



**Quarterly
Performance
Report
1 July 2017 to
30 September
2017**

Service Delivery Standards

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Titles Services Maitland
Division of Resources and Geoscience
Department of Planning and Environment
516 High Street, Maitland NSW
PO Box 344, Hunter Region Mail Centre NSW 2310
titles.services@industry.nsw.gov.au

www.resourcesandenergy.nsw.gov.au

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Executive Summary

Overview

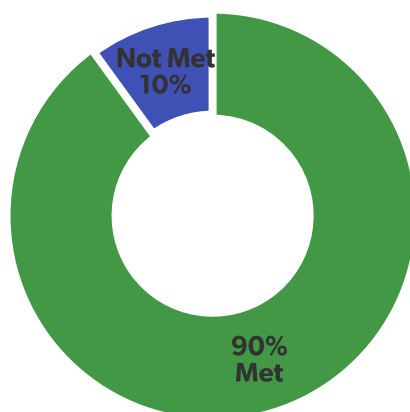
This report provides a summary of the operating performance for the provision of Titles Services within the Division of Resources and Geoscience (the Division) of the NSW Department of Planning and Environment (DPE) for the three-month period ending 30 September 2017. This was the second quarter since the transfer of Title Services from the NSW Department of Industry (DoI) to the NSW Department of Planning and Environment.

All exploration and mining activity in NSW must be conducted in accordance with an authority (Title) issued under the *Mining Act 1992*. Certain exploration and mining activities also trigger the requirement for additional approvals and other NSW legislation may also apply. The authority gives holders (Title holders) exclusive rights to explore or mine for the mineral group(s) for which the authority is granted.

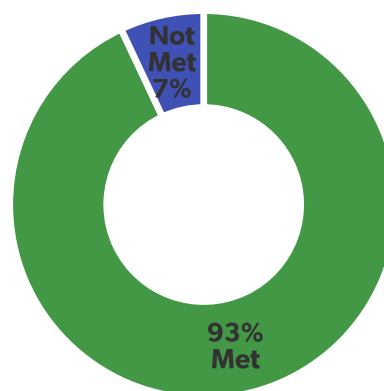
For the purpose of this report, Titles Services incorporates the process of receiving and assessing applications and the granting of authorities pursuant to Key Performance Indicators (KPIs) as published by the Division of Resources and Geoscience. The data collected for this report is from 1 July 2017 to 30 September 2017. During this quarter, 120 notifications of proposed decisions were issued by Titles Services. Of these notifications, 93% were processed within the required performance standard. For the same period last year, 92% compliance was achieved. For the current calendar year commencing 1 January 2017, service delivery standards have averaged 89%.

Performance for this quarter was impacted by the finalisation of outstanding applications that had been received prior to significant structural changes announced by the Division in November 2015. During the quarter the Division finalised nearly 600 dealings and now has 556 to complete (Appendix B). It is anticipated that service delivery standards for the December 2017 quarter will again be impacted as these applications are finalised. All applications received and/or processed since this time have consistently met or exceeded service delivery standards. For this quarter, 100% of 110 notifications received after 1 September 2016 were processed within the required performance standard.

**Proposed Decisions Notified
Previous Quarter
1 April - 30 June 2017
NB - Total Decisions notified 130
First quarter with DPE**



**Proposed Decisions Notified
Current Quarter
1 July - 30 September 2017
NB - Total Decisions notified 120**



Service performance review

Table 1 – Service performance

Activity/approval	Last quarter April-June 2017		This quarter July-Sept 2017		Same period last year July-Sept 2016	
	Service Performance	Decisions Notified	Service Performance	Decisions Notified	Service Performance	Decisions Notified
Coal exploration licence applications ¹	N/A	0	100%	1	100%	1
Mineral exploration licence applications ²	88%	52	94%	57	84%	37
Mineral & coal mining lease applications ²	80%	5	100%	1	33%	3
Assessment lease applications	100%	5	100%	2	N/A	0
Coal exploration licence renewals ²	80%	5	90%	10	0%	2
Mineral exploration licence renewals ²	97%	59	100%	35	98%	47
Mineral & coal mining lease renewals ²	50%	2	85%	13	100%	53
Assessment lease renewals	50%	2	0%	1	N/A	0
Review of Environmental Factors (REF) approvals (including Non-Common Exploration Activities) ³	92%	12	94%	17	93%	14
Mining Operations Plan (MOP) approvals ³	84%	19	84%	31	90%	30
Security deposit reviews ³	69%	35	63%	64	92%	62
Security deposit release ⁴	100%	37	100%	105	100%	70
Surface Disturbance Notice approvals (including Common Exploration Activities) ⁴	94%	51	98%	40	94%	34
Subsidence Management Plan (SMP) variation approvals ⁵	100%	3	66.7%	3	N/A	0

Performance Standards and Legend

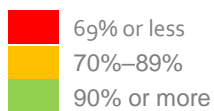
¹ 90% within 85 business days

² 90% within 45 business days

³ 90% within 30 business days

⁴ 90% within 10 business days

⁵ 90% within 90 business days



A total of four mineral exploration applications, one coal exploration renewal, one coal assessment lease renewal and two mining lease renewals have not met KPI this quarter. All were part of the clearance project. The Division has implemented systems to ensure current applications are monitored throughout the assessment process. There are a number of clearance matters still to be resolved and it is expected the December quarter may again be impacted as the Division finalises these applications.

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Section 2 – Additional Information

Service levels and operations

For mineral exploration licence applications that do not require the approval of the Minister, the processing time for service level reporting is complete when the applicant is notified of the result of the proposed decision, or in the case of withdrawal, when the withdrawal of the application is finalised. For exploration licence applications for coal and petroleum, where the approval of the Minister is required, the processing time for service level reporting—where applicable—is complete when the submission is completed and sent to the Minister for consideration.

If an application is deficient, the applicant is notified immediately and given 10 business days to submit all supporting information required for assessment purposes. Processing timeframes commence when a complete application, including all required supporting information, is received.

Any change to processing time occurs only under a “stop-the-clock” provision. Stop-the-clock provisions generally apply where additional information is required from the applicant or in the event of an exception identified in Appendix A.

Information regarding clearance applications is provided in Appendix B. The Clearance Project includes matters previously reported as Legacy Work. A flowchart of the application process for Titles Services is located on our website, <http://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/codes-and-guidelines/imer>.

Service definitions

Table 1 – Service definitions

Issue	Action
Exploration licence	Gives the holder exclusive rights to explore for petroleum or minerals within a designated area but it does not permit mining, nor does it guarantee a mining or production lease will be granted.
Mining lease/Petroleum production lease	Gives the holder the exclusive right to mine for petroleum or specific minerals or to conduct mining-related activities on or under a specific area of land.
Assessment lease	Allows the holder to maintain an authority over an identified project area without being obligated to conduct further exploration activity.
Review of Environmental Factors (REF)	Informs the Department’s consideration of the likely environmental impact of a proposed activity under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> .
Mining Operations Plan (MOP)	A plan which facilitates the monitoring of approved mining and rehabilitation activities during the life of a mine in accordance with the requirements of a development approval or any lease agreement.
Security deposits	Monies held in trust for rehabilitation works in the event of default by the titleholder.
Surface Disturbance Notice approvals (including Common Exploration Activities)	Notification of exploration activities involving disturbance or exposure of the soil or surface rock layer and/or degradation or deterioration in any manner of the physical surface of land.
Subsidence Management Plan (SMP)	Mining Lease Extraction Plan (MLEP) describes how subsidence impacts will be managed to meet the requirements of the development consent.

Applications received

Activity	1 Jul 2016 to 30 Sept 2016	1 Oct 2016 to 31 Dec 2016	1 Jan 2017 to 31 Mar 2017	1 Apr 2017 to 30 Jun 2017	1 Jul 2017 to 30 Sep 2017
COAL					
Exploration Licence Applications	1	2	0	0	4
Assessment Lease Applications	0	2	0	0	0
Mining Lease Applications	1	2	0	0	2
TOTAL	2	6	0	0	6
Exploration Licence Renewals	8	4	4	7	10
Assessment Lease Renewals	0	0	0	0	0
Mining Lease Renewals	2	1	0	3	0
TOTAL	10	5	4	10	10
MINERALS					
Exploration Licence Applications	50	56	52	44	35
Assessment Lease Applications	1	6	0	0	0
Mining Lease Applications	4	1	3	3	1
TOTAL	55	63	55	47	36
Exploration Licence Renewals	38	52	67	39	28
Assessment Lease Renewals	0	1	0	0	0
Mining Lease Renewals	3	0	0	5	6
TOTAL	41	53	67	44	34
PETROLEUM					
Exploration Licence Applications	0	0	0	0	0
Assessment Lease Applications	0	0	0	0	0
Production Lease Applications	0	0	0	0	0
TOTAL	0	0	0	0	0
Exploration Licence Renewals	2	0	0	0	0
Assessment Lease Renewals	0	0	0	0	0
Production Lease Renewals	0	0	0	0	0
TOTAL	2	0	0	0	0
GRAND TOTAL	110	127	126	101	86

Applications received from 1 July 2016 to 30 September 2017 averaged approximately 110 per quarter. There were 86 applications received during this quarter, compared to 110 for the same period last year.



Attachments

Appendix A: Exception management

The following exception management (stop-the-clock) protocols apply when circumstances beyond the control of the Division's process prevent the valid assessment of an application. On occasions where multiple circumstances give rise to multiple stop-the-clock triggers, these are dealt with in parallel rather than sequentially.

ALL APPLICATION TYPES			
Exception	Processing clock triggers		Applicable legislation/ notes
	Stop clock	Restart clock	
Applicant requests that application is put on hold.	Request received from applicant to stop processing.	Request received from applicant to restart processing.	N/A
Development consent required prior to <i>Mining Act 1992</i> approval.	Notification to applicant that processing cannot proceed without development consent.	Copy of relevant consent supplied to Division of Resources and Geoscience (DRG).	Section 65 <i>Mining Act 1992</i> Clause 7(1) <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>
<i>EPBC Act</i> referral decision or approval required of direct relevance to application or title.	Notification to applicant that processing cannot proceed until referral decision or approval is made.	Copy of referral decision or approval supplied to DRG.	<i>Environment Protection and Biodiversity Conservation Act 2000</i>
Relevant litigation underway in relation to application or title.	Notification to applicant that litigation precludes further processing.	DRG notified that litigation has been resolved.	N/A
Significant unresolved issue with third party of direct relevance to application or title.	Notification to applicant that issue with third party precludes further processing.	DRG notified that issue with third party has been resolved.	N/A
Serious compliance issue of direct relevance to application or title.	Notification to applicant that compliance issue precludes further processing.	Compliance issue has been resolved.	To be dealt with in accordance with DRG compliance/enforcement policy and procedures
Deficiency in application which may otherwise result in application being refused.	Notification to applicant of deficiency.	Requested information supplied to DRG or applicant does not supply information within requested timeframe.	Administrative law principles relating to the exercise of discretionary powers and procedural fairness

GRANTS AND RENEWALS			
Exception	Processing clock triggers		Applicable legislation
	Stop clock	Restart clock	
Right to negotiate process.	Commencement of right to negotiate process at request of applicant.	Completion of right to negotiate process	<i>Native Title Act 1993</i>
Significant improvement determination (mining leases only).	Receipt of objection.	Determination of objection	Section 62(6A) <i>Mining Act 1992</i>
Agricultural land determination (mining leases only).	Receipt of objection.	Determination of objection	Section 179 <i>Mining Act 1992</i>
Survey outstanding (mining leases only).	Notification to applicant that survey required before processing can proceed further.	Satisfactory plan submitted to DRG and assessed.	Section 66 <i>Mining Act 1992</i>

EXPLORATION ACTIVITY APPROVALS – Category 2 SDN, Category 3 REF

MINING APPROVALS - Mining Operations Plan (MOP), Subsidence Management Plan (SMP)

Exception	Processing clock triggers		Applicable legislation
	Stop clock	Restart clock	
<i>Mining Act 1992</i> authorisation (title) required prior to activity approval.	Notification to applicant	Authorisation (title) granted	Sections 5 and 6 <i>Mining Act 1992</i>

EXPLORATION ACTIVITY APPROVALS – Category 3 REF

Exception	Processing clock triggers		Applicable legislation
	Stop clock	Restart clock	
Consent required from the Minister for the Environment for exploration in State Conservation Areas.	Notification to applicant	Copy of consent supplied to DRG	Section 47(7) <i>National Parks and Wildlife Act 1974</i>

Appendix B: Clearance Project

In the June 2017 quarterly report, we identified nearly 1,500 dealings within the Titles Administration System (TAS), that had been lodged before September 2016 that were still to be finalized. Some of these dealings being lodged as far back as 1989.

The clearance project is the Division's operational priority with each unit with the Division contributing to ensure these matters are cleared. The progress of the project is being monitored by the Secretary and the Division's executive and regular meetings are being held to identify bottlenecks, assessment of solutions and the provision of resources to clear them.

During this quarter the Division finalised 488 dealings and identified that 76 cannot be progressed as they require development consent, submission of surveys or other approvals. These reductions have been across all areas of the project, with the major achievements being the finalisation of a significant number of grant and renewals, the completion of all outstanding environmental dealings, processing over 100 dead title dealings and the assessment of over half of the community consultation reports submitted.

Team	Items	Total	Complete	Awaiting Development Consent, Approvals or Surveying	Remainder	Team Total
Team 1 - Mineral Applications and Renewals	Applications	151	78	30	43	140
	Renewals	239	142		97	
Team 2 - Coal Applications and Renewals	Applications	71	4	39	28	68
	Renewals	58	17	1	40	
Team 3 - Transfers and Other Dealings	Part Transfers	17	7	6	4	61
	Transfers	27	19		8	
	Adding Minerals	19			19	
	Part Cancellations	12	2		10	
	Native Title - Right to Negotiation	16			16	
	Other	49	45		4	
Team 4 - Dead Titles		330	127		203	203
Team 5 - Suspension of Conditions		80	69		11	11
Team 6 - ESU Dealings	Exploration Activity Approval	34	34		-	-
	Environmental Management Plan	1	1		-	
	Environmental Management Report	96	96		-	
	Subsidence Management Plans	11	11		-	
	Mining Operation Plans	72	72		-	
Team 7 - Community Consultation Reports		198	125		73	73
		1,481	849	76	556	556

