



Land and Environment Court New South Wales

Medium Neutral Citation:

Horton Coastal Engineering Pty Ltd v Central Coast Council (No 2) [2026] NSWLEC 1476

Hearing dates:

10-12 February, 12 March 2026, further written submissions 6, 7 July 2026

Date of orders:

04 August 2026

Decision date:

23 July 2026

Jurisdiction:

Class 1

Before:

Gray C

Decision:

The Court orders that:

- (1) The appeal is upheld.
- (2) The development application DA/1685/2024 for the carrying out of coastal protection works in the form of a seawall, at 1 (SP 83326), 3-7 (SP 6209), and 9-13 (SP 84066) Hutton Road, The Entrance North, is determined by the grant of consent subject to the conditions in Annexure A.

Catchwords:

APPEAL – development application – coastal seawall on common property of three strata schemes – direction made in earlier decision for updated conditions of consent – direction complied with – final orders made

Legislation Cited:

Central Coast Local Environmental Plan 2022

Cases Cited:

Horton Coastal Engineering Pty Ltd v Central Coast Council [2026] NSWLEC 1449

Category:

Principal judgment

Parties:

Horton Coastal Engineering Pty Ltd (Applicant)
Central Coast Council (Respondent)

Representation:

Counsel:
P Tomasetti SC, J Li (Applicant)
M Fraser (Respondent)

Solicitors:

File Number(s): 2025/103420

Publication restriction: Nil

JUDGMENT

- 1 **COMMISSIONER:** On 23 July 2026, in *Horton Coastal Engineering Pty Ltd v Central Coast Council* [2026] NSWLEC 1449, I gave a decision on an appeal concerning a development application for a coastal seawall on private property at 1-13 Hutton Road, The Entrance North (the site).
- 2 In that decision, I considered a number of contentions raised by the Council concerning the visual impact and the public interest. At [62]-[74], I assessed the visual impact of the proposed seawall, and found it to be acceptable. As set out in the reasons contained therein, the adverse visual impact is limited to when the beach is in its fully eroded state, the proposed seawall is anticipated by the zoning and context of the site, and the seawall has been designed to minimise the impact. In so finding, I considered that where land is zoned for built form development, it can be reasonably anticipated to also have development that protects that built form. I observed that, despite the exposure of the site to coastal hazards, the site remains zoned for residential development, pursuant to the Central Coast Local Environmental Plan 2022. In forming the conclusion that the seawall was the acceptable form of coastal protection for the site, I relied on the agreed evidence of the experts that rock revetment, another form of coastal protection works, would not be suitable as it would require works on the public beach.
- 3 I also considered the impact of the seawall on the coastal foreshore and adjacent properties, at [75]-[88]. Based on the agreed evidence of the engineers, the end effects are acceptable and can be appropriately managed, and I found that the proposed development will not cause an adverse impact on natural coastal processes, and will not cause increased risk of coastal hazards on the site or on the adjacent area.
- 4 Further, the public interest and the potential to set an undesirable precedent was then considered in my decision at [94]-[97]. As set out therein, there are unique characteristics of this site which make the seawall the acceptable solution for coastal protection works on the site. Whether a seawall is replicated on other sites will depend on the relevant facts and circumstances of those sites, and the risk of creating an undesirable precedent is not, of itself, a reason for refusal.
- 5 Based on those findings, and a number of other findings with respect to other issues raised by the Council, I concluded that development consent should be granted subject to appropriate conditions. At [103]-[107] and [116]-[126], I ruled on two conditions that were in dispute between the parties. I then made orders for the parties to confer on

conditions of consent that reflect my findings, and directed that those conditions be filed by 31 July 2026. That direction has been complied with, and I am satisfied that the conditions of consent filed on 29 July 2026 accord with my findings.

6 I therefore consider it appropriate that development consent be granted, subject to the conditions of consent that were filed on 29 July 2026.

7 The Court orders that:

(1) The appeal is upheld.

(2) The development application DA/1685/2024 for the carrying out of coastal protection works in the form of a seawall, at 1 (SP 83326), 3-7 (SP 6209), and 9-13 (SP 84066) Hutton Road, The Entrance North, is determined by the grant of consent subject to the conditions in Annexure A.

J Gray

Commissioner of the Court

[Annexure A \(341 KB, pdf\)](#)

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Decision last updated: 04 August 2026