

19 Grenfell Street – Right of Way

Strategic Alignment - Our Economy

Public

Tuesday, 21 April 2026

Infrastructure and Public Works Committee

Program Contact:

Mike Philippou, Associate Director Strategic Property & Commercial

Approving Officer:

Tom McCready, Director City Infrastructure

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval for the owner of 19 Grenfell Street to grant licences for limited outdoor dining over a portion of the 19 Grenfell Street property that the City of Adelaide has a Right of Way over (for pedestrians only).

The Administration has assessed the implications of allowing outdoor dining on the Right of Way and recommends that Council approve outdoor dining on that portion of the Right of Way marked “A” and “B” as set out within this report.

RECOMMENDATION

The following recommendation will be presented to Council on 28 April 2026 for consideration

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Approves, in its capacity as the owner of a registered Right of Way over Certificate of Title Volume 6120 Folio 367, the registered proprietor of that property granting licences for outdoor dining purposes, including the use of fixed furniture, with respect to the portion of land marked “A” and “B” as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 21 April 2026.
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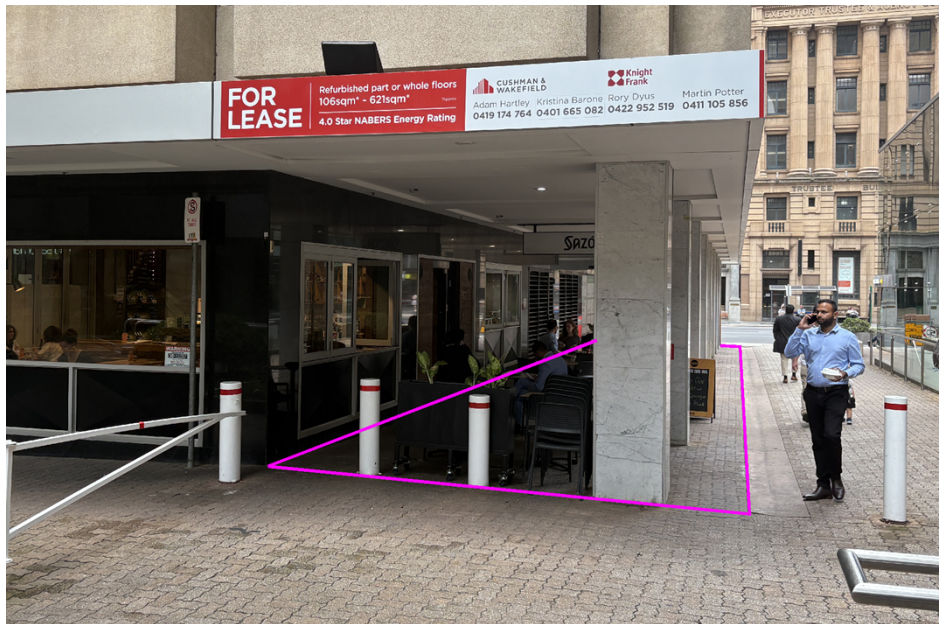
IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Economy Create efficiencies and reduce barriers to support small, medium and large-scale businesses to open and thrive in our city
Policy	Council's 'Outdoor Dining Operating Guidelines' do not support the use of fixed outdoor furniture. However, the Guidelines only apply to outdoor dining permits issued on the footpaths of public roads and not on private property.
Consultation	Not in relation to this report
Resource	Not in relation to this report
Risk / Legal / Legislative	The owner of 19 Grenfell Street is responsible for the risk associated with outdoor dining on the Right of Way area. Council is not the owner of the land but holds rights over the land for pedestrian access and movement.
Opportunities	By approving limited outdoor dining on the Right of Way, Council would be supporting local businesses and contributing to a more vibrant city, whilst also allowing for effective pedestrian access through the Right of Way area.
25/26 Budget Allocation	Not in relation to this report
Proposed 26/27 Budget Allocation	Not in relation to this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not in relation to this report
25/26 Budget Reconsideration (if applicable)	Not in relation to this report
Ongoing Costs (eg maintenance cost)	Not in relation to this report
Other Funding Sources	Not in relation to this report

DISCUSSION

Background

1. The property at 19 Grenfell Street is contained within Certificate of Title Volume 6120 Folio 367 (CT 6120/367) with the registered proprietor being Exceed Capital Pty Ltd. A copy of CT 6120/367 is available at [Link 1](#).
2. CT 6120/367 is subject to a registered right of way (the 'Right of Way') over the land marked "C" (shaded orange) on the sketch from CT 6120/367, which is available at [Link 2](#).
3. The Memorandum of Transfer document relating to the Right of Way states that it is a "right of way and passage on foot.....for the said Corporation of the City of Adelaide, its servants, agents, workmen and members of the public.....".
4. The land comprising the Right of Way is part of an important pedestrian thoroughfare linking Pirie Street and Grenfell Street (via Exchange Place). The extent of the Right of Way can be seen in the photos below.



5. In early 2013 the then owner of 19 Grenfell Street, Grenfell Street Nominees Pty Ltd, sought consent from Council to use the Right of Way for outdoor dining. In assessing whether to approve the request, Council took into consideration its ongoing need for pedestrian access through the Right of Way.

6. On 26 November 2013 Council resolved to grant its consent, in its capacity as the owner of the Right of Way, for the then owner of 19 Grenfell Street, Grenfell Street Nominees Pty Ltd, to grant licences for third parties to use portions of the Right of Way marked “A” and “B” for outdoor dining purposes. The relevant portions of the Right of Way marked “A” and “B” are shown at [Link 3](#).
7. It is noted that Council’s decision of 26 November 2013 to allow outdoor dining on the Right of Way only applied to the then proprietor, 19 Grenfell Street Nominees Pty Ltd, and did not allow fixed objects.

Current Proposal

8. The current owner of 19 Grenfell Street, Exceed Capital Pty Ltd, has recently lodged a Development Application to re-fit the ground floor of 19 Grenfell Street, with the intention of expanding the existing coffee shop (Sazon). The Development Application includes outdoor dining over a portion of the Right of Way area. The outdoor dining would include fixed furniture.
9. The portion of the Right of Way over which Exceed Capital Pty Ltd proposes to grant licences for outdoor dining is marked “A” and “B” on the plan at **Attachment A**.
10. It is noted that the location and extent of the areas marked “A” and “B” at **Attachment A** differ from the plan forming part of the previous approval dated 26 November 2013 including:
 - 10.1. A reduction in the width of the outdoor dining areas marked “A” and “B” from 2.0 metres to 1.8 metres.
 - 10.2. A corresponding increase in the width of the north/south pedestrian access (located within the Right of Way between the tenancies and the outdoor dining area) from 1.8 metres to 2.0 metres.
11. The changes (to the previous approval) were made to improve north/south pedestrian access through the Right of Way area.
12. As noted, the outdoor dining incorporates fixed furniture.
13. Whilst Council’s ‘Outdoor Dining Guidelines’ do not support fixed furniture, the Outdoor Dining Guidelines only apply to public footpaths and roads. They do not extend to privately owned land where permits are not required, such as in this instance.
14. Property owners are able to install fixed infrastructure on privately owned land. There are examples of fixed outdoor dining furniture in other privately owned areas.
15. If it was not for the Right of Way and Council’s previous resolution on the matter, an application of this nature would be progressed under delegation.
16. The Administration has assessed the request for outdoor dining (including fixed furniture) on the Right of Way and recommends Council approve its use on that portion of the Right of Way marked “A” and “B” on **Attachment A**.

DATA AND SUPPORTING INFORMATION

Link 1 – Certificate of Title Volume 6120 Folio 367

Link 2 – Sketch from Certificate of Title Volume 6120 Folio 367

Link 3 – 2013 Map Delineating Portion of Right of Way to be Used for Outdoor Dining

ATTACHMENTS

Attachment A – Map showing portion of the Right of Way over which Council approves outdoor dining.

- END OF REPORT -