



ORDINARY COUNCIL MINUTES

MINUTES OF THE ORDINARY COUNCIL MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON THURSDAY 8 DECEMBER 2022, COMMENCING AT 11:00 AM

The Council Meeting was live streamed to the Westland District Council YouTube Channel and presentations are made available on the council website.

1. KARAKIA TĪMATANGA OPENING KARAKIA

The opening Karakia was read by Cr Cassin

2. MEMBERS PRESENT AND APOLOGIES

Chairperson	Her Worship the Mayor	
Members	Cr Gillett (Deputy)	
	Cr Neale	Cr Burden
	Cr Baird	Cr Davidson
	Cr Cassin	Cr Manera
	Kw Tumahai (via zoom)	Kw Madgwick

NGĀ WHAKAPAAHA APOLOGIES

STAFF PRESENT

S.R. Bastion, Chief Executive; T. Cook, Planning, Regulatory & Community Services Manager; L. Crichton, Group Manager: Corporate Services; S. Baxendale, Group Manager District Assets; D. Maitland; Executive Assistant, E. Rae, Strategy and Communications Advisor; S. Johnston; Governance Administrator.

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register had been circulated via Microsoft Teams and available on the Council table. There were no changes to the Interest Register noted.

4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

There were no urgent items of business not on the Council Agenda.

5. NGĀ MENETI O TE HUI KAUNIHERA MINUTES OF MEETINGS

The Minutes of the previous Meeting were circulated separately via Microsoft Teams.

- Ordinary Council Meeting Minutes – Thursday 24 November 2022

Moved Deputy Mayor Gillett, seconded Cr Burden and **Resolved** that the Minutes of the Ordinary Council Meeting held on the 24 November 2022 be confirmed as a true and correct record of the meeting.

The Chair **Approved** that their digital signature be added to the confirmed Council Meeting Minutes of 24 November 2022.

The following items were taken out of order to the agenda:

7. NGĀ TĀPAETANGA PRESENTATIONS

- **Hokitika Lions Club Awards Presentations**

Her Worship the Mayor and Cr Burden presented the following awards to recipients:

Young Achiever Awards

The Percy Atkinson Trophy for Sporting Achievement	Marty Rochford
The Ron Wieblitz Trophy in Arts and Culture	Bless Groome
The Brian McCarthy Trophy for Community Involvement	Liam Bell
The George Groufsky Presidential Trophy	Jack Matthews
The Westpac Trophy – Overall Winner	Scott Matthews

Civic Awards

Local Hero	Bruce Hackett
Community Group / Organisation of the Year	Their Voice
Senior Westlander of the Year (Over 60)	Athol Olson
Westlander of the Year	Charles Nightingale

- **Okarito Community – Dark Sky Reserve**

The Mayor advised that this presentation has now been deferred to the February 2023 Council Meeting

- **Heritage New Zealand – Hokitika Government Building, Seddon House Presentation**

Chief Executive, Heritage NZ, Andrew Coleman spoke to this presentation, and gave an overview of where the project is at.

- **Background, Vision & Objectives**

- Sensitively upgrade and seismically strengthen
- Project has been underway for approximately 2 years

- **Project Plan Timing**

- October 2022-end 2025

- **Completed Project Tasks**

- Steering Group set up – working group level
- Project Governance Group established (chaired by CE, Andrew Coleman)

- At concept design phase at the moment
- Set up Temporary Works Plan
- Preliminary Design & QS – looking at options
- **Current Project Tasks**
 - Temporary works completion - February 2023
 - Cultural Narrative – March 2023
 - Conservation Report – watch the buildings history, construction, and future look
 - Enabling Works & Mitigation – will be completed by June 2023. This should water-tight the building and mitigate any hazards.
 - RFP Project Construction Works – in the market for this now, to get to detailed design quicker.
- **Current Concept Design Funding Position**
 - The figure \$22m is based on concept design – not detail design (\$33.5m)
 - Sets up 4 phases of project:
 1. Enabling works
 2. Lock up - Strengthen & Watertight & Critical Services Infrastructure
 3. Services, Finishes, landscaping
 4. Fitout – base build fit out and tenant fit out
 - There are a number of options to close the gap between concept design figure of \$22 million and the complete detailed design of \$33.5 million
- **HGB Health & Safety Briefing**
 - Went through the Health & Safety status of the building
 - Approved access to the site for Councillors to have a walk through

Moved Cr Davidson seconded Cr Baird and **Resolved** that the presentation from the Chief Executive, Andrew Coleman from Heritage New Zealand be received.

Late apology received for meeting:

Kw Tumahai advised that he is unable to join the meeting until later, so has put an apology in for lateness.

Moved Cr Davidson, seconded Cr Burden and resolved that the apology for lateness be received from Kw Tumahai who will join the meeting later.

Council adjourned for lunch at 12:08pm and reconvened the meeting at 12.26pm

- **Our Story – Te Tai Poutini / West Coast / Te Papa Atawhai; Department of Conservation**
Operations Manager, Owen Kilgour and Business Improvement Manager, Karen Jury spoke to this presentation.
- **Introductions**
 - Karen Jury – Business Improvement Manager – Works Regionally
 - Owen Kilgour – Operations Manager in the Hokitika District
- **Session purpose**
 - Affirm relationship with Council
 - Refresh Council by sharing Department of Conservations vision
- **The Western South Island Story – Papatūānuku Thrives!**
- **Our Responsibilities**
- **MOC Priorities**

- **Our Treaty Partnership**
- **Current Partnership Projects**
- **Central and Local Government – Working together**
 - West Coast Wilderness Trail
 - Wadeson Island
 - Hokitika Gorge

The Chief Executive advised that there was an Engineering report done on the Hokitika Gorge Swing Bridge which highlights some deficiencies and therefore Council need to ensure the integrity of swing bridge is still sound. Council is working with Owen Kilgour and team regarding load testing. Potentially the bridge may fail the test – which means it will close indefinitely. Long-term replacement of that bridge is still being looked into

- Kapitia Scientific Reserve
- Emergency Management – supporting Emergency Operating Centres
- Recreational Access
- **Conservation Board**
 - Importance of Department of Conservation’s structure and are independent bodies that empower local communities and iwi to contribute to the management of conservation.
- **Identify how Ecosystems and Species are thriving**
- **Biodiversity Initiatives**
- **Predator Management**
- **Ungulate Management**
- **Plant pests**
- **Freshwater / Marine**
- **Identify how Department of Conservation strives to enrichen people’s lives**
- **Economic, social, and cultural benefits from activity on PCL (Public Conservation Lands)**
- **Heritage and Visitor assets**
- **Jobs for Nature**

Moved Deputy Mayor Gillett seconded Cr Neale and **Resolved** that the presentation from Owen Kilgour and Karen Jury from Department of Conservation be received.

6. ACTION LIST

The Chief Executive, Simon Bastion spoke to the Action List and provided the following updates:

- **Speed Limit Register Review:**
 - The Transportation Manager will summarise this in a presentation to Council later in the meeting.
- **Pakiwaitara Building / Council Building Business Case:**
 - In a business case development stage
 - Council have contracted O’Connor Partners for a review of all 3 facilities
 - Current Council building is an earthquake compromised building
 - Hoping to have this piece of work completed by late February 2023
 - Workshop with Council regarding this business case prior to March Council meeting
- **Racecourse Development Submission:**
 - Successful in \$3.5 million funding

- Started some work with Joseph & Associates Re: Roadmap forward for Council. No physical work to start in this space until workshops start with Council along with a clear 'roadmap' forward. Hope to have this completed by end of January 2023 to come to the February Council meeting.

The Chief Executive advised that the brief for engagement with Joseph and Associates was to look at the buildings in totality in terms of their use, and the ongoing cost commitment – re leases or maintenance costs, and anything around those buildings that may impact – i.e.: parking etc, as well as looking at disposal options and financial implications. The previous Council put everything on hold until the new Council was formed to seek a new direction, which is why Council has engaged Joseph and Associates to pull together a new Business Case for Council.

Funding is approved on condition that Council commits to some infrastructure – so the project is to build roading, footpaths, stormwater upgrades, and to build 30 pensioner housing and 25 affordable houses. Nothing is committed until the full business case is reviewed by Council. There are out-clauses if the project is not commercially viable. The manager who is overseeing all of the developments in New Zealand will be speaking to Council – and he can explain in terms of what it means for our project.

Kw Madgwick asked if the out-clauses can be viewed.

The Mayor summarised the discussion saying that Councillors had overall concerns, with a vast array of questions, as well as the lack of background information on how the situation came about, which brings about concerns moving forward in decision making. Also, we are entering in a complex financial environment with a potential recession, which will impact this project moving forward.

Moved Cr Davidson, seconded Cr Baird and **Resolved** that the updated Action List from the Chief Executive be received.

- **Recreation, Sports, and Leisure Canterbury (RSL) – Hokitika Sports and Recreations Facilities**

Senior Consultant, Kevin Collier from Recreation, Sports, and Leisure Canterbury (RSL) joined the meeting via zoom to review the draft Hokitika Sports and Recreations Facilities plan that had been circulated to the Councillors.

Councillors introduced themselves to Kevin Collier.

Kevin advised that RSL were engaged by Council to undertake a review of sport and recreation facility needs for the Hokitika area. The brief was around sport recreation facilities around the Hokitika and immediate surrounds, around the Cass Sq. and Racecourse potential opportunities.

Regarding RSLs process:

- Met with previous Council who gave the brief
- Identified key documents
- Surveyed sports organisations
- Held a forum in June 2022 with sports organisations to get feedback and followed up one on one with those organisations if needed
- Presented a draft report and received feedback on that report
- Then presented a final report from RSL's perspective
- Currently it is in front of Council for your consideration and to answer any questions Council may have.

Questions	Answers
Page 10 – operational issues & feedback received – it would be helpful to know what those issues were?	Operational issues came through forums and surveys, and happy to collate a succinct summary of the issues and send them through.
No AMP needs were mentioned in this report – are they not part of recreation?	It was not part of the brief.
Consultation on the draft report was undertaken by the steering group, when did this take place?	There were 2 stages that took place – the consultation took place with the groups up front, then the steering group consulted on that and created a draft report. Some were regional bodies, others local clubs or individuals. The scope was Hokitika, but organisations spoken to were far wider.
This plan came about from the Cass Sq. issue, and one option was to have an area developed at the racecourse to leave Cass Sq. as the premium sports field. This report is clear the rugby clubs don't want to move.	With the upgrade of the school turf grounds and existing provision of sports ground, Hokitika is probably well served for sports grounds in the community, assuming the community can get good access to those school grounds. Interestingly, traditional sports are some cases declining in popularity and are being replaced with other active recreation, individual, less structure sports that are taking off and will become more popular in the future. That was the theme if we were looking at developing some of the racecourse for recreational activities – it would've been better than traditional rectangular sports fields sports.
Was consultation had with Development West Coast on this?	Yes absolutely.
Who owns the old tennis club facilities?	The tennis club own that piece of land.

Moved Deputy Mayor Gillett seconded Cr Burden and **Resolved** that the Hokitika Sports and Recreation Facilities plan from Kevin Collier of Recreation, Sport and Leisure Canterbury be received.

- **Westland District Council Transportation Update – December 2022**

Transportation Manager, Karl Jackson spoke to this presentation.

- **Update Topics Covered:**

- **2022 Speed Limit Survey**

- August 2022 survey received 46 responses

- **Works Currently Underway**

- Cauldron Creek Bridge Replacement
 - Resealing of Carriageways
 - Davie Street heavy maintenance prior to reseal
 - Identification of reseal areas for 2023-2024
 - Footpath renewals & maintenance programme
 - Bridge inspection programme being developed
 - 2022 Transport Survey

- **Projects Being Scoped and Prepared for Tender**

- Haast Jackson Bay Road Pavement Rehab (est. \$6550k)

- Waitaha Road Localised Widening (est. \$100k)
- Haast Jackson Bay Road Resilience Improvements (est. \$2m)
- **Recently Awarded Contracts**
 - West Coast Councils Bridge & Structure Asset Management Contract
 - West Coast Councils Regional Asset Management Services Contract
- **Works Being Investigated / Designed**
 - Haast Jackson Bay Resilience Improvements
 - Speed Limits around schools
 - 2023/2024 Reseal Programme
 - Swing gates for repeated flood related road closures on various part of the network
- **Recent / Ongoing Challenges**
 - Waitangitahuna River Erosion
 - River aggradation on McColloch's Creek and Snake Creek
 - Bridge failure on Rotokino Road

Cr Burden asked if the Footpath Program of Works could be made available to Councillors. The Transportation Manager advised that this would be circulated to Councillors.

The Mayor advised that there are residents and bach owners at Lake Kaniere who are keen to have speed bumps installed on the road at the Lake to manage speeding cars and protect pedestrians and that they are also keen to contribute to that as a community.

The Transportation Manager advised he would be in contact with the Mayor regarding this.

Kw Francois joined the meeting at 2:13pm

Moved Cr Neale seconded Cr Baird and **Resolved** that the Transportation update – December 2022 presentation from the Transportation Manager at Westland District Council be received.

Council adjourned for a 10-minute break at 2.25pm and reconvened at 2.35pm

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Chief Executives' Report**

Chief Executive, Simon Bastion spoke to this report and advised the purpose of this report is to provide an update on all the aspects that are happening in the Westland District, and update Council on any matters of significance and priority.

Key activities:

- **3 Waters Reform Continuing on:**
 - Entrenchment clause has been withdrawn
 - National Transition Unit (Group Manager, District Assets Scott Baxendale spoke to this)
 - NTU Governance stream. along with Iwi selects the future interim board.
 - Time and effort going into this from Council is a lot
 - Logistically challenging
 - Significant piece of work that is cutting into staff time considerably – particularly District Assets and Finances
 - Kw Tumahai advised that the 3rd reading has gone through Parliament today.
 - Been advised to still run LTP process even with legislation changes

- **Hokitika Waste Water Treatment Plant Project Oversight Committee:**
 - This project is continuing on. Stantec will be providing an update next week at the first meeting with the new Sub-Committee.
Kw Madgwick asked if the Council could have a committee report back about the specifics of what is being looked at with potential sites.
The Chief Executive advised that this will be an outcome of the committee meeting next week.
- **Fox Glacier Water Treatment Plant:**
 - The project has been taking a long time
 - Partial Funding from Tourism Infrastructure Fund
 - Struggling to get commitment from contractor to get the project completed – more likely to be Sept/October 2024
 - Supply chain issues
- **Hokitika Swimming Pool Project:**
 - Initial funding has come through to complete stage 2 and 2.5
 - Working with stake holders - especially Destination Westland in terms of timing.
 - Hoping to complete all intrusive work this winter and make pool available after winter next year for the usual activities.
- **Carnegie Building:**
 - Highlighted the delay that's occurred regarding plastering on the exterior with the contractor due to delays and covid and the contractor has now left the country. A local contractor can finish this work in late January 2024.
- **Emergency Operations Centre:**
 - Jo Patterson from Westland District Council is leading this work
 - Contacting various parties to see if co-share or co investment is an option and how we can move forward to build this facility. A business case will come to Council to look at this.
 - A report from Peter Bodeker (Bodeker Consultancy) who did a full review on the Westcoast as to the best location for an EOC to be placed can be circulated to Councillors.
- **Finance**
 - The annual audit report is still causing delays due to Covid in the Audit Team.
 - Potentially an Extraordinary Council meeting next year to adopt the annual report.
- **Information Technology:**
 - Council have been doing testing re: malware and infiltration.
 - Councillors are requested to complete the mandatory SMISHING / PHISHING training.

Moved Cr Davidson seconded Cr Baird and **Resolved** that:

1. The Quarterly Report from the Chief Executive dated 8th December 2022, be received.

- **Delegations Manual**

Chief Executive, Simon Bastion spoke to this report and advised the purpose of this report is to request Council approval for updates to the Delegations Manual since it was last approved by Council on 28 November 2019.

Moved Cr Neale seconded Cr Baird and **Resolved** that:

1. The report be received.
2. Council adopt the amended Delegations Manual and publish it on the Council’s website www.westlanddc.govt.nz.

- **Local Government Statement**

Chief Executive, Simon Bastion spoke to this report and advised the purpose of this report is to provide an update on Council’s Local Governance Statement.

Moved Deputy Mayor Gillett seconded Cr Baird and **Resolved** that:

1. That the report be received.
2. That Council adopts the amended Local Governance Statement and publishes it on Council’s website www.westlanddc.govt.nz.

9. ADMINISTRATIVE RESOLUTION

Moved Cr Cassin seconded Cr Burden and **Resolved** that Council confirm its Seal being affixed to the following document:

- **Leon Hume – Building Control Manager**

Aspect	Delegation	Parameters
Building Act,2004	Generally, all of Council’s powers, duties, and functions per the Act	The following are specifically excluded: - The transfer of functions, powers, and duties pursuant to S. 233 - The fixing of fees or charges pursuant to S. 219
	Pursuant to sections 33 - 39 all powers in respect of Project Information Memoranda including but not limited to: <ul style="list-style-type: none"> • Determining the adequacy of information received and require further information • Issuing PIMs (s34) • Determining if errors have been made and reissue PIMs (s34(4)) • Deciding what information should be included in the PIM (s35) • Attaching a development contribution notice if applicable or to impose charges per the Council’s current Schedule of Fees (s36) • Determining if the project requires a resource consent and attach a resource consent certificate to the PIM (s37) • Determining if a copy of the PIM should be supplied to a network utility operator (s38) • Determining whether the application affects a registered historic place, historic area, wahi tapu or wahi tapu area and notify the application to the Historic Places Trust as required (s39) 	

Aspect	Delegation	Parameters
	<p>Pursuant to sections 45, 46, 48, 49, 50, 51, 52, 53, 54, 67, 71-73, 74, 75, 77 and 83, all powers in respect of building consents including, but not limited to:</p> <ul style="list-style-type: none"> • Determining the information which the Building Consent Authority requires as part of a building consent application (s45) • Determining if a copy of the application is to be supplied to the NZ Fire Service (s46) • Processing the consent application, including determining the adequacy of information provided; requiring further information; determining if any warning of ban applies to any building method proposed; assessing the application against the NZ Building Code; determining whether or not to accept a producer statement as establishing compliance with any aspect of the NZ Building Code (s48) • Determining if the provisions of the Building Code would be met if the building work is completed in accordance with the consent application and grant the building consent (s49) • Determining whether to refuse any building consent and give written notice of the refusal and reasons for the refusal (s50) • Issuing building consents (s51) • Determining applications for extension of time to commence building work (s52) • Advising applicants of the amount of levy for a building consent and collect the levy on behalf of the Chief Executive of the Department of Building and Housing f(ss 53-54) • Determining whether a consent is granted subject to a waiver or modification of the NZ Building Code and impose any conditions considered appropriate (s67) • Determining all matters relating to the grant or refusal of a building consent for the construction of a building or for major alterations to a building on land subject to natural hazards, including granting any waiver or modification of the Building Code in respect of the hazard concerned; imposing any conditions considered appropriate and notifying the appropriate authority (ss71-73) • Determining if any entry on a certificate of title relating to the land being subject to a natural hazard is no longer required (s74) • Determining if a building consent involves building work covering two or more allotments and set appropriate conditions, including not issuing the building consent until those conditions have been met (ss 75, 77) • Determining applications to remove conditions issued under s75 	
	<p>Pursuant to sections 93-95, determining all matters relating to whether a code compliance certificate will be issued, including requiring further information, determining applications for</p>	

Aspect	Delegation	Parameters
	extension of time to complete building work and issuing or declining to issue code compliance certificates.	
	<p>Pursuant to sections 96-99, all matters relating to certificates of acceptance, including but not limited to:</p> <ul style="list-style-type: none"> • Requiring further information • Processing the application, including determining whether or not to accept a producer statement as establishing compliance with any aspect of the NZ Building Code • Determining any qualifications which should be made • Issuing or declining to issue the Certificate of Acceptance 	
	<p>Pursuant to sections 102, 103, 106, 107, 109-110, all matters relating to compliance schedules and building warrants of fitness, including but not limited to:</p> <ul style="list-style-type: none"> • Issuing compliance schedules (s102) • Determining the content of a compliance schedule (s103) • Determining whether or not to amend a compliance schedule on application from the owner of the building (s106), recommendation from a licensed building practitioner (s109) or the Council's own initiative (s107) • Requiring production of annual written reports on compliance schedules (s110) 	
	<p>Pursuant to sections 112-113, 115 and 116, all matters relating to alterations of existing buildings and changes of use, including but not limited to:</p> <ul style="list-style-type: none"> • Determining whether or not to grant a building consent for an alteration to an existing building that will not fully comply with the Building Code (s112) • Determining conditions and issuing building consents for buildings with specified intended lives (s113) • Determining whether or not to permit the change of use of a building (s115) • Determining whether or not to permit the extension of life for a building with a specified intended life (s116) • Determining whether or not to give effect to a subdivision that affects a building (s116A) 	
	<p>Pursuant to sections 121-124 and 126, all matters relating to dangerous, earthquake-prone or insanitary buildings, including but not limited to:</p> <ul style="list-style-type: none"> • Determining whether a building is dangerous, including seeking advice from the NZ Fire Service (s121) • Determining whether a building is earthquake-prone (s122) or insanitary (s123) • Determining the appropriate action to be taken where sections 121-123 apply, including issuing a notice to the building owner (s124) 	

Aspect	Delegation	Parameters
	<ul style="list-style-type: none"> Applying to the District Court to carry out work where a notice under s124 is not being complied with in a reasonable period (s126) 	

10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Moved Cr Neale seconded Cr Davidson and **Resolved** that Council confirm that the public were excluded from the meeting in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 3:23 pm.

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Confidential Minutes – 24 November 2022	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2.	Heaney & Partners Update on Legal Matters	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3.	Kaniere Water Race Bridge Replacements	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
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1	The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
1, 3	The withholding of the information is necessary to protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b)).
1	The withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
2	The withholding of the information is necessary to maintain Legal professional privilege Schedule 7(2)(g)

Moved Deputy Mayor Gillett, seconded Cr Davidson and **Resolved** that the business conducted in the 'Public Excluded Section' be confirmed and accordingly, the meeting went back to the open part of the meeting at 4:25pm.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 23 FEBRUARY 2023
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

MEETING CLOSED AT 4:25 PM

Confirmed by:

Mayor, Helen Lash
Chair

Date: 23 February 2023