

1. Role of the Panel

In October 2019, the Government's Independent Expert Panel for Mining in the Catchment submitted its final report into mining in the Special Areas of Sydney's Drinking Water Catchment. This Panel made a total of 50 recommendations, including two regarding a new expert panel for underground mining, as follows:

- *In the longer-term, arrangements should be made to ensure that government has access to appropriate and independent expert advice when assessing mining proposals and performance outcomes; and*
- *Government needs to establish a sustainable mechanism for accessing objective and timely expert advice when assessing mining applications and performance outcomes and this mechanism needs to be supported by probity guidelines that have regard to experts having worked in the mining industry in order to gain their expertise.*

The NSW Department of Planning and Environment has therefore established an Independent Advisory Panel for Underground Mining (the Panel) to assist the Department of Planning and Environment (the Department) and the Independent Planning Commission of NSW with the assessment and management of underground coal mining proposals which may cause impacts on overlying natural or built environments.

2. Responsibilities of the Panel

The Panel, as requested, will provide technical advice to the Department and to the Independent Planning Commission of NSW on assessment and policy related matters including the:

- a) scale, likelihood and consequences of subsidence impacts from new underground coal mining proposals (including development applications, modification applications and draft Extraction Plans);
- b) monitoring and management of subsidence risks and subsidence impacts at either new mining proposals or existing mines;
- c) adaptive management and/or offset measures required for the continued achievement of performance measures and other requirements of development consents; and
- d) any other matters related to subsidence management in NSW; and
- e) gas management and greenhouse gas minimisation measures.

3. Membership

The Panel will consist of an independent chair and appointed members in the following fields:

- mining engineering and/or subsidence prediction and management;
- groundwater systems, modelling and responses in underground mining environment;
- surface water systems, modelling and responses in underground mining environments;
- swamp hydrology and ecosystems and responses in underground mining environments; and
- gas management and greenhouse gas emissions.

The Department will recruit and appoint all the Panel's members and its chair. The Department will review the appointment of all panel members and the chair periodically.

Other independent experts may also be temporarily appointed as members of the Panel to assist with advice in respect of difficult environments (e.g. mining beneath or adjacent to tidal waters; cliffs and similar landforms; sensitive infrastructure; and multiseam mining).

The Department may also appoint an alternate Chair in circumstances where the Chair is unavailable.

4. Preparation of Panel Advice

Requests for Panel advice must be submitted by the Department or the Independent Planning Commission of NSW to the Chair of the Panel. The Panel's advice will then be prepared by a subcommittee of the Panel which is to be appointed by the Chair.

Panel subcommittees will ordinarily consist of between 2 and 5 members of the Panel, depending on the complexity of the advice required.

The Chair will consider the relevant expertise of Panel Members and their availability, together with any potential conflicts of interest and any time constraints relating to preparation of advice before appointing the subcommittee to prepare the advice. The Chair will appoint one of the members of the subcommittee as its convenor.

The Chair will be an *ex-officio* member of all Panel subcommittees and may assist the convenor in resolving issues or focusing advice.

5. Conflict of Interest

The Panel must operate in accordance with *the Independent Advisory Panel for Underground Mining Conflict of Interest Policy*. This policy recognises that many experts in the technical fields represented on the Panel will have previously worked for the coal mining industry. As recognised by the Independent Expert Panel for Mining in the Catchment, this is a reflection of their expertise rather than a disqualifier for Panel membership. Within this context, the policy seeks to minimise the possibility of an actual, perceived or potential conflict of interest for Panel members when undertaking their advisory tasks.

6. Secretariat Services

Any secretariat and other support services required by the Panel in carrying out its functions will be provided by the Department. Requests for such services should come from either the Panel Chair or the convenor of any operating Panel subcommittee.

7. Funding

The Department will provide remuneration for the advice provided by the Panel.

The costs will be recuperated from relevant mining companies through development application/modification fees (for new projects) or via existing conditions of consent (for existing mines). Costs may also be recuperated from the Independent Planning Commission of NSW for any of its requests to the Panel.