

Heritage Council Regulatory Committee

The Vineyard Restaurant and Bar

71A Acland Street, St Kilda, Port Phillip City, Bunurong Country

Members – Ms Anna Foley, Dr Janine Major, Ms Maddison Miller

Determination of the Heritage Council

The Heritage Council has considered a request to review the Executive Director's decision to refuse to accept a nomination of The Vineyard Restaurant and Bar, located at 71A Acland Street, St Kilda. Pursuant to section 30(5)(a) of the *Heritage Act 2017*, the Heritage Council has determined to affirm the decision under review and refuse to accept the nomination.

Ms Anna Foley (Chair)
Dr Janine Major
Ms Maddison Miller

Decision Date – 5 November 2025

Acknowledgement

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

Interested Parties

Executive Director, Heritage Victoria ('the Executive Director')

The Executive Director of Heritage Victoria ('the Executive Director'), refused to accept the nomination pursuant to section 29(1) of the *Heritage Act 2017*. The Executive Director provided information used in refusing the nomination to the Heritage Council.

Nominator

Dr John Martino ('the Nominator') nominated The Vineyard Restaurant and Bar for inclusion in the Victorian Heritage Register and requested that the Heritage Council review the Executive Director's decision to refuse the nomination. Dr Martino provided additional information in relation to the nomination.

Introduction / Background

The Place

01. The Vineyard Restaurant and Bar ('the Place'), located at 71A Acland Street, St Kilda, was established in the early 20th century as the 'Continental Tea Gardens', operating within the O'Donnell Gardens (formerly 'Dreamland Gardens') and within close proximity to the newly built Luna Park, which opened in 1912. The original Continental Tea Gardens were expanded upon in 1938; architect I.G. Anderson was responsible for the design which combined the original building with an adjacent defunct substation. The Place today contains a combination of the remnant weatherboard building, the substation, and modern upgrades which have occurred over time.
02. The Place is included within the City of Port Phillip precinct Heritage Overlay HO5 and is located on Crown Land, which is managed by the State Government Department of Environment, Energy and Climate Action (DEECA).
03. The Place is located on Bunurong Country.

The Nomination

04. On 17 June 2025, an application to nominate the Place ('the Nomination') for inclusion in the Victorian Heritage Register ('the Heritage Register') was lodged with the Executive Director, pursuant to section 27 of the *Heritage Act 2017* ('the Act').
05. The Place was nominated for inclusion in the Heritage Register under the following Criteria of the Heritage Council's *Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 1 December 2022) ['Criteria for Assessment']. Please refer to **Attachment 1**.
 - **Criterion A** – Importance to the course, or pattern, of Victoria's cultural history
 - **Criterion D** – Importance in demonstrating the principal characteristics of a class of cultural places and objects
 - **Criterion G** – Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons
 - **Criterion H** – Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Decision of the Executive Director

06. Pursuant to section 29 of the Act, the Executive Director may refuse to accept a nomination if it is considered that the nominated place or object has no reasonable prospect of inclusion in the Heritage Register.
07. On 31 July 2025, the Executive Director notified the Nominator that the Nomination had been refused on the grounds that the Place had no reasonable prospect of inclusion in the Heritage Register. The Executive Director determined 'on the basis of the material provided with the nomination, and further investigations undertaken, there is no evidence that the Place is significant to Victoria at the State level'.

Request for review

08. On 26 August 2025, the Heritage Council received a request for a review of the Executive Director's refusal to accept the nomination of the Place, pursuant to section 30 of the Act. A Heritage Council Regulatory Committee ('the Committee') was appointed to consider the request for review, information received in response to it, and to make a determination, as delegated by the Heritage Council pursuant to sections 13 and 15 of the Act.
09. Pursuant to section 30(5) of the Act, the Committee was empowered to:
 - (a) affirm the decision under review; or
 - (b) set aside the decision under review and make another decision in substitution for it; or
 - (c) set aside the decision under review and remit the matter for reconsideration by the Executive Director in accordance with any directions or recommendations.

10. The Committee has given due consideration as to whether the Place has a reasonable prospect of inclusion in the Heritage Register.

Preliminary, procedural and other matters

Conflicts of interest

11. The Chair of the Committee invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest.
12. All members were satisfied that there were no real or perceived conflicts of interest.

Requests for information

13. On 4 September 2025, pursuant to sections 2.1–2.3.4 of the Heritage Council's *Protocol 2 – Nomination Reviews*, the Committee notified the following persons or organisations that a review of the Executive Director's refusal had been requested:
- the Executive Director
 - the Nominator
 - the City of Port Phillip (as a responsible authority for the Place)
 - the Department of Energy, Environment and Climate Action ('DEECA') (as a responsible authority for the Place).
14. The Committee sought specific further information from the Nominator in relation to the material submitted as part of the review request, and specific further information from the Executive Director in relation to the Executive Director's notice of refusal.
15. The Committee also invited the City of Port Phillip and DEECA to provide any information that may assist the Committee in undertaking the nomination review.
16. The Executive Director and the Nominator provided responses to the Committee's requests on 18 September 2025. No other person or organisation identified above provided any further information or responses to information.
17. All parties listed above were provided with all information received by the Committee.

Issues

18. The following section is not intended to be a complete record of information and submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position that the Committee takes on each key issue. Any reference to 'the Criteria' or to a particular 'Criterion' refers to the Criteria for Assessment.

Summary of positions

Nominator

19. The Nominator submitted that the Place is of State-level significance under Criterion A, D, G and H. Broadly, the Nominator was of the view that the Place meets the State-level threshold:

due to the fundamentally intact status of the original building, its impact upon Victoria's Italian-influenced café culture (and the evolution throughout its lifetime of the culinary tastes of Victorians), its rich and protracted history of live music culture and its strong associations with the very birth of St Kilda as originally conceived by the civil engineer Mr Carlos [sic] Catani.

20. In material submitted to the Committee, the Nominator stated that the Place was established in 1913 (then named the 'Continental Tea Gardens') as a 'purpose-built design stemming from the offices of Catani to specifically complement his vision ...' for the area now known as O'Donnell Gardens, which includes Luna Park. Throughout material submitted to the Committee the Nominator stated that the Place formed part of Catani's 'tripartite' vision for the St Kilda foreshore area, which consisted of O'Donnell Gardens (opened in 1910), Luna Park (opened in 1912), and the 'Continental Tea Gardens' (opened in 1913).

21. The Nominator submitted that Carlo Catani 'is of enduring, singular importance to Victoria's premier entertainment suburb of St Kilda' and that the Place is associated with, and demonstrative of the State-wide significance of Catani.
22. The Nominator also submitted that the Place, 'as one of Victoria's longest continually operating hospitality venues', is significant for its associations with European-Italian café culture, and suggested that the Place represented an early example of Italian influence on Victoria's hospitality venues, prior to the inter and post-WWII boom.
23. Finally, the Nominator submitted that the Place is of State-level significance for its 'rich and protracted live-music culture', noting that the place was first used as a live-music venue in 1957, and continues to 'provide (and safeguard) all important stages for our state's many gifted musicians'.

Executive Director

24. The Executive Director, in refusing to accept the Nomination, acknowledged that the Place has a long history of dining, recreation and entertainment, but that the Place does not allow the association to be 'understood better than most other places and objects in Victoria with substantially the same association', as per the threshold test for Criterion A of the Criteria for Assessment.
25. The Executive Director did not find that the Place demonstrated, at a State level, the principal characteristics of the class of place 'café/restaurant', as required by Criterion D.
26. The Executive Director acknowledged the association of the Place with Carlo Catani, who was instrumental in shaping the St Kilda foreshore and who made a significant contribution to public works in Victoria. Catani's legacy is protected through numerous places included in the Heritage Register, and it was the Executive Director's view that this Place does not allow the association to be 'readily appreciated better than most other places or objects in Victoria' with the same association, as per the threshold test for Criterion H of the Criteria for Assessment.
27. The Executive Director also acknowledged that the Place continues to host live music, but noted that in his view, there is no evidence that the Place has a social value that resonates across the broader Victorian community. The Executive Director did not find that the Place could satisfy the threshold tests for State-level significance under Criterion G of the Criteria for Assessment.

Committee findings

28. The Committee notes that the original nomination, and further material submitted by the Nominator and Executive Director, contained information that could be considered under one or more of the Criteria for Assessment. Many of the arguments the Nominator made for inclusion of the Place in the Heritage Register are related, and have therefore been considered by the Committee in some instances under more than one Criteria.

Criterion A – Importance to the course, or pattern, of Victoria's cultural history

Summary of submissions and evidence

29. The original Nomination application suggested that the Place was of importance to Victoria's cultural history for a number of reasons, including as an early example (along with the 'Stokehouse Continental Café') of European-Italian influence on Victoria's café culture. The Nomination claimed that the Place has been a drawcard for epicureans, bohemians, intellectuals and creatives.
30. The original Nomination suggested that the Place has been a 'forerunner in shaping sociocultural and creative trends since its inception' as one of Victoria's 'oldest, continuously serving food and beverage venues'.
31. The Nomination also discussed the importance of Carlo Catani, and suggested that the Place formed part of Catani's 'tripartite vision' for the area and that the Place was 'always intended to form an integral component of...the luxury resort he [Catani] developed'.
32. In refusing the Nomination, the Executive Director considered the historical associations of the Place to Victoria's dining, recreation and entertainment history.
33. It was the Executive Director's view that, while dining, recreation and entertainment are historically important phases in Victoria's history, the Place does not allow these associations to be understood

better than most other places with substantially the same associations, as required by the Heritage Council's Criteria for Assessment.

34. In requesting review of the Executive Director's decision, the Nominator suggested that the Executive Director's decision in relation to Criterion A was based on a flawed premise: that the Place was originally built as a boatshed. The Nominator stated that the Place was a 'purpose-built design stemming from the offices of Catani to specifically complement his vision' for the area now including Luna Park and O'Donnell Gardens. The Nominator stated that the Place was 'never a boatshed, nor was it repurposed from such a facility'.
35. In responding to the review request documentation, the Executive Director clarified that the origins of the building itself, and whether or not it was a boatshed or was purpose-built, was not material to the Executive Director's decision. The Executive Director clarified that the comparators chosen (Proudfoot's Boathouse, VHR H0620, Brighton Bathing Boxes, VHR H2369, and Hepburn Mineral Springs Reserve, VHR H2098) reflect the association of the Place to St Kilda's history as a seaside resort and providing a place of recreation to Victorians.
36. The Nominator disagreed with the comparators chosen, suggesting that those comparators included in the original nomination application were more suitable, as they relate to the history of the Place as a hospitality venue rather than as a boatshed. The comparators suggested by the Nominator were 'Society Restaurant' (Melbourne), 'Café Florentino' (Melbourne, VHR H0493) and 'Wine Saloon' (Bayswater, HO23).
37. The Nominator stated that the comparators used by the Executive Director diminish the original Nomination application, which suggested that the Place is a 'very early and specific example of Italian café culture within Victoria, which is a key component of the venue's original cultural and culinary significance.'

Committee discussion and conclusion

38. The Committee agrees that the Place is an example of an early hospitality venue in Victoria, and that it is associated with the historic phases of dining, recreation and entertainment, and 'developing Victoria's culinary, café and bar culture', as outlined in Victoria's Framework of Historic Themes.¹
39. The Committee also agrees that the rise of European-Italian café culture is a significant historical phase in Victoria's history, and agrees that the Place has a history of offering European and Italian style dining, as evidenced by its past and current owners/venue managers.
40. However, while the Committee agrees that the Place is a long-running hospitality venue in Victoria, it does not find that the association between the Place, and the above-mentioned historic phases, can be understood at the Place 'better than most other places and objects in Victoria with substantially the same association'.
41. In relation to the influence of Italian culture on Victoria's hospitality industry, while the Committee agrees that this is an important historic phase it does not find that this Place today allows any association to be understood better than most other places with substantially the same association.
42. The Committee notes that whether or not the building was originally a boatshed or was purpose-built as part of Catani's vision has had little bearing on its decision, and that limited primary evidence for either scenario was before the Committee during its review.
43. Further, while the Place may have been commissioned or instigated by Italian-born Carlo Catani, there is no evidence to suggest that Catani had any influence on the type of hospitality venue operating from 1913. The Committee notes that the Nomination application stated that the Place had its first owner with Italian heritage in 1938 (Mr Eugene Rubino), which accords with the inter-war and post-war rise of Italian café culture in Victoria. There is no evidence to suggest that the Place was influential in contributing to Victoria's café culture, including its Italian café culture, from its inception in 1913 (further discussed under Criterion D).
44. The association of the Place with Carlo Catani is further discussed by the Committee under Criterion H.

¹ Victorian Government, *Victoria's Framework of Historical Themes*, <https://assets.heritagecouncil.vic.gov.au/assets/Victoria%E2%80%99s-Framework-of-Historical-Themes.pdf> , page 26

45. The Committee finds that the Place does not have a reasonable prospect of meeting Criterion A at the State level.

Criterion D – Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Summary of submissions and evidence

46. In the Nomination application, the Nominator suggested that the Place could be of State-level significance under Criterion D. The Nominator did not directly attribute the Place to a class of place, but the Executive Director attributed the class ‘café/restaurant’ to the Place in the refusal notice.
47. The Executive Director did not find that the Place was a ‘notable example’ of this class of place in Victoria, and used the comparators Café Florentino (VHR H0493), Tolarno Hotel (VHR H2207) and the George Hotel (VHR H0706). In further material submitted to the Committee, the Executive Director suggested the following additional comparators: the Former Warrandyte Wine Hall (VHR H1150) and the Lilydale Railway Station Refreshment Rooms (VHR H2044).
48. In responding to the Executive Director’s refusal, the Nominator submitted that the comparators used by the Executive Director ‘bear little to no equivalency’ to the Place, as they do not have the same enduring and historical significance of hosting live music.
49. The Nominator also submitted that the original Nomination application did not make an ‘architecturally-weighted’ submission, and that the Nomination placed very little significance upon ‘architectural identities’ associated with the Place, for example the original architect or I.G. Anderson who was responsible for the 1938 extension.

Committee discussion and conclusion

50. To assist its determination in relation to Criterion D, the Committee has had regard to the definition of ‘class’ and the step tests in the Criteria for Assessment.
51. The Committee notes that a ‘class’ is ‘generally defined by a specific purpose or use, era, design characteristic, architectural style, construction technique, materials used or some other recognisable quality’ (page 6 of the Criteria for Assessment).
52. The Committee has considered the Place in the class ‘café/restaurant’ and also ‘live-music venue’.
53. The Committee accepts the Place has a long history as a hospitality venue, and is associated with the historic phases ‘dining, recreation and entertainment, and ‘developing Victoria’s culinary, café and bar culture’. However, the Committee is of the view that the Place is not a fine, influential or pivotal example of either the class ‘café/restaurant’ or ‘live-music venue’.
54. No evidence was presented to suggest that the characteristics typical of the class at this Place are of a higher quality or historical relevance than other places in this class, or that any of the characteristics of this Place were replicated in other places in this class, or that this place represents a key evolutionary stage in the development of this class.
55. Although the Place is an early example of a hospitality venue in Victoria, there is no evidence before the Committee to suggest that it was pivotal or influential in the development of Victoria’s café/restaurant culture.
56. The Committee is of the view that there are other examples in Victoria that better represent the development of Victoria’s café culture and hospitality industry. The Committee agrees that those examples raised by the Executive Director (listed at paragraph 47 above) are notable examples of the class ‘café/restaurant’, and that the Place does not have a reasonable prospect of meeting the threshold of State-level significance under Criterion D in the class of ‘café/restaurant’.
57. The Committee also considered whether the Place could meet the threshold for Criterion D as an example of the class ‘live-music venue’.
58. The Committee acknowledges the long history of the Place as a live-music venue, and the importance of the Place as a small but esteemed venue for both new and emerging artists, as well as established local and international acts.

59. The Committee is of the view that the evidence provided by the Nominator as to the importance of the Place as a live-music venue is best considered under Criterion G.
60. In reviewing the evidence provided, the Committee did not find that the Place possesses characteristics that could be considered to be fine, influential or pivotal examples in the class 'live-music venue'.
61. The Committee finds that the Place does not have a reasonable prospect of meeting Criterion D at the State level.

Criterion G – Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

Summary of submissions and evidence

62. The Nominator submitted that the Place is of State-level cultural heritage significance for its 'rich and protracted history of live music culture'. The Nominator provided information relating to the history of the Place as a live-music venue, submitting that it first hosted live music in 1957 when the 'New Orleans Jazz Club' played to around 80 people at the Place (then named the 'San Remo').
63. The Nominator suggested that live music continued to be a feature of the Place after 1957, from owner Tony Kovach hosting piano accordions to accompany the dining experience, through to the current owners. The Nominator stated that the Place is:

Now synonymous with live bands, solo singers, acoustic and electric players alike, 'The Vineyard Restaurant & Bar' remains one of St Kilda's most revered and critically important live music stages: a tradition greatly accelerated over the last 26 years, but now stretching back almost 70 years.

64. In refusing the Nomination, the Executive Director had regard to the Criteria for Assessment, and was of the view that there 'is no evidence that social value resonates across Victoria'.
65. When responding to the Committee's further information request, the Executive Director advised that the Nomination did not supply any evidence of social value. The Executive Director stated that page 9 of the Heritage Council's *Guidance on identifying places and objects of state-level social value in Victoria* requires that:

A nomination of a place/object to be included in the VHR under Criterion G should establish the state-level social value through the collection, analysis and presentation of evidence that establishes:

- *The existence of a present-day community (or groups) by whom a place is valued, including the nature and size of the relevant community group/s.*

66. In material submitted in response to the Committee's request for information, the Nominator included further examples that, in his view, demonstrate the social value of the Place. The Nominator submitted that the Place is 'one of those must-play live music epicenters within Victoria' and submitted specific, contemporary examples of musicians who played at the Place early in their careers, and who now have national or international audiences.
67. The Nominator also submitted a copy of a letter written by the late Michael Gudinski AM (creator/owner of the Mushroom Record Company). In the letter Mr Gudinski wrote that he considered the Place to be an 'important part of the Melbourne music scene' and that 'places like this are essential in ensuring that Melbourne remains on the international music stage' (letter dated July 8, 2004).
68. The Executive Director did not have access to that evidence when refusing the Nomination, but agreed that the Place:

has an association with the local community of St Kilda and surrounds who utilise the place for socialising and entertainment. As a live music venue, it presumably has associations with the live music community, or sections of it.
69. However, in the Executive Director's view the Place did not appear to have social value that would meet the State-level threshold in accordance with the Criteria for Assessment.

Committee discussion and conclusion

70. The Committee acknowledges the long history of the Place as a live-music venue, commencing in 1957 and continuing in varying capacities over time. The Committee acknowledges the further evidence provided by the Nominator in response to the Committee's request, and notes that the Executive Director did not have access to this evidence when making the determination.
71. The Committee recognises that small live-music venues are formative in the careers of many professional musicians, and that there can be strong attachments for the community of patrons and performers associated with the performance of live music at the Place.
72. The Committee further recognises that Melbourne's live-music scene is part of the identity of the city as a cultural hotspot for the arts, including music and performance.
73. The Committee agrees that the Place is valued in St Kilda's and Melbourne's live-music industry and that there is evidence of local community attachment to the Place. It notes the evidence that some musicians have been attracted to playing at the Place and enjoyed national or international success following their time playing at the Place. The Committee agrees that a time depth to this attachment exists.
74. However, the Committee did not find evidence that the social value resonates across the broader Victorian community as part of the story that contributes to Victoria's identity.
75. The Committee does not find that the Place has a connection to the identity of Victoria, and could not be said to 'exert an influence that resonates in the State of Victoria' – the threshold for a place or object to be considered to be of State-level significance.
76. The Committee, having regard to the Criteria for Assessment, and the Heritage Council's *Guidance on identifying places and objects of state-level social value in Victoria* has not found, in the evidence before it, that the Place demonstrates social value that resonates across the broader Victorian community as part of a story that contributes to Victoria's identity.
77. The Committee finds that the Place does not have a reasonable prospect of meeting Criterion G at the State level.

Criterion H – Special association with the life or works of a person, or group of persons, of importance in Victoria's History

Summary of submissions and evidence

78. The original Nomination suggested that the Place was significant at the State level for its association with Italian-born Carlo Catani, who was Victoria's Engineer-in-Chief of the Public Works Department from 1890–1917.
79. As mentioned in this determination under Criterion A, the Nominator suggested that the Place was purpose-built by Catani's office to complete Catani's 'tripartite vision' for the St Kilda foreshore area, which included 'central gardens, a fantastical theme park, and a hospitality venue'. These three elements (today known as Luna Park, O'Donnell Gardens and the Vineyard Restaurant and Bar), the Nominator stated, are still present today and representative of Catani's vision.
80. The original nomination stated that the Place remains a 'credit to Catani's creative vision and our state's enduring appreciation of his work'.
81. In refusing the Nomination, the Executive Director acknowledged that the Place forms part of Catani's vision of the St Kilda foreshore, but in the Executive Director's view the Place does not allow the association with Catani to be readily appreciated.
82. The Executive Director was of the view that other places in Victoria better represent Catani's significance to the State, such as Catani Gardens (VHR H1805) and Domain Parklands (VHR H2304).
83. When requesting review of the Executive Director's determination, the Nominator stated that the Executive Director failed to 'address his [Catani's] statewide significance' and 'his enduring, singular importance to...St Kilda'. The Nominator stated that the Executive Director's refusal notice had 'greatly undercut his [Catani's] well-earned esteem'.

84. The Nominator stated that the 'Continental Tea Gardens' was the 'first building he [Catani] had erected' after the reclamation of the St Kilda foreshore area (although acknowledging that Catani did not design the building itself).

Committee discussion and conclusion

85. The Committee acknowledges the significant work of Carlo Catani to the development of Victoria, and particularly his influence on the St Kilda foreshore area. The Committee agrees that Catani was an influential person in Victoria's history, and that many places he worked on may be deserving of recognition in the Heritage Register.
86. The Committee has carefully considered the information provided to it, and accepts that Carlo Catani is a person of importance to Victoria's history, but did not find evidence that this Place allows an association with Catani to be readily appreciated better than most other places in Victoria.
87. Further, the Committee did not find evidence that the Place is one component of any tripartite vision Catani may have had for St Kilda. The Committee did not have any primary evidence before it that confirmed that Catani elevated the importance of the 'Continental Tea Gardens' as part of a tripartite vision.
88. As mentioned under Criterion A, it is unclear to the Committee whether the building existed as a boatshed or was purpose-built under the direction of Catani and the foreshore Committee. Regardless of the origin of the building, the Committee has considered whether the building itself could meet the State-level threshold under Criterion H.
89. The Committee agrees that the Place may have a 'direct association' with Catani, who has undoubtedly made a 'strong or influential contribution' to Victoria in the field of engineering and public works.
90. However, in the Committee's view, the Place, while still retaining some original features, does not demonstrate any substantial evidence of an association with Catani in its physical fabric today. The association is primarily expressed today in its location alongside O'Donnell Gardens and Luna Park, and its ongoing historic use as a hospitality venue for dining and refreshments. Alterations to the Place occurred in 1938, 20 years after Catani's death in 1918, and have continued to occur over time to allow the Place to continue its historic use.
91. The Committee finds that the Place does not demonstrate Catani's legacy 'better than most other places in Victoria with substantially the same association'. The Committee agrees with the Executive Director that the Catani Gardens in St Kilda and the Domain Parklands in the Melbourne CBD better demonstrate an association with Catani than the Place. The Committee also agrees with the Executive Director that the significance of the Place with Catani's legacy may be better considered as part of a future assessment of O'Donnell Gardens.
92. The Committee also considered the association of the Place to architect I.G. Anderson, and whether that association had a reasonable prospect of meeting the State-level threshold under Criterion H. Although I.G. Anderson was directly involved in the 1938 extension of the Place, the Committee did not find that the Place is demonstrative on an 'enduring and close interaction' between Anderson and the Place, and that the State-level threshold test under Criterion H would not be met.
93. The Committee finds that the Place does not have a reasonable prospect of meeting Criterion H at the State level.

Committee's concluding comments

94. The Committee thanks the Nominator and the Executive Director for providing material in relation to the Place.
95. Upon review of the material and evidence before it, the Committee has not established the significance of the Place at a State level and finds that the Place does not have a reasonable prospect of inclusion in the Heritage Register.
96. The Committee acknowledges that the Place has a very long history of providing hospitality and entertainment to the local area, and is known locally as an important live-music venue. The Committee wishes to record its acknowledgement of the long history of this venue in providing hospitality and

entertainment to the local area since the design of the foreshore by Carlo Catani, and its status as a surviving institution of St Kilda's Acland Street area.

- 97.** The Committee notes that the Place is included within a precinct Heritage Overlay (HO5) but does not have an individual Heritage Overlay applied. The Committee is not empowered to refer nomination applications to the local planning authority for consideration. Therefore, the Committee has not given consideration as to whether the place may or may not have local individual heritage significance and makes no comment in that regard.

Conclusion

- 98.** The Heritage Council has considered a request to review the Executive Director's decision to refuse to accept a nomination of The Vineyard Restaurant and Bar, located at 71A Acland Street, St Kilda. After requesting further information from the Nominator and Executive Director, and having regard to all material before it, pursuant to section 30(5)(a) of the *Heritage Act 2017*, the Heritage Council has determined to affirm the decision under review and refuse to accept the Nomination.

Attachment 1

Heritage Council criteria for assessment of places and objects of cultural heritage significance

Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
Criterion E	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.