



Planning &
Environment

**Quarterly
Performance
Report
1 April 2017 to
30 June
2017**

Service Delivery Standards

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in '**Quarterly Performance Report 1 April 2017 – 30 June 2017** | Service Delivery Standards for personal, in-house or non-commercial use without formal permission or charge. All other rights are reserved.

Document control

Publication title: Quarterly Performance Report: 1 April 2017 to 30 June 2017
Authorised by: A Delany
Document controller: R Connor

Amendment schedule

Date	Version #	Amendment
18/07/2017	1 (V17/2908#2)	

Published by
NSW Department of Planning and Environment
ABN: 38 755 709 681

First published July 2017

More information

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

PUB17/469

Contents

Executive Summary	4
Overview	5
Service performance review	6
Section 2 – Additional Information	7
Service levels and operations	8
Service definitions	8
Applications received	9
Attachments	10
Appendix A: Exception management	11
Attachment B: Clearance Project	13

A white line starts from the top left corner of the page and extends diagonally down to a small white circle. From this circle, a white line extends horizontally to the right, ending at the start of the text.

Executive Summary

Overview

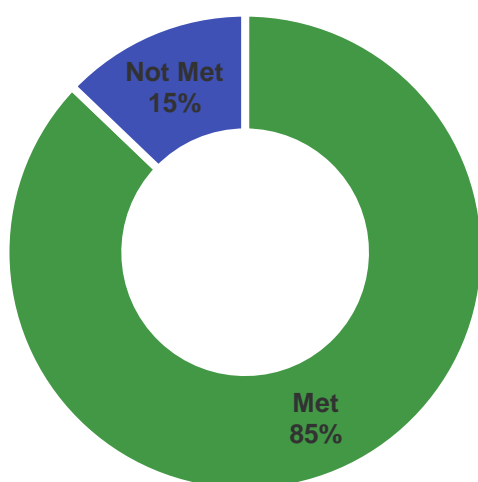
This report provides a summary of the operating performance for the provision of Titles Services within the Division of Resources and Geoscience (the Division) of the NSW Department of Planning and Environment (DPE) for the three-month period ending 30 June 2017. This was the first quarter since the 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.

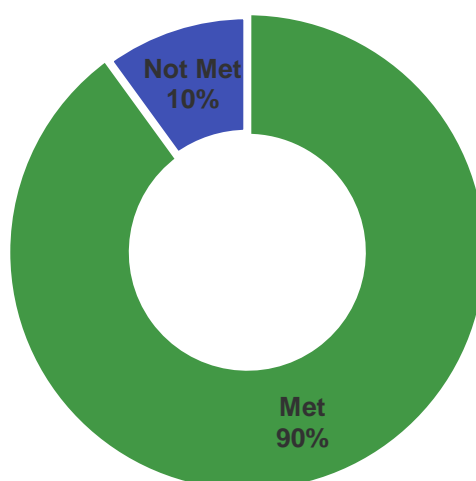
For the purpose of this report, Titles Services incorporates the process of receiving and assessing applications and the granting of authorities pursuant to Key Performance Indicators (KPIs) as published by the Division of Resources and Geoscience. The data collected for this report is from 1 April 2017 to 30 June 2017. During this quarter, 130 notifications of proposed decisions were issued by Titles Services. Of these notifications, 90% were processed within the required performance standard. For the same period last year, 97% compliance was achieved. For the current calendar year commencing 1 January 2017, service delivery standards have averaged 88%.

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 September 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, 97% of 110 notifications received after 1 September 2016 were processed within the required performance standard.

**Proposed Decisions Notified
Previous Quarter
1 Jan - 31 March 2017
NB - Total Decisions notified 132
Final quarter with DoI**



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



Service performance review

Table 1 – Service performance

Activity/approval	Last quarter Jan–March 2017		This quarter Apr–June 2017		Same period last year Apr–June 2016	
	Service Performance	Decisions Notified	Service Performance	Decisions Notified	Service Performance	Decisions Notified
Coal exploration licence applications ¹	N/A	0	N/A	0	N/A	0
Mineral exploration licence applications ²	93%	54	88%	52	100%	28
Mineral & coal mining lease applications ²	100%	1	80%	5	50%	2
Assessment lease applications	N/A	0	100%	5	N/A	0
Coal exploration licence renewals ²	100%	6	80%	5	92%	12
Mineral exploration licence renewals ²	81%	67	97%	59	100%	28
Mineral & coal mining lease renewals ²	25%	4	50%	2	100%	39
Assessment lease renewals	N/A	0	50%	2	N/A	0
Review of Environmental Factors (REF) approvals (including Non-Common Exploration Activities) ³	91%	11	92%	12	100%	4
Mining Operations Plan (MOP) approvals ³	91%	31	84%	19	98%	49
Security deposit reviews ³	79%	48	69%	35	90%	114
Security deposit release ⁴	100%	59	100%	37	100%	60
Surface Disturbance Notice approvals (including Common Exploration Activities) ⁴	100%	41	94%	51	100%	35
Subsidence Management Plan (SMP) variation approvals ⁵	100%	1	100%	3	100%	7

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 and assessment lease renewals was due to the finalisation of two applications, one through the clearance project that was received in 2016. A total of twelve applications have not met KPI this quarter, of which ten are 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 September quarter will again be impacted as the Division finalises these applications.

A white line starts from the top left corner of the page and extends diagonally down to a white circle. The circle is positioned to the left of the text.

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 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	1 Apr 2017 to 30 Jun 2017
COAL					
Exploration Licence Applications	2	1	2	0	0
Assessment Lease Applications	0	0	2	0	0
Mining Lease Applications	5	1	2	0	0
TOTAL	7	2	6	0	0
Exploration Licence Renewals	7	8	4	4	7
Assessment Lease Renewals	0	0	0	0	0
Mining Lease Renewals	2	2	1	0	3
TOTAL	9	10	5	4	10
MINERALS					
Exploration Licence Applications	39	50	56	52	44
Assessment Lease Applications	0	1	6	0	0
Mining Lease Applications	2	4	1	3	3
TOTAL	41	55	63	55	47
Exploration Licence Renewals	53	38	52	67	39
Assessment Lease Renewals	1	0	1	0	0
Mining Lease Renewals	2	3	0	0	5
TOTAL	56	41	53	67	44
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	2	0	0	0
Assessment Lease Renewals	0	0	0	0	0
Production Lease Renewals	0	0	0	0	0
TOTAL	1	2	0	0	0
GRAND TOTAL	114	110	127	126	101

Applications received from 1 April 2016 to 30 June 2017 averaged approximately 116 per quarter. There were 101 applications received during this quarter, compared to 114 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>

Attachment B: Clearance Project

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

The Deputy Secretary established a Clearance Project with the single objective to finalise all outstanding matters to the extent they can be, without further action by the client. Progress on this work will be reported to the executive on a weekly basis. The project, while to be led by Titles Services, will be supported by all units within the Division and include resources from DPE legal services and communications units as required.

Titles Services has engaged 8 contingent staff to assist its existing Titles Operations team. The initial focus of the contingent staff is to prepare the final titles instruments for the delegated decision-maker and these responsibilities will expand as their knowledge and experience increases.

Team	Items	Total	Completed by June 30	Remaining	Team Total
Mineral Applications and Renewals	Applications	151	64	87	216
	Renewals	239	110	129	
Coal Applications and Renewals	Applications	71		71	127
	Renewals	58	2	56	
Transfers and Other Dealings	Part Transfers	17	5	12	84
	Transfers	27	9	18	
	Adding Minerals	20		20	
	Part Cancellations	12		12	
	Native Title - Right to Negotiate	16		16	
	Other	28	22	6	
Dead Titles		330	12	318	318
Suspension of Conditions		80	7	73	73
Environmental Dealings	Exploration Activity Approval	34		34	84
	Environmental Management Plan	1	1	-	
	Environmental Management Report	96	78	18	
	Subsidence Management Plans	11		11	
	Mining Operation Plans	72	51	21	
Community Consultation Report Assessment		218		218	218
		1,481	361	1,120	1,120

Initial steps have included the triage and an initial assessment of all outstanding dealings and the identification of strategies to address identified problems. Titles Services has written to most applicants to progress the applications and identify further information if required.

In relation to Dead Titles matters, Titles Services and the Environmental Sustainability Unit has triaged all outstanding matters and written to all exploration licence holders requesting finalisation of a rehabilitation completion report. Mining lease holders will receive a similar request in July. The business units are committed to finalising the majority of these matters by 31 August.

In relation to the community consultation report assessment, these matters are expected to be completed by 30 September.

It should be noted that nearly 50% of the dealings require further information from the applicant or titleholder before a decision can be made. The Division is working to identify the required information and a means to get them finalised.

