



Quarterly performance report

1 OCTOBER 2016 TO 31 DECEMBER 2016

Service delivery standards

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Authorised by: S Phillips

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Titles Services Maitland
Division of Resources and Energy
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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1. Executive summary

1.1. Overview

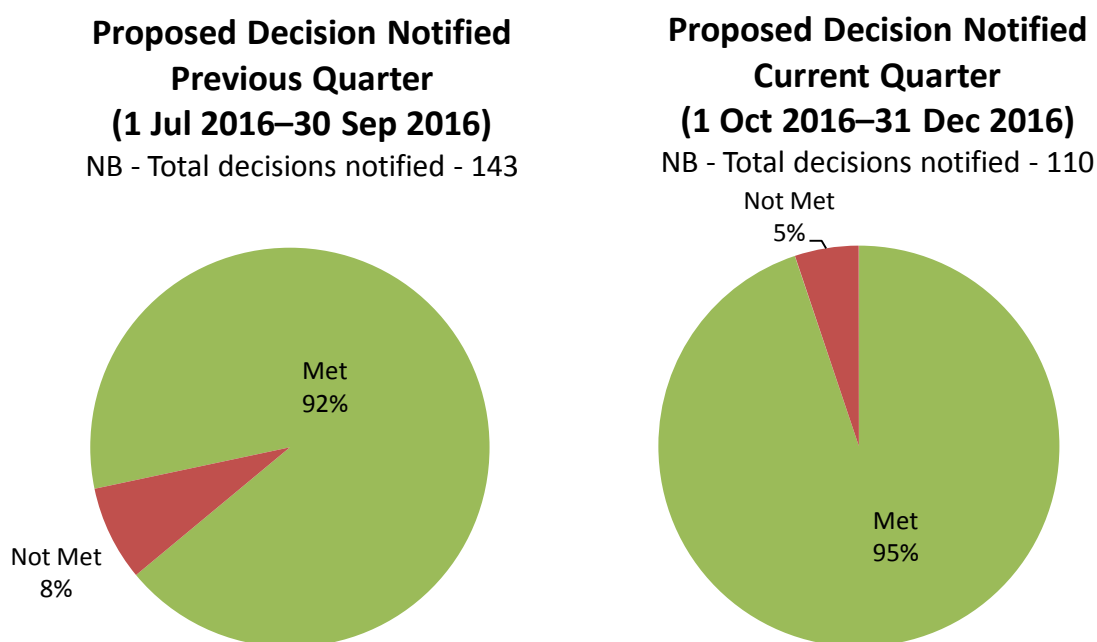
This report provides a summary of the operating performance for the provision of Titles Services within the Division of Resources and Energy of the NSW Department of Industry (the Division) for the three-month period ending 31 December 2016.

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 Energy from time to time.

The data collected for this report is from 1 October 2016 to 31 December 2016. During this quarter, 110 notifications of proposed decisions were issued by Titles Services. Of these notifications, 95% were processed within the required performance standard. For the same period last year, 82% compliance was achieved. For the calendar year commencing 1 January 2016, quarterly performance for service delivery standards has averaged 93%, compared to 60% for the prior year beginning 1 January 2015.

The result demonstrates a maintained commitment to service delivery since significant structural changes were announced by the Division in November 2015.



1.2. Service performance review

Activity/approval	Last quarter Jul-Sep 2016		This quarter Oct-Dec 2016		Same period last year Oct-Dec 2015	
	Service Performance	Decisions Notified	Service Performance	Decisions Notified	Service Performance	Decisions Notified
Coal exploration licence applications ¹	100%	1	100%	2	N/A	0
Mineral exploration licence applications ²	84%	37	95%	40	79%	34
Mineral & coal mining lease applications ²	33%	3	100%	2	100%	4
Assessment lease applications	N/A	0	N/A	0	N/A	0
Coal exploration licence renewals ²	0%	2	100%	12	78%	9
Mineral exploration licence renewals ²	98%	47	94%	48	84%	45
Mineral & coal mining lease renewals ²	100%	53	83%	6	71%	7
Assessment lease renewals	N/A	0	N/A	0	N/A	0
Review of Environmental Factors (REF) approvals (including Non-Common Exploration Activities) ³	93%	14	83%	12	80%	10
Mining Operations Plan (MOP) approvals ³	90%	30	90%	42	92%	53
Security deposit reviews ³	92%	62	69%	54	85%	242
Security deposit release ⁴	100%	70	100%	49	100%	43
Surface Disturbance Notice approvals (including Common Exploration Activities) ⁴	94%	34	94%	35	90%	29
Subsidence Management Plan (SMP) variation approvals ⁵	N/A	0	100%	1	100%	4

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

■	69% or less
■	70%–89%
■	90% or more

2. Additional information

2.1. Service levels and operations

For those 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 legacy work (dealings received before 1 January 2013) is provided in Appendix B. A flowchart of the application process for Titles Services is provided at Appendix C.

2.2. Service definitions

Activity	Purpose/definition
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.

2.3. Applications received

Activity	1 Oct 2015 to 31 Dec Sep 2015	1 Jan 2016 to 31 Mar 2016	1 Apr 2016 to 30 Jun 2016	1 Jul 2016 to 30 Sept 2016	1 Oct 2016 to 31 Dec 2016
COAL					
Exploration Licence Applications	0	1	2	1	2
Assessment Lease Applications	0	0	0	0	2
Mining Lease Applications	4	2	5	1	2
TOTAL	4	3	7	2	6
Exploration Licence Renewals	14	9	7	8	4
Assessment Lease Renewals	0	0	0	0	0
Mining Lease Renewals	3	0	2	2	1
TOTAL	17	9	9	10	5
MINERALS					
Exploration Licence Applications	27	27	39	50	56
Assessment Lease Applications	0	0	0	1	6
Mining Lease Applications	5	1	2	4	1
TOTAL	32	28	41	55	63
Exploration Licence Renewals	41	34	53	38	52
Assessment Lease Renewals	0	0	1	0	1
Mining Lease Renewals	2	3	2	3	0
TOTAL	43	37	56	41	53
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	1	0	10	2	0
Assessment Lease Renewals	0	0	0	0	0
Production Lease Renewals	0	0	0	0	0
TOTAL	1	0	1	2	0
GRAND TOTAL	97	77	114	110	127

The number of applications received from 1 October 2015 to 31 December 2016 averaged approximately 105 per quarter. There were 127 applications received during this quarter, compared to 97 for the same time last year.

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.

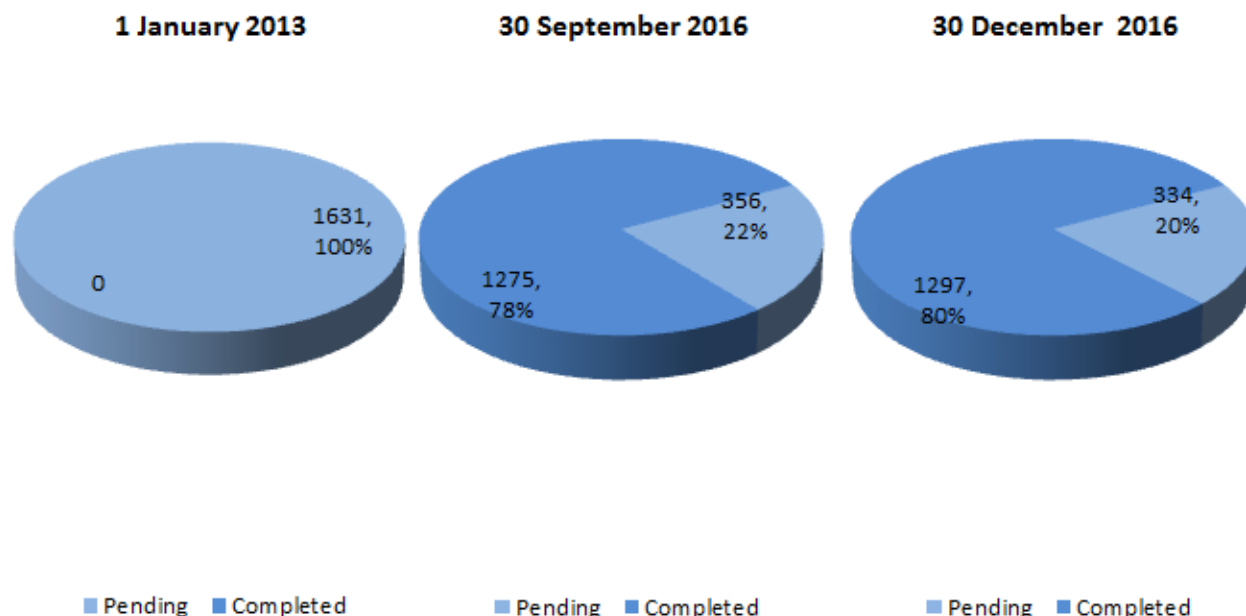
ALL APPLICATION TYPES			
Exception	Processing clock triggers		Applicable legislation/ notes
	Stop clock	Restart clock	
Applicant requests that application is put on hold.	Request received from applicant to stop processing.	Request received from applicant to restart processing.	N/A
Development consent 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 DRE (Division of Resources and Energy).	Section 65 <i>Mining Act 1992</i> Clause 7(1) <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>
EPBC Act 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 DRE.	<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.	DRE 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.	DRE 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 DRE 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 DRE 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 DRE 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 DRE	Section 47J(7) <i>National Parks and Wildlife Act 1974</i>

Appendix B: Legacy work

Legacy work on hand (dealings received prior to January 2013)



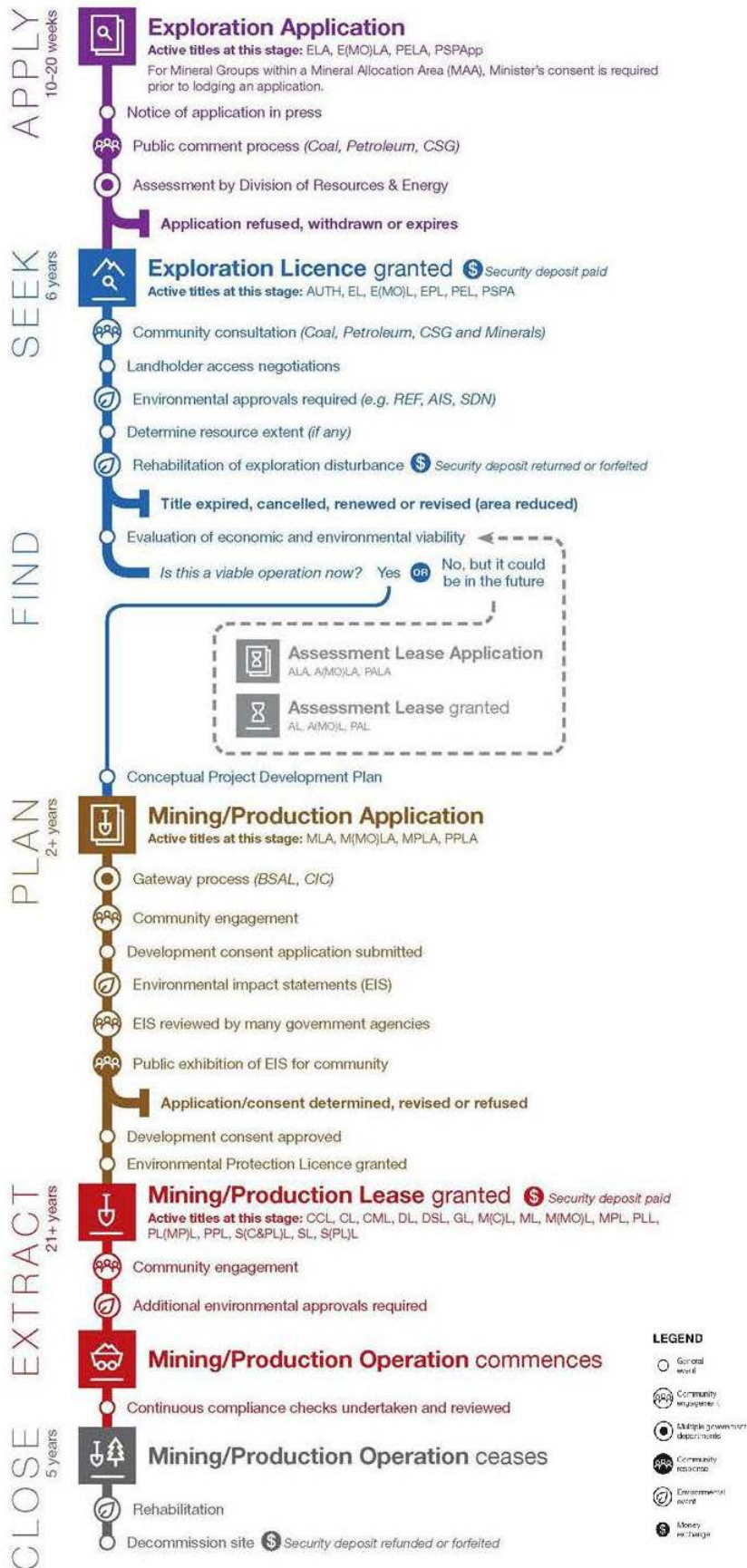
Details by dealing type

Category	Description	Completed	Pending
DTA	Dead Title Action	490	195
REN	Renewal applications	537	89
Other	All other dealings	270	50
Totals:		1297	334

Extracted for Titles Administration System on 29 December 2016

Legacy Work continues to be progressed concurrently with current applications. Work completed now represents 80% of initial targets. This work is complex, involving detailed investigations and assessment. During this quarter, a further 20 Dead Title Actions were finalised and an additional 30 matters are currently in the process of being finalised. Preliminary work was commenced on 137 matters which will require site inspections and assessments.

Appendix C: Titles application process



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