



# State Environmental Planning Policy No 22—Shops and Commercial Premises

[1987-012]



## Status Information

### Currency of version

Current version for 30 July 1999 to date (accessed 6 February 2012 at 10:07).  
Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 27 July 2000.

## Contents

[1 Name of policy](#)

[2 Definitions](#)

[3 Aims, objectives etc](#)

[4 Land to which this policy applies](#)

[5 Relationship with other environmental planning instruments](#)

[6 Change of use](#)

[Historical notes](#)



## 1 Name of policy

This policy may be cited as *State Environmental Planning Policy No 22—Shops and Commercial Premises*.

## 2 Definitions

In this policy, except in so far as the context or subject-matter otherwise indicates or requires:

***business zone*** means a zone within the meaning of an environmental planning instrument and identified in that instrument as being a business or commercial zone.

***commercial premises*** has the meaning ascribed to it in clause 4 (1) of the *Environmental Planning and Assessment Model Provisions 1980*.

***consent authority***, in relation to development, means the council of the area in which the development is to be carried out.

***shop*** has the meaning ascribed to it in clause 4 (1) of the *Environmental Planning and Assessment Model Provisions 1980*.

## 3 Aims, objectives etc

The aim of this policy is to permit within a business zone:

- (a) the change of use of a building lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop, or
- (b) the change of use of a building lawfully used for a particular kind of shop to another kind of shop or to a commercial premises,

even though that change of use is prohibited under another environmental planning instrument, if

- (c) the consent authority is satisfied the change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone, and
- (d) development consent is obtained for the change of use from that consent authority.

## 4 Land to which this policy applies

- (1) Subject to this clause, this policy applies to the State.
- (2) Clause 6 (1) does not apply to land within Zone No 3 (f) or 3 (f-r) under *Parramatta Local Environmental Plan 1989 (City Centre)*.
- (2A) Clause 6 (1) does not apply to land within Zone No 3 (b) or 3 (c) under *Penrith Local Environmental Plan 1997 (Penrith City Centre)*.

## 5 Relationship with other environmental planning instruments

Subject to section 74 (1) of the *Environmental Planning and Assessment Act 1979*, in the event of an inconsistency between this policy and another environmental planning instrument, whether made before, on or after the day upon which this policy takes effect, this policy shall prevail to the extent of the inconsistency.

## 6 Change of use

- (1) A person may, with the consent of the consent authority, change the use of a building in a business zone:
- (a) that is being lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop, or
  - (b) that is being lawfully used for a particular kind of shop to another kind of shop or to a commercial premises,
- even though the proposed change of use is prohibited in that zone under another environmental planning instrument.
- (2) A consent authority shall not grant its consent to a proposed change of use pursuant to subclause (1) unless it is satisfied that the proposed change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone.
- (3) This Policy does not permit the use of a building as a brothel and, accordingly, a consent authority must not grant its consent to a proposed change of use as a brothel.

This subclause extends to development applications made but not finally determined before the date of commencement of this subclause.

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

## Table of amending instruments

State Environmental Planning Policy No 22—Shops and Commercial Premises published in Gazette No 6 of 9.1.1987, p 126 and amended in Gazettes of 21.7.1989, 18.10.1991, No 130 of 28.11.1997, p 9674 and No 86 of 30.7.1999, p 5391.

## Table of amendments

Cl 3	Am 18.10.1991.
Cl 4	Subst 21.7.1989. Am 28.11.1997.
Cl 6	Am 18.10.1991; 30.7.1999.

[Top of page](#)