



Subject: *Swinks Agro Engineering Ltd. - Amendments to Official Community Plan*
To: Planning Advisory Committee, June 16th, 2026
Date Prepared: June 8, 2026
Related Motions: n/a
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Approved by: John Woodford, Director of Planning and Development

Summary

Planning staff received an application from Swinks Agro Engineering Ltd. On behalf of Atlantic Broilers Ltd. to amend the Land Use Bylaw to reduce the minimum setback requirement for an intensive livestock operation use from a public road in the Rural Use North (RU-2) zone.

This staff report outlines the application, current regulations, and recommends that first reading be given.

Financial Impact Statement

There is no financial impact with the approval of the amendments.

Recommendation

Recommend that first reading be given to the Land Use Bylaw text amendments, direct staff to seek comments from the Agricultural Advisory Committee, and authorize a public hearing.

Recommended Motion

Planning Advisory Committee recommends to Council that Council

- *give first reading to the application from Swinks Agro Engineering to amend the Land Use Bylaw to reduce the minimum setback from a public road of intensive livestock operations in the Rural Use North (RU-2) zone to 20m; and*
- *Direct staff to seek comments from the East Hants Agricultural Advisory Committee on the application; and*
- *Authorize staff to schedule a Public Hearing*

Background

An application was received from Swinks Agro Engineering Ltd. On behalf of Atlantic Broilers Ltd. to amend the Land Use Bylaw to allow for a smaller setback for intensive livestock operation uses located within the Rural Use North (RU-2) zone. The applicant has submitted a site plan for two additional structures for their property, expanding an existing livestock operation. Their site plan indicated a minimum setback of 22.20 m from the proposed structures to the fronting property line (Burntcoat Road). The applicant explained in order to expand their operations the new structures must be in line with existing buildings to facilitate processing. The current setback requirement in the RU-2 zone for an intensive livestock operation is 45m. The applicant has submitted an application to have the setback reduced.

Council recently approved amendments to livestock operations provisions on Friday June 5th, 2026. These new provisions provide reduced setbacks for livestock operations where adjacent land is in common ownership.

Discussion

The Municipality's Land Use Bylaw has specific regulations for intensive livestock operations. This use is only permitted within the Rural zones which includes the Rural Use (RU), Rural Use North (RU-2) and the Agricultural Reserve (AR) zones. The General Provisions in the Land Use Bylaw has regulations that apply across all three (3) rural zones, including regulations for intensive livestock operations. The provisions for intensive livestock operations as outlined in the general provisions for all rural zones are as follows:

5.2.3. Intensive Livestock Operation

An intensive livestock operation in a Rural Zone shall be subject to the following requirements:

- a) A minimum setback of 45 m from all lot lines and any public road, private road, or right-of-way easement;*
- b) The following setback distances shall be required from any structure or manure storage related to an intensive livestock operation to be located near a watercourse or well; and*

<i>Private or Off-Farm Well</i>	<i>100 m</i>
<i>Lake, River, Brook</i>	<i>50 m</i>
<i>Non-contained storage (solid manure)</i>	<i>100 m</i>
<i>Fully contained storage (liquid, semi-solid manure)</i>	<i>50 m</i>
<i>Ditch/Intermittent Stream or Wetland</i>	<i>20 m</i>

- c) An Intensive Livestock Operation in the Rural Use and Agricultural Reserve Zones which does not meet the minimum separation distances in this section may be considered by site plan approval.*
- d) Application for site plan approval shall be in the form specified in the Appendix and shall be accompanied by a sketch of sufficient detail to address all of the matters identified above, and shall be accompanied by a letter stating the purpose for the reduction in the minimum setback requirement.*
- e) In the Rural Use North (RU-2) zone, the 45m minimum setback may be reduced to 2m if the adjoining property is in common ownership, subject to spatial separation requirements of the National Building Code*
- f) In no instance shall an intensive livestock operation be less than 45m from a property that is not commonly owned*

An amendment to policy 5.2.3 is required to reduce the minimum setback required for front yards abutting public roads in the Rural Use North (RU-2) zone to 20 m.

Proposed Additional Land Use Bylaw Text

g) Notwithstanding clause f), in the Rural Use North (RU-2) zone, any structure related to an intensive livestock operation may have a minimum setback of 20 m from public roads.

The current general setback of 45m is intended to mitigate land use conflicts between intensive agricultural activities and neighbouring uses. Because a public road right-of-way is a vested public corridor rather than a residential or private “neighbouring property,” it provides a permanent physical separation that contributes to the overall distance between an intensive livestock operation and the nearest use. Most public road right-of-way within the municipality are 20m or more.

As identified in recent applications, the 45 m setback from road lot lines can inhibit the logical expansion of existing farms by restricting new structures from aligning with established buildings, which is often necessary to facilitate modern processing.

As part of this amendment, clause (a) of Section 5.2.3 will be updated to remove ‘public roads’ from the general 45m requirement. This prevents regulatory conflict and ensures that road-specific setbacks are governed by the new more flexible standard.

PROVINCIAL GUIDELINES

The Intensive Livestock Operation provisions described above were implemented based on the Provincial Manure Management Guidelines written in 2006. These guidelines intend to minimize the risk of surface and groundwater contamination, minimize complaints of nuisance, and promote the effective use of livestock manure. The recommended minimum separation distances for livestock facilities from these Guidelines is as follows:

Table 1 - Recommended Minimum Separation Distances for New Livestock Facilities
(excluding hog production units and facilities*)

Public Building	200 m	(660 ft)
Property Line	50 m	(165 ft)
Existing Off-Farm Dwelling	100 m	(330 ft)
Provincial Highway	50 m	(165 ft)
Off-Farm Well	100 m	(330 ft)
Lake, River, Brook		
A. Non-contained storage (solid manure)	100 m	(330 ft)
B. Fully contained storage (liquid, semi-solid manure)	50 m	(165 ft)
Ditch/Intermittent Stream or Wetland	20 m	(66 ft)

Note: * Anaerobic hog lagoons do not seal on the surface like other manure storage types. Therefore, guidelines concerning separation distances have been developed specifically for hog facilities. Refer to the publication “Guidelines For Siting and Management of Hog Farms in Nova Scotia (Revised September 2000).”

OTHER JURISDICTIONS

The provincial department of agriculture has not updated these guidelines since 2006. Below are livestock and agricultural setback provisions from other Atlantic municipalities that have a similar farming presence:

Municipality	Front Yard Setback
Municipality of Kings County, NS	12.19 m (40ft)
Stratford, PEI	152m
Kensington, PEI	15m from any lot line 45m from Highway
Cavendish/Resort Municipality, PEI	45.7m
Municipality of Cumberland County, NS	30m

The front yard setbacks vary by jurisdiction. The median setback of the observed jurisdictions is 37.5m. It should be noted that the Nova Scotia municipalities have lower setback requirements than the provincial guidelines.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council’s Strategic goal to build strong communities and economic prosperity by ensuring the East Hants official community plan is effective in managing changes in the community and supporting existing local businesses.

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

There is no cost to the Municipality to process these amendments.

Citizen Engagement

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments. An advertisement outlining the proposed amendments and indicating they are under review will be placed in an upcoming edition of the *Chronical Herald*.

Amendments to the Land Use Bylaw that do not require a concurrent amendment to the municipal planning strategy do not require a public information meeting.

The public hearing will be advertised in the Chronical Herald, on the Municipal website, and will be posted on social media.

Alternative

Planning Advisory Committee may recommend not to consult with the agricultural advisory committee.

Conclusion

Staff are recommending that approval be given to schedule a Public Hearing to consider text amendments to the Land Use Bylaw to reduce the minimum setback of an intensive livestock operation from a public road to 20m.

Attachments

Appendix A - Nova Scotia Department of Agriculture - Manure Management Guidelines 2006

Appendix B - Amendment Sheet