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## **Damage to a Resident's lot caused by golfing activities**

- A. If the person who hit the golf ball **acknowledges the incident** and is a member of the Sands Golf Club, Torquay (or, in fact, any other Golf Club affiliated with Golf Australia) – then the lot owner and the Golf Club Member are covered by the insurance of their membership: <https://www.golf.org.au/financial-insurance> . The member in question will need to complete a form: [http://web01.ga.mpower.golf/ckfinder/userfiles/files/GOLF%20AUSTRALIA%20LTD%20-%20Sportscover%20Schedule\(4\).pdf](http://web01.ga.mpower.golf/ckfinder/userfiles/files/GOLF%20AUSTRALIA%20LTD%20-%20Sportscover%20Schedule(4).pdf)
- B. If the person who hit the ball acknowledges the incident, but is NOT a member of any golf club affiliated with Golf Australia – then that person and the lot holder, through mutual negotiation, will need to come to an agreement on how to resolve the issue.
- C. If the person who hit the ball **does not acknowledge the incident** – that is, if we are not able to determine who caused the damage the lot owner will need to rely on their own personal home and contents insurance.

## **Advice to the Sands Community Lot Owners**

For lot owners, it is strongly suggested that your Home & Contents Insurance covers such damage. It is further suggested that your excess is set relatively low (perhaps \$300.00) to cover most of the small issues caused by golfing activities. The Sands Torquay, as the owner of the course, has Public Liability insurance that has a Participants Exclusion clause which rules out any damage/injury caused by any players while on the golf course (this is covered by the individual golfer's membership – as outlined previously). So, there is no recourse between the lot owner's insurance and the Sands Golf Club. The Sands Torquay is only liable if the damage/injury is caused by our negligence – for example, if a tree on the fairway falls and injures a player or a lot owner, then there is recourse through our insurance.

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Extract from:

**THE SANDS TORQUAY  
(BODY CORPORATE RULES OF BODY CORPORATE NO.1 PS443140M)**

**9. GOLFSIDE LOTS**

Each Member must not do the following in respect of a Lot:

**9.1 No Claim for Loss or Damage**

take any action or make any claim against the Original Owner or Developer as owner of the Golf Course or otherwise or any subsequent owner or manager of the Golf Course or the Body Corporate for any loss or damage suffered by a Member arising from the following:

- 9.1.1 the position of a Lot in relation to the Golf Course;
- 9.1.2 any inconvenience, danger or potential hazard in occupying a Lot arising from:
  - 9.1.2.1 an errant golf ball being hit on to a Lot;
  - 9.1.2.2 the need for maintenance works to be carried out by machinery operating on the Golf Course, whether during or outside normal hours of operation of the Golf Course;
  - 9.1.2.3 the staging of tournaments and corporate golf days;
  - 9.1.2.4 any other matter relating to the proximity of the Golf Course to a Lot.

Contact details for the Owners Committee are:



**Andy McCauley**

CHAIRMAN,  
COMMUNICATIONS & FINANCE

M. 0407 584 366  
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