



***Quarterly
Performance
Report
1 April 2018
to
30 June 2018***

*Service Delivery
Standards*

July 2018

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○ *Executive summary*

Overview

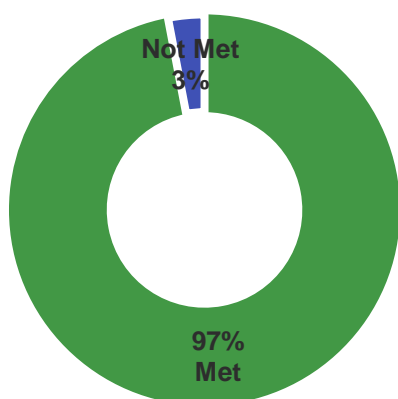
This report provides a summary of the operating performance for the provision of Resources Operations within the NSW Department of Planning and Environment's Division of Resources and Geoscience (the Division) and the Resources Regulator for the three-month period ending 30 June 2018. This was the fifth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

This report incorporates the process of receiving and assessing applications and the granting of authorities pursuant to Key Performance Indicators (KPIs) as published by the Division. The data presented in this report has been collected from 1 April 2018 to 30 June 2018. During this quarter, **107** notifications of proposed decisions were issued. Of these notifications, **97%** were processed within the required performance standard. For the same period last year, 90% compliance was achieved.

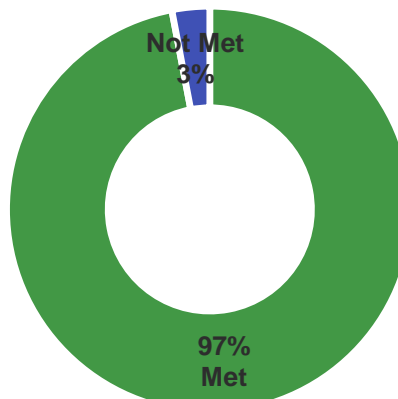
Proposed Decisions Notified Previous Quarter 1 January - 31 March 2018

NB - Total Decisions notified 104



Proposed Decisions Notified Current Quarter 1 April - 30 June 2018

NB - Total Decisions notified 107



Service performance review

Table 1 – Service performance

Activity/approval	Last quarter Jan-Mar 2018		This quarter Apr-Jun 2018		Same period last year Apr-Jun 2017	
	Service Performance	Decisions Notified	Service Performance	Decisions Notified	Service Performance	Decisions Notified
Coal exploration licence applications ¹	N/A	0	100%	2	N/A	0
Mineral exploration licence applications ²	98%	54	98%	50	88%	52
Mineral & coal mining lease applications ²	100%	2	60%	5	80%	5
Assessment lease applications ²	N/A	0	N/A	0	100%	5
Coal exploration licence renewals ²	100%	2	N/A	0	80%	5
Mineral exploration licence renewals ²	95%	40	100%	41	97%	59
Mineral & coal mining lease renewals ²	100%	5	100%	9	50%	2
Assessment lease renewals ²	100%	1	N/A	0	50%	2
Non-Complying Exploration Activities ³	100%	8	100%	12	92%	12
Mining Operations Plan (MOP) approvals ³	90%	31	88%	17	84%	19
Security deposit reviews ³	90%	40	85%	39	69%	35
Security deposit release ⁴	100%	31	100%	14	100%	37
Complying Exploration Activities ⁴	97%	79	87%	54	94%	51
Subsidence Management Plan (SMP) variation approvals ⁵	N/A	0	100%	1	100%	3

Performance Standards and Legend

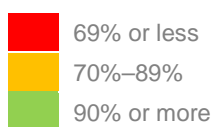
¹ 90% within 85 business days

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 one mineral exploration application and two coal mining applications have not met KPI this quarter. The Division has implemented systems to ensure applications are monitored throughout the assessment process. There are several clearance matters still to be resolved and it is expected the September quarter may be impacted as the Division finalises these applications.



*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 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). Information regarding clearance applications is provided in Appendix B. The Clearance Project includes matters previously reported as Legacy Work.

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 2017 to 30 Jun 2017	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
COAL					
Exploration Licence Applications	0	4	3	0	1
Assessment Lease Applications	0	0	0	0	0
Mining Lease Applications	0	2	6	0	2
Application to vary a mining lease to attach an ancillary mining activity condition	0	2	10	1	0
TOTAL	0	8	19	1	3
Exploration Licence Renewals	7	10	11	6	11
Assessment Lease Renewals	0	0	0	0	1
Mining Lease Renewals	3	0	2	3	1
TOTAL	10	10	13	9	13
MINERALS					
Exploration Licence Applications	44	35	58	39	41
Assessment Lease Applications	0	0	0	0	0
Mining Lease Applications	3	1	3	3	3
Application to vary a mining lease to attach an ancillary mining activity condition	0	0	6	0	0
TOTAL	47	36	67	42	44
Exploration Licence Renewals	39	28	49	45	37
Assessment Lease Renewals	0	0	1	0	0
Mining Lease Renewals	0	6	6	4	13
TOTAL	45	34	56	49	50
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	0	0	1	0
Assessment Lease Renewals	0	0	0	0	0
Production Lease Renewals	0	0	0	0	0
TOTAL	0	0	0	1	0
GRAND TOTAL	102	88	155	103	107

Applications received from 1 January 2017 to 30 June 2018 averaged approximately 111 per quarter. There were 107 applications received during this quarter, compared to 102 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 (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

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 the Division and assessed.	Section 66 <i>Mining Act 1992</i>
MINING APPROVALS - Mining Operations Plan (MOP), Subsidence Management Plan (SMP)			
Exception	Processing clock triggers		Applicable legislation
	Stop clock	Restart clock	
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 & 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>

Appendix B: Clearance Project

In the June 2017 quarterly report, 1481 dealings were identified within the Titles Administration System (TAS), that had been lodged before September 2016 and were still to be finalised. Some of these dealings were lodged as far back as 1989.

The Clearance Project (the Project) was the Division's operational priority for the last 12 months, with each unit in the Division contributing to ensure these matters are cleared. The progress of the Project was monitored by the Secretary and the Division's executive and regular meetings were held to identify bottlenecks, assess solutions and provide resources to clear them.

There are 344 pending applications which were lodged before September 2016. A large portion of these (130) are not currently able to progress as they require the proponent to demonstrate development consent, submission of surveys or other approvals.

During the last quarter due to the nature of the dealings remaining in the Project (for example, commonality of legal treatment and process), the Division moved these remaining items into its operational workload to ensure uniformity of treatment between all dealings.