

# Gold Coast City Council



## **Subordinate Local Law No. 7.1**

## **(Jetties and Boat Ramps) 2008**

It is hereby certified that this is a true and correct copy of  
*Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008* made, in accordance with the  
*Local Government Act 1993*, by the Council of the City of Gold Coast

Joe McCabe  
Acting Chief Executive Officer

# Gold Coast City Council Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008

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# Gold Coast City Council Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008*.

### 2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 7 (Council Property and Other Public Places) 2008*.

### 3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 7 (Council Property and Other Public Places) 2008* by ensuring that public health and safety is protected as a result of the use of jetties and boat ramps.

### 4 Definitions—the dictionary

The dictionary in Schedule 2 (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

## Part 2 Use of jetties and boat ramps

### 5 Use of jetties

Pursuant to section 9(1)(k) (Regulation of council property) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the operator of a vessel must pay on demand the prescribed fee to a council officer for the use of a jetty each time the vessel is berthed at the jetty.

### 6 Comply with signs

Pursuant to section 9(1)(k) (Regulation of council property) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the operator of a vessel must comply with any signs exhibited on or near a jetty or boat ramp, including, but not limited to—

- (a) any time limit for the mooring of a vessel; and
- (b) any restrictions on the mooring of a vessel; and

- (c) any time limit for the launching of a vessel.

## **7 Regulated conduct**

For the purposes of section 9(1)(h) (Regulation of council property) of *Local Law No. 7 (Council Property and Other Public Places) 2008* a person must not—

- (a) conduct an activity contrary to a sign on a jetty or boat ramp; or
- (b) enter or leave a jetty other than via a vessel moored at the jetty or through the designated accessway; or
- (c) enter onto a jetty when it has been closed other than a person disembarking a vessel for the purpose of going ashore; or
- (d) cause annoyance or inconvenience to any other person on a jetty or boat ramp; or
- (e) stand or loiter to the inconvenience, annoyance or obstruction of any person on a jetty or boat ramp; or
- (f) destroy, damage, disfigure, or otherwise harm any jetty or boat ramp or anything on or affixed to a jetty or boat ramp; or
- (g) extinguish, diminish, increase or otherwise interfere with a light on any jetty or boat ramp; or
- (h) obstruct access to any jetty or boat ramp; or
- (i) place or cause or permit to be placed on a jetty or a boat ramp anything whatsoever so as to be an inconvenience, obstruction, danger or hazard to any person in the jetty or the boat ramp; or
- (j) moor any vessel to a jetty for a period exceeding 20 minutes unless approved by an authorised person; or
- (k) cause any vehicle or horse to be driven, lead, stood, wheeled or parked on a jetty; or
- (l) use a boat ramp other than for a purpose for which it was designed; or
- (m) use a boat ramp or a jetty contrary to a sign or a restriction identified in Schedule 1 (Restrictions on use of boat ramps) of this subordinate local law; or
- (n) obstruct the free access to a boat ramp or a jetty; or
- (o) discard any rubbish, litter or waste of any kind on a jetty or a boat ramp (other than in a waste container); or

- (p) carry out maintenance or repairs to a vessel or a personal watercraft on a jetty or a boat ramp; or
- (q) interfere with a sign exhibited at or near a jetty or a boat ramp other than a council officer acting in the course of the council officer's employment.

## **8 Interference with a jetty or a boat ramp**

For the purposes of section 9(1)(i) (Regulation of council property) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, a person, other than a council officer acting in the council officer's employment, must not, unless authorised by the prior written approval of the local government—

- (a) interfere with—
  - (i) goods on a jetty or a boat ramp; or
  - (ii) any rock, soil, sand, stone, plant or similar substance on a jetty or a boat ramp; or
  - (iii) a council asset on a jetty or a boat ramp; or
  - (iv) any part of a jetty or a boat ramp; or
- (b) erect any building, structure, stall, booth, tent or bar on a jetty or a boat ramp.

## **Part 3 Permits**

### **9 Permitted business**

For the purpose of section 11 (Regulation of business in a public place) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, a permit may be sought for the undertaking of a permitted business on a jetty or a boat ramp.

### **10 Application for a permit**

For the purposes of section 16 (Application for a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, an application for the undertaking of a permitted business must, to the extent applicable, unless otherwise specified by the local government, be accompanied by—

- (a) the name, address, telephone number, facsimile number and email address of the person to be undertaking the permitted business; and
- (b) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Business Number of the business under which the permitted business is to be undertaken; and

- (c) a copy of the registration certificate of any vehicle and registration details of any vessel used in the permitted business; and
- (d) details of the permitted business including—
  - (i) the nature and type of the goods or services to be supplied; and
  - (ii) the time and places at which the goods or services will be supplied; and
  - (iii) the proposed use of a jetty or the boat ramp; and
  - (iv) the proposed hours of undertaking of the permitted business; and
  - (v) all public liability insurance policies relating to the permitted business; and
  - (vi) the proposed term of the permit; and
  - (vii) the impact, if any, on pedestrian or vehicular movements; and
  - (viii) the total seating capacity of the permitted business; and
  - (ix) the numbers and types of sanitary facilities and sanitary conveniences available to be used to service the permitted business; and
  - (x) the materials, equipment, vehicles and vessels to be used in the permitted business; and
- (e) a plan or scale map showing—
  - (i) the relevant part of the public place that is to be used for the permitted business including the dimensions of the public place that is to be used for the permitted business; and
  - (ii) the physical proximity between the relevant part of the public place that is to be used for the permitted business and any existing premises used for the permitted business; and
  - (iii) the number and proposed location of any tables, chairs, shade structures, goods or other equipment to be used in respect of the permitted business; and
  - (iv) the type and location of any utility, service or infrastructure adjacent to the public place to be used for the permitted business; and
  - (v) any plants to be located in the public place used for the proposed permitted business; and

- (f) the name, address, telephone number, facsimile number or email address of the person in charge of the vessel to be used for the permitted business; and
- (g) any other information required by the local government.

## **11 Grant of a permit**

For the purposes of section 17(1) (Grant of a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the local government may grant a permit for the undertaking of a permitted business on a jetty or a boat ramp, if satisfied that—

- (a) the matters which are the subject of the conditions specified in section 13 (Conditions of a permit) of this subordinate local law which are relevant to the undertaking of the permitted business can be adequately addressed by the imposition of those conditions; and
- (b) the applicant for a permit for the undertaking of a permitted business has complied with any applicable development approval; and
- (c) if the boat ramp or the jetty is a public marine facility, the written consent of the chief executive of the department that administers the *Transport Infrastructure Act 1994* has been obtained for the use of the boat ramp or the jetty for a purpose other than a genuine private recreational boating purpose.

## **12 Term of a permit**

For the purposes of section 18 (Term of a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the term of a permit for the undertaking of a permitted business is to be from the date of issue until the thirty first day of the following August, unless otherwise specified in the permit.

## **13 Conditions of a permit**

For the purposes of section 19(3) (Conditions of a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the local government may impose all or any of the following conditions on a permit for the undertaking of a permitted business on a jetty or a boat ramp<sup>1</sup>—

- (a) The undertaking of the permitted business must not detrimentally affect the amenity of neighbouring premises.

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<sup>1</sup> This section prescribes, for the purposes of section 19(3) (Conditions of a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the conditions that will ordinarily be imposed on a permit. However, the local government may, pursuant to section 19(1) (Conditions of a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, grant a permit on any conditions the local government considers appropriate

- (b) The hours of operation of the permitted business must not detrimentally affect the amenity of neighbouring premises.
- (c) The undertaking of the permitted business must, unless otherwise varied by an authorised person, be limited to operation between the hours of—
  - (i) 8.00 am to 8.00 pm Monday to Saturday; and
  - (ii) 9.00 am to 8.00 pm Sunday; and
  - (iii) 10.00 am to 6.00 pm public holidays.
- (d) The undertaking of the permitted business must not—
  - (i) create a traffic problem; or
  - (ii) increase an existing traffic problem; or
  - (iii) detrimentally affect the efficiency of the existing road network;  
or
  - (iv) obstruct pedestrian movement.
- (e) The undertaking of the permitted business must not constitute a risk to road safety or the safety of pedestrians.
- (f) The undertaking of the permitted business including any premises, building, structure, vehicle, facility or equipment must be maintained at all times—
  - (i) in good working order; and
  - (ii) in a good state of repair; and
  - (iii) in a clean and sanitary condition.
- (g) A person must not camp in a place that is part of the undertaking of a permitted business if that place is not nominated for that purpose in the permit.
- (h) The undertaking of the permitted business must not cause an odour nuisance to neighbouring premises.
- (i) The undertaking of the permitted business must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (j) Adequate car parking must be provided for all persons and the public involved in the undertaking of the permitted business.

- (k) The undertaking of the permitted business must not involve storage in the open of goods or materials associated with the undertaking of the permitted business.
- (l) Adequate means of entry and exit must exist for people and vehicles to safely enter and leave the permitted business.
- (m) The grounds of the premises on which the permitted business is being undertaken must be maintained in a safe and tidy condition at all times.
- (n) A vehicle used in the permitted business must—
  - (i) be kept in accordance with the local government’s planning scheme; and
  - (ii) not be repaired or maintained on any premises other than in accordance with the planning scheme; and
  - (iii) be stored in a manner that does not cause a nuisance to adjoining premises.
- (o) All accessways and other areas to which the public has access within the permitted business must be maintained in clean, safe, tidy and sanitary condition at all times.
- (p) No amplified noise must be generated as part of the undertaking of the permitted business.
- (q) A contaminant must not be released to the environment as part of the undertaking of the permitted business if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (r) An air compressor used as part of the undertaking of the permitted business must be fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure.
- (s) All objects, including vehicles and machinery, which are dismantled as part of the undertaking of the permitted business on the premises of the person undertaking the permitted business must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (t) An extension telephone bell, open air address system or similar device must not be used as part of the undertaking of the permitted business.
- (u) Only rainwater from uncontaminated areas is to drain directly into the stormwater system.
- (v) Any spillage of a waste, a contaminant or another material must—

- (i) be cleaned up immediately; and
- (ii) not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater system or waters.
- (w) Lighting used to illuminate any areas of the permitted business must be angled or shaded in such a manner that the light does not cause a nuisance.
- (x) The undertaking of the permitted business must not attract fly breeding or vermin infestation.
- (y) The undertaking of the permitted business must be kept free of pests and conditions offering harbourage of pests.
- (z) Overcrowding must not be permitted to occur as part of the undertaking of the permitted business.
- (aa) No animal is allowed within the area of the undertaking of the permitted business unless approved by an authorised person.
- (ab) Adequate space must be provided for all persons and the public involved in the undertaking of the permitted business.
- (ac) All public access areas that are part of the undertaking of the permitted business must be maintained at all times in a clean, tidy, sanitary and hygienic condition.
- (ad) The permitted business, including all fixtures, fittings, equipment and facilities, must be maintained in a clean, tidy, sanitary and hygienic condition.
- (ae) Water intended for use for domestic purposes as part of the undertaking of the permitted business must be from an approved water source.
- (af) The water to be used in the undertaking of the permitted business must be of an appropriate quality to be used for that purpose.
- (ag) The water supply for drinking purposes must be potable water.
- (ah) The holder of the permit must not change the water supply system without the prior notification of the local government and approval of an authorised person.
- (ai) Adequate storage must be provided for all hazardous materials stored or used as part of the undertaking of the permitted business.
- (aj) All hazardous materials must be stored and used in a safe manner as part of the undertaking of the permitted business.

- (ak) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the undertaking of the permitted business must be provided in the manner and locations specified by the local government.
- (al) Waste containers that are provided as part of the undertaking of the permitted business must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (am) Waste containers that are provided as part of the undertaking of the permitted business must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (an) All waste, including waste water, generated as a result of the undertaking of the permitted business must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Plumbing and Drainage Act 2002*.
- (ao) All waste generated as a result of the undertaking of the permitted business must be disposed of in a manner which maintains the undertaking of the permitted business and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (ap) All waste water generated during or from the undertaking of the permitted business must be discharged safely to the sewerage system or on-site sewerage facility.
- (aq) Human waste from the undertaking of the permitted business must be disposed of at a dedicated sanitary facility, sewerage system or an on-site sewerage facility.
- (ar) Access must be maintained to sanitary conveniences or sanitary facilities which are sufficient to service the permitted business during the hours of operation of the permitted business.
- (as) Trade waste from the undertaking of the permitted business must be disposed of in accordance with a permit under the *Water Act 2000*.
- (at) Waste water from the permitted business must be collected and released to—
  - (i) a discharge point approved by the local government; or
  - (ii) land in such a way that it will not enter the stormwater system or waters.
- (au) Waste generated as part of the undertaking of the permitted business must be kept so as not to attract pests.

- (av) Waste from the undertaking of the permitted business must not be disposed of into the stormwater system, waters or a watercourse.
- (aw) The permit issued by the local government, the local government issuing the permit and the permitted business must be prominently and permanently displayed in letters and numbers not less than 100mm in height at locations specified by the local government to enable it to be viewed by members of the public, e.g. *GCCC – Permitted business [insert permit number]*.
- (ax) The trading name and telephone number of the holder of the permit must be prominently and permanently displayed in letters and numbers not less than 75mm in height at locations specified by the local government to enable it to be viewed by members of the public.
- (ay) Any premises, building, structure, vehicle, facility or equipment that is part of the undertaking of the permitted business the subject of the permit must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.
- (az) The undertaking of the permitted business must be limited to the locations specified in the permit.
- (ba) The holder of the permit must not carry out building work in relation to the permitted business without the prior written approval of an authorised person.
- (bb) The undertaking of the permitted business must comply with the *Food Act 2006*.
- (bc) The undertaking of the permitted business must comply with the *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 1997*, *Environmental Protection Regulation 1998* and *Environmental Protection (Waste Management) Regulation 2000*.
- (bd) The operation of any prescribed activity that requires a licence under *Local Law No. 16 (Licensing) 2008* as part of the undertaking of the permitted business the subject of this permit must be the subject of a separate licence under *Local Law No. 16 (Licensing) 2008*.
- (be) The undertaking of the permitted business must not breach a provision of a local law or a subordinate local law.
- (bf) The undertaking of the permitted business must comply with—
  - (i) any relevant development approval; and
  - (ii) the provisions of the local government’s planning scheme and any relevant planning scheme policy.

- (bg) Security in a form and amount specified by the local government must be provided to secure compliance with the conditions of the permit.
- (bh) The permit may be cancelled by notice in writing to the permit holder from the local government if the written consent of the chief executive of the department that administers the *Transport Infrastructure Act 1994* to the use of a public marine facility for a purpose other than a genuine recreational boating purpose is withdrawn.
- (bi) The person operating the permitted business must hold a public liability insurance policy for an amount specified by the local government in respect of the undertaking of the permitted business.

## **Part 4                    Enforcement**

### **14            Records to be kept**

For the purposes of section 27(2)(b) (Inspection of a prescribed activity) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the person undertaking the permitted business must, unless otherwise required by the local government, keep details of any public liability insurance policies relating to the undertaking of the permitted business on a jetty or a boat ramp.

## Schedule 1      Restrictions on use of boat ramps

section 7(m)

Column 1 Location of boat ramp or jetty	Column 2 Restriction
<p>Pontoon on 19<sup>th</sup> Avenue, Elanora.</p> <p>Boat ramp on Murlong Crescent, Palm Beach.</p> <p>Schuster Park Maintenance Ramp, Heather Street, Tallebudgera.</p> <p>Talle Greenspace Industrial Ramp, Tallebudgera Drive, Palm Beach.</p> <p>Tallebudgera Recreational Camp Paddlecraft Launching, Tallebudgera.</p> <p>Hinze Dam East Boat Ramp, Advancetown.</p> <p>Hinze Dam West Boat Ramp, Advancetown.</p>	<p>Launching of a personal watercraft from a boat ramp prohibited.</p>
<p>Cheviot Close Industrial Access, Benowa.</p> <p>Tradewinds Avenue Maintenance Ramp, Paradise Point.</p> <p>Allambi Avenue Industrial Access, Florida Gardens.</p> <p>Cascade Gardens Industrial Access, Broadbeach.</p> <p>Evandale Industrial Access Point, Ouyan Street, Evandale.</p> <p>Industrial ramp on Isle of Capri Bridge, Remembrance Drive, Surfers Paradise.</p> <p>Talle Greenspace Industrial Ramp, Tallebudgera Drive, Palm Beach.</p> <p>Gravel ramp south of Limetree Maintenance Ramp, Oxley Drive, Biggera Waters.</p> <p>Seaway Sand Bypass Intake Ramp, The Spit.</p> <p>Maintenance ramp on Burleigh Street, opposite Sandpiper Drive, Burleigh Heads.</p> <p>Boat ramp on Silverbank Lake, Regensberg Close, Varsity Lakes.</p> <p>Maintenance access opposite Tarni Street, Coombabah.</p> <p>Michel Drive Maintenance Ramp, Currumbin Waters.</p> <p>Pizzey Park Access Road Maintenance Ramp, Mermaid Waters.</p> <p>Robina Lake Maintenance Access, Camberwell Circuit, Camberwill Park, Robina.</p> <p>Robina Lake Maintenance Access, Clipper Boulevard, off Markeri Street, Clear Island Waters.</p> <p>Robina Lake Maintenance Access, off Robina Parkway, Clear Island Waters.</p>	<p>Using a boat ramp or a jetty for a recreational purpose prohibited.</p>

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Subordinate Local Law No. 7.1  
(Jetties and Boat Ramps) 2008

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<b>Column 1</b> <b>Location of boat ramp or jetty</b>	<b>Column 2</b> <b>Restriction</b>
Robina Lake Maintenance Access, Ron Penhaligon, Robina Common, Robina. Robina Lake Maintenance Access, Warriewood Place, Kennedy Park, Robina. Robina Lake Maintenance Access, Beauty Point Drive, Kuring Gai Park, Robina. Pine Lake, Murtha Drive Maintenance Access, Elanora. Currigee Boat Ramp, South Stradbroke Island. Schuster Park Maintenance Ramp, Heather Street, Tallebudgera.	
Jasmine Avenue, Hollywell. Holly Avenue, Hollywell. Naples Avenue, Isle of Capri. Birt Avenue, Budds Beach. Carrara Road, Carrara. Tallawood Road, Coomera. Howard Street, Runaway Bay. West Pacific Motorway, Oxenford. Harley Park Boat Ramp, Marine Parade, Labrador. 'Lands End' Boat Ramp, Ray Street, Runaway Bay.	Out of water running of a personal watercraft motor prohibited.

## Schedule 2 Dictionary

section 4

***amphibious vehicle*** means a motor vehicle that can travel on land and water.

***berth*** means to moor, anchor or otherwise make fast a vessel.

***boat ramp*** means a ramp or other device or structure on a public place used, capable of use, designed or intended for use for the purpose of launching and retrieving trailable vessels and includes all structures on or supporting the boat ramp.

***commercial operator*** means any person who, as principal or as servant, employee or agent, uses or navigates a commercial vessel in Gold Coast Waters.

***commercial vessel*** means a vessel used other than for a private recreation purpose and includes a commercial ship as defined in the *Transport Operations (Marine Safety) Regulation 2004*.

***development approval*** has the meaning given in the *Integrated Planning Act 1997*.

***Gold Coast Waters*** has the meaning given to that term in the *Transport Infrastructure (Gold Coast Waterways) Management Plan 2000*.

***hazardous material*** means a substance which—

- (a) because of its chemical, biochemical, microbiological or radiological properties, temperature or state of compression could in sufficient concentration cause—
  - (i) harm to human health and safety or personal injury; or
  - (ii) property damage; or
  - (iii) environmental harm or environmental nuisance; and
- (b) includes—
  - (i) a hazardous substance; and
  - (ii) a dangerous good; and
  - (iii) a scheduled poison.

***hazardous substance*** has the meaning given in the *Workplace Health and Safety Regulation 1997*.

***industrial use*** means the use of a jetty or boat ramp in the course of any trade or business for the purposes of—

- (a) launching a vessel with a crane; or

(b) loading a building, structure, material or thing onto a vessel.

*Examples of paragraph (b)—*

Loading a house onto a vessel or loading building materials onto a vessel.

**jetty** means a wharf, pier, pontoon, or landing place of a like nature which is a council property and includes all structures on or supporting the jetty.

**motor vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**permitted business** means a business, including any related or ancillary activity, being—

- (a) the undertaking of a commercial vessel; or
- (b) an industrial use; or
- (c) an organised sporting event.

*Examples of paragraph (a)—*

A fishing charter service; a ferry, cruiseboat or aquaduck service, or a tourist service such as hiring a vessel, a personal watercraft or parasailing equipment.

*Examples of a related or ancillary activity—*

A kiosk for ticket sales or a storage shed for use in the undertaking of the permitted business.

**personal watercraft** has the meaning given in the *Transport Operations (Marina Safety) Regulation 2004*.

**planning scheme** has the meaning given in the *Integrated Planning Act 1997*.

**planning scheme policy** has the meaning given in the *Integrated Planning Act 1997*.

**public marine facility** has the meaning given in the *Transport Infrastructure Act 1994*.

**public place** has the meaning given in *Local Law No. 7 (Council Property and Other Public Places) 2008* and includes a public marine facility managed by the local government under the *Transport Infrastructure (Public Marine Facilities) Regulation 2000*.

**recreational purpose** means an activity the predominate purpose of which is to provide for recreation.

**trailable vessel** means any vessel capable of being transported overland by trailer and launched or recovered on or by the use of a ramp or sloping surface leading into a waterway.

**vessel** means a ship as defined in the *Transport Operations (Marine Safety) Act 1994* which operates in the Gold Coast Waters, and includes an amphibious vehicle and a personal watercraft.