



Department of Conservation
Nelson Regional Office
First Floor, Monro Building
186 Bridge Street
Nelson 7042
doc.govt.nz

Ref: OIAD-4957

8 April 2025

Tēnā koe

Thank you for your request to the Department of Conservation, received on 25 February 2025, in which you asked:

“Is it possible to get, under the OIA, all correspondence between the Department of Conservation, the Outdoor Access Commission and the Marlborough District Council related to public access to Ferny Gair and Teme River from the past two years?”

We have considered your request under the Official Information Act 1982 (OIA).

The access issue along the Teme River/Avon Valley to Ferny Gair Conservation Area is complex and long-running. We acknowledge it has been unresolved for a long time, which is frustrating for members of the public wanting to access the area.

The proposed access route would use sections of both unformed legal road managed by the Marlborough District Council and marginal strip managed by the Department. The first section of the proposed route runs along the unformed legal road, before moving onto marginal strip.

In trying to reach a resolution, the Department has advocated for improved public access to Ferny Gair Conservation Area and provided technical advice to the parties. This advice has included confirming there was a feasible route on publicly owned land to alleviate concerns some sections would be impassable.

The marginal strip is publicly owned land, and the public have a right to be on it. We want to ensure however this is facilitated in a way that keeps the public safe and does not impact the operations of adjoining landowners.

I have decided to release relevant parts of correspondence, principally in the form of emails, on the topic of access to Ferny Gair Conservation Area adjoining Upper Avon Farms property, identified within the date range requested. Release is subject to information being withheld under the following sections of the OIA:

- personal contact details, including of officials, under section 9(2)(a) – to protect the privacy of natural persons, including deceased people,

- commercially sensitive information, under section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information, and
- free and frank expression, under section 9(2)(g)(i) – to maintain the effective conduct of public affairs through opinions by, between and to members of an organisation and/or officers and employees of any public service agency or organisation in the course of their duty/work.

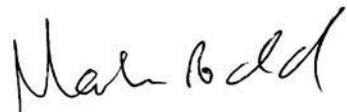
In making my decision, I have considered the public interest considerations in section 9(1) of the OIA and determined there are no public interests that outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the OIA.

Please note that this letter (with your personal details removed) may be published on the Department's website.

If you would like to discuss this response with us, please contact Gavin Finch, South Marlborough Operations Manager by email to gfinch@doc.govt.nz.

Nāku noa, nā



Martin Rodd
Director Regional Operations
Northern South Island
Department of Conservation | *Te Papa Atawhai*