



***Quarterly  
Performance  
Report  
1 July 2018  
to  
30 September  
2018***

*Service Delivery  
Standards*

October 2018

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Resource Operations

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@planning.nsw.gov.au

[www.resourcesandgeoscience.nsw.gov.au](http://www.resourcesandgeoscience.nsw.gov.au)

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*Executive summary*

## Overview

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.

### A new workflow tracking system

The Division of Resources and Geoscience (the Division) has recently implemented a workflow tracking system to provide better visibility and analytics over the processing of applications. As this system is being progressively implemented, the Division intends to be in a position to utilise its data and analytics to inform the future quarterly reports commencing from the first quarter period of 2019.

### Review of Service Delivery Standards

As the workflow tracking system is implemented, the Division will review how the exception management protocols operate. This will ensure that the exception management protocols address all circumstances outside the Division's control that may affect the processing of applications.

Industry consultation is also underway to ensure the application of our service delivery standards are realistic and that the data within the report is defensible.

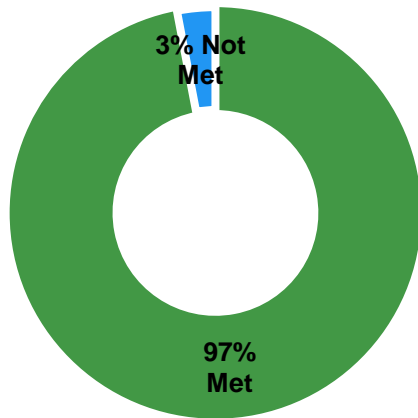
### Performance overview

This report provides a summary of the operating performance of for the provision of titles services within the NSW Department of Planning and Environment's Division of Resources and Geoscience (the Division) and the Resources Regulator for the three-month period ending 30 September 2018. This was the sixth quarter since the transfer of the Division from the NSW Department of Industry to the NSW Department of Planning and Environment.

This report deals with receiving and assessing title applications and granting authorities pursuant to Service Delivery Standards as published by the Division. The data presented in this report has been collected from 1 July 2018 to 30 September 2018. During this quarter, **62** notifications of proposed decisions were issued. Of these notifications, **85%** were processed within the required performance standard. For the same period last year, 97% compliance was achieved.

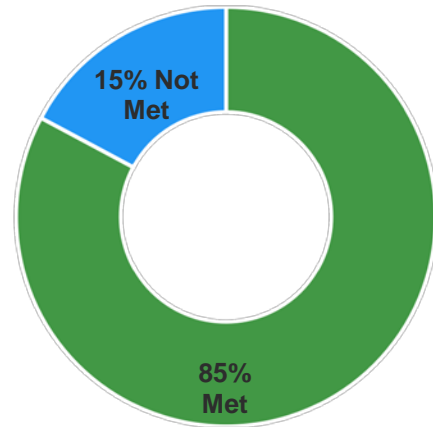
**Proposed Decisions Notified  
Previous Quarter  
1 April - 30 June 2018**

**NB - Total Decisions notified 107**



**Proposed Decisions Notified  
Current Quarter  
1 July - 30 September 2018**

**NB - Total Decisions notified 62**



## Service performance review

**Table 1 Service performance – Division of Resources and Geoscience**

Activity/approval	Last quarter April – June 2018		This quarter July - September 2018		Same quarter last year July - September 2017	
	Service Performance	Decisions Notified	Service Performance	Decisions Notified	Service Performance	Decisions Notified
Coal exploration licence applications <sup>1</sup>	100%	2	N/A	0	100%	1
Mineral exploration licence applications <sup>2</sup>	98%	50	95%	21	94%	57
Mineral & coal mining lease applications <sup>2</sup>	60%	5	67%*	3	100%	1
Assessment lease applications <sup>2</sup>	N/A	0	N/A	0	100%	2
Coal exploration licence renewals <sup>2</sup>	N/A	0	N/A	0	90%	10
Mineral exploration licence renewals <sup>2</sup>	100%	41	79%	34	100%	35
Mineral & coal mining lease renewals <sup>2</sup>	100%	9	100%	4	85%	13
Assessment lease renewals <sup>2</sup>	N/A	0	N/A	0	0%	1

\* Note – Low volume of applications (three only over this period) with one application of significant complexity, resulting in a 67% performance score.

<sup>1</sup> 90% within 85 business days

<sup>2</sup> 90% within 45 business days

**Table 2 Service performance – NSW Resources Regulator**

Activity/approval	Last quarter April – June 2018		This quarter July - September 2018		Same quarter last year July - September 2017	
	Service Performance	Decisions Notified	Service Performance	Decisions Notified	Service Performance	Decisions Notified
Non-Complying Exploration Activities <sup>3</sup>	100%	12	67%	12	93%	14
Mining Operations Plan (MOP) approvals <sup>3</sup>	88%	17	72%	36	90%	30
Security deposit reviews <sup>3</sup>	85%	39	51%	45	92%	62
Security deposit release <sup>4</sup>	100%	14	100%	33	100%	70
Complying Exploration Activities <sup>4</sup>	87%	54	74%	35	94%	34
Subsidence Management Plan (SMP) variation approvals <sup>5</sup>	100%	1	100%	1	N/A	0

<sup>3</sup> within 30 business days

<sup>4</sup> within 10 business days

<sup>5</sup> within 90 business days

In April 2018, responsibility for the then Environmental Sustainability Unit, which undertook the functions in table 2, were transferred from DRG to the Resources Regulator.

The Regulator takes a risk-based, outcomes-focussed approach to activities and is currently reviewing the appropriateness of the performance indicators in table 2. The Regulator also publishes its own monthly reports on its activities and it is proposed from the first quarter of 2019 that the above activities will be reported in these monthly reports.

The above functions were progressively integrated into the Regulator's operating model during this quarter and service delivery timelines were impacted by the Regulator's increased focus on frontline inspections and validation activities, governance arrangements and the assimilation and development of work processes into its new compliance management system.



**Table 3 Title applications this quarter**

Approval	This quarter July - September 2018			
	Decisions Notified	Met	Not Met	Service Performance
Coal exploration licence applications <sup>1</sup>	0	0	0	N/A
Mineral exploration licence applications <sup>2</sup>	21	20	1	95%
Mineral & coal mining lease applications <sup>2</sup>	3	2	1	67%
Assessment lease applications <sup>2</sup>	0	0	0	N/A
Coal exploration licence renewals <sup>2</sup>	0	0	0	N/A
Mineral exploration licence renewals <sup>2</sup>	34	27	7	79%
Mineral & coal mining lease renewals <sup>2</sup>	4	4	0	100%
Assessment lease renewals <sup>2</sup>	0	0	0	N/A
<b>Total</b>	<b>62</b>	<b>53</b>	<b>9</b>	<b>85%</b>



*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. 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 assessment of the application 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 the exception management processes published with the Division's Service Delivery Standards. Exception management processes apply in the event of an exception identified in Appendix A.

A flowchart of the application process is located on the Department's website ([www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/codes-and-guidelines/imer/mining-exploration-reform-process](http://www.resourcesandgeoscience.nsw.gov.au/miners-and-explorers/codes-and-guidelines/imer/mining-exploration-reform-process)). Information regarding clearance applications is provided in Appendix B.

## Service definitions

**Table 2 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 describes how subsidence impacts will be managed to meet the requirements of the development consent.

## Applications received

**Table 3 Applications received**

Activity	1 Jul 2017 to 30 Sep 2017	1 Oct 2017 to 31 Dec 2017	1 Jan 2018 to 31 Mar 2018	1 Apr 2018 to 30 Jun 2018	1 Jul 2018 to 30 Sep 2018
<b>COAL</b>					
Exploration Licence Applications	4	3	0	1	1
Assessment Lease Applications	0	0	0	0	1
Mining Lease Applications	2	6	0	2	0
Application to vary a mining lease to attach an ancillary mining activity condition	2	10	1	0	0
<b>TOTAL</b>	<b>8</b>	<b>19</b>	<b>1</b>	<b>3</b>	<b>2</b>
Exploration Licence Renewals	10	11	6	11	10
Assessment Lease Renewals	0	0	0	1	0
Mining Lease Renewals	0	2	3	1	4
<b>TOTAL</b>	<b>10</b>	<b>13</b>	<b>9</b>	<b>13</b>	<b>14</b>
<b>MINERALS</b>					
Exploration Licence Applications	35	58	39	41	24
Assessment Lease Applications	0	0	0	0	0
Mining Lease Applications	1	3	3	3	2
Application to vary a mining lease to attach an ancillary mining activity condition	0	6	0	0	0
<b>TOTAL</b>	<b>36</b>	<b>67</b>	<b>42</b>	<b>44</b>	<b>26</b>
Exploration Licence Renewals	28	49	45	37	32
Assessment Lease Renewals	0	1	0	0	0
Mining Lease Renewals	6	6	4	13	13
<b>TOTAL</b>	<b>34</b>	<b>56</b>	<b>49</b>	<b>50</b>	<b>45</b>
<b>PETROLEUM</b>					
Exploration Licence Applications	0	0	0	0	0
Assessment Lease Applications	0	0	0	0	0
Production Lease Applications	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Exploration Licence Renewals	0	0	1	0	0
Assessment Lease Renewals	0	0	0	0	0
Production Lease Renewals	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>GRAND TOTAL</b>	<b>88</b>	<b>155</b>	<b>102</b>	<b>107</b>	<b>87</b>

Applications received from 1 July 2017 to 30 September 2018 averaged approximately 108 per quarter. There were 87 applications received during this quarter, compared to 88 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.

**Table 4 Exception management protocols**

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 (the Division).	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 the Division.	<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.	The Division 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.	The Division 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 the Division's compliance and enforcement policy and procedures
Deficiency in application which may otherwise result in application being refused.	Notification to applicant of deficiency.	Requested information supplied to the Division or applicant does not supply information within requested timeframe.	Administrative law principles relating to the exercise of discretionary powers and procedural fairness

<b>GRANTS AND RENEWALS</b>			
<b>Exception</b>	<b>Processing clock triggers</b>		<b>Applicable legislation</b>
	<b>Stop clock</b>	<b>Restart clock</b>	
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 the Division and assessed.	Section 66 <i>Mining Act 1992</i>
<b>MINING APPROVALS - Mining Operations Plan (MOP), Subsidence Management Plan (SMP)</b>			
<b>Exception</b>	<b>Processing clock triggers</b>		<b>Applicable legislation</b>
	<b>Stop clock</b>	<b>Restart clock</b>	
Development consent consistent with MOP / SMP 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.	Section 65 <i>Mining Act 1992</i> , Section 4.42 <i>Environmental Planning &amp; Assessment Act 1979</i> , Clause 7(1) <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>

**EXPLORATION ACTIVITY APPROVALS – Complying Exploration Activity (CEA) and Non-Complying Exploration Activity (Non-CEA)**

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 the Division.	Section 47J(7) <i>National Parks and Wildlife Act 1974</i>
Consent required from the Minister for exploration in Exempted Area.	Notification to applicant	Copy of consent supplied to the Division.	Section 30 <i>Mining Act 1992</i>