

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 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, Housing and Infrastructure (NSW Planning) has therefore established an Independent Expert Advisory Panel for Mining (the Panel) to assist NSW Planning and the NSW Independent Planning Commission (the IPC) with the assessment and management of underground and surface mining proposals which may cause impacts on natural or built environments.

2. Responsibilities of the Panel

The Panel, as requested, will provide technical advice to NSW Planning and the IPC on mining projects including assessment and policy related matters. The scope of the Panel's advice includes:

- a) scale, likelihood and consequences of impacts from mining proposals (including development applications, modification applications and draft Extraction Plans);
- b) monitoring and management of risks and impacts to the environment 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 related to impacts on the environment;
- d) any other matters related to management of environmental impacts associated with mines in NSW.

3. Membership

The Panel will consist of an independent Chair (the Panel Chair) and appointed members in the following fields:

- mining engineering;
- geotechnical engineering (which in many circumstances may be covered by mining engineering);
- groundwater systems, modelling, geochemistry and responses in mining environments;
- surface water systems, modelling, geochemistry and responses in mining environments;
- ecology, biodiversity, swamp hydrology and ground water dependent ecosystems and responses in mining environments; and
- gas management and greenhouse gas emissions.

Terms of Reference

NSW Planning will recruit and appoint all Panel Members and the Panel Chair and periodically review their appointment.

Other independent experts may also be temporarily appointed as members of the Panel to assist with advice in specific circumstances requiring additional specialist knowledge and experience.

NSW Planning may also appoint an alternate Panel Chair in circumstances where the Panel Chair is unavailable.

4. Preparation of Panel Advice

Requests for Panel advice must be submitted by NSW Planning or the IPC to the Panel Chair (via the Panel Secretariat), together with the desired timelines for completion.

The Panel's advice will then be prepared by a subcommittee of the Panel which is to be convened by the Panel Chair for each request.

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

The Panel 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 Panel Chair will appoint one of the members of the subcommittee as its convenor.

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

Completed work will be returned to NSW Planning or the IPC by the Panel Chair. The Panel Chair will be available to source follow up advice from the members should there be further questions.

5. Conflict of Interest

The Panel must operate in accordance with the *Independent Expert Advisory Panels - Conflict of Interest Policy*. This policy recognises that many experts in the technical fields represented on the Panel will have previously worked for the 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 NSW Planning. Requests for such services should come from either the Panel Chair or the convenor of any operating Panel subcommittee.

7. Funding

NSW Planning will establish agreements with proponents to secure funding prior to the referral of any projects, where it cannot rely on recovering the costs from relevant mining companies through

existing conditions of consent. Costs may also be recovered from the IPC for any of its requests to the Panel.