

Quarterly performance report

1 JANUARY 2017 TO 31 MARCH 2017

Service delivery standards

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (April 2017). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the NSW Department of Industry, Skills and Regional Development or the user's independent advisor.

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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 March 2017.

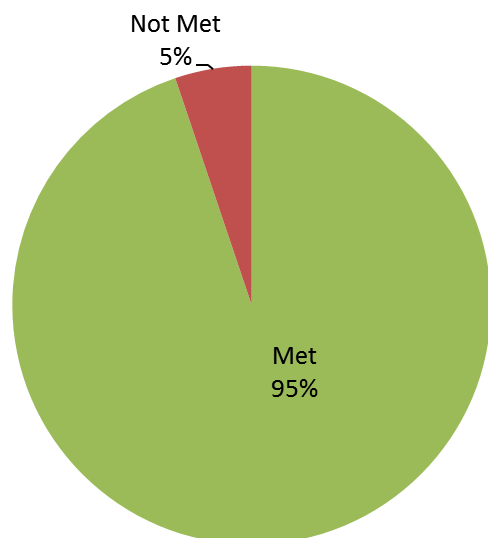
All exploration and mining activity in NSW must be conducted in accordance with an authority (Title) issued under the *Mining Act 1992*. Certain exploration and mining activities also trigger the requirement for additional approvals and other NSW legislation may also apply. The authority gives holders (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 January 2017 to 31 March 2017. During this quarter, 132 notifications of proposed decisions were issued by Titles Services. Of these notifications, 85% were processed within the required performance standard. For the same period last year, 88% compliance was achieved. For the calendar year commencing 1 January 2017, service delivery standards have averaged 90%.

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. It is anticipated that service delivery standards for the June 2017 quarter will again be impacted by the finalisation of all remaining applications which have already not met the required performance standard prior to the implementation of reforms in September 2016. All applications received and/or processed since this time have consistently met or exceeded service delivery standards. For this quarter, 99% of 98 notifications received after 1 September 2016 were processed within the required performance standard.

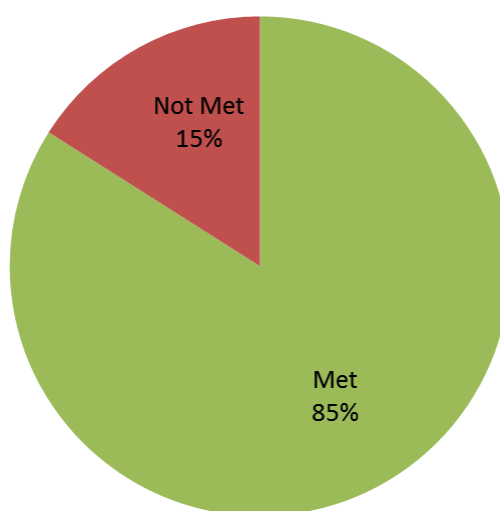
**Proposed Decision Notified
Previous Quarter
(1 Oct 2016–31 Dec 2016)**

NB - Total decisions notified - 110



**Proposed Decision Notified
Current Quarter
(1 Jan - 31 Mar 2017)**

NB - Total decisions notified - 132



1.2. Service performance review

Activity/approval	Last quarter Oct-Dec 2016		This quarter Jan-March 2017		Same period last year Jan-March 2016	
	Service Performance	Decisions Notified	Service Performance	Decisions Notified	Service Performance	Decisions Notified
Coal exploration licence applications ¹	100%	2	N/A	0	N/A	0
Mineral exploration licence applications ²	95%	40	93%	54	100%	22
Mineral & coal mining lease applications ²	100%	2	100%	1	83%	6
Assessment lease applications	N/A	0	N/A	0	N/A	0
Coal exploration licence renewals ²	100%	12	100%	6	100%	1
Mineral exploration licence renewals ²	94%	48	81%	67	91%	34
Mineral & coal mining lease renewals ²	83%	6	25%	4	56%	9
Assessment lease renewals	N/A	0	N/A	0	0%	1
Review of Environmental Factors (REF) approvals (including Non-Common Exploration Activities) ³	83%	12	91%	11	100%	7
Mining Operations Plan (MOP) approvals ³	90%	42	91%	31	98%	43
Security deposit reviews ³	69%	54	79%	48	96%	85
Security deposit release ⁴	100%	49	100%	59	100%	31
Surface Disturbance Notice approvals (including Common Exploration Activities) ⁴	94%	35	100%	41	100%	30
Subsidence Management Plan (SMP) variation approvals ⁵	100	1	100%	1	100%	1

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

The poor result for mineral and coal mining lease renewals was due to the finalisation of three outstanding applications through the backlog project that were received in 2015 and 2016. The Division has implemented systems to ensure current applications are monitored throughout the assessment process. There are a number of matters still to be resolved and it is expected the June 2017 quarter will again be impacted as the Division finalises the remaining applications.

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 pie chart demonstrating the Post September 2016 KPIs is provided in Attachment C. A flowchart of the application process for Titles Services is provided at Appendix D.

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 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	1 Jan 2017 to 31 Mar 2017
COAL					
Exploration Licence Applications	1	2	1	2	0
Assessment Lease Applications	0	0	0	2	0
Mining Lease Applications	2	5	1	2	0
TOTAL	3	7	2	6	0
Exploration Licence Renewals	9	7	8	4	4
Assessment Lease Renewals	0	0	0	0	0
Mining Lease Renewals	0	2	2	1	0
TOTAL	9	9	10	5	4
MINERALS					
Exploration Licence Applications	27	39	50	56	52
Assessment Lease Applications	0	0	1	6	0
Mining Lease Applications	1	2	4	1	3
TOTAL	28	41	55	63	55
Exploration Licence Renewals	34	53	38	52	67
Assessment Lease Renewals	0	1	0	1	0
Mining Lease Renewals	3	2	3	0	0
TOTAL	37	56	41	53	67
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	0	10	2	0	0
Assessment Lease Renewals	0	0	0	0	0
Production Lease Renewals	0	0	0	0	0
TOTAL	0	1	2	0	0
GRAND TOTAL	77	114	110	127	126

Applications received from 1 January 2016 to 31 March 2017 averaged approximately 111 per quarter. There were 126 applications received during this quarter, compared to 77 for the same period 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

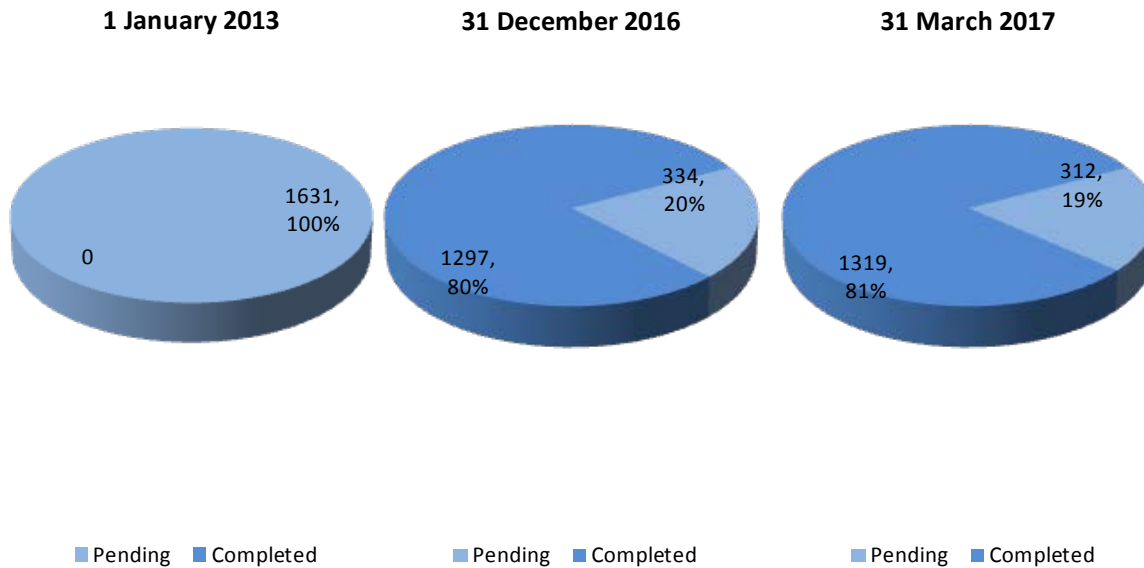
GRANTS AND RENEWALS			
Exception	Processing clock triggers		Applicable legislation
	Stop clock	Restart clock	
Right to negotiate process.	Commencement of right to negotiate process at request of applicant.	Completion of right to negotiate process	<i>Native Title Act 1993</i>
Significant improvement determination (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

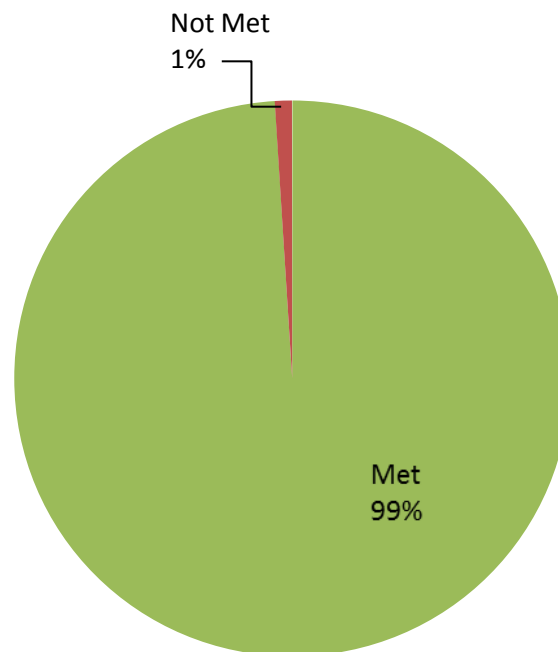
Category	Description	Completed	Pending
DTA	Dead Title Action	506	179
REN	Renewal applications	537	89
Other	All other dealings	276	44
Totals:		1319	312

Extracted for Titles Administration System on 31 March 2017

The focus for this this quarter has included the detailed analysis of all outstanding dealings, the progression of workflows and the development of a decision-making process to resolve remaining dead title actions which are complex dealings. During the quarter a further 17 matters were resolved.

Appendix C: Post-September 2016

**Post September 2016 Structure
Proposed Decision Notified
Current Quarter
(1 Jan - 31 Mar 2017)**
NB - Total decisions notified - 98



Appendix D: Titles application process

