



# Presbyterian Church of Australia

in the State of New South Wales

## GUIDELINES FOR LEASING A MANSE

Recognising that problems can arise in allowing manses to remain unoccupied during ministerial vacancies and the desirability of finding a suitable tenant without delay, the Trustees have authorised the General Manager to approve the residential lease of an unoccupied manse for a period of six months and to sign the appropriate lease documents, provided the Committee of Management and Interim Moderator and in the case of a Home Mission Station, the Superintendent of Ministry & Mission, so recommend.

A prospective tenant ought not occupy the manse until the General Manager has approved the letting and a Residential Tenancy Agreement has been signed by the tenant.

To obtain the General Manager's approval a written application should be sent to the General Office by the Secretary or Chairman of the Committee of Management covering the following details –

- (a) Name of Parish;
- (b) Name of congregation;
- (c) Address of manse property to be leased;
- (d) Proposed rental - \$ per week/month'
- (e) Term of Lease – no more than six months;
- (f) Special conditions of lease (eg, restrictions on noise during times of worship; responsibility for garden/lawn maintenance; whether pets are allowed, etc);
- (g) Confirmation of approval of Interim Moderator and Superintendent of Ministry & Mission.

### Rental

As far as all Presbyterian property is concerned, there is a trust responsibility that falls not only upon the Property Trust (the legal owner of all Presbyterian property in New South Wales) but also on the Committee of Management. Accordingly, a realistic rental should be charged for the manse in normal circumstances. A written rental appraisal should be obtained from a suitably qualified real estate agent or valuer with an up-to-date knowledge of local conditions. Due to the restrictions of living in a manse (eg, if the manse is near the church, care should be taken to avoid the possibility of noise during times of worship and to avoid inappropriate conduct at all times) and that a short-term lease is generally only available, it is expected that a slightly lower rental might apply.

### **Legal documents**

The Trustees have no objection to a standard form Residential Tenancy Agreement and Management Agency Agreement (appointing a Real Estate Agent to manage the property) being drawn up by a local Real Estate Agent in the name of The Presbyterian Church (New South Wales) Property Trust. However, these documents may only be signed by the General Manager. Whenever a Residential Tenancy Agreement or Management Agency Agreement is sent to the General Manager for signing, please include a covering letter from the Secretary or Chairman of the Committee of Management which states –

*“I advise that the enclosed Residential Tenancy Agreement / Management Agency Agreement for the manse at [property address] has been examined and approved by the Committee of Management of [congregation]. It is confirmed to be correct and able to be complied with by the Committee of Management. It is therefore in order to be signed by the Property Trust.”*

### **Longer term leasing**

Should it be necessary to continue a residential lease beyond the initial six month period because of delays in appointing a minister, then please let us know.

If the commercial or long-term residential leasing of the manse is proposed, then the normal procedures of the Trustees need to be followed, i.e. approval of the congregation, Presbytery and Trustees in terms of The Code, Part III C2.7. This would be the case where a Minister in a Parish has decided to live in his own home and the Committee of Management proposes to lease the manse for revenue purposes.

### **Exemption from rates**

Under S.555(1)(e) of the Local Government Act 1993 the following land is exempt from all rates:

*“land that belongs to a religious body and is occupied and used in connection with –*

- (i) A church or other building used or occupied for public worship; or*
- (ii) A building used or occupied solely as the residence of a minister of religion in connection with any such church or building; or*
- (iii) A building used or occupied for the purpose of religious teaching or training”*

Accordingly, manses and other houses not used or occupied solely as the residence of the local minister or his assistants are rateable and attract both council and water rates which are payable by the Committee of Management. It is the responsibility of the Committee of Management to notify the local council if any property is being used otherwise than for the purposes set out above.

For further information please contact -

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