

Elm street tree avenue, Ballarat Road, Maidstone: HO 88 Incorporated Plan

This plan is incorporated in the Maribyrnong Planning Scheme under clause 43.01-
Heritage Overlay and Clause 81 Incorporated Documents.

1. *Where the Plan applies*

This Plan applies to the elm street tree avenue along Ballarat Road, Maidstone comprising 28 elms located near 31-99 Ballarat Road on the south side and 46-126 Ballarat Road on the north side.

The significant elements of the heritage place are:

- The 28 elms
- The land which contains the critical root zone of the trees.

The trees and their critical root zone are included within the Schedule to the Heritage Overlay of the City of Maribyrnong Planning Scheme as heritage overlay HO88. It is noted that the critical root zone of the elms may extend beyond the mapped extent of HO88.

This incorporated plan recognises that the trees are of cultural significance to the City of Maribyrnong, but that their location adjacent to Ballarat Road results in the provisions of the heritage overlay potentially affecting the maintenance and repair of the road which is a designated State Highway.

2. *Purpose of the plan*

The intent of this plan is to acknowledge the heritage significance of the listed trees while providing permit exemptions for routine tree care actions and road maintenance and repair actions by VicRoads.

This incorporated plan is prepared for the purpose of Clause 43.01-2 of the Scheme to exempt certain actions from the requirement for a permit under the provisions of Clause 43.01 of the Scheme.

3. *Statement of Significance*

The Ballarat Road elm street tree avenue is significant to the City of Maribyrnong because:

- It is a relatively large remnant of early 20th century planting in the former City of Footscray.
- It demonstrates a once widespread municipal planting regime which was curtailed after 1933 when Council decided that elms and other species such as planes and poplars were unsuitable for planting as street trees.
- It is a reflection of the renewed prosperity of the area in the early 20th century following the 1890's depression.

4. Exemptions from Planning Scheme requirements

- 4.1 No permit is required under Clause 43.01 of the Maribyrnong Planning Scheme to prune or lop a tree provided the action complies with Council's *Street Tree Policy and Protocols*.
- 4.2 No permit is required under Clause 43.01 of the Maribyrnong Planning Scheme to carry out road repairs and maintenance which will not have a significant effect on the health or appearance of the elm trees provided that:
- No trenching or excavation operations, such as footing preparation and service pipe installation, are carried out within the dripline of any significant tree
 - The area within the dripline of the trees is kept free of all equipment, materials and debris.
 - Trees are protected from wind-blown materials such as cement.

This incorporated plan does not exempt the following works from a permit requirement:

- Cut and fill, trenching or excavation operations within the dripline of any of the significant trees.
- Works which are likely to result in the compaction of ground within the dripline of any of the significant trees.

5. Definition

Critical root zone – the critical root zone is the land under the tree equivalent to the width of the canopy or half the height of the tree, whichever is the greater. Where trees may be growing in close proximity to obstructions, the root growth pattern may be irregular and the critical root zone should be established independently.

6. Reference Documents

Maribyrnong Heritage Review Volume 3 (2004 version) prepared by Francine Gilfedder & Associates

Maribyrnong City Council *Street Tree Policy and Protocols*, June 1998