

Casting vote that trumped the environment

If there are two certain things about the seabed mining case, they're that the proposal isn't going to go away and neither is the opposition.

The company that wants to strip iron ore out of sandy seabed off the Patea coast has invested too much money (\$70 million) and effort to give up, especially now it's gained qualified approval from the possibly mis-named Environmental Protection Agency. The go-ahead seems uncertain because a four-person panel set up to examine the application stale-mated at two-all, with the deadlock broken only by the chairman's casting (second) vote in favour.

That's the bit I don't get. In my many years as a reporter covering local councils I was led to believe – by councillors, council staff, editors and long-standing convention – that if you get a drawn vote the chair's casting vote can be used only to maintain the status quo. In this case that should have meant no approval.

A question about casting votes arose during New Plymouth District Council's previous term, after councillors debated support for an investigation into age-friendly cities. Their vote was a draw, so then-mayor Andrew Judd used his casting vote to push it through. An unidentified councillor on the losing side proffered an aside that such a move was against convention.

I spent a bit of time online checking the current status of casting votes and these days it seems inconclusive. So Alick Shaw, chair of the seabed mining panel, may or may not have been within his rights to rule as he did. It will be interesting to see if opponents who appeal to the High Court question the vote on a point of law. The question may be: which law?

I sat through some of the hearings and read most of the evidence during what seemed an interminable application process, and I feel uneasy (although unsurprised) that the panel - like the small army of experts who participated – couldn't settle it convincingly.

A simplification of the proposal would describe it as a succession of enormous carrier ships operating just out of sight offshore, carting away to overseas smelters ore sucked up in sand from what the company is at pains to describe as a largely barren seabed whose environment will be only temporarily inconvenienced.

Both sides of the debate mustered complex scientific arguments on whether or not this is a good thing or a bad one. For me, a layman, a crucial moment in the process came when people who dive in the area showed photographs of what looked like a tropical underwater paradise; in contrast, the company's photos portrayed the seabed as an empty desert. The impact this comparison had on some panel members was noticeable.

The government seems hellbent on this proposal going ahead, presumably because of economic benefits. But while the boost to our gross domestic product would assist the national account book a little, actual gains for Taranaki people appear limited and temporary and not enough to balance environmental risks.

The panel has carefully examined the arguments put by many stakeholders; of that there can be little doubt when you read its 351-page decision. And it's insisting on dozens of checks, including a two-year monitoring programme to establish existing conditions against which the operation's effects will be assessed.

But a bigger question hovers: if this project goes ahead, what might follow? Prospectors have established that seabed iron sand deposits run along much of the west coast of the North Island from Whanganui to Northland, so if this first effort to exploit them is a financial goer, will it be one of many?

That's probable. Some years ago, business news reports said global mining giants are keeping a watching brief on the progress of Trans-Tasman Resources' pitch. Unless the world market for iron

ore drops dramatically, they may turn that quiet interest into new proposals to follow this controversial pioneering one.

The TTR case was originally meant to be sorted in the first third of this year, safely settled well before the election. That the process has been dragged out so close to polling day might mean the casting vote will be circumvented if there is a change of government (although the new Labour leader's stance is unclear).

It depends on how sensitive the electorate has become to matters threatening the environment, and how voters weigh up an argument that maintaining our high standard of living trumps promotion of our cleanish, greenish landscape (or, in this case, seascape).