

EPBC Act referral



Australian Government

Department of Agriculture, Water and the Environment

Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Title of proposal	2021/8950 - Replacement of poplars at the National Library of Australia Forecourt
Section 1	
Summary of your proposed action	
1.1 Project industry type	Commonwealth Development
1.2 Provide a detailed description of the proposed action, including all proposed activities	
<p>The National Capital Authority (NCA) seeks to remove 38 Lombardy Poplars (<i>Populus nigra</i> 'Italica') from the National Library of Australia (NLA) Forecourt during 2021. This work is required due to the very poor condition of most of these trees and arborist's assessment that their condition is not recoverable. The original design made provision for four rows of 11 trees however several have been removed in recent years because they have died or became unsafe.</p> <p>In late 2016, the NCA commissioned GML Heritage consultants to assess the heritage value of the Lombardy Poplars (<i>Populus nigra</i> 'Italica') located in the NLA Forecourt and make recommendations in relation to the heritage values of the site, the condition of the trees and how the planting could be improved. The completed Heritage Assessment and arborist report can be viewed at Attachment 1. The key findings of the assessment noted the tree species and layout had heritage significance but did not prescribe the number of trees that are necessary to protect that significance. As the Lombardy Poplars are in competition with each other and their close spacing has contributed to damage by maintenance equipment and their decline, the NCA proposes to reduce the number of trees in each of the four rows in the forecourt from 11 to seven. The location of the rows of trees will remain as they are in their current location to complement to NLA and maintain the same symmetry as the existing rows of trees.</p> <p>The NCA originally planned to replace the Lombardy Poplars with the same species however this plant is prohibited by law in the ACT and the NCA is not permitted to bring these trees into the ACT.</p> <p>The proposed replacement trees are <i>Quercus robur</i> 'Fastigiata' (Fastigate English Oak). These trees are most like the Lombardy Poplar in character including shape, size and leaf colour and are proven to grow well in the Canberra climate. A reduced number of trees in each of the four rows will ensure they grow to maturity quicker, they will compete with each other less while retaining the strong symmetrical lines of trees either side of the NLA Forecourt. The leaf size, and autumn colour are the best match to Lombardy Poplar of any tree that is proven to grow well in Canberra.</p> <p>The removal and replacement of all the trees at the same time allows the NCA to replace the topsoil and irrigation system as well as install a drainage system for the new trees. A soil assessment in 2018 (see Attachment 3) found the topsoil to be very thin and not suitable for the growing of high quality trees and turf. These actions will result in the improved presentation of the site for many decades. The turf will also be replaced as part of this project.</p> <p>Attachment 4 details the existing layout of the trees and the proposed layout of the replacements. These drawings include the area of works which amount to 1,460 square meters of lawn area either side of the central concourse amounting to a total work area of 2,920 square metres. This attachment includes a landscape management and protection plan that provides details of erosion control, dust management and noise management. Tree planting details are specified and the proposed traffic management plan is included.</p>	
1.3 What is the extent and location of your proposed action?	
See Appendix B	
1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland)	
<p>The National Library of Australia (NLA) Forecourt is located on the eastern side of the main entrance to the NLA. The Forecourt includes two grassed areas each with two rows of Lombardy Poplars in lines towards the outer edge of each area. Between the grassed areas the central approach to the NLA comprises a wide paved area with decorative fountains. The Forecourt is located within the Parliamentary Zone and a prominent feature of the area.</p>	
1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?	
<p>The size of the area is 0.292 hectares. The proposed action takes into account the need for public access to the NLA to be maintained and has been designed to maintain pedestrian access to the NLA entrance through the Forecourt via the wide paved approach. Vehicle access past the main access steps will be restricted during the proposed works to enable the safe movement of heavy vehicles to and from the site. Disabled access via the ramp on the southern side of the NLA will not be affected.</p>	
1.7 Proposed action location	
Other - National Library of Australia Forecourt, Parkes Place West, Parkes, ACT	



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1.8 Primary jurisdiction		Australian Capital Territory				
1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
1.10 Is the proposed action subject to local government planning approval?						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
1.11 Provide an estimated start and estimated end date for the proposed action		<table><tr><td>Start Date</td><td>26/07/2021</td></tr><tr><td>End Date</td><td>29/10/2021</td></tr></table>	Start Date	26/07/2021	End Date	29/10/2021
Start Date	26/07/2021					
End Date	29/10/2021					
1.12 Provide details of the context, planning framework and state and/or local Government requirements						
<p>The NLA Forecourt is National land located within the Parliamentary Zone. It is subject to the planning controls set out in the National Capital Plan. A works approval application and approval will be required from the National Capital Authority.</p> <p>The forecourt is part of the Parliament House Vista, being a place on the Commonwealth Heritage List. While the building is also individually on the Commonwealth Heritage List, the boundary does not include the forecourt. However, the forecourt has been assessed and found to have heritage values and is an important part of the landscape setting for the Library building.</p> <p>The Commonwealth Heritage List is maintained under the Environment Protection and Biodiversity Conservation Act 1999, and places on the List are afforded protection under the EPBC Act.</p> <p>The choice of replacement species has been the subject of substantial work and consideration. While the normal conservation option would be to replant Lombardy Poplars, these are a prohibited species under the ACT Pest Plants and Animals Act 2005.</p>						
1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders						
<p>The NCA has been in liaison with NLA staff since 2017 and formally advised the NLA Director-General of the proposal in October 2020. The NCA will write to and consult with key stakeholders including the Friends of the NLA, National Trust, Registered Aboriginal Organisations, Lake Burley Griffin Guardians and National Institutions in the Parliamentary Zone during May 2021 to ensure they are aware of the proposed works and advise about the formal consultation processes. The NCA will manage a formal three week public consultation process associated with the NCA Works Approval process following the formal DAWE referral and public comment processes.</p>						
1.14 Describe any environmental impact assessments that have been or will be carried out under Commonwealth, State or Territory legislation including relevant impacts of the project						
<p>A heritage impact assessment (see Attachment 2) has been prepared consistent with the DAWE's Significant Impact Guidelines 1.2. The impact assessment found that an EPBC Act referral may be required.</p>						
1.15 Is this action part of a staged development (or a component of a larger project)?						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
1.16 Is the proposed action related to other actions or proposals in the region?						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						



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Section 2

Matters of national environmental significance

2.1 Is the proposed action likely to have any direct or indirect impact on the values of any World Heritage properties?

☐ Yes ☒ No

2.2 Is the proposed action likely to have any direct or indirect impact on the values of any National Heritage places?

☐ Yes ☒ No

2.3 Is the proposed action likely to have any direct or indirect impact on the ecological character of a Ramsar wetland?

☐ Yes ☒ No

2.4 Is the proposed action likely to have any direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

☐ Yes ☒ No

2.5 Is the proposed action likely to have any direct or indirect impact on the members of any listed migratory species or their habitat?

☐ Yes ☒ No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

☐ Yes ☒ No

2.7 Is the proposed action likely to be taken on or near Commonwealth land?

☒ Yes ☐ No

2.7.1 Is the proposed action likely to have any direct or indirect impact on the Commonwealth land?

☒ Yes ☐ No

2.7.2 Describe the nature and extent of the likely impact on the whole of the environment

The environmental impact will be restricted to the NLA Forecourt. Runoff and erosion control measures will be put in place to protect adjacent public space and nearby Lake Burley Griffin (see Attachment 4). Dust suppression measures will be required at all times to protect public safety and noise will be monitored and controlled to ensure compliance with ACT law. A temporary traffic management plan has been developed to minimise disruption to access to the NLA and a high standard of site safety during works (see Attachment 4). Approximately 1,000 cubic metres of soil will be removed from the site in accordance with ACT EPA requirements. The waste soil and plant material will be treated and used at the Lindsay Pryor National Arboretum to improve the site conditions prior to future tree planting. Mulched tree material will be monitored as it desiccates to ensure it does not propagate and become a weed problem.

The small scale of this action will not have any impact beyond the period of works.

2.7.3 Do you consider this impact to be significant?

☐ Yes ☒ No

2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

☐ Yes ☒ No

2.9 Is the proposed action likely to have any direct or indirect impact on a water resource from coal seam gas or large coal mining development?

☐ Yes ☒ No

2.10 Is the proposed action a nuclear action?

☐ Yes ☒ No

2.11 Is the proposed action to be taken by a Commonwealth agency?

☒ Yes ☐ No

2.11.1 Describe the nature and extent of the likely impact on the whole of the environment

The nature of the project is to improve the presentation of an important public space in the Parliamentary Zone. There is no known impact on the whole of the environment other than described in 2.7.2. There are no threatened species growing on or using the site. Therefore the likely impact on the whole of the environment is nil.

Attachment 2 provides a detailed assessment of the impact of the works on the heritage values of the site.



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2.11.2 Do you consider this impact to be significant?

☐ Yes ☒ No

2.12 Is the proposed action to be undertaken in a Commonwealth Heritage place overseas?

☐ Yes ☒ No

2.13 Is the proposed action likely to have any direct or indirect impact on any part of the environment in the Commonwealth marine area?

☐ Yes ☒ No



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Section 3

Description of the project area

3.1 Describe the flora and fauna relevant to the project area

The flora on the site includes 38 Lombardy Poplars which are prohibited plants under ACT legislation. Exotic grass species used in ornamental turf are also present.

3.2 Describe the hydrology relevant to the project area (including water flows)

The site comprises two level grassed area and is surrounded by hard surfaces. The hard surfaces beside the site drains to Lake Burley Griffin.

3.3 Describe the soil and vegetation characteristics relevant to the project area

The soil has been analysed and found to be of poor quality for growing trees and high quality turf. The vegetation is exclusively exotic as described at 3.1.

3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area

The site has no unique natural features however it is unique in its location in front of the NLA and associated heritage values (see Attachment 1).

3.5 Describe the status of native vegetation relevant to the project area

There is no native vegetation on the site.

3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area

The project area is level.

3.7 Describe the current condition of the environment relevant to the project area

The project area is a built urban environment. The current condition is considered poor due to the ongoing decline of the four rows of Lombardy Poplars.

3.8 Describe any Commonwealth Heritage places or other places recognised as having heritage values relevant to the project

The project area is part of the Parliament House Vista and beside the National Library of Australia. The Heritage Assessment at Attachment 1 provides a full description of the heritage values of the site.

3.9 Describe any Indigenous heritage values relevant to the project area

There are no Indigenous heritage values relevant to the project area.

3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area

The action area is Commonwealth land managed by the National Capital Authority on behalf of the Commonwealth.

3.11 Describe any existing or any proposed uses relevant to the project area

The land use is public open space and will return to that purpose as soon as the project is completed.



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Section 4

Measures to avoid or reduce impacts

4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action

The proposed action will impact on public access to the site for a period of approximately 12 weeks. The construction period will be as short as possible without having an adverse impact on the quality of the project.

Specific measures to minimise impacts on the environment are outlined in the Landscape Management and Protection Plan at Attachment 4 and includes:

1. Erosion control measures will be in place to prevent soil being washed into adjacent drains and Lake Burley Griffin,
2. At all times measures will be in place to prevent any dust nuisance to NLA visitors and members of the public using the area,
3. Construction contractors will comply with ACT noise control requirements at all times, and ACT and EPA requirements,
4. The site will be re-turfed to enable the quickest possible reinstatement of the site and restoration of public access possible, and,
5. The Lombardy Poplars trunks and branches will be chipped and transported to the Lindsay Pryor National Arboretum (LPNA) where the material will be allowed to dry out before use on site thereby prevent the risk of cuttings being propagated. The Poplar roots will also be taken to the LPNA where they will be ground into smaller pieces and dried out to also prevent the root material suckering. The process of drying the Poplar material will kill all parts of the plant and remove any weed risk they present.

The Heritage Impact Assessment at Attachment 2 assesses impacts of the proposal against the heritage values of the place as well as consistency with the conservation policies in the Parliament House Vista Heritage Management Plan.

The proposed action is informed by the Heritage Assessment and Heritage Impact Assessment to avoid and reduce impacts on heritage values. The replacement of Lombardy Poplars with fastigate English Oaks is necessary due to the prohibited status of the Poplars. The NCA conducted a thorough assessment of alternative tree species to determine the tree species that would most closely replicate the characteristics of the Lombardy Poplar that contribute to the heritage significance of the plantings. The fastigate English oak has a similar height, shape, leaf, and autumn colour as the Lombardy Poplar.

Attachment 2 provides more information about the impact on heritage values and how the proposed action will minimise the extent and term of the impact. The NCA will engage a heritage consultant to prepare a photographic archival record of the existing Lombardy Poplar (*Populus nigra* 'Italica') planting in accordance with the document Photographic Recording of Heritage Items Using Film or Digital Capture (NSW Heritage Office, 2006).

4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved

The impact on the heritage values of the site will be minimised through the use of semi-advanced fastigate English oaks (*Quercus robur* Fastigiata). These trees best replicate the character of the original Lombardy Poplars.



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Section 5

Conclusion on the likelihood of significant impacts

5.1 You indicated the below ticked items to be of significant impact and therefore you consider the action to be a controlled action

- ☐ World Heritage properties
- ☐ National Heritage places
- ☐ Wetlands of international importance (declared Ramsar wetlands)
- ☐ Listed threatened species or any threatened ecological community
- ☐ Listed migratory species
- ☐ Marine environment outside Commonwealth marine areas
- ☐ Protection of the environment from actions involving Commonwealth land
- ☐ Great Barrier Reef Marine Park
- ☐ A water resource, in relation to coal seam gas development and large coal mining development
- ☐ Protection of the environment from nuclear actions
- ☐ Protection of the environment from Commonwealth actions
- ☐ Commonwealth Heritage places overseas
- ☐ Commonwealth marine areas

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action

The proposed action has been carefully planned over the past four years. The action is informed by a heritage assessment and heritage impact assessment. The proposed action seeks to minimise the impact while addressing the poor condition of the trees. Due to the existing trees prohibited plant status it is not possible to replace like with like. The alternative trees are the best match to Lombardy Poplar and are suitable for this location. These trees match the key characteristics of the Lombardy Poplar trees which contribute to the heritage values of the Forecourt. The proposed action as described in this referral allows consideration of this referral as a project that can be implemented in the manner in which it has been described.



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Section 6

Environmental record of the person proposing to take the action

6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Explain in further detail

The NCA has a good record as a responsible environmental manager of the Central National Area of Canberra. The NCA proactively manages over 18,000 across 610 hectares and has a heritage management plan for the Parliament House Vista. The NCA is currently reviewing and updating this HMP.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application

None

6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?

☒ Yes ☐ No

6.3.1 If the person taking the action is a corporation, provide details of the corporation's environmental policy and planning framework

The National Capital Authority's Planning framework is the National Capital Plan (see Attachment 5). The NCA Corporate Plan (see Attachment 6) Sections 2 and 3 provides more detail in relation to how the NCA manages the National land under its control and its environmental policies. Further detail is provided in the NCA's Tree Management Policy (Attachment 7) and the Parliament House Vista Heritage Management Plan (Attachment 8).

6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

☒ Yes ☐ No

6.4.1 EPBC Act No and/or Name of Proposal

2005/2007 Commonwealth Place Forecourt;
2006/2759 Re-development of Forecourt;
2007/3638 Development of Diplomatic Mission;
2007/3520 Development of Diplomatic Mission;
2007/3644 Development of area for Diplomatic Mission;
2007/3525 Humanities and Science Campus;
2008/4637 Protection, Horticultural and Upgrading;
2009/5204 Removal of trees on National Land;
2011/6203 Bowen Place crossing;
2021/5704 Installation of traffic lights at the intersection



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Section 7
Information sources
Reference source
National Capital Plan. ACT Pest Plants and Animals Act (2005)
Reliability
The references are highly reliable.
Uncertainties
None.



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Section 8
Proposed alternatives
Do you have any feasible alternatives to taking the proposed action? Yes <input checked="" type="checkbox"/> No



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Section 9

Person proposing the action

9.1.1 Is the person proposing the action an organisation or business?

☒ Yes ☐ No

Organisation

Organisation name (as registered for ABN/ACN)

NATIONAL CAPITAL AUTHORITY

Business name

ABN

75149374427

ACN

Business address

GPO Box 373, Canberra, 2601, ACT, Australia

Postal address

Main Phone number

02-62712888

Fax

Primary email address

info@nca.gov.au

Secondary email address

9.1.2 I qualify for exemption from fees under Regulation 5.23(1)(ii) of the EPBC Regulations because I am:

☐ Small business

☒ Not applicable

9.1.2.2 I would like to apply for a waiver of full or partial fees under Regulation 5.21A of the EPBC Regulations

☐ Yes ☒ No

9.1.3 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)

First name

Duncan

Last name

MacLennan

Job title

Project Manager, Landscape Policy and Development

Phone

02-62712810

Mobile

0402892823

Fax

Email

duncan.maclennan@nca.gov.au

Primary address

King Edward Terrace, Parkes, 2600, ACT, Australia

Address

Declaration: Person proposing the action (To be signed by the person at 9.1.3)

I, DUNCAN CHARLES MACLENNAN, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity.

Signature: D. MacLennan Date: 21.5.2021

I, DUNCAN CHARLES MACLENNAN, the person proposing the action, consent to the designation of THE NATIONAL CAPITAL AUTHORITY as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature: D. MacLennan Date: 21.5.2021



Australian Government

Department of Agriculture, Water and the Environment

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Proposed designated proponent

9.2.1 Is the proposed designated proponent an organisation or business?

☒ Yes ☐ No

Organisation

Organisation name (as registered for ABN/ACN)

NATIONAL CAPITAL AUTHORITY

Business name

ABN

75149374427

ACN

Business address

GPO Box 373, Canberra, 2601, ACT, Australia

Postal address

Main Phone number

02-62712888

Fax

Primary email address

info@nca.gov.au

Secondary email address

9.2.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)

First name

Duncan

Last name

MacLennan

Job title

Project Manager, Landscape Policy and Development

Phone

02-62712810

Mobile

0402892823

Fax

Email

duncan.maclennan@nca.gov.au

Primary address

King Edward Terrace, Parkes, 2600, ACT, Australia

Address

Declaration: Proposed Designated Proponent

I, DUNCAN CHARLES MACLENNAN, the
proposed designated proponent, consent to the designation of
myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature: D. MacLennan Date: 21.5.2021



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Referring party (person preparing the information)**9.3.1 Is the referring party an organisation or a business?**

☒ Yes ☐ No

Organisation**Organisation name (as registered for ABN/ACN)**

NATIONAL CAPITAL AUTHORITY

Business name**ABN**

75149374427

ACN**Business address**

GPO Box 373, Canberra, 2601, ACT, Australia

Postal address**Main Phone number**

02-62712888

Fax**Primary email address**

info@nca.gov.au

Secondary email address**9.3.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)****First name**

Duncan

Last name

MacLennan

Job title

Project Manager, Landscape Policy and Development

Phone

02-62712810

Mobile

0402892823

Fax**Email**

duncan.maclennan@nca.gov.au

Primary address

King Edward Terrace, Parkes, 2600, ACT, Australia

Address**Declaration: Referring party (person preparing the information)**I, DUNCAN CHARLES MACLENNAN

, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence.

Signature: D. MacLennan Date: 21.5.2021



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Appendix A	
Attachment	
Document Type	File Name
action_area_images	Attachment 1 - Heritage Assessment - NLA Forecourt Poplars 2017.PDF
action_area_images	Attachment 4 - Works drawings.pdf
action_area_images	Attachment 3 - NLA Forecourt Soil Report - 2018.pdf
supporting_tech_reports	Attachment 2 - HIA - Replacement of Poplars at NLA Forecourt.PDF
corp_env_policy_docs	Attachment 5 - National Capital Plan 2021.pdf
corp_env_policy_docs	Attachment 7 - NCA Tree Management Policy May 2021.pdf
corp_env_policy_docs	Attachment 8 - Parliament House Vista HMP Vol 1.PDF
corp_env_policy_docs	Attachment 8 - Parliament House Vista HMP Vol 2.PDF

Appendix B
Coordinates
Area 1
-35.296920433881,149.13045558501
-35.296684006966,149.13066747952
-35.2969029208,149.13105639983
-35.297124023171,149.13086328078
-35.297121834042,149.13086059857
-35.297119644912,149.13086059857
-35.296920433881,149.13045558501
Area 2
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-35.297318417631,149.1306902783
-35.297552653575,149.13047570158
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-35.297548275339,149.13047570158
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