

5 Issues

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5. Issues

5.1 The Resource Management Act 1991 (RMA)

The Resource Management Act 1991 (RMA) provides the statutory basis for the District Plan. The Plan has been prepared in accordance with the provisions of the RMA. The RMA is the principal statute for the management of land, subdivision, water, soil, the coast, air and pollution control. Part II of the RMA states the RMA's purpose and principles, which are set out in Figure 5.1 below.

Figure 5.1 Purpose and Principles of the RMA (as at 2011)

PART II PURPOSE AND PRINCIPLES

5.	Purpose
	<p>(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>(2) In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while -</p> <ul style="list-style-type: none"> (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.
6.	Matters of national importance
	<p>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:</p> <ul style="list-style-type: none"> (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development: (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development: (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna: (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers: (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: (f) The protection of historic heritage from inappropriate subdivision, use and development. (g) The protection of protected customary rights.

Figure 5.1 Purpose and Principles of the RMA (as at 2011)

PART II
PURPOSE AND PRINCIPLES

7.	<p>Other matters</p> <p>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:</p> <ul style="list-style-type: none">(a) Kaitiakitanga:(aa) The ethic of stewardship:(b) The efficient use and development of natural and physical resources:(ba) The efficiency of the end use of energy:(c) The maintenance and enhancement of amenity values:(d) Intrinsic values of ecosystems:(e) Repealed.(f) Maintenance and enhancement of the quality of the environment:(g) Any finite characteristics of natural and physical resources:(h) The protection of the habitat of trout and salmon.(i) The effects of climate change:(j) The benefits to be derived from the use and development of renewable energy.
8.	<p>Treaty of Waitangi</p> <p>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p>

Part II of the Resource Management Act is the framework against which all the functions, powers and duties under the Act are to be exercised for the purpose of giving effect to the Act. Section 5 sets out the purpose of the Act. Sections 6, 7 and 8 are principles of varying importance intended to give guidance as to the way in which the purpose is to be achieved.

5.2 International Perspective

The promotion of sustainable management is central to the RMA. The concept of sustainability is not new but has gained greater attention recently because of the environmental problems facing our planet, such as global climate change, ozone depletion and changes in the balance of ecosystems. A major conference to address these issues was held in Rio de Janeiro, Brazil in 1992, being the United Nations Conference on Environment and Development and known as the 'Earth Summit'. Valuable conclusions which emerged from this conference included recognition that the increasingly serious environmental and development problems facing the world require global solutions and co-operation between nations and all sectors of society. An important outcome of the conference was Agenda 21, which provides a common framework of action for all countries to achieve sustainable development.

Ten years after the conference in Rio de Janeiro the United Nations World Summit on Sustainable Development was held in Johannesburg in 2002. This meeting reviewed progress in implementing Agenda 21 and resulted in an action plan for the further implementation of sustainable development policies and programmes world-wide. Local authorities can play an important part in ensuring the successful implementation of Agenda 21. The Council's role in preparing and implementing its District Plan in conformity with the 'sustainable management' purpose of the RMA is one way in which it can carry through Agenda 21. The 'think globally, act locally' dictum is particularly relevant in this context.

5.3 Relevant Planning Documents

Section 2 of the District Plan discusses the major provisions of the RMA which guide the preparation of a district plan. Reference is also made to the requirement to not be inconsistent with or to have regard to planning documents. Council is required to ensure that the district plan is not inconsistent with the following documents:

- New Zealand Coastal Policy Statement
- Auckland Regional Policy Statement
- Auckland Regional Plan: Sediment Control
- Hauraki Gulf Marine Park Act 2000

Council is further required to have regard to the following documents:

- Proposed Auckland Regional Plan: Air Land Water, proposed Auckland Regional Plan: Coastal
- The district plans of adjacent territorial authorities
- Auckland Regional Land Transport Strategy

Council's own Strategic Plan and City Blueprint are also important documents for guiding the development of the District Plan. The City Blueprint in particular has been developed under the umbrella of the Auckland Regional Growth Strategy, the Auckland Regional Land Transport Strategy and the Auckland Regional Policy Statement. The comprehensive strategy contained within the City Blueprint is consistent with, and seeks the outcomes put forward by, the above regional documents. The Strategic Plan and City Blueprint are examples of strategic planning documents that recognise the desired outcomes of the community and help guide the preparation of other documents.

5.4 Major Issues

The following are considered to be the major issues facing the council in respect of its resource management functions. Each issue is supported by references to sections of the RMA, which are regarded as being particularly relevant. The discussion of issues provides the basis for identifying the goals of the city.

1. Protecting our high quality natural environment

The historical urban spread combined with the more recent intensification of urban areas within North Shore City, has impacted upon the unique and valued natural environment. Future development rights have also led to examples of uncontrolled development that have compromised environmental qualities within the city. At issue are the impacts upon the city's natural coastline, the quality of the water, air and soil, the quality and extent of vegetation and wildlife and the quality of our landscape features.

In addition to Section 5 of the RMA, the other relevant provisions include:

⇒ Section 6:

- The preservation of the natural character of the coastal environment
- The protection of outstanding natural features and landscapes
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- The maintenance and enhancement of public access to the coastline, lakes and rivers
- The relationship of Maori with their ancestral lands, waters, sites, waahi tapu, and other taonga.

⇒ Section 7:

- Kaitiakitanga and the ethic of stewardship
- The efficient use and development of natural resources
- The maintenance and enhancement of amenity values
- The intrinsic values of ecosystems
- The maintenance and enhancement of the quality of the environment
- The finite characteristics of resources.

⇒ Section 8:

- The duty to take into account the principles of the Treaty of Waitangi.

Land use planning, transportation planning and the design of our buildings has a direct relationship with the sustainable management of the natural environment. By undertaking these activities in an integrated manner within a framework of sustainable management a contribution to national and global conservation can be made by reducing emissions, achieving greater energy efficiency, protecting ecological values and minimising waste.

The natural character of the coastline remains a key feature of the city. The Auckland Regional Plan: Coastal observes that:

- The coastal environment has a variety of natural and physical values which give it a unique and natural character. However the natural character of the coast can be progressively modified through the adverse individual and cumulative effects of inappropriate subdivision, use and development, both within the coastal marine area and on the adjacent land in the coastal environment
- Coastal and marine ecosystems and natural features such as landforms and geological sites are subject to change, damage or destruction from inappropriate subdivision, use and development, as well as the operation of natural processes. The quality of the coastal environment is fundamentally determined by the presence of a diversity of ecosystems and natural features and by their ability to function as biological and physical systems. This in turn enables people and communities to use and enjoy the coastal environment for a range of social, economic and cultural purposes.

The quality of the city's air, water and soil is directly related to the way in which growth and change in the city is managed. The proposed Auckland Regional Plan: Air, Land and Water contains much that is relevant to this issue, in particular:

- The urban growth of the Auckland region is one of the most significant issues facing the region. This growth is placing increasing pressure on natural resources, particularly through discharges of stormwater, wastewater overflows, discharges of industrial contaminants to water, discharges of contaminants to air, the abstraction of water, and the modification and disturbance of beds of rivers and lakes. People and communities within urban Auckland will continue to utilise these resources to enable them to provide for their social, economic and cultural well-being and their health and safety. However this utilisation needs to be in such a way that promotes urban sustainability.

Resident surveys have identified water quality, particularly as it relates to effects on marine life and beach water quality, as being very important to protect. Air pollution from increased vehicle use has also been identified by the city's residents as an issue of concern. In general however, the North Shore City environment was regarded as being relatively clean, and being highly valued for that among other reasons.

Damage to bush and natural habitats has also been identified as an impact of ongoing development growth and change. The Auckland Regional Policy Statement states that the Auckland region's natural environment has been extensively modified

with less than 30% of the region's indigenous terrestrial habitats remaining. The cumulative effects of that modification now appear to be the extensive loss of particular biological features and habitats, and the reduction of ecological viability.

The perceived image of a quality natural environment in the city is one of the main factors attracting people to North Shore City. The fact that the city contains an extremely varied coastline, dramatic volcanic landforms and more subtle variations in underlying landform suggest that measures to protect and enhance the landscape are of primary importance. The Auckland Regional Policy Statement identifies the main landscape issues as being:

- Urban expansion affects visually sensitive landscapes around the urban edge. Infill suburban development affects the visibility of Auckland's volcanic cones. Hilltop transmission towers punctuate the skyline of major hill ranges. Rural-residential development modifies many of the rural landscapes, and coastal settlements affect the visual quality or sensitivity of coastal and island landscapes and seascapes in the region
- The visual effects of development and change must be considered in the process of managing the region's natural and physical resources in order to protect the quality and sensitivity of the landscape.

2. Securing a high quality built environment

Ongoing growth and change has in recent years led to a demand for a greater range of housing choice. Population increase and declining household size as well as an ageing of the population have been the main contributors to this change in housing needs. The location of infill housing and the location of more intensive forms of housing, particularly adjacent to existing and proposed town and village centres is also an issue which relates directly to the management of growth and change. In managing this change, there is a recognised need to preserve the character and amenity of many parts of the city's existing suburban neighbourhoods and heritage areas including their associated commercial areas. With an increasing population will also come an increasing pressure on the reticulated services of the city. These must adequately service the growing and changing urban form while also protecting the city's unique and valued natural environment.

In addition to Section 5 of the RMA the other relevant provisions include:

⇒ Section 7:

- The maintenance and enhancement of amenity values
- The efficient use and development of natural and physical resources.

The Auckland Regional Policy Statement, in the course of discussing the issue of continued urban expansion and the need for intensification, refers to the fact that established urban areas contain amenity values which enhance the quality of urban living and require protection.

Amenity values are defined in the RMA as those natural and physical qualities and characteristics of an area which contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. Generally, North Shore City is perceived as having a high level of amenity and being an attractive place to live. The scale, appearance and density of buildings, vegetation, landform, views, privacy, noise levels and proximity to neighbourhood facilities, are all elements which can affect the amenity of areas.

Resident surveys have shown that there is a wish to protect the existing amenity of residential areas. This includes maintaining a close relationship between residential areas and significant elements of the natural environment (especially beaches and open spaces); control of the adverse effects of non residential activities (especially noise and traffic); and control of the intensity of building activity in established residential areas.

The issue of managing growth and change as it affects the existing character of the city is critical to the success of creating a desirable future urban form. Areas of high natural environment are valued by users of these areas, whether the areas are for recreational, spiritual or scenic use. Similarly, areas of built heritage value (both

residential and commercial) are valued for their coherency of design and aesthetic beauty. In managing growth, the locations identified within the city as being suitable for either infill or intensive residential use must be carefully identified, having regard to the existing character of residential neighbourhoods within the city.

As more residents live within the city it can be expected that there will be a greater demand to use our public spaces. The quality of the urban design within these public spaces will likely become an issue of increasing relevance as the city's growth and change continues.

The changes to the built environment resulting from growth are likely to affect the city's existing network of reticulated services. Planning to manage growth and change needs to recognise the existing and future capacities of infrastructure as part of an integrated process of matching the rate and form of development with the requirements of the end user and characteristics of the natural environment.

The Auckland Regional Policy Statement highlights a number of issues in relation to infrastructure including:

- Regionally significant physical resources, including infrastructure, are essential for the community's social and economic well being. The location, development and redevelopment of infrastructure is of strategic importance as it affects the form and growth of the region
- Provision (or non-provision) of infrastructure is a major influence in the overall pattern and direction of regional development
- An absence of co-ordination between infrastructure providers and other agencies responsible for urban growth and development may increase the likelihood of adverse effects
- The need for expansion, replacement or upgrading of infrastructure in order to avoid environmental problems and/or in order to increase the capacity of infrastructure to accommodate growth.

3. Enhancing our ease of movement

The pattern of land use has a direct relationship to the ease of movement. The degree to which land use is integrated with all modes of transport impacts upon peak hour congestion, business productivity and the length of time for journeys. The concentration of business activity offers the opportunity to widen the choice of modes of movement and reduce reliance on private motor vehicles.

It is acknowledged, however, that for the foreseeable future a majority of people in the community will continue to use private motor vehicles for work, leisure and chores. It is necessary that provision continues to be made for the use of private motor vehicles.

Unless land use and transportation planning initiatives are closely integrated, there is the risk that the emerging urban form will place increasing pressure on transport systems and limit the use of alternative transport modes. The resulting transport system may itself serve the urban area poorly, limiting ease of movement of the community and affecting business efficiency and competition. It may also result in a range of other adverse effects including noise, increased private vehicle trips local congestion and poor air quality. Without increased integration of land use and transportation planning initiatives, where access cannot be met conveniently, efficiently, effectively or practically by public transport, nor by viable walking or cycling options, transport choices will remain limited. A dominance of private motor vehicle transport (in particular for commuting) can be reduced by encouraging urban forms that support other transport modes.

In addition to Section 5 of the RMA, other relevant provisions include:

⇒ Section 7:

- Maintenance and enhancement of the quality of the environment.
- The efficient use and development of natural and physical resources.

The Auckland Regional Policy Statement highlights a number of issues in relation to

transportation and urban form:

- The transport system can influence urban form in a way which detracts from wider resource management objectives. [...] The transport system is recognised as being one of the major determinants of urban form. The way in which the transport system is developed is therefore one of the major instruments in guiding the form of urban development
- Auckland's transportation system is essential for the community's social and economic well being and some parts of it are nearing significant thresholds. The transportation system may also give rise to adverse effects (p.10. Chapter 2). There is growing recognition of the environmental costs of the transport system and of the low density urban form and lifestyle it supports
- The existing form of urban development in Auckland, including the associated transportation system, is not sustainable in terms of current energy use. Urban Auckland is large in area and has a low population density by world standards. Its low-density sprawl has been accelerated by the adoption of a motorway system and reliance on the private use of motor vehicles.

In the urban environment of North Shore City there is a very high level of investment in centres, buildings and transportation infrastructure.

The intensity of activities in parts of the city can place heavy demands on the roading network, parts of which are under significant peak period pressure. These are factors that need to be taken into account in determining the direction and timing of urban development. North Shore City places a strong reliance on its roading system for maintaining economic and social well being. The physical and employment characteristics of the city combine to create some specific problems, particularly in relation to the harbour crossing corridor. A significant proportion of the land area is devoted to roading, and traffic levels have increased substantially in recent years as vehicle ownership levels have continued to rise. Just under half of all working residents commute out of the city for employment. Most of their travel is in single occupancy vehicles with the result that during peak periods, parts of the city's roading network are at, or beyond capacity. This is particularly evident on the Northern Motorway approaches to the Harbour Bridge.

Consequently, the road network and use of the private motor vehicle will need to continue to be factored into evolving development patterns recognising the promotion of modal choices, including cycling, walking, public transport as well as the use of the private motor vehicle.

Resident surveys have indicated that the lack of public transport and travel congestion are two of the main negative aspects of the North Shore environment. Most travel movements on the North Shore are likely to remain by private transport, and the Council recognises the needs of business and the importance of maintaining the ease of access from the motorway and arterial road network to major employment areas. The Council strongly supports the provision of public transport systems such as Bus Rapid Transit and ferry services. The Council also supports the high occupancy use of private vehicles, cycle ways and enhanced pedestrian access as a means of easing movement along transport corridors and thereby enabling greater resource use efficiency. The enhanced use of public transport and walking/cycling, combined with a reduced increase in the number of private vehicle trips reduces air emissions, congestion time and the rate of use of non-renewable resources.

4. Fostering and strengthening our community wellbeing

As the city continues to grow and change the community's use of facilities, relationship with taonga and heritage features are all likely to be affected. Increasing population and intensity of land use must be carefully managed to ensure that the community continue to have an ease of access to community facilities for recreation, the arts, health, education and housing for the needy.

In addition to Section 5 of the RMA, other relevant provisions include:

⇒ Section 6:

- The maintenance and enhancement of public access to the coast, lakes and rivers
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

⇒ Section 7:

- Kaitiakitanga and the ethic of stewardship
- Recognition and protection of the heritage values of sites, buildings, places or areas.

⇒ Section 8:

- The duty to take into account the principles of the Treaty of Waitangi.

The Auckland Regional Policy Statement identifies matters which are of significance to iwi as follows:

- Relationship with taonga are being adversely affected by inappropriate processes and activities, especially the continued growth of Auckland
- Lack of direct and effective involvement of tangata whenua in the sustainable management of their ancestral taonga
- Recognition of the Treaty of Waitangi is required in the sustainable management of ancestral taonga.

There are many iwi with historic associations with North Shore City. The RMA requires the Council to take into account the principles of the Treaty of Waitangi. From this derive requirements for all parties to act reasonably and in good faith, to engage in early and meaningful consultation and to actively protect Maori interests. Furthermore, the Council is required to have regard to the concept of kaitiakitanga which means the exercise of guardianship and includes the ethic of stewardship based on the nature of the resource itself. Maori with tangata whenua claims to North Shore City are expected under this concept to have an active involvement in the management of resources of importance to them. They can expect to be involved in the management of the coastal environment as it is of particular importance to them.

The Auckland Regional Policy Statement identifies the main heritage issue as being the fact that the heritage of the Auckland region has been depleted and continues to be under threat. Over half of the region's pa sites have been modified or destroyed and the number of archaeological sites has continued to decline as a result of development. Heritage buildings are also under threat with buildings listed by the New Zealand Historic Places Trust continuing to be destroyed.

North Shore City is well-endowed with both natural and man-made heritage features. In spite of the fact that many such features have been significantly modified or destroyed, they make a significant contribution to the character and identity of the city. The issue of protection in particular cases frequently involves a financial burden placed upon a landowner and this needs to be weighed against the benefits to the public at large.

The Auckland Regional Growth Strategy provides the following observations on the need to provide an effective social infrastructure for the communities wellbeing;

- A liveable community and region requires co-ordinated and effective social infrastructure - a system of social services, networks and facilities that support people and communities. Growth in the region means forward planning in terms of access to facilities like social support services, emergency services (police, fire, ambulance), affordable health care services, a range of employment opportunities, educational opportunities (schools, tertiary, adult/community), indoor and outdoor recreational facilities (parks, swimming pools, sports grounds).

As the city changes so will the patterns of leisure and lifestyles. High Density Centres and Intensive Corridors have the greatest capacity to provide the facilities needed to provide for our city's social infrastructure. This infrastructure needs to be

closely aligned with the specific communities of need, designed as safe public environments and easily accessible to all including those living in the newly developed parts of the city.

5. Optimising employment and economic growth within the city

Future growth and change within the city will provide a mix of opportunities and threats to council's desire to promote additional employment and economic growth within the city. At issue will be the strength of our regional and national economy, the success of initiatives to promote the city as a destination for certain sectors of industry, the supply of business zoned land, the city's labour qualifications and skills and the ability of the city to reduce the need to travel across the harbour bridge for employment.

In addition to Section 5 of the RMA, other relevant provisions include:

⇒ Section 7:

- The maintenance and enhancement of amenity values
- The efficient use and development of natural and physical resources
- The maintenance and enhancement of the quality of the environment.

The city has real advantages in attracting business development. The workforce of the city is well educated and highly skilled, major universities have located here, and the city's natural setting is considered to be of high quality. Employment areas are well served by the motorway network and Bus Rapid Transit stations will be located close to major areas of employment.

The importance of creating not only jobs but also the right types of jobs to match the education, skills and aspirations of people in our city is important if better live-work relationships are to develop. Living closer to work can slow increases in peak hour traffic levels and in particular limit growth in cross harbour congestion.

There is a limited amount of business zoned land in the city. After remaining vacant sites have been developed, business and job growth can only be achieved through more intensive use of existing land and increased home based employment. Ensuring that activities within business areas are compatible is an important component of managing growth and change. The avoidance of reverse sensitivity effects within business areas is necessary to protect economic wellbeing and amenity values.

Centres are an important element in the organisation of the city's structure. North Shore City is made up of a number of communities that have formed around smaller town or village centres. This trend will continue into the future with the ongoing development and expansion of the Albany sub-regional centre. At a larger scale, Takapuna and Albany are developing as sub-regional centres. These centres are highly accessible and are characterised by the concentration of shops, services, entertainment and recreational facilities that provide a focus for the community and contribute to satisfying many of its needs and wants. Development along corridors may also improve access to goods and services and better enable people and communities to meet their social and economic needs. However, commercial development in these other areas will require careful managing to ensure the function of centres are not compromised.

Intensification around identified centres and corridors is an approach to managing growth and change and is an effective mechanism for preventing potential adverse effects of business activities. By grouping business activities, vehicle trip lengths can be reduced along with congestion and vehicle emissions. This is supported by studies undertaken that have established that closely located shopping, entertainment and community facilities are highly valued by North Shore residents.

6. Effectively manage change within the city

In order to achieve the strategic goals, identified in Section 6.3, North Shore City Council is able to play a number of roles in managing the city's growth and change:

Planner, educator and regulator - managing activities by developing, monitoring and enforcing rules and providing community

	education and empowerment.
Advocate and facilitator -	representing the interests of the city's communities, creating the right environment for implementation of growth management policy.
Provider of community facilities -	making sure the essential community programmes and services reach residents and businesses.
Owner of infrastructure and facilities	-providing and looking after public assets.
Partner -	working with others in partnership or assisting with the provision of facilities or services, to maximise benefits to the community.

In addition to Section 5 of the RMA, the other relevant provisions include:

- ⇒ Section 6: Matters of national importance; all
- ⇒ Section 7: Other matters; all
- ⇒ Section 8: Treaty of Waitangi; all
- ⇒ Section 31: Functions of territorial authorities.

Second Schedule Part II

This is a broad strategic issue for the city. The Council recognises that there are a variety of methods of implementation for achieving the wider strategic vision for the city. An integration of these roles can be within the regulatory framework of the RMA through this Plan as well as being addressed through Council's Strategic Plan, the City Blueprint and the long term financial and community planning of Council.

7. Providing for appropriate business location

Increasing populations will create an increased demand for commercial, particularly retail, activity. The availability of retail activities is particularly important to provide for the community's wellbeing by ensuring that consumers have ready access to a choice of goods and services. There is a wide spectrum of retail activities in terms of form, scale, function, transportation effects and customer base. Whilst the majority of commercial activities will continue to locate in Town Centres, a centre location may not always be suitable for all types of retail activities due to a number of factors including their function, as well as site requirements and size. It may therefore be appropriate in a number of circumstances, to locate such activities along Intensive Corridors and elsewhere in business zones, subject to ensuring any adverse environmental effects are appropriately managed.

Commercial activities that are best suited to locate and develop in Town Centres and Intensive Corridors should be enabled to do so within those areas. Outside of these localities such activities should be discouraged from locating where they would compromise the achievement of a compact sustainable urban form and sustainable urban land use intensification.

There is in addition, a range of business activities, including a limited range of retail (particularly larger format retail) activities which due to form, scale or customer base are ill-suited to locating in Town Centres and Intensive Corridors. These include activities that require extensive land, have noxious emissions, contribute to reverse sensitivity problems and create adverse effects on the environment. Such activities should be encouraged to locate in business areas that are zoned specifically for such activities so that adverse effects can be adequately avoided, remedied or mitigated.