

Case Note: Nguyen and City of Bunbury

Heritage preservation and applications for demolition

In [Nguyen and City of Bunbury](#) [2019] WASAT 23, the Tribunal considered a decision by the City to refuse an application for the demolition of an existing dwelling, which is located in a designated heritage area within the City's *Local Planning Policy 6.1: Heritage Conservation and Development*. The Tribunal noted that the local planning framework, in combination with SPP 3.5, provides discretion to consider the demolition and establishes "specific tests against which proposals for demolition are to be assessed" (86).

Notably, the Tribunal heard from witnesses for the respondent that, considered in isolation, the dwelling and other dwellings within the street each have "moderate cultural heritage" significance; however, "a fundamental aspect of the value of the... properties is that together they form a cohesive group" (72) which makes a contribution to the cultural heritage value of the streetscape.

For these and other reasons, the Tribunal affirmed the decision of the respondent to refuse the demolition application. More case notes are available [here](#).