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## TOWN OF CLAREMONT TOWN PLANNING SCHEME No. 3

### LOCAL PLANNING POLICY No. 108

#### Retention of Residential Heritage

**POLICY TITLE:** Retention of Residential Heritage LPP

**POLICY No:** 108

**PREPARED BY:** Consultants (Chris Antill Planning & Urban Design Consultant, and Heritage & Conservation Professionals)

**AUTHORISATION:** (date)

#### INTRODUCTION

This Policy has been prepared by the Town of Claremont to provide specific guidance in achieving the conservation of individual residences considered to have significant heritage value within the Town.

#### STATUS/APPLICATION OF THIS POLICY

This Policy has been adopted under Clause 82 of TPS3. This means that both the Town and prospective applicants are obliged to take the Policy into account. Variations and departures may be possible; however these will need to be suitably justified by both the applicant and the Town.

This Policy applies only to:

- Those places that are included on the Schedule of Historic and Other Buildings and Places attached to TPS3 (the Schedule) that are located in low density residential areas within the Town: i.e., those areas coded R25 or lower. The Schedule of Historic Buildings and Places can be found on the Town of Claremont's web site.

It should be read together with LPP 107, 'Retention of Residential Character'.

#### PURPOSE OF THIS POLICY

The purpose of the policy is to ensure that the heritage places that contribute to the domestic scale and architectural character of the Town are retained and that, where adaptations or extensions are necessary to ensure their ongoing sustainability, development does not reduce the heritage value of the places or their contribution to the streetscape and character of the Town.

## Assessment Criteria

In considering any planning applications in relation to a place entered in the Schedule, the Town of Claremont will apply and have regard to:

- The matters set out in section 6.5 of State Planning Policy 3.5 “Historic Heritage Conservation” (2007).
- The development control principles set out in section 6.6 of State Planning Policy 3.5 “Historic Heritage Conservation” (2007).
- The information contained in the place data sheet of the Town of Claremont’s MHI and in particular the Statement of Significance for the place.
- Material contained in Conservation Plans, Heritage Assessments, Heritage Impact Reports or other heritage documents or reports prepared for the place.
- The Policy considerations and assessment criteria contained in this LPP.
- The structural condition of a place, and whether a place is reasonably capable of conservation.

## OBJECTIVES OF THIS POLICY

The objectives of this Policy are:

- (i) To conserve and protect individual residences considered to have significant heritage value;
- (ii) To provide incentives to encourage the conservation of heritage residences and the maintenance of these buildings which contribute to the heritage character of the Town;
- (iii) To provide development and design guidance to landowners wanting to extend or refurbish existing dwellings of heritage significance; and
- (iv) To ensure that additions to existing dwellings do not adversely affect the significance of the dwelling or of neighbouring heritage places.

## ABOUT HERITAGE VALUES

### Why conserve heritage?

The Heritage Council of WA defines Heritage as follows:

*“Heritage is that which we inherit and that which we pass on to future generations.”*

We conserve places of cultural heritage significance because “they enrich people’s lives, often providing a deep and inspirational connection to community and landscape, to the past and lived experience. They are historical records that are tangible expressions of Australia identity and experience.” (*Illustrated Burra Charter*, 2004, p.10.)

Heritage Significance is embodied in the place itself and is defined in terms of the aesthetic, historic, social, scientific, social or spiritual value for past, present or future generations. (*Illustrated Burra Charter*, 2004.)

### The Burra Charter

The Burra Charter (*The Australian ICOMOS Charter of Places of Cultural Significance*) is the principal guiding document for heritage conservation in Australia, and is intended as far as possible to be applied through this policy.

## **Heritage in the Town of Claremont**

In 1998, all the places identified in the Town of Claremont's Built Environment Survey and subsequently in the Municipal Inventory, were adopted as the Schedule of Historic and Other Buildings and Places (the Schedule) attached to TPS3. Since 1998, the Schedule has been reviewed and the reviewed Schedule now adopted under TPS3 is available on the Town of Claremont's website.

In 2005, the Town of Claremont adopted a 'Heritage Management Plan' as a means of implementing Council's mission statement;

*"Develop a vibrant, harmonious and safe village,  
Embracing the future, respecting the past."*

This LPP aims to support the intent of the 'Heritage Management Plan' by providing policies for the management of residential places included on the Schedule attached to TPS3.

## **OTHER HERITAGE LISTS AND REQUIREMENTS**

### **State Register of Heritage Places**

Some places included on the Schedule are also included in the Register of Heritage Places kept by the Heritage Council of Western Australia ("Heritage Council") and are protected under the *Heritage of Western Australia Act 1990* ("Heritage Act"). All development applications for registered places must be referred to the Heritage Council for comment. The Town of Claremont will take account of the Heritage Council's comments in its assessment of applications for such places, in accordance with its obligations under Section 11 of the Heritage Act.

### **Places Classified by the National Trust of Australia (WA)**

Some places included on the Schedule have been Classified by the National Trust of Australia (WA). There are no statutory requirements associated with places that are Classified by the National Trust. The Town of Claremont has a close association with the National Trust and all development applications for Classified places are referred to the National Trust for comment in much the same way as places are referred to the Heritage Council. The Town of Claremont is very unlikely to approve development of a Classified place without National Trust endorsement.

## **INTERPRETATIONS**

In this policy, the following terms have the respective meanings assigned to them.

**Archival Record** means a document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change. The Heritage Council of Western Australia (HCWA) has prepared a standard for archival recording and this can be found on the Town of Claremont website.

**Adaptation** means modifying a place to suit an existing use or a proposed use.

**Burra Charter** means the Australian ICOMOS Charter for the conservation of places of cultural heritage significance. The charter has been generally accepted as the standard for heritage practitioners in Australia.

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**Conservation** means all the processes of looking after a place so as to retain its cultural heritage significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.

**Conservation Plan** means a document that details how to identify and look after the significant cultural values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council provides guidelines for the preparation of conservation plans to ensure that all important matters are considered.

**Cultural Heritage Significance** means the aesthetic, historic, social and scientific values of a place for past, present or future generations.

**Heritage Agreement** means a contract under section 29 of the Heritage of Western Australia Act 1990 which is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. Essentially, the purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place. A Heritage Agreement runs with the land and is confirmed through a Memorial placed on the land title.

**Heritage Assessment** means a systematic assessment that describes a place and its setting and states its significant heritage values in terms of the criteria adopted by the Heritage Council of WA. These criteria are the aesthetic, historic, social and scientific values of the place.

**Heritage Impact Statement** means a report that evaluates the likely impact of proposed development on the significance of a heritage place and its setting, or on the area within which it is situated. The report may also outline measure by which any detrimental impact may be minimised. The Heritage Impact Statement should address:

- How will the proposed works affect the significance of the place?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that may offset any adverse impacts?

**Note:** The Heritage Council of WA has produced a guide and form for the preparation of Heritage Impact Statements. This information is available on the Heritage Council's website.

**Heritage List** means a list of places that has been adopted under TPS3 and attached as a Schedule to TPS3 titled "Schedule of Historic and other Buildings and Places" which is referred to herein as "The Schedule".

**Heritage of Western Australia Act 1990** is the statutory framework for the identification and conservation of places which have significance to the cultural heritage of Western Australia. The Act also describes the composition and powers of the Heritage Council of WA and requires Local Governments to prepare Municipal Heritage Inventories.

**Heritage Place** means a building, structure, site, area of land or other physical element valued for its cultural (or historic) heritage significance, together with associated contents and surrounds.

**Interpretation** means all the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of these to tell the story of the building or place.

**Interpretation Plan** is a document that explains the ways in which a place could be interpreted. Interpretation Plans should aim to increase both our understanding and our enjoyment of heritage places.

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**Local Heritage Contract** means a contract between the owners of a heritage place and the Town of Claremont undertaken on a voluntary basis by the owners in return for planning concessions or a rate rebate agreed to by the Town. The agreement binds the current owner to a set of conservation conditions in return for identified and agreed compensating benefits.

**Structural Condition Assessment** means a report prepared by a qualified structural engineer that assesses the structural state of a building or element.

**Surrounding Development in the immediate locality** means the five properties on either side of the proposed development on both sides of the street that the dwelling is oriented towards. More significance will be given to development in the immediate locality that is closer to the proposed development, particularly in the case of corner lots.

## POLICY STATEMENT

### Cultural Heritage Significance

The Statement of Significance of a heritage place is fundamental to the assessment of any development application for that place and will be taken into account when a development application is determined.

### Demolition Controls

Demolition of any building or place within the Town of Claremont requires development approval. It is strongly recommended that where demolition of all or part of a building included on the Schedule is contemplated, the applicant seek advice from Council prior to the preparation of a proposal for a new building on the site.

Generally, Council will not approve demolition of all or part of a building included on the Schedule unless it can be demonstrated to be of little cultural heritage significance. Council will not consider demolition approval on the grounds that redevelopment is a more attractive economic proposition.

- Council encourages retention of dwellings included on the Schedule over demolition and replacement with new buildings in all cases.
- Alterations/extensions to existing dwellings shall be designed such that the significant areas of the building and significant fabric are retained.
- Unless it can be demonstrated that the front elevation of a dwelling has been remodelled or extensively altered, Council will not support alterations to the front facade, including but not limited to, windows and window openings, doors and door openings, verandahs and verandah details, wall finishes (excluding painting of previously painted surfaces which is permitted).

### Replacement Buildings

In the event that demolition of a building included on the Schedule is approved, the new building must comply with the provisions of **LPP 107, 'Retention of Residential Character'**, together with any other requirements that Council may impose.

This means that in the event that a building is approved for demolition in an area where surrounding development in the immediate locality includes places on the Schedule, Council

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may require that the new building be designed to complement this development. This may include specific requirements with regard to:

- Building materials or colours for walls, roofs or joinery
- Roof pitch and form
- Front and/or side setbacks
- Provision of a verandah, porch or awning to the street elevation
- Fencing style and material
- Location of garages or carports

## Conservation and Restoration Works

Conservation of an existing building or place should include retention and protection of existing significant fabric and design features wherever possible. Where these have deteriorated, they should be retained and repaired if possible or replaced with new fabric to match the original.

Council encourages owners of places included on the Heritage Council's Register of Heritage Places to have Conservation Plans prepared and to use these as a basis for future conservation and development.

## Alterations and Additions

Heritage buildings may require alterations or additions to bring them to an appropriate standard for contemporary living. Council will support adaptation of a place on the Schedule where it can be demonstrated that the proposed works are compatible with the significance of the original building.

The following general principles apply to alterations to a significant building:

- Adaptation should be carried out with the least amount of change to the original or significant fabric as possible.
- Work that can be reversed in the future is desirable. Work that cannot be reversed will be supported, provided the cultural significance of the place is not compromised.
- New work to a significant building or place should not replicate the detail of the original unless the work involves an authentic restoration to original detail.

The following general principles apply to additions to a significant building:

- Additions should take account of the significance of the existing building and should be designed to respect but not copy the detail of the existing building.
- Additions may be constructed using details that are similar to the existing building or may take a contemporary form that is clearly evident as new.
- Additions should not overwhelm the existing building in terms of form, bulk and scale.
- The original building should remain the dominant structure on the site.

## **GUIDELINES FOR ADDITIONS TO DWELLINGS LISTED ON THE SCHEDULE**

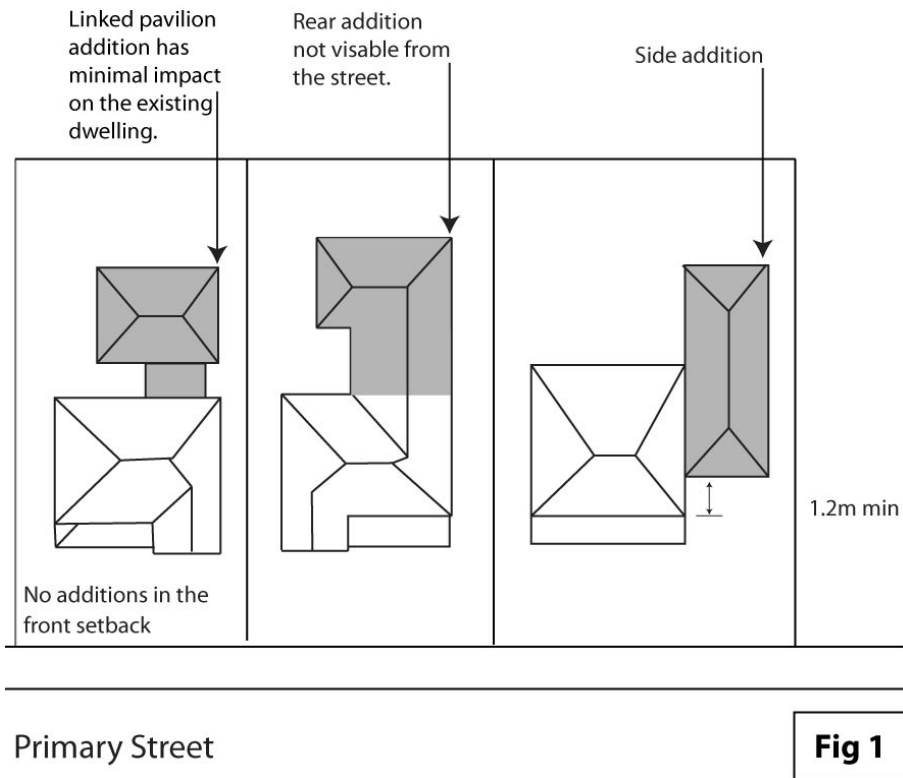
### **Scale and Proportion**

- Alterations/extensions shall be designed to complement the scale and proportion of the existing dwelling which shall remain the dominant structure on the site when viewed from the primary street.
- Alterations/extensions shall be designed with regard to the scale and proportion of surrounding development in the immediate locality and of the streetscape generally. Where surrounding development in the immediate locality is single storey, extensions to the dwelling should preserve the single storey presentation to the street.

### **Form and Location of Additions**

The form of alterations/additions to dwellings included in the Schedule shall meet the following requirements:

- Where possible additions/extensions should be single storey and not visible from the primary street.
- No additions/extensions to existing dwellings may be constructed in the front setback.
- An addition/extension to the side of an existing dwelling shall be set back a minimum of 1.200m from the main facade of the original residence, excluding the width of the verandah or porch.
- Additions/extensions that take the form of a pavilion linked to the original dwelling are encouraged because they have the least impact on the fabric of the original dwelling.

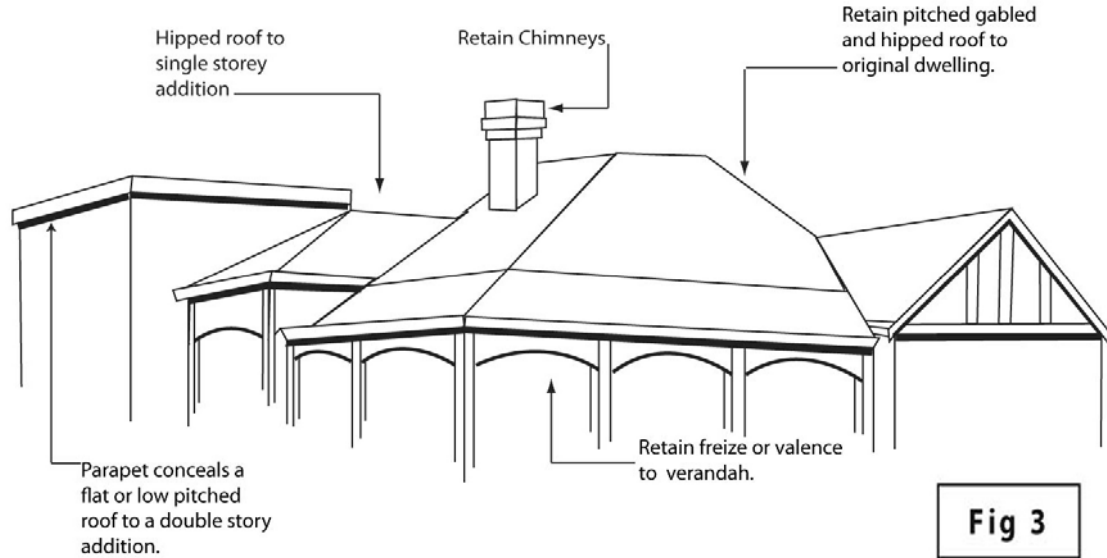


## Roof Forms

Additions to dwellings included in the Schedule shall meet the following requirements:

- Roof forms of additions/extensions should complement the form of the existing dwelling. Generally the roof pitch should match the pitch of the existing roof. The form of the roof of the addition should be similar to the roof of the original dwelling in terms of form scale and proportions. Roofs will generally be between 25° and 35°, hipped or gabled, or a complex form comprising elements of both.
- In some instances a different roof form or pitch may be approved if the applicant provides justification for this in the context of the significance of the dwelling, and provided the roof form is compatible with the streetscape in the immediate locality.

The Town of Claremont supports good innovative design and recognises that in some instances different roof forms may be appropriate for an addition to an existing dwelling. For example a parapet concealing a flat roof may be approved for an addition at the rear of the existing dwelling where it can be demonstrated that there is no detrimental visual effect on the existing dwelling or the streetscape.



## Second Storey Additions

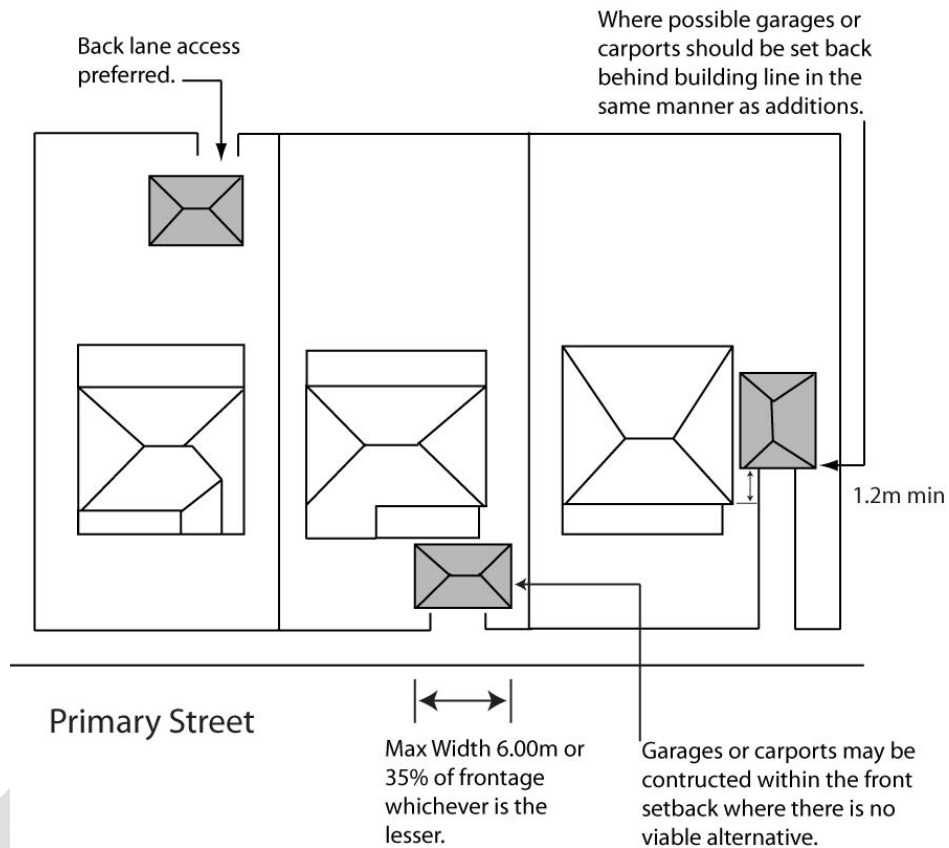
Second storey additions to dwellings included in the Schedule shall meet the following requirements:

- A second storey addition should be constructed behind the existing dwelling where possible.
- A second storey addition shall be designed to avoid having an overpowering impact on neighbours, the streetscape or the original form and fabric of the dwelling.
- Double storey additions contained within the roof space are encouraged provided alterations to the roof form and pitch do not distort the appearance of the original dwelling when viewed from the street.
- Linked pavilions may be double storey provided that they are contained within the site line of a person standing on the opposite side of the street.
- Additions over the original dwelling will only be permitted where the front two thirds of the dwelling are retained in their original form and where the addition is not visible from the site line of a person standing on the opposite side of the street. Generally this will only apply to dwellings that have a complex floor plan comprising more than four original rooms. For simple four roomed dwellings double storey additions should be located behind the original dwelling.
- As all dwellings are different, notwithstanding these policies, Council shall have regard to the manner in which the design of a second storey addition is resolved and shall ensure that the integrity of the roof form of the original dwelling is not compromised by the design of the additions.



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- Where possible the overall width of carports or garages should be restricted to 6.00m overall or 35% of the frontage of the lot, whichever is the lesser.
- Where possible, garages or carports should be set back a distance of 1.20m behind the building line in the same manner as additions.
- Where there is no viable alternative, carports or garages may be constructed within the front setback but extreme care must be taken to ensure that the design of the structure is sympathetic to the dwelling and is not visually dominant.



**Fig 4**

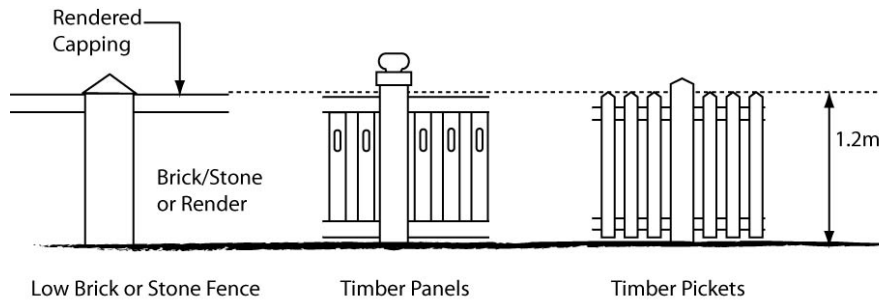
## Boundary Fences

Front fences to dwellings included in the Schedule shall meet the following requirements:

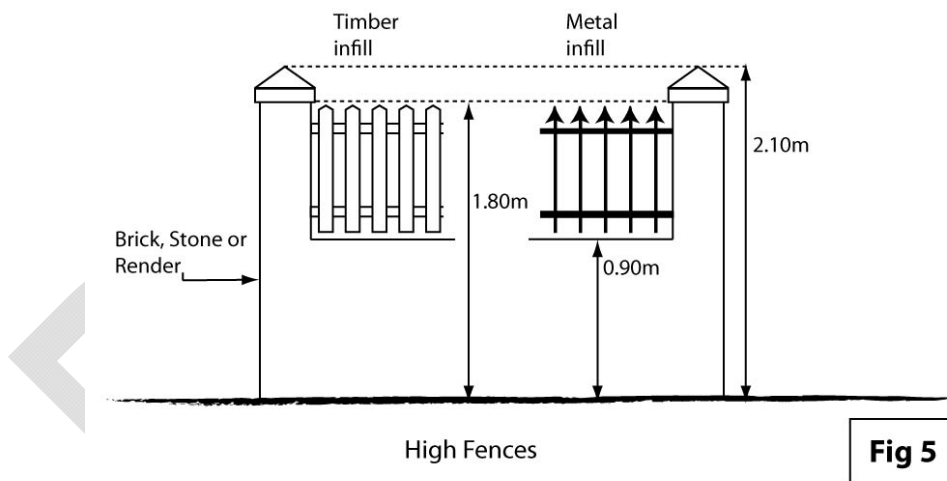
- Where an original front fence remains, this should be retained and restored or if a new fence is required, this should match the detail of the original fence as closely as possible.
- In Claremont hedges on the street boundary are encouraged and, where these exist, they should be retained wherever possible.
- Fences should be designed to complement the design of the existing dwelling. Fences may be based on examples seen in historic photographs of the Claremont area or be contemporary in design.

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- Where possible fences should be limited in height to 1.20m. Where higher fences are required they should be limited to a maximum height of 1.80m not including the height of piers that may be up to 2.10m to the top of the capping.
- Fences above 1.20m in height should be designed to be visually permeable, to allow the house behind to be viewed from the street.
- In Claremont, timber pickets or panels, woven wire, cyclone mesh and low brick or stone fences with piers are preferred. High brick fences should have timber or metal infill panels except on major streets where face brick, rendered brick or stone fences to 1.80m are acceptable. Other fence styles will be considered provided they are designed in a manner that is in keeping with the existing dwelling.



Low Fences



High Fences

Fig 5

## Materials and Colours

Additions to dwellings included in the Schedule should meet the following requirements:

- Original materials to the existing dwelling should be retained and conserved. For example, existing face brick should be retained unpainted, timber joinery should not be replaced with metal framed windows, and roof material should be retained as existing. Where material requires replacement, the policy of replacing 'like for like' shall be applied. Where there is evidence that fabric is not original, another material may be used provided it is appropriate to the heritage significance of the dwelling.
- Additions/extensions should be constructed of materials that either match the original dwelling, or have been chosen to provide a contrast that distinguishes new work from

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old. For example rendered brick may be chosen for additions to a face brick dwelling, or steel frame clad with Colorbond may be chosen for the additions to a timber framed, weatherboard clad dwelling.

- Cladding to roofs that form part of an addition should generally match the roof cladding of the existing dwelling.
- Where an original roof is clad with corrugated iron (cgi), this may be replaced with Colorbond or zincalume, which is considered to be the contemporary equivalent.
- Where there is evidence of original colours through existing fabric, paint scrapes or similar, these should be incorporated in the new colour scheme. Full authentic restoration of original colour schemes is not intended or required, however a new colour scheme should be sympathetic to the heritage significance of the place.

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## **DEVELOPMENT APPLICATIONS:**

### **Requirements**

The definition of development and requirements for submissions of Development Applications are as set out in TPS 3.

Under TPS 3 a Development Application must be submitted for any development on land zoned for residential use.

### **The Following Accompanying Material Shall be Required**

For all places included on the Schedule attached to TPS 3, a Development Application must include a set of 'As Existing' drawings to comprise as a minimum, a site plan, floor plan and elevations. 'As existing' photographs should also be provided.

A schedule of colours and finishes is required for development of a dwelling included on the Schedule attached to TPS3.

### **The Following Accompanying Material May be Required**

The Town of Claremont may require an applicant to provide one or more of the following to assist the Town in the determination of a planning application. This is additional to the requirement for accompanying material set out in Clause 83 of TPS 3.

#### **Heritage Assessment**

A Heritage Assessment to be prepared at the applicant's expense may be requested for places on the Heritage List in the Schedule to TPS3 ("The Schedule").

#### **Heritage Impact Statement**

A Heritage Assessment to be prepared at the applicant's expense may be requested for places on the Schedule attached to TPS 3 where development is likely to have a substantial impact on the cultural heritage values of that place.

#### **Conservation Plan**

Where a Conservation Plan has been prepared for individual buildings, groups of buildings or places of cultural heritage significance, the Town will take the content of the Conservation Plan into account when determining development applications for the places to which they apply. Where Conservation Plans are available, these, or relevant sections of these, should be provided with the development application.

The Town may require the preparation of a Conservation Plan prior to considering a development application for all buildings or places that are included on the Heritage Council's Register of Heritage Places.

#### **Structural Condition Assessment in the Case of Demolition**

If structural failure is cited as a justification for the demolition of a place on the Schedule adopted under TPS3, evidence shall be provided from a registered structural engineer with experience in dealing with heritage places, that the structural integrity of the building has failed to the point where it cannot be rectified without removal of a majority of its significant fabric and/or incurring prohibitive costs. Structural engineers should be selected from HCWA's list of consultants.

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This information is additional to the requirement for accompanying material for a development application set out in Clause 83 of TPS3.

## **OTHER MATTERS:**

### **Heritage Agreements and Local Heritage Contracts**

#### **Heritage Agreements**

The Town of Claremont may, in accordance with the *Heritage Act*, enter into a Heritage Agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Detailed provisions relating to Heritage Agreements are set out in the Act. The principal purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place.

A Heritage Agreement in accordance with the *Heritage Act* will normally apply where the place is included on the Heritage Council's Register of Heritage Places.

#### **Local Heritage Contract**

Where the Town of Claremont offers planning concessions or other incentives to places not included on the Register of Heritage Places, but included on the Town's Heritage List, a Local Heritage Contract will be required between the owner of the heritage place and the Town. This is a legally binding contract that commits the owner of a place to a particular outcome.

### **Interpretation and Interpretation Plans**

The Town of Claremont encourages the provision of interpretative material as a means of conveying the cultural heritage significance of a place. The Town may require the preparation of an Interpretation Plan or interpretative material as a condition of Development Approval or as a requirement of a Heritage Agreement or Local Heritage Contract.

The following criteria will apply:

- The extent of redevelopment of the heritage building or place that is proposed.
- The extent to which the proposed development will impact on the cultural heritage value of the heritage building or place.
- The level and nature of cultural heritage significance of the building or place and the extent to which interpretative material will increase community understanding of the place.

The following interpretive techniques should be considered. The list is not considered to be exhaustive and other techniques may be used depending on the level and nature of significance of the building or place to be interpreted.

- Where appropriate, the historically accurate restoration of original colours, features, finishes, fittings and furnishings of a heritage building and/or the original landscape treatment (including planting schemes) of a cultural landscape.
- Installation of appropriate signage and/or interpretative panels depicting the history and significance of the place.
- Preparation of publications based on documentary research and/or oral history about the heritage place.

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- The introduction of art works that illustrate historic themes such as the former use of a heritage building or place.

Council encourages the inclusion of interpretive material on heritage sites which also have Aboriginal significance. Interpretive material must be culturally appropriate and approved by the Department of Indigenous Affairs. Interpretive material does not require a Development Approval from the Town of Claremont unless it is designed as part of an external fixture or other elements requiring Development Approval. The content of the interpretive material will not be assessed by the Town of Claremont and relevant approvals will only be granted where the applicant provides evidence that the content has been approved by the Department of Indigenous Affairs.

## Incentives and Grants

### Incentives

The Town of Claremont is committed to assisting owners to conserve heritage places wherever possible. The Town has developed a programme of incentives that it can offer to owners in return for the owner's commitment to conservation of the heritage place.

Incentives can be offered to owners of places in the Heritage List in the Schedule to TPS3.

Incentives take the form of relaxation or modification of one or more of the planning requirements for that place that would normally apply under TPS 3. This includes but is not limited to:

- The Development Application Fee for a place included on the Schedule will be reduced by 50% where the proposed development comprises a single storey addition that will not be visible from the primary street.
- Council will allow up to 30% variation in the site coverage requirements under the requirements for site coverage where additions to a building on the Schedule, is restricted to single storey.
- Consideration of Clause 53 of TPS3 "Bonus Densities". This Clause enables Council to award a higher residential density to a place in a split coded area in the Schedule where the owner enters into a legal agreement ("Local Heritage Contract") with the Council ensuring that the place is conserved and maintained to Council's satisfaction.

### Non Financial Assistance

- Owners of places in the Schedule, who are thinking of making additions or alterations, can receive preliminary advice from Council's Heritage Architectural Consultant. This will help ensure that the proposal meets all relevant heritage conservation requirements.
- Owners of places in the Schedule may seek professional advice and guidance involving proposed development and conservation from the Town of Claremont's Heritage Officer.
- **Civic Design Awards** seek to publicly recognize examples of best practice in heritage conservation and urban design. Owners of award winning places are presented with a plaque and receive a once off rate rebate of \$675 to mark their commitment to heritage conservation.

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## State Agency Incentives and Grants

From time to time owners of heritage places are eligible for assistance in the form of Grants for conservation works. The Town may assist owners to access grant funding, for example, by providing links to funding organisations on its web site and by, where appropriate, advising owners of places on the Heritage List when funding rounds open and close.

- **Heritage Loan Subsidy Scheme**  
All places listed in the Schedule are eligible for the Heritage Loan Subsidy Scheme which provides loans at reduced interest rates for conservation heritage works.
- **Heritage Grants Schemes**  
The Heritage Council of Western Australia administers the state government Heritage Grants Program. This program is designed to provide funds for conservation works to places identified as having a high level of heritage value and are listed on the State Register or considered likely to be listed in the near future. The funding source is available for privately owned places.

Places that are owned by not-for-profit community organisations, local governments are eligible for funding through the Lotterywest Cultural Heritage Grants program. These provide funding for conservation or interpretation of heritage listed places.

## POLICY RESPONSIBILITY:

**Directorate** Planning & Development  
**Person(s)** Sofia Boranga, Kylie Bacon

## DELEGATED AUTHORITY:

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## POLICY DATE REVIEW:

Three years from adoption date.