



30 May 2022

Dear members

As you are aware, the club was without a signed lease for many years and consequently a moratorium on hangar construction was in force. This meant that those who had paid for Rights of Use (ROU) on hangar stands prior to the moratorium could not exercise their rights to build on those stands.

While an ROU gives a person the right to build on a stand, it also attaches a set of obligations and construction deadlines, as per the rules of the club. For example, a member cannot purchase an ROU and just let the stand lie dormant – he/she is obliged to build on that site, or to forfeit it. Also, an unbuilt site cannot be sold or transferred from one member to another. More on these topics below.

Due to the moratorium, the clock was effectively paused on those rights, and so it was paused on their obligations and deadlines too. The club also stopped billing for levies on empty hangar stands while the moratorium was in effect.

However, as of March this year, the club has a new lease in place. This means that the moratorium on construction is lifted and ROU holders can now exercise their rights by constructing hangars.

Naturally, this means that the obligations attached to the ROU also come into effect again, along with the relevant building deadlines and levies. The clock is now ticking again.

The old rules, which now come into effect for the first time in many years, are worth revisiting. In order to ensure that ROU holders understand their obligations, as well as the process that needs to be followed going forward, we have compiled this document. Further detail can be found in the rules of the club, which are available on the club's website.

Please familiarise yourself with these rules and contact us if you have any questions.

Thank you for your cooperation.

Edge Bisset

Chairman, Morningstar Flying Club



### **I have a hangar site and I want to start building. Where do I start?**

1. Before you do anything, first confirm that you actually do hold the ROU to a site. Many sites have switched hands over the years and some members who stopped paying their fees in years gone by have had their rights forfeited. So get hold of Heather at the office and ask her for confirmation of your ROU.
2. Next, read through Appendix B of the rules of the club, which contain all of the rules relevant to the building process. Make sure you're familiar with those rules before you go any further. This is important because, in the past, a lot of trouble was caused by members who did not know the rules and by building contractors who were not supervised. You will be required to sign acknowledgement of the building process rules prior to building.
3. Having confirmed your ROU to a specific site and familiarised yourself with the rules, you need to get plans drawn up.
  - a. If you have no plans as yet, then the best thing to do is to contact Riaan Pieterse of Arkey ([riaan@arkey.co.za](mailto:riaan@arkey.co.za) or 082 925 5864) who can help you to get your plans drafted in line with the relevant rules that are specific to the airfield.
  - b. If you have plans already but they haven't been approved yet, then Riaan will help to get them into the correct digital format for approval and submission.
  - c. If you are already in possession of plans that were approved before the moratorium, proceed straight to step 4.
4. Forward your plans to [exco@morningstarflyingclub.co.za](mailto:exco@morningstarflyingclub.co.za) for approval by the club, and submission to City. Remember that you have 3 months from the time you paid for your ROU until this is due. In the case of existing ROU holders, this means the end of August 2022. NB. Even if your plans were signed off in the past, this is still necessary because some of the rules may have changed.
5. Once you have your signed plans back, you can start building.
6. Remember that you have 12 months from the time you bought your hangar rights to finish construction on your hangar. For existing ROU holders, that means the end of May 2023.
7. Please see the FAQ below for more information.



## **Frequently Asked Questions**

### **Question 1: What are the deadlines for submission of building plans and completion of building?**

The rules of the club (available at [www.morningstarflyingclub.co.za](http://www.morningstarflyingclub.co.za)) lay out clear deadlines for various phases of the hangar building process. As per 3.1 to 3.3 of Appendix B:

- Hangar members must submit building plans within 3 months of purchasing their hangar ROU (in the case of existing ROUs, that is by the end of August this year).
- Construction must be completed within 12 months (by end May 2023 for existing ROU holders).
- Any member who cannot meet these requirements may submit a motivation for extension to these periods. Such extensions shall only be valid where granted in writing by the MFC Executive Committee.

### **Question 2. What are the levies on unbuilt hangar sites?**

Some key points about hangar levies:

- During the moratorium, the club has not been billing levies on undeveloped hangar sites. Instead, the holders of those sites have been receiving invoices for nil amounts in respect of those undeveloped sites.
- However, now that construction can resume, levies will also resume. The undeveloped site levy (see 2.3.1 of Appendix B of the rules) comes into effect from June onwards and, as before, is priced at 25% of the full hangar levy. A typical 240sqm site would therefore be levied at R193.20 ex VAT per month until construction is complete.
- As per the Club rules, this will increase to 100% of the hangar levy after 12 months.
- Failure to pay levies within 90 days of due date will result in suspension of membership as well as suspension of the ROU, along with a fine. If the situation is not addressed within a further 30 days, then membership is terminated. 2.5 of Addendum A of the rules lays out the full details of this process.

### **Question 3: What is the process for submission of building plans?**

Under the rules of our lease with the city, there are very specific requirements which we, as a club, have to abide by. There is also a particular process we have to follow before any construction may take place. Failing to do so jeopardises our lease. Therefore, in order to ensure that we comply (and to smooth out the process for those who wish to build), we need to ensure that all plans are submitted and managed in a streamlined fashion. With that in mind, please note:



- All plans need to be submitted to the committee (not directly to the city or municipality). This can be done via email to [exco@morningstarflyingclub.co.za](mailto:exco@morningstarflyingclub.co.za)
- The committee will then check the plans for compliance and submit them to the city for approval. This will be done in collaboration with an external consultant, Riaan Pieterse of Arkey Architecture, who has been nominated to ensure that the process runs smoothly and that there are no unnecessary delays or complications.
- For those who haven't had plans drawn up yet, it is also recommended to use the same consultant for the drafting of plans. He has agreed to fixed fees, at a competitive rate, for the drafting of hangar plans. Since he is already familiar with the rules that apply to our environment, he should be able to make the process as seamless as possible.

#### **Question 4: What if I choose not to build on a site that I have an ROU for?**

The rules regarding disposal of hangar sites are contained in section 1.9 of Appendix A of the rules.

Some key points:

- A hangar member cannot sell, cede or transfer the right to an undeveloped hangar site to any other party.
- If a hangar member chooses to forego the right to build on a hangar site, the club refunds them the price that they paid for their hangar membership (minus any fees owed by the member) and the site goes back into the pool of available hangar sites.
- See section 1.9 of the rules for more information.
- Also, see the answer to question 1 above, which deals with the deadlines applicable to an ROU.

#### **Question 5: Where can I find more information about all of this?**

If you have any questions which are not address in the rules of the club, please contact Heather at the admin office, or email [exco@morningstarflyingclub.co.za](mailto:exco@morningstarflyingclub.co.za) for clarification.

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