

**I TE KOOTI WHENUA MĀORI O AOTEAROA
I TE ROHE O TĀKITIMU**

*In the Māori Land Court of New Zealand
Tākitimu District*

AP-20250000009033

WEHENGĀ
Under

Section 135, Te Ture Whenua Māori Act 1993

MŌ TE TAKE
In the matter of

Lot 10J Pt Omaha 2C1C and other blocks

NĀ
By

MARE REIHARANGI KUPA JNR
Te Kaitono
Applicant

Kōtitanga: 3 February 2026, 127 Tākitimu MB 71-80
Hearing (Heard at Hastings)

Whakataunga: 20 March 2026
Judgment date

TE WHAKATAUNGA A KAIWHAKAWĀ D H STONE
Judgment of Judge D H Stone

Hei tīmatanga kōrero me te take*Introduction and issue*

[1] In 2021 I granted orders partitioning Lot 10H and 10I Pt Omaha 2C1C to create 8 rural sections. I declined then to change the status of four of those sections to General land. Four years later, the owner of those sections, Mare Kupa, applied again to change their status to General land. The sole issue to decide is whether the four sections should become General land.

Whakarāpopototanga*Summary*

[2] The application is granted. The four sections are now General land.

Kua ahatia?*What has happened?*

[3] The 2021 partition of these areas was in part to enable Mr Kupa to sell four of the sections to reduce debt over Mr Kupa's farming business. Although I granted the partitions, I did not change the status of these four sections then. I said:¹

[34] I consider s 136(d) of [Te Ture Whenua Māori Act 1993] is not satisfied at this stage because it is not clear that the partitioned sections will be managed or utilised more effectively as General land. [Mr Kupa] intends to sell those sections to reduce farm debt. [Mr Kupa] says it is difficult to sell partitioned sections like these if they remain Māori freehold land, based on his prior experience in attempting to sell partitioned sections within this block. He says those sections were only able to be sold once their status was changed to General land. This evidence was not challenged at hearing. However, no independent evidence has been presented to the Court to show this.

[35] Moreover, prior experiences do not automatically apply to new circumstances. At this stage, no attempt has been made to sell these newly partitioned sections as Māori freehold land. That should occur first.

[4] I also indicated then that changing the status of Māori freehold land to General land solely to obtain a higher sale price is contrary to the kaupapa of Te Ture Whenua Māori Act 1993 ("the Act"). Securing a higher sale price is not, on its own, a sufficient reason for a status change.² In dismissing the application to change the status of these sections, I

¹ *Kupa v Kupa – Lot 10H and 10I Pt Omaha 2C1C* (2021) 92 Tākitimu MB 247 (92 TKT 247).

² Above at [36], citing *Jacobs – Waiteti No. 2A1B2A1C6 Block* (2021) 260 Waiariki MB 110 (260 WAR 110).

observed that Mr Kupa could make a subsequent application to change their status if he was unable to sell them as Māori freehold land.³

[5] Since then, the following has happened:

- (a) Mr Kupa has given notice to the preferred class of alienees of this application to change the status of these sections to General land. Public notice appeared in *Hawkes Bay Today* on 9 and 16 September 2025. It was notified to the local iwi organisation and copies were provided to Omaha Marae.
- (b) The sections were marketed for sale from 29 October 2025. There were inquiries within the first 10 days (but no firm offers) and no interest expressed subsequently. The buyer feedback was that there was no interest in purchasing Māori freehold land.
- (c) Farm debts have remained persistent. Indebtedness is still over \$700,000. Various farm loans are due for repayment in 2026. There is no certainty that the farming business will secure new funding. There is a risk of foreclosure.
- (d) Mr Kupa says that the sale price for each section could be in the vicinity of \$300,000. Minus the sale costs, his evidence is that the sale of these four sections will provide sufficient funds to repay the farm debt, with surplus.
- (e) Mr Kupa has identified a farming property that the whānau wishes to acquire which, he says, will enable intergenerational growth. The primary obstacle to acquiring this property is access to finance. His bank, ANZ, has advised him that it is not interested in using his Māori freehold land for security.
- (f) This application was heard on 7 October 2025 and adjourned to allow Mr Kupa to produce further evidence. It was further adjourned on 2 December 2025 to allow more time for that evidence to be produced. The application was finally heard on 3 February 2026.

³ Above n 1 at [37].

Te Ture*The law*

[6] Section 135 of the Act allows the status of Māori freehold land to be changed to General land. The relevant principles were set out in my earlier decision and need not be repeated here.⁴

Kōrerorero*Discussion*

[7] The requirements of s 136(a), (b) and (c) of the Act are satisfied. Mr Kupa is the sole owner of each of these sections. There is no trust over them. The sections are registered under the Land Transfer Act 2017.

[8] In terms of s 136(d), I am now satisfied that the sections will be utilised more effectively as General land. The context is important. Selling these sections will likely save the farming business and avoid foreclosure over the farmlands. This is not a case of seeking a change of status to achieve a higher sale price – the evidence shows that the sections have not sold at all as Māori freehold land. Changing the status of the sections appears to be the only way in which they can be sold, and the proceedings utilised to reduce farm debt.

[9] A primary reason for changing the status of these sections is so that they can be sold and the proceeds applied to the repayment of farm debt. It goes without saying that the Court expects any proceeds to be applied for that purpose. Put another way, given that the sale proceeds are expected to realise more than enough funds to repay the existing farm debt, the Court will not likely entertain any further status changes for Mr Kupa's Māori freehold land for the purposes of repaying debt.

Ngā ōta*Orders*

[10] Pursuant to ss 135 and 136 of Te Ture Whenua Māori Act 1993, the status of each of Lot 10J, Lot 10K, Lot 10L and Lot 10M Pt Omaha 2C1C block is changed from Māori freehold land to General land.

⁴ Above n 1 at [26] citing *Tahuparae – Ngapākihi IT* (2008) 198 Aotea MB 201 (198 AOT 201) at [8].

I whakapuaki i te 4.00 pm i Te Whanganui-a-Tara, i te 20 o ngā rā o Māehe i te tau 2026.

D H Stone
JUDGE