

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2025] NZEnvC 367

IN THE MATTER OF

an application for interim enforcement
orders and enforcement orders under
sections 314 and 320 of the Resource
Management Act 1991

BETWEEN

W G S ONG & S H SHEW

(ENV-2025-AKL-106)

Applicants

AND

SUNNY HILLS TENNIS CLUB
INCORPORATED

Respondent

Court: Environment Judge J A Smith pursuant to s 279 of the Act

Hearing: On the papers

Last case event: 7 November 2025

Appearances: D Shahtahmasebi for W G S Ong & S H Shew (**Applicants**)
C F Timbs for Sunny Hills Tennis Club Incorporated (**The
Tennis Club**)

Date of Decision: 10 November 2025

Date of Issue: 10 November 2025

DECISION OF THE ENVIRONMENT COURT

A: The Court makes the enforcement order as set out at Annexure 1.

B: The Court makes no order for costs, these being resolved between the parties
directly.



W G S Ong & Shew v Sunny Hills Tennis Club Incorporated

REASONS

Introduction

[1] Proceedings were filed by the Applicants seeking both interim and permanent enforcement orders to prevent any remaining construction of and the use of lights at Sunny Hills Tennis Club for evening and night games.

[2] There was initially a dispute as whether or not a consent was required for these works. The parties sought time to see if they could negotiate a solution.

History of the proceedings

[3] The proceedings were filed in early May 2025. The Court held an urgent telephone conference to discuss the matter with the parties. An undertaking was given at an early stage by The Tennis Club including that it would not do any further substantive lighting works and would limit the use of the lights and with notice to the parties.

[4] The matter was then referred for discussion and mediation between the parties. Regular reports since June 2025 have led to requests for further time for negotiation.

[5] It was clear that both parties were taking a responsible approach to the matter, and this has been reinforced by the eventual resolution of this matter by agreement between the parties. Nevertheless, the Court has concluded that it should issue a decision on the enforcement order given the interests of the both The Tennis Club members and the general public in the issues that have arisen.

Resource consent required

[6] The parties have now agreed that resource consent is required for the lighting system. It is the intention of The Tennis Club to make any necessary application in due course. This does not form part of the orders before this Court.

[7] The enforcement order deals with the current situation and it is acknowledged that any change of position will require a consent from the Council to authorise nighttime activities on the site including use of lights. This is explicitly recognised in

the draft order.

The negotiated agreement

[8] The parties have agreed that The Tennis Club will:

- (a) Remove the luminaries and the top section of the lighting poles on the boundary of Courts 1, 2, 3 and 4 as shown in the appendix map to the enforcement order, by approximately four metres, so that the retained pole structure is below the Applicant's fence line and the internal tennis court fencing;
- (b) Ensure that these works are carried out by suitably qualified and experienced contractors within 20 working days of the order commencing;
- (c) Not undertake any further substantive lighting works at the site, excepting those outlined above; and
- (d) Not use the lights.

[9] The enforcement order attached as **Annexure 1** is agreed between the parties.

[10] Essentially the parties have agreed that unless and until any consent is granted, the lights will not be used. Furthermore, The Tennis Club has agreed not to undertake any substantive works at the site beyond those necessary to achieve the terms of the order. In particular, the parties have agreed that both the luminaries and the lighting poles will be removed and reduced in height so that the retained pole structures are below the Applicant's fence line and internal tennis court fencing. Finally, the parties have agreed that there will be no order for costs, that issue having been resolved between the parties separately.

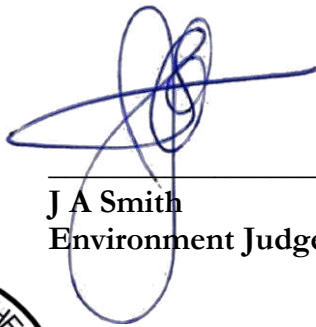
[11] The parties agreed that if the activities are properly established, the order of the Court may be cancelled. This may require an application to the Court, although in practical terms the order may lapse given its written terms.

Outcome

[12] The Court makes the enforcement order as set out at Annexure 1.

[13] The Court makes no order for costs, these being resolved between the parties directly.

[14] The parties have engaged in constructive discussions. I commend the parties on the solution achieved. The matter is at an end and the file is closed.



J A Smith

Environment Judge | Kaiwhakawā o te Kōti Taiao



Annexure 1

ENFORCEMENT ORDER

Orders

1. Pursuant to ss 314 and 320 of the Resource Management Act 1991 ("RMA"), Sunny Hills Tennis Club Incorporated ("Club") at 6 Oleander Point, Pakuranga, Auckland ("the Site") must:
 - (a) Remove the luminaires and the top section of the lighting poles on the boundary of Courts 1, 2, 3 and 4 as shown on Appendix A (collectively "the Lights"), by approximately 4 metres, so that the retained pole structure is below the Applicant's fence line and the internal tennis court fencing.
 - (b) Ensure that these works are carried out by suitably qualified and experienced contractors within 20 working days of this order commencing.
 - (c) Not undertake any further substantive lighting works at the Site, excepting those outlined in [1(a)] above.
 - (d) Not use the Lights.

Commencement

2. The order shall take effect from the date it is issued.

Lapsing

3. This order will lapse if:
 - (a) The Club obtains resource consent from Auckland Council pursuant to the Resource Management Act 1991 to authorise nighttime tennis activities at the Site, which includes the use of the Lights (**Activities**); or alternatively if,
 - (b) The Activities are otherwise lawfully established, and the order is cancelled by the Environment Court.

APPENDIX A

