



Advisory Note 1 — Revised January 2017

**Exemption of Sewage Management Facilities from Accreditation  
Application of Clause 41(2) Local Government (General) Regulation, 2005**

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The application of Clause 41(1) means that council must not approve of the installation or construction of a Sewage Management Facility (SMF), of a type listed in clause 40, unless the SMF has a current Certificate of Accreditation issued by the Secretary of the NSW Ministry of Health.

Clause 41(2) allows exemptions where a council may grant an approval to install or construct a SMF, of a type listed in clause 40, without a NSW Health Certificate of Accreditation. These circumstances are:

**(a) where a SMF is being installed for testing.** Here it is not intended that a manufacturer of a SMF would be permitted to install multiple SMFs to facilitate testing. Approvals should be limited to one test installation for each manufacturer for each local government area.

**(b) where a SMF has been designed and is to be built by the owner or occupier of the premises on which it is to be installed.** It is intended that the SMF be designed exclusively, built exclusively and used exclusively by the owner/ occupier of the premises. NSW Health is aware that photocopied plans of home built waterless composing toilets are being freely distributed within communities. **Individuals then submit these photocopied plans to council for approval under this exemption of accreditation and such actions do not comply with the exemption.** This defeats the purpose that mass produced or standard design SMFs should be accredited to ensure that they protect public health and the environment. Further, the applicant has not researched the design,

*construction and use of the SMF and is therefore not considered to be committed to the safe operation of the SMF. Manufacturers of accredited SMFs are required to produce a quality assured product, installation and operation manuals, provide warranty, and other features designed specifically to teach and assist the owner / occupier in the use of the SMF.*

**(c) where the SMF is specifically designed, by a person other than the owner / occupier specifically and uniquely for those premises.** Again it is intended that the SMF be designed exclusively for, built exclusively for, and used exclusively by the owner/ occupier of the premises. Typical examples include vessels such as cast-in-situ septic tanks, collection wells, greywater tanks and waterless composting closets. This clause is not meant to apply to more complex systems such as aerated wastewater treatment systems, greywater treatment systems and recirculating sand systems where component parts are installed. **Submission of photocopied plans to council for approval under this exemption of accreditation also does not comply with the exemption.** Similarly, this defeats the purpose that mass produced or standard design SMFs should be accredited to ensure that they protect public health and the environment. The applicant is not considered to be committed to the safe operation of the SMF. This design must be unique to those premises. Council would not be expected to know that the design was unique to NSW but should be aware of designs in its area. A composite construction of "off the shelf" Aerated Wastewater Treatment Systems does not qualify for the exemption.