

Appendix 26

TREATY SETTLEMENT LEGISLATION — STATUTORY ACKNOWLEDGEMENTS

Background

There are three Māori entities which hold Mana Whenua status in the Kāpiti Coast district: Ngāti Toa Rangatira, Te Ātiawa ki Whakarongotai, and Ngāti Raukawa ki te Tonga, including their whānau and hapū.

As at April 2025, Ngāti Toa Rangatira is the sole Māori entity which has completed its Treaty settlement process which was passed into law in 2014. This document will be updated as further claims settlement acts are passed into law.

A statutory acknowledgement is an acknowledgement by the Crown that recognises the mana of Tangata Whenua in relation to specified areas — particularly the cultural, spiritual, historical and traditional associations with an area. These acknowledgements relate to 'statutory areas' which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas, but are only given over Crown-owned land.

Ngati Toa Rangatira Settlement Background

The Ngati Toa Rangatira Claims Settlement Act 2014 came into force on 23 April 2014, with a settlement date of 1 August 2014 and an effective date of 1 February 2015.

The Settlement Act requires a statutory acknowledgement of statutory areas, and of the statements of association and statements of coastal values made by Ngāti Toa Rangatira in respect of those statutory areas.

The information contained in this Appendix is provided solely for public information and is not formally part of the legally adopted Kapiti Coast District Plan, nor is it subject to the provisions of Schedule 1 of the Resource Management Act 1991 (RMA).

Kāpiti Coast District Council Obligations

Kāpiti Coast District Council has certain obligations and duties it must exercise when managing resource consent applications within, adjacent to, or directly affecting a statutory area. These are:

- To have regard to the statutory acknowledgement when making decisions on whether the Trustee of the Toa Rangatira Trust is an affected person on resource consent applications submitted for activities within, adjacent to, or directly affecting a statutory area.

- To provide, for a period of 20 years from the effective date (1 February 2015) either summary of resource consent applications lodged with Council, or a copy of the notice of a resource consent application that has been served on Council under section 145(10) of the RMA (where the matter is lodged with the Environmental Protection Authority), to the Trustee of the Toa Rangatira Trust where the resource consent application is for an activity within, adjacent to, or directly affecting a statutory area.

The exact provisions outlining those responsibilities and obligations are contained below.

Relevant Provisions of the Ngati Toa Rangatira Claims Settlement Act 2014

24 Interpretation

(1) *In this Act, statutory acknowledgement means the acknowledgement made by the Crown in section 25 in respect of each statutory area, on the terms set out in this subpart.*

(2) *In this subpart,—*

coastal statutory area means a statutory area described in Schedule 1 under the heading "Coastal statutory areas"

relevant consent authority, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

statements of association means the statements—

- made by Ngati Toa Rangatira of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory areas); and*
- that are in the form set out in part 2.1 of the documents schedule of the deed of settlement*

statements of coastal values means the statements—

- made by Ngati Toa Rangatira of their particular values relating to the coastal statutory areas; and*
- that are in the form set out in part 2.2 of the documents schedule of the deed of settlement*

statutory area means an area described in Schedule 1, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

25 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association and the statements of coastal values.

26 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 27 to 29; and*
- to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the trustee of the Toa Rangatira Trust, as provided for in section 31; and*
- to enable the trustee of the Toa Rangatira Trust and members of Ngati Toa Rangatira to cite the statutory acknowledgement as evidence of the association of*

Ngati Toa Rangatira with a statutory area, as provided for in section 32.

27 Relevant consent authorities to have regard to statutory acknowledgement

(1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

(2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

28 Environment Court to have regard to statutory acknowledgement

(1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is a person who has an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

(2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

29 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, archaeological site has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

30 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

(a) the relevant provisions of sections 24 to 33 in full; and

(b) the descriptions of the statutory areas wholly or partly covered by the plan; and

(c) any statements of association or statements of coastal values for the statutory areas.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—

- (a) *part of the statutory plan; or*
- (b) *subject to the provisions of Schedule 1 of the Resource Management Act 1991.*

31 Provision of summaries or notices of certain applications to trustee

- (1) *Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustee of the Toa Rangatira Trust for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:*
- (a) *if the application is received by the consent authority, a summary of the application;*
or
 - (b) *if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.*
- (2) *The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustee of the Toa Rangatira Trust and the relevant consent authority.*
- (3) *A summary of an application must be provided under subsection (1)(a)—*
- (a) *as soon as is reasonably practicable after the consent authority receives the application; but*
 - (b) *before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.*
- (4) *A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.*
- (5) *This section does not affect a relevant consent authority's obligation,—*
- (a) *under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or*
 - (b) *under section 95E of that Act, to decide whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity.*

32 Use of statutory acknowledgement

- (1) *The trustee of the Toa Rangatira Trust and any member of Ngati Toa Rangatira may, as evidence of the association of Ngati Toa Rangatira with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.*
- (2) *The content of a statement of association or statement of coastal values is not, by virtue of the statutory acknowledgement, binding as fact on—*
- (a) *relevant consent authorities;*
 - (b) *the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991;*
 - (c) *the Environment Court;*
 - (d) *Heritage New Zealand Pouhere Taonga;*
 - (e) *parties to proceedings before those bodies;*
 - (f) *any other person who is entitled to participate in those proceedings.*
- (3) *However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.*
- (4) *To avoid doubt,—*
- (a) *neither the trustee of the Toa Rangatira Trust nor members of Ngati Toa Rangatira are precluded from stating that Ngati Toa Rangatira has an association with a statutory area that is not described in the statutory acknowledgement; and*

(b) the content and existence of the statutory acknowledgement do not limit any statement made.

33 Trustee may waive rights

(1) The trustee of the Toa Rangatira Trust may waive the right to be provided with summaries, and copies of notices, of resource consent applications under section 31 in relation to a statutory area.

(2) The trustee may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 27 to 29 in relation to a coastal statutory area.

(3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga stating—

(a) the scope of the waiver; and

(b) the period for which it applies.

(4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Kāpiti Coast District Statutory Acknowledgements, Statements of Association and Statements of Coastal Values

1. Queen Elizabeth Park (As shown on Deed Plan OTS-068-24)



Statement of Association

Ngāti Toa Rangatira have a strong historical, cultural, and spiritual association with the area that comprises Queen Elizabeth Park. The park is located within a historic Ngāti Toa Rangatira reserve and includes the two settlements of Wainui and Whareroa. The park is included in the northern end of the reserve established in 1847 for Ngāti Toa Rangatira.

The area contains a number of significant Ngāti Toa Rangatira wāhi tapu, including urupā and kāinga. It is not uncommon for kōiwi and taonga Māori to be discovered within the park. In 2006, the prow of an early waka was discovered and retrieved from the mouth of the Wainui Stream. Ngāti Toa

Rangatira still maintain an urupā located near the Wainui Stream.

Ngāti Toa Rangatira made initial contact with the area during a taua in 1819. Te Rauparaha, perhaps looking to the future, instructed Te Rākō, a Ngāti Toa Rangatira chief, to remain in the area. However, it was not until after the Battle of Waiorua in 1824 that Ngāti Toa Rangatira settled the area. At that point, the land was apportioned by Waitohi, sister of Te Rauparaha, a highly respected and influential rangatira who played an important role in the political affairs of Ngāti Toa Rangatira.

From the 1820s and 1830s, the area was settled by many other iwi/hapū at the invitation of Ngāti Toa Rangatira. Ngāti Haumia, a hapū of Ngāti Toa Rangatira, also remained in occupation of the area until the late nineteenth century.

Queen Elizabeth Park has remained an important kāinga of Ngāti Toa Rangatira/Ngāti Haumia. Ngāti Toa Rangatira currently operate the Paekākāriki Camping Ground. The park is still used by members of Ngāti Toa Rangatira for cultural purposes.

2. Whareroa Farm (As shown on Deed Plan OTS-068-25)



Statement of Association

Whareroa Farm is valued as an area of great historical, cultural, and spiritual significance to Ngāti Toa Rangatira. It was the site of a Ngāti Toa Rangatira settlement and contains a number of wāhi tapu.

Whareroa Farm takes its name from the historical site, Whareroa Pā, situated on a high dune close to the mouth of the Whareroa Stream. At the foot of the pā’s eastern and southern approaches, the steep face of the hillside was afforded extra protection by the deep stream, which served as a kind of moat.

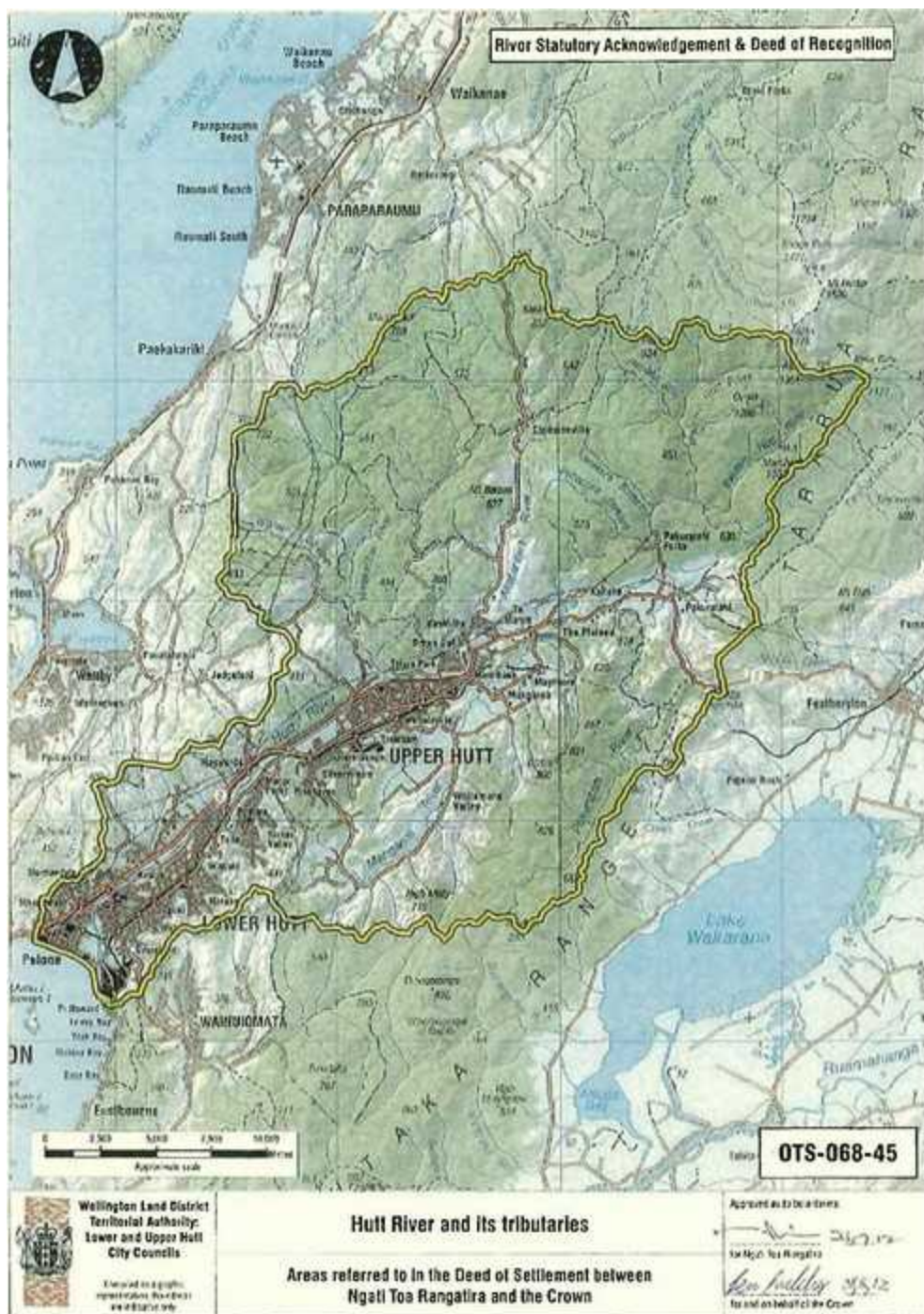
The Wainui Pā was located within a short distance of Whareroa, making the area an important cultural centre for Ngāti Toa Rangatira. The small settlement of Tipapa remained occupied until about 1840, although both Whareroa and Wainui remained as important kāinga for much longer.

Ngāti Toa Rangatira made initial contact with the area during a taua in 1819. Te Rauparaha, perhaps looking to the future, instructed Te Rākō, a Ngāti Toa Rangatira chief, to remain in the area, which he did, covering the coastline from the South Coast to Paekākāriki. However, it was not until after the Battle of Waiorua in 1842 that Ngāti Toa Rangatira settled the area. The land was then apportioned by Waitohi, sister of Te Rauparaha, to the various Nihoputa groups for settlement.

From the 1820s and 1830s, the area was settled by many other iwi/hapū at the invitation of Ngāti Toa Rangatira. Ngāti Haumia, a hapū of Ngāti Toa Rangatira, also remained in occupation of the area until the late nineteenth century.

From early Ngāti Toa Rangatira settlement, Whareroa Farm has remained an important kāinga of Ngāti Toa Rangatira/Ngāti Haumia.

3. Hutt River and its tributaries (As shown on Deed Plan OTS-068-45)



Statement of Association

The Hutt River (Te Awa Kairangi) is of historical and cultural importance to Ngāti Toa Rangatira. The iwi claim an association with the Hutt River from the time of their participation in the invasion of the Hutt Valley during 1819 and 1820.

During that campaign, the taua marched around the western side of Te Whanganui-a-Tara, defeating the local iwi as they went. When the war party reached the Hutt River, they constructed rafts, which they used to aid them in their invasion of the Hutt Valley.

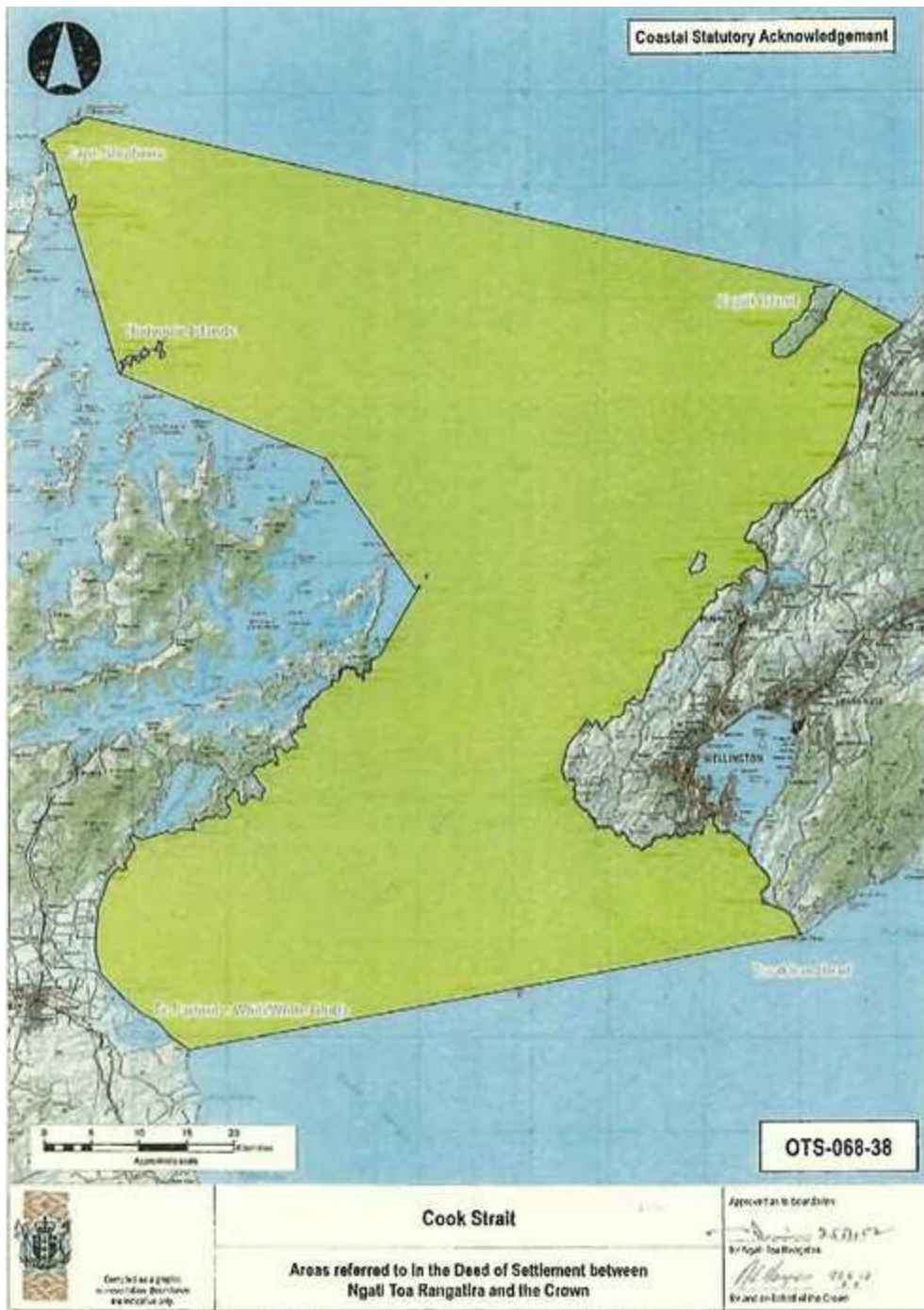
Although Ngāti Toa Rangatira did not remain in the area after this invasion, the Hutt River continued to be important to the iwi following their permanent migration and settlement in the lower North Island in the late 1820s and early 1830s. The relationship of Ngāti Toa Rangatira to the Hutt Valley and River was not one defined by concentrated settlement and physical presence. Rather, the iwi felt their claim to the land was strong, based on the powerful leadership of Te Rauparaha and Te Rangihaeata and the relationship they had with iwi residing in the Hutt Valley who had been placed there by Ngāti Toa in the 1830s. For some years, these iwi in the Hutt Valley paid tribute of goods such as canoes, eels, and birds to Te Rauparaha and Te Rangihaeata.

Ngāti Toa Rangatira have a strong historical connection with the Hutt River and its tributaries, and the iwi consider that the river is included within their extended rohe and is an important symbol of their interests in the Harataunga area.

Te Awa Kairangi was traditionally an area for gathering piharau, or the freshwater blind eel, as well as tuna (eel) from its tributaries. Harataunga also supported flax plantations, which were used by early Māori for trading with settlers. The river was also of great importance, as it was the largest source of freshwater in the area.

The river was also an important transport route, and small waka were used along the length of Te Awa Kairangi.

4. Cook Strait (As shown on Deed Plan OTS-068-38)



Statement of Coastal Values

Te Moana o Raukawa, the Cook Strait, is of the highest significance to Ngāti Toa Rangatira. Not only does Te Moana o Raukawa have great traditional and spiritual significance, it was also crucial as a political and economic asset to Ngāti Toa Rangatira and important as a means of transport and a rich source of various resources.

Te Moana o Raukawa is rich in its own kawa and tikanga, folklore, and stories, handed down through the generations from Māui and Kupe through to the present day. As well as having great traditional and spiritual significance, the Strait was important as a navigable route between Te Ika-a-Māui and

Te Waka-a-Māui, which linked these two diverse islands. Lands on both sides of the moana were usually occupied by the same iwi groupings, and thus it was important for the tribes to understand its differing moods and potential dangers, and to develop seafaring capabilities to cross safely the stretch of notoriously dangerous water.

The name *Te Moana o Raukawa* has its origins in the narrative of Kupe's voyage to Aotearoa. Having followed Te Wheke-a-Muturangi from Hawaiki, Kupe killed the giant octopus at the entrance to Tory Channel. Ngā Whatu Kaiponu (the Brothers Islands) are said to be the eyes of the wheke. So, in order that the wheke not be reawakened, the eyes of people on their maiden crossing of the straits were always covered. This tradition was called koparetia and was undertaken so that tauhou could not gaze at the rocks, as so often the sea was rough and dangerous, and in this area paddlers would have to concentrate on getting the waka across the sea.

This was done with kawakawa leaves, hence the original name, *Te Moana o Raukawakawa*.

According to Sir Māui Pōmare, this chant was recited to him by Aperahama of Wainui, Paekākāriki, who said it was sung by a woman named Tuhupu for her husband who had sailed across Te Moana o Raukawa. The chant contains reference to the custom of koparetia.

*Ao mā uru e tauhere mai rā
nā runga ana mai te hiwi kei Te Tawake.
Kātahi te aroha ka makuru i ahau
ki te tau rā e nui ai te itinga.
Pirangi noa ake ki te kimi moutere,
kia utaina au Te ihu o Te Rewarewa,
Te waka o Patutahi, e whiu ki tawhiti;
kia koparetia te rerenga i Raukawa,
kia huna iho, kei huna iho, kei kite ai
Ngā Whatu, kia hipa ki muri rā
ka titiro kau, kia noho taku iti
te koko ki Karauriupe [sic],
ngā mahi a Kupe, i topetopea iho.
Kei whea te tane i rangi ai te itinga?
Mō ngā riri rā,
ka rukea ki ahau, waiho i roto nei,
ka nui te ngākau.*

*Far over the western sea a cloud clings to Tawake's peak.
It drifts this way; it brings me fond hope
of one who's far away,
of him to whom I was betrothed while still young.
Oh, I would go with you across the swelling sea
to seek some island of our own.
I'd seat me in Te Rewa's bows,
Te Patutahi's great canoe,
and sail so far away.
I'd bind my eyes so carefully
to cross Raukawa's rolling sea,
lest I imprudently behold
the dread crags of Ngā Whatu.
And when we'd safely cross the straits
and be free to gaze around again,
I'd see the shores of Karaurupe [sic],*

*the wondrous works of Kupe,
our ancestor who sailed these seas
and severed the island from the main.
But where is my loved one?
I'm left behind to mourn alone;
my heart swells high with sorrow.*

Te Rau o Titapua (the feather plume of the albatross) is said to be an island that stood at the eastern entrance to Te Moana o Raukawa and sank beneath the sea. This narrative ties in with the stories of how Te Whanganui-a-Tara (Wellington Harbour) was formed by ngā taniwha Ngake and Whāitaitai. Ngake escaped, forming the entrance to the harbour, and as the water shallowed in what is now Wellington Harbour, Whāitaitai became stranded. The body of Whāitaitai became the hills close to the harbour entrance. The soul of Whāitaitai left him in the form of a bird named Te Keo. Mount Victoria is known by Māori as Tangi Te Keo, or the weeping of Te Keo.

This ngeri, or chant, is taken from the whakapapa book of Miriama Ngāpaki of Ngāti Toa Rangatira, who was a daughter of Horipoti Thoms.

*Ka tito au, ka tito au, ka tito au ki a Kupe
te tangata nāna i hoehoe te moana
te tangata nāna i topetope te whenua.
Tū kē a Kapiti, tū kē a Mana, tau kē a Arapaoa.
Ko ngā tohu tēnā a taku tūpuna a Kupe,
nāna i whakatomene Titapua,
ka toreke i a au te whenua nei.*

*I sing, I sing, I sing of Kupe,
the man who paddled over the ocean,
the man who divided off the land.
Solitary is Kapiti,
separated is Mana,
removed is Arapaoa.
Such are the great signs of my ancestor Kupe.
It was he who caused Titapua to sink,
then left this newfound land.*

Te Moana o Raukawa was central to the development of Ngāti Toa Rangatira's maritime trading domain. Its strategic importance became apparent to Te Rauparaha during the Amiowhenua expedition, when a trading ship was seen passing through the Strait. Te Rauparaha saw the ship from Ōmere, an important lookout commanding wide views over the Strait, located on the ridge above Cape Terawhiti, just north of Ōteranga Bay. Te Rauparaha was advised by allied chiefs to seize these lands, as the ship indicated potential access to Europeans and their technologies, particularly muskets and steel. A maritime domain that included the straits would also bring Ngāti Toa Rangatira closer to pounamu.

Following their migrations south from Kāwhia in the 1820s, Ngāti Toa Rangatira quickly established themselves in the Cook Strait region. In 1824, only six years after the iwi's first taua, Amiowhenua, into the southern North Island, a coalition of southern North Island tribes and northern South Island tribes attacked the Ngāti Toa Rangatira pā at Waiorua on Kāpiti Island, only to be defeated by Ngāti Toa Rangatira and their kinfolk of the Ngāti Mango confederation.

With Kāpiti Island safely under its mana, Ngāti Toa Rangatira were able to establish their influence

over the extended Cook Strait region based on further battles with other iwi, invasions of key sites on both sides of Cook Strait, and relationships with other related iwi groupings.

Tapu Te Ranga Island on Wellington's south coast is another important site to Ngāti Toa Rangatira and their association with the Cook Strait region. In 1827, Ngāti Toa Rangatira were part of a force that attacked Tapu Te Ranga, the last refuge of the iwi residing on the south coast. Eventually, the defending force fled around the coast to Ōwhiro Bay, where the greenstone mere Tawhito Whenua was relinquished to Te Rangihaeata.

Widespread coastal settlements provided the iwi with access to the abundant resources of the ocean, including extensive fisheries and shellfish resources. Their coastal settlements also gave Ngāti Toa Rangatira access to trade opportunities with early settlers. There were multiple whaling stations established within the rohe of Ngāti Toa Rangatira, including on Kāpiti Island, at Porirua, Mana Island, Port Underwood, Wairau, and on Arapaoa Island.

Control of Te Moana o Raukawa was important to Ngāti Toa Rangatira for political and economic reasons, but this was not the full extent of the significance of the lands and sea of this region. Te Moana o Raukawa could be relied upon at different times of the year for its well-sheltered bays and the supplies of fish in the harbours.

Following the migration of the iwi from Kāwhia, Ngāti Toa Rangatira were re-established in an environment with great potential and opportunity for expansion. This allowed the iwi to revitalise their identity, which was largely shaped by the material conditions of Te Moana o Raukawa.

To Ngāti Toa Rangatira, Te Moana o Raukawa was never seen as a barrier to maintaining their areas of mana whenua on both sides of Cook Strait. Instead, Te Moana o Raukawa was more akin to a highway, which facilitated the transportation of resources and trade goods across Cook Strait, and enabled the development of key relationships between Ngāti Toa Rangatira and their communities of interest. Thus, it has always been considered to be just as much a part of the iwi's rohe as the land upon which they settled.

Te Moana o Raukawa remains a site of immense cultural, historical, and spiritual significance to Ngāti Toa Rangatira. Ngāti Toa Rangatira are kaitiaki of Te Moana o Raukawa and its resources. Ngāti Toa Rangatira regard Te Moana o Raukawa as one of their most significant resources. The extensive fisheries resources that exist in the strait provide for the iwi's customary fishing and allow the iwi to manaaki manuhiri at Ngāti Toa Rangatira hui.

5. Kapukapuariki Rocks (As shown on Deed Plan OTS-068-42)



Statement of Coastal Values

The Kapukapuariki Rocks are of cultural, historical, spiritual, and traditional significance to Ngāti Toa Rangatira.

Kapukapuariki Rocks are located at the southern end of Paekākāriki Beach. Paripari Pā was located on the steep slopes above the Kapukapuariki Rocks, and two other pā were situated close to the reef, at Whareroa and Wainui. The Wainui Pā was the residence of Ngāti Toa Rangatira chief Ropata Hurumutu. Ropata Hurumutu had moved from Kāpiti to take up permanent residence at

Wainui shortly after the Battle of Haowhenua in 1835. Prior to the Battle of Waiorua, a group of Ngāti Toa Rangatira were ambushed while gathering kaimoana from the rocks, and several Ngāti Toa Rangatira were killed.

The rocks were an important source of kaimoana, particularly mussels. This reef continues to be highly valued by Ngāti Toa Rangatira as one of the few reliable sources of kūtai, or mussels, still used by the iwi for customary purposes. Kapukapuariki is just outside the northern boundary of the marine rāhui established by Ngāti Toa Rangatira at Pukerua Bay. Ngāti Toa Rangatira, as kaitiaki of this area, with the support of the community, have established mechanisms founded in tikanga to protect the marine environment.