it must be attached to the report separately and clearly marked "commercial-in-confidence" or "confidential". The EPA will keep this information confidential, subject to any legal obligation to otherwise make the information available.
23. Provision and use of contact and other personal information is subject to the *Privacy and Personal Information Protection Act 1998*.
24. By accepting the Grant, you agree to the publication and dissemination of your Council name and amount of the Grant.

Variation of the Program

25. You must obtain the prior written approval of the EPA before altering or varying any of the following matters as set out in the Program Guidelines:
- (a) the nature of the Program;
 - (b) the purpose and objectives of the Program (including the production of any written, electronic, visual or audio material containing or consisting of information produced or compiled in the course of the Council's Program),

- (c) the way in which and the precise steps by which the Program is to be carried out;
- (d) the Council's Program budget allocations; and
- (e) the timetable for the Council's Program including its completion date.

Revocation of the Program

26. The EPA may revoke the Grant by notice in writing to you if you:

- (a) at any time provide the EPA with misleading or false information relating to the Program; or
- (b) are, in the opinion of the EPA, not carrying out the Council's Program competently and diligently or in conformity with this Deed of Grant; or
- (c) receive funding or non-financial support for the Council's Program, other than in accordance with condition 17 of this Deed of Grant; or
- (d) do not comply with one or more of the conditions of this Deed of Grant and fail to remedy such non-compliance within 30 days of written notice of this non-compliance being sent by the EPA.

27. If the EPA revokes the Grant, you:

- (a) must not spend any further Grant monies nor commit any such monies for expenditure, on receiving written notice of the revocation of the Grant;
- (b) must provide a financial statement detailing expenditure to date; and
- (c) must repay to the EPA all Grant monies which have not been spent or committed for expenditure at the time notice of revocation is received, within 10 working days of receiving written notice of the revocation of the Grant.

Publications and Promotional Material

28. You must acknowledge the EPA's assistance in all publications and promotional material, including all electronic or audio visual material relating to the Council's Program, with the statement:

This Project has been assisted by the NSW Environment Protection Authority.

29. You must prominently display the EPA Logo on all material referred to in condition 28. It should be printed in black or in the official colours.

30. You must give the EPA draft copies of any written or electronic material relating to the Council's Program (not originally provided by the EPA) in a timely manner before it is printed and/or distributed. You must, if requested by the EPA, add one or both of the following statements:

The opinions expressed in this material do not necessarily reflect the policies of the New South Wales Government.

The New South Wales Government does not endorse in any way, or make any representations in relation to, any information, products or companies named or listed in

the following [web sites/publications/promotional material/ other material]. You should make your own inquiries and obtain your own advice in relation to them.

31. You should make all reasonable attempts to notify the EPA of any public events, media releases or media coverage of the Council's Program.
32. You must establish and maintain arrangements to ensure dissemination of information in response to public inquiries about the Council's Program for a period of not less than two years after the completion date of the Council's Program. In the case of videos, DVDs, posters, written publications and other such material, you must ensure a method is in place to copy and deliver the material at a price no greater than the cost to copy and deliver the material during that period.

Intellectual Property

33. You must provide to the EPA a minimum of three final form hard copies of all Information Products, and one electronic copy where possible.
34. Copyright in the Information Products will vest in you. You agree, by signing this Deed of Grant, to give a royalty-free licence of copyright to the NSW Government in all Information Products allowing the NSW Government to reproduce in whole or in part and distribute any such material, including reproducing the material electronically and distributing it on the Internet or by email, provided the meaning is unchanged and the source is acknowledged.
35. You warrant that in carrying out the project, you will not infringe any Intellectual Property rights; and that any report by you will not contain anything that, to your knowledge, is libellous or defamatory,
36. Where original Intellectual Property rights for material within the Information Products is not owned by you, when you obtain a licence to use that Intellectual Property you shall ensure that the EPA is also licensed to use that Intellectual Property.

Indemnification

37. You agree to indemnify, and keep indemnified, the EPA and the Crown in right of the State of New South Wales from and against all actions, claims, demands and other proceedings that may be made or recovered against the EPA or the Crown in right of the State of New South Wales, or its officers or employees, in respect of any damage to property, personal injury or death which is caused by any wilful, unlawful or negligent act or omission by you, or by someone on your behalf, in carrying out the Council's Program. The EPA will inform you as soon as it becomes aware of any such action, claim, demand or proceedings.

Risk Management and Insurance

38. You must minimise the risk of damage occurring to any person or property that may foreseeably be injured or damaged in the course of or as a result of the carrying out of the Council's Program.
39. You are responsible for effecting all insurance required under workers' compensation legislation and for taking all other actions required by any other relevant legislation, as the employer of persons employed or engaged by virtue of the Council's Program.
40. You must effect and maintain public risk insurance in relation to all premises on which the Council's Program is carried out. The insurance shall be for at least \$10 million, unless the EPA agrees to a lesser amount, and the insurance policy must name the

Crown in right of the State of New South Wales (EPA) as a joint insured party for the period of the Council's Program.

Designated Project/Program Officer

41. You must employ a project officer to administer the Council's Program OR an existing council employee may be assigned to the Council's Program and their position backfilled to do the work usually undertaken by them. The grant may be used to fund one such employee. Duties of personnel implementing the Council's Program are set out in the Program Guidelines.
42. Your officers must be made aware of this Deed of Grant and the source of funding and you should ensure that they carry out their part of the Council's Program in accordance with the conditions of this Deed of Grant.

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