

***Swinks Agro Engineering Ltd.:
Application to amend the LUB***

Planning Advisory Committee

Planning and Development Department

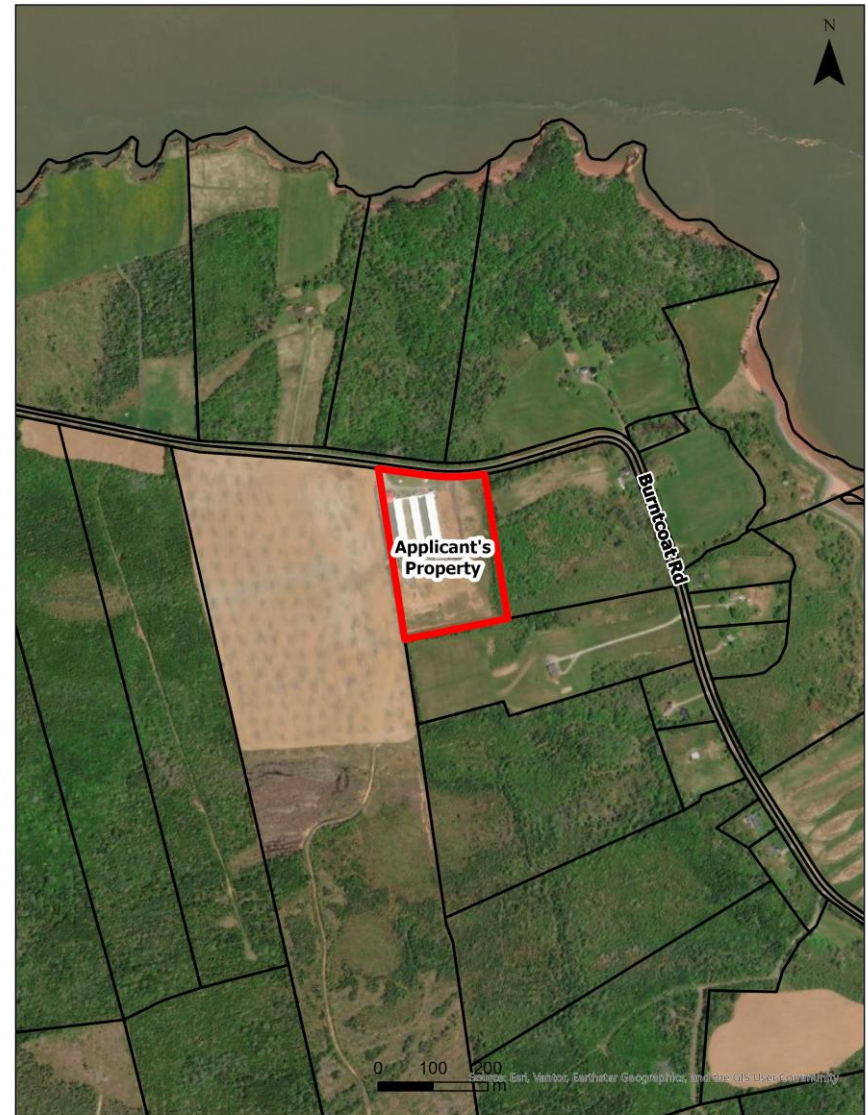
June 16, 2026



EAST HANTS

Subject Property

- **Applicant:** Swinks Agro Engineering Ltd.
- **Location:** 1108 Burntcoat Rd, Burntcoat, and is identified as PID 45382199
- **Subject Property Size:** Total area of the subject property is approximately 5.4 hectares with approximately 195 m of frontage
- **Proposal:** To amend the Land Use Bylaw to reduce setback requirements for an intensive livestock operation use in the Rural Use North (RU-2) Zone



Development Proposal

- There are three poultry units located on the applicant's lands, constructed in 2021. Swinks Agro Engineering Ltd. is proposing two new structures be built for egg processing in line with the existing buildings
- Since the construction of the poultry units, the Municipal Land Use Bylaw has been updated to require a 45 m setback from public roads in the Rural Use-North (RU-2) Zone
- The applicants proposed building configuration is 22.2 m from the front yard property boundary
- Therefore, the applicant is applying to decrease setback requirements for their property

Option 1 Proposed Amendments - MPS

At June PAC, Council directed staff to identify policy to allow for reduced intensive livestock operations by development agreement:

AR39. Council shall within the Rural Use North (RU-2) Designation on lands zoned Rural Use North (RU-2), consider the following uses by development agreement:

m) Reduced intensive livestock operation setbacks

AR39A. In addition to the other evaluation criteria of this Strategy, Council shall consider the following criteria when reviewing a development agreement application for reduced setbacks for intensive livestock operations:

- a) The impact of the proposed development on nearby sensitive land uses, including residential uses*
- b) The impact of neighbouring land uses on the proposed development*
- c) The adequacy of buffering to minimize the visual and environmental impact of the operation on adjacent properties, with specific regard to odour, noise, and dust generated on the site*
- d) Ensuring the reduced setback maintains adequate distances from wells and watercourses*

Option 1 Proposed Amendments - LUB

5.5.6. Development Agreements

The following use shall be considered only by development agreement in the RU-2 Zone.

- a) Multiplexes over 12 dwelling units and up to a maximum of 24 dwelling units and cluster townhouse developments over 12 units and up to a maximum of 24 dwelling units*
- b) Accommodations, General over 12 units*
- c) Drinking establishments open after 1 am*
- d) Reduced Intensive livestock operation setbacks*

Option 2 Proposed Amendments - LUB

Planning Staff have identified a second pathway for allowing reduced intensive livestock operations setbacks by site plan approval:

Appendix C12 Application for Site Plan Approval Intensive Livestock Operations

A site plan must accompany this application which adequately shows the following information:

- a) All existing and proposed structures*
- b) The location of all watercourses, wells, and private/public right-of-way*
- c) The distance between the proposed intensive livestock operation and watercourses, wells and private/public right-of-way*
- d) The proposed location of all intensive livestock operations on the subject property and neighbouring properties*
- e) Location, extent, of any vegetation or other buffer separating the proposed intensive livestock operation and private/public right-of-way*

Option 2 Proposed Amendments - LUB

5.2.3. Intensive Livestock Operation

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

c) An Intensive Livestock Operation in the Rural Use, *Rural Use North (RU-2)*, and Agricultural Reserve Zones which does not meet the minimum separation distances in this section may be considered by site plan approval. The Development Officer shall approve a site plan where the following matters have been addressed:

Requirements for setbacks from a well or watercourse

- i) Site design and layout shall take into consideration all existing and proposed structures, the location of all watercourses, the location of all intensive livestock operations, and the soil conditions.
- ii) The site plan shall show the proposed setbacks from the watercourse or well
- iii) The intensive livestock operation structure or manure storage shall be located on the property to enable as large a setback from the watercourse or well as possible.
- iv) The site plan shall be prepared by an agricultural engineer.
- v) The agricultural engineer (or other appropriate professional) is to confirm in writing that the reduced setback will not affect the watercourse or well.

Requirements for setbacks from public and private right-of-way

- i) Site design and layout shall take into consideration all existing and proposed structures, the location of all watercourses, the location of all intensive livestock operations, and the soil conditions.
- ii) The site plan shows the proposed setbacks from all property lines, watercourses, and wells.
- iii) All items and measures that will be used to mitigate conflicts between the intensive livestock operation and adjacent properties and right-of-way are clearly identified.
- iv) The site plan shall be prepared by an agricultural engineer.
- v) The agricultural engineer is to confirm in writing that the reduced setback will not unreasonably affect public or private right-of-way, adjacent properties, watercourses, or wells.

Option 2 Proposed Amendments - MPS

AR23. Council shall ensure that buildings, structures, manure storage, or housing related to an intensive livestock operation, not be established within a minimum separation distance from a watercourse or well, so as to reduce conflicts between residential property owners and agricultural operations.

*A) Council shall permit an intensive livestock operation which does not meet the minimum separation distance from a watercourse, ~~or~~ well, **public or private right-of-way** to have a reduced setback through site plan approval. Approval is dependent on meeting the regulations of the Land Use Bylaw and associated requirements.*

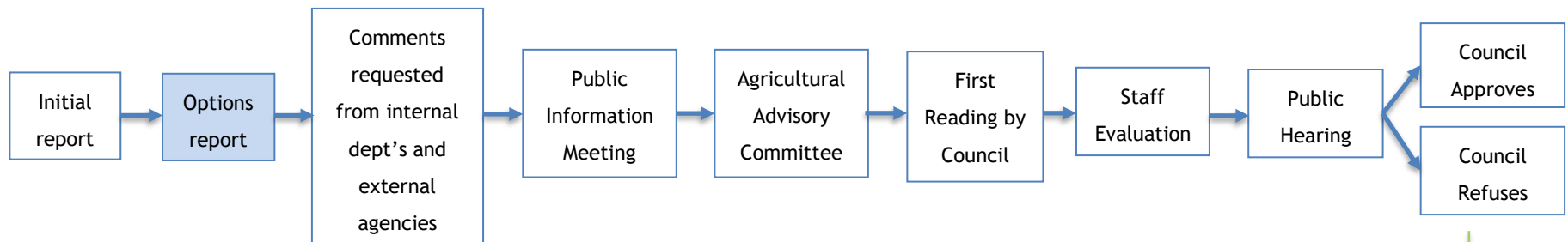
Site Plan Approval	Development Agreement
Decision Maker: Development Officer	Decision Maker: Council
Based on specific Land Use Bylaw criteria	Guided by broader Municipal Planning Strategy policies
Decisions can be appealed to Council	Decisions can be appealed to Nova Scotia Regulatory and Appeals Board
Neighbour notification	Questionnaires, public notice, and public hearing
Administrative process	Legislative process
Focus on technical compliance	Flexible terms, conditions, and mitigation measures
Not registered on land title	Registered on land title
2 months	6-8 months
\$100	\$500 + associated advertisements and postage ~\$2,500

Agricultural Advisory Committee

- The proposed reduction in setbacks by development agreement or site plan approval for Intensive Livestock Operations may directly affect agricultural operations and neighbouring land uses
- The Agricultural Advisory Committee (AAC) is mandated to review studies, plans, proposals, and policy changes related to agriculture and provide recommendations on agricultural matters
- Review by the AAC can help identify potential impacts on existing and future farming operations resulting from reduced setbacks
- Engagement with the AAC provides Council with informed recommendations on whether the proposed changes appropriately balance agricultural viability and land-use compatibility

Citizen Engagement

- Staff will follow the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application
- An advertisement outlining the application and indicating that it is under review will be placed in the Chronicle Herald
- Amendments to the Municipal Planning Strategy require a public information meeting (PIM)
- The PIM will be advertised in the Chronicle Herald, on the Municipal website, and will be posted on social media
- The proposed amendments are not appealable to the Nova Scotia Regulatory and Appeals Board



Recommendation

Recommend that Council direct staff to seek comments from the Agricultural Advisory Committee, and authorize a public information meeting on the application to amend the Land Use Bylaw to allow an Intensive Livestock Operation in the Rural Use North (RU-2) Zone which does not meet the minimum separation distances in section 5.2.3 of the LUB to be considered by **site plan approval**

Option 1 Motion

Planning Advisory Committee recommends to Council that Council:

- *Direct staff to seek comments from the East Hants Agricultural Advisory Committee on the application to amend the Land Use Bylaw to allow an Intensive Livestock Operation in the Rural Use North (RU-2) Zone which does not meet the minimum separation distances in section 5.2.3 to be considered by development agreement; and*
- *authorize staff to schedule a public information meeting*

Option 2 Motion

Planning Advisory Committee recommends to Council that Council:

- *Direct staff to seek comments from the East Hants Agricultural Advisory Committee on the application to amend the Land Use Bylaw to allow an Intensive Livestock Operation in the Rural Use North (RU-2) Zone which does not meet the minimum separation distances in section 5.2.3 to be considered by site plan approval; and*
- *authorize staff to schedule a public information meeting*