

**SUPPLEMENT to the Solomon Islands Gazette**

Friday, 7th May 1993

S.I. No. 23

[Legal Notice No. 86] *86/93***TOWN AND COUNTRY PLANNING ACT 1979  
(No. 22 of 1979)****TOWN AND COUNTRY PLANNING (TREE PRESERVATION)  
(TEMOTU PROVINCE)  
REGULATIONS 1993**

IN exercise of the powers conferred by section 27(3) and Section 33 of the Act the Minister hereby makes the following Regulations -

1. These Regulations may be cited as the Town and Country Planning (Tree Preservation) (Temotu Province) Regulations, 1993.

Citation.

2. In these Regulations, unless the context otherwise requires -

Interpretation.

“The Act” means the Town and Country Planning Act 1979;

“The Board” means the Town and Country Planning Board for Temotu Province established under section 5 of the Act;

“Development” has the meaning assigned to it by section 14(2) of the Act;

“Operation” (subject to subsection (2) of section 14) includes tree felling for development purposes; timber, firewood or other purpose whatsoever, or any unauthorised destruction of trees;

“Order” means a Tree Preservation Order made under section 27 of the Act;

“Tree” means any woody plant exceeding 5 metres in height, or as otherwise defined in the Order;

“Tree felling” means felling, cutting, topping, lopping, tapping, burning, poisoning, removing of bark, or otherwise damaging or destroying any tree or part of a tree.

3. No person shall fell any tree in respect of any operation in Temotu Province except in accordance with the provisions of the Act, and any regulation made there under.

Prohibition of the felling of trees.

Application  
for  
permission.

4. Applications to the Board for permission to fell any tree shall be made in accordance with section 15 of the Act and shall be in the form set out in Schedule 1 of these Regulations and include such fee as the Board may from time to time determine.

Board's  
decision.

5. The Board shall consider such application within twenty-eight days of receiving it and in accordance with section 16 of the Act, communicate its decision to the applicant in the form set out in Schedule 2 or 3 of these Regulations, as the case may be, within a further fourteen days.

Appeals to  
Minister.

6. An applicant aggrieved by the decision of the Board may appeal to the Minister in accordance with section 19 of the Act in the form set out in Schedule 4, and the Minister shall consider such appeal and communicate his decision within a reasonable time.

Tree preser-  
vation  
order.

7. In accordance with section 27 of the Act, where it appears to the Board expedient in the interest of amenity to make particular provision for any tree, trees or woodland it may make an Order in respect to any such tree, trees or woodland as may be specified in the Order.

Trees not  
to be  
felled.

8. No person shall fell any tree in respect of which an order is in force except in compliance with that order and these regulations.

Notice.

9. Notice of an order shall be given to the owners and occupiers of land affected by such an order, in the manner specified in regulation 10.

Service of  
Notice.

10. (1) The modes of service of notice shall be as set out in section 31 of the Act,

(2) such notice shall -

(a) make clear by plan or otherwise the trees in respect of which the objection is made; and

(b) state clearly reasons for the objection.

Consideration  
by the  
Board.

11. (1) The Board, shall within twenty-eight days of receipt, consider such objections or representations, and may require such person,

(a) to furnish, in writing such other particulars as it may require; or

(b) to appear before it.

(2) The decision of the Board shall be communicated to the person making the objection within fourteen days thereafter.

12. If no objections or representations are made to the Board within the time allowed by regulation 12, or if all such objections and representations are withdrawn or have been duly considered by the Board, the Board shall issue a certificate to that effect and the Minister on being satisfied that the Board has conformed with paragraph (b) of subsection (3) of section 27, confirm the order.
- Confirmation  
by the  
Minister.
13. When the Minister has confirmed the order, a copy shall be served on the owners or occupiers in the manner set out in section 31 of the Act.
- Service of  
Order.
14. Any owner or occupier of land affected by order may at any time apply to the Board in the manner set in regulation 4 in the form set out in Schedule 1 for permission to fell or to carry out any operation.
- Application  
for  
consent.
15. Where an application for consent or permission to fell a tree or carry out any operation is made to the Board under regulations 14 or 15 the Board may -
- Decision  
of the  
Board.
- (a) refuse consent; or
  - (b) give consent subject to conditions (including replanting and direction for care and maintenance);
  - or
  - (c) give unconditional consent.
- Provided that the Board shall give unconditional consent to fell any tree which in the opinion of a Forestry Officer is dangerous to life or property subject to the provision of subsection (5) of section 27.
16. (1) Where it is proposed to fell a tree because the tree is dying, dead or dangerous, a certificate from the Forestry Officer to this effect shall be produced to the Board at least 14 days before the proposed action, and the Board shall give its permission.
- Emergency  
provisions  
in respect of  
dangerous  
trees.
- (2) Where the Forestry Officer certifies that there is immediate substantial danger of injury to persons or property, a report to this effect shall be made to the Board within 14 days of such felling.
17. Where an application for consent is made in respect of woodland, the Board may give unconditional consent for any specified operations which accord with principles of good forestry, unless, in its opinion it is necessary to refuse consent, or give consent
- Consent in  
respect  
of woodland.

subject to such conditions as are in the interest of amenity, or science, in order to maintain.

- (a) the special character of the woodland; or
- (b) the woodland character of the area.

Further provisions in respect of woodland.

18. Where the Board grants consent to fell any tree, part, or group of trees or woodland otherwise than for thinning in accordance with good forestry practice; or to allow development to be carried out in accordance with permission to develop land under Part IV of the Act, the Board shall give the owners or occupiers of such land directions in writing setting out the manner in which the land is to be replanted, including any requirements recommended by a Forestry Officer, and any additional requirements in respect of:

- (i) species
- (ii) number of trees per hectare
- (iii) fencing and upkeep of fences
- (iv) preparation of ground, draining, brushing lopping and topping
- (v) mode of planting, watering and shading and
- (vi) precautions against fire and vandalism.

Felling lopping etc.

19. When the Board has given permission to lop, top or otherwise remove any part of any tree, or such action is taken in compliance with any powers conferred on any person by any Act or regulations, such lopping, topping or other removal of part of any tree shall be performed by properly trained employees or agents of Temotu Province so as to preserve the tree and prevent it becoming diseased or dangerous.

Penalties.

20. Any person who contravenes any provision of these regulations shall be guilty of an offence and shall be liable to the penalties set out in sections 25(1) and 27(6) of the Act.

Confirmed by:

**GEORGE LUIALAMO**  
Minister of Agriculture & Lands

Date: Thursday 1st April, 1993

SCHEDULE 1

(Regulation 4)

APPLICATION TO FELL, LOP, TRIM (ETC\*) TREE(S)  
(\*Delete)

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FOR OFFICIAL USE ONLY

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Number:

Date Received:

Date Submitted to Board:

Date Applicant Advised:

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TO: The Secretary  
Temotu Town and Country Planning Board  
Lata  
Santa Cruz

I/We of lot number.....in.....hereby apply for  
permission to feell, lop, trim (delete as appropriate) the tree(s) outlined  
in red on the attached plan, for the following reason(s)

.....  
.....  
.....  
.....  
.....

Should permission be granted I/We hereby grant permission for an officer  
of Temotu Province to enter my land and carry out the necessary works,  
and to pay the standard charge.

Signed ..... Date .....

Name .....

Address ..... Telephone .....

.....  
.....  
.....

1. A Site Plan (scale 1:500) MUST accompany this form showing clearly where the tree(s) is (are) on the lot, as well as their species. The Site Plan must also include sufficient information to enable officers of the Temotu Town and Country Planning Board and Temotu Province to inspect the trees.
2. Any application made on the basis that the tree(s) are too old damaged, or rotten inside and therefore constitute a dangaer MUST be accompanied by a signed statement from the Forestry Division of the Ministry of Natural Resources.

SCHEDULE 2

(Regulation 5)

PERMISSION TO FELL, LOP, TRIM (ETC) TREE(S)

Name..... Date.....

Address .....  
.....

Date .....

Your application (.....) received on.....  
was considered by the Temotu Town and Country Planning Board  
on....., permission was granted subject to the  
following conditions:

Please contact..... at the Temotu Provincial  
Government Offices to make the necessary arrangements.

Yours faithfully,

Secretary  
Temotu Town and Country Planning Board

SCHEDULE 3

(Regulation 5)

REFUSAL TO FELL, CUT, LOP, TRIM (ETC) TREE(S)

Name..... Date.....

Address.....  
.....

Dear .....

Your application (.....) received on.....  
was considered by the Temotu Town and Country Planning Board  
on.....and it was decided that you could not proceed  
because:

.....  
.....  
.....

Should you ignore this decision by the Board you will face prosecution  
and may be liable on conviction to a fine up to \$500 under section 27(6)  
of the Town and Country Planning Act of 1979.

However, should you be aggrieved by the decision of the Board you may  
complete the attached Notice of Appeal and forward it through the Temotu  
Town and Country Planning Board, to the Minister responsible for Town  
and Country Planning matters within 14 days of your receipt of this notice.

Yours sincerely,

Secretary Temotu Town and Country Planning Board

SCHEDULE 4

(Regulation 6)

APPEAL TO MINISTER

TO: The Secretary  
Temotu Town and Country Planning Board  
Lata  
Santa Cruz

I/We of lot.....in.....hereby wish to  
appeal to the Minister responsible for Town and Country Planning matters,  
regarding the Board's refusal of.....  
to the following development:

.....  
.....  
.....  
.....

Yours faithfully

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