This functional retention and disposal authority is approved under section 21(2)c of the State Records Act 1998 following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.
**State Records Authority of New South Wales**  
**Functional Retention and Disposal Authority**

<table>
<thead>
<tr>
<th>Authority no</th>
<th>FA355</th>
<th>SR file no</th>
<th>14/0294</th>
</tr>
</thead>
</table>

**Scope**  
This functional retention and disposal authority covers records of the Cobbora Holding Company Pty Limited.

**Public office**  
Cobbora Holding Company Pty Limited

**Approval date**  
22/08/2014  
Geoff Hinchcliffe  
Date  
Director  
State Records Authority of New South Wales
About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this functional retention and disposal authority is to identify those records created and maintained by the Cobbora Holding Company which are required as State archives and to provide approval for the destruction of certain other records created and maintained by the Cobbora Holding Company, after minimum retention periods have been met. The authority also provides approval for the transfer of ownership of certain records as required as part of the sale of the business and assets of the Company.

The approval for disposal given by this authority is given under the provisions of the State Records Act 1998 only and does not override any other obligations of an organisation to retain records.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the State Records Act 1998 (NSW). Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives or if transfer of ownership of original records is approved.

This authority is the product of an appraisal process conducted in accordance with State Records’ Standard on the appraisal and disposal of State records. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

State Records’ decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records’ functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in Building the Archives: Policy on records appraisal and the identification of State archives. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two
primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records. See Implementing a retention and disposal authority.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the General Retention and Disposal Authority – Imaged records). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

**Disposal action**

**Records required as State archives**

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Records when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Records regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Records’ control should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

**Records approved for destruction**

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are minimum periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office must not dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See Destruction of records: a practical guide.
Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of an original State record to any person or organisation without the explicit approval of State Records.

**Amendment and review of this authority**

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

**Contact Information**

State Records  
PO Box 516  
Kingswood NSW 2747  
Telephone: (02) 9673 1788  
E-mail: govrec@records.nsw.gov.au
## Functional Retention and Disposal Authority
Cobbora Holding Company Pty Limited

<table>
<thead>
<tr>
<th>Authority number: FA355</th>
<th>Dates of coverage: Open</th>
</tr>
</thead>
</table>

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<tr>
<th>No</th>
<th>Function/Activity</th>
<th>Description</th>
<th>Disposal Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Incorporation</td>
<td>Records documenting the establishment and registration of the organisation as a corporate entity and the structure or restructuring of the organisation and controlled entities.</td>
<td>Required as State archives or transfer ownership to new owner as required</td>
</tr>
<tr>
<td>2</td>
<td>Coal resources</td>
<td>Geological, feasibility and technical studies, reports or analysis relating to coal reserves.</td>
<td>Required as State archives</td>
</tr>
</tbody>
</table>
| 3  | Mining and exploration licences and mine development works | Records relating to:  
- applications for and the approval or transfer of mining and exploration licences and leases  
- mine development works associated with the project. | Retain minimum of 7 years after action completed, then destroy or transfer ownership to new owner as required |
| 4  | Coal supply agreements | Records of coal supply and access agreements with power station operators. | Retain minimum of 7 years after expiry or termination of agreement, then destroy |
| 5  | Environmental monitoring | Reports and data relating to investigations of and the monitoring of air quality and surface and ground water within the project area. | Required as State archives |
| 6  | Water access and supply | Records relating to water supply arrangements for the project. Includes records relating to the procurement of entitlements, approvals and consents, water access licences, extraction agreements. | Retain minimum of 7 years after action completed or transfer ownership to new owner as required |
| 7  | Land management and planning | Processes associated with the planning approval process for the project. | |
### Land management and planning approvals

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>Planning and development approvals and consents and associated land management plans for the project.</td>
<td>Transfer ownership to new owner as required</td>
<td></td>
</tr>
<tr>
<td>7.2</td>
<td>Environmental assessment documents and applications, records of meetings and correspondence with government planning bodies or authorities, community information packs, submissions, reports, studies and responses relating to the project planning approval process.</td>
<td>Required as State archives</td>
<td></td>
</tr>
<tr>
<td>7.3</td>
<td>Records documenting matters or concerns raised or feedback provided by government agency and community stakeholders and members of the public in relation to the project. This may include notes or reports of meetings, correspondence, public submissions, feedback forms, etc.</td>
<td>Required as State archives</td>
<td></td>
</tr>
<tr>
<td>7.4</td>
<td>Records relating to the drafting and development of planning approval documentation, submissions, responses, etc.</td>
<td>Retain until administrative or reference use ceases, then destroy</td>
<td></td>
</tr>
<tr>
<td>7.5</td>
<td>Records relating to arrangements for stakeholder consultation or engagement processes such as arrangements for visits, information or briefing sessions, meetings, etc.</td>
<td>Retain until administrative or reference use ceases, then destroy</td>
<td></td>
</tr>
<tr>
<td>7.6</td>
<td>Local council planning agreements.</td>
<td>Retain minimum of 7 years after termination or expiry, then destroy or transfer</td>
<td></td>
</tr>
</tbody>
</table>
## Cobbora Holding Company Pty Limited

### Authority number: FA355

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<td></td>
<td><strong>Land management and planning approvals</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 8  | **Personnel, financial and other administrative records** | Records of common or general administrative activities which can sentenced under general retention and disposal authorities issued by State Records and which are not:  
- required as State archives under a general authority  
- relating to any excluded assets or any exempted categories of documents or records identified in the sale documentation or excluded assets vesting order  
- relating to or required for the administration of rights, entitlements, obligations or liabilities remaining with the State. | Ownership to new owner as required or retain and dispose of in accordance with requirements outlined in relevant general retention and disposal authorities |