



Subject: *Swinks Agro Engineering Ltd. - Amendments to Official Community Plan*
To: Planning Advisory Committee, July 21st, 2026
Date Prepared: July 6, 2026
Related Motions: PAC26(39), C26(177)
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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.

Council has directed staff to identify opportunities for Intensive livestock operations within the Rural Use North (RU-2) Zone to have reduced setbacks through Development Agreement. This staff report outlines the application, current regulations, and provides policy options for first reading.

Financial Impact Statement

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

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 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 Municipal Planning Strategy and 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 Municipal Planning Strategy and 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*

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*

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.

Option One - Development Agreement

Planning Advisory Committee made a motion on June 16th, 2026 directing staff to explore the option for allowing reduced intensive livestock operations in the Rural Use North (RU-2) Zone by development agreement. The Municipal Planning Strategy is not set up to allow this type of agreement for intensive livestock operations

within the Rural Use North Zone. To enable this process, an amendment to both the Municipal Planning Strategy and Land Use Bylaw are required.

MUNICIPAL PLANNING STRATEGY AMENDMENTS

Currently, Policy AR39. Of the Municipal Planning Strategy lists specific uses that can be considered by development agreement in the Rural Use North (RU-2) zone, such as obnoxious commercial developments, multiplexes, and bioenergy facilities. This policy would need to be amended to explicitly include reduced setbacks for intensive livestock operations as a land use eligible for a development agreement.

Staff recommend that Council establish specific criteria for evaluating such an agreement, similar to Policy AR40 (for multiplexes). These criteria would include the impact on nearby sensitive land uses, including residential uses and the adequacy of buffering and noise protection.

Proposed Additional Municipal Planning Strategy Text

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*

LAND USE BYLAW AMENDMENTS

The development agreement section of the Rural Use North (RU-2) zone, Section 5.5.6 of the Land Use Bylaw would need to be updated to reflect the new Municipal Planning Strategy policy, identifying reduced intensive livestock operation setbacks as a use considered only by development agreement.

Proposed Additional Land Use Bylaw Text

5.5.6. Development Agreements

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

- d) Reduced Intensive livestock operation setbacks*

Option Two - Site Plan Approval

The Land Use Bylaw currently permits the Development Officer to consider reduced setbacks for intensive livestock operations through site plan approval in the Rural Use (RU) and Agricultural Reserve (AR) zones. The Rural Use North (RU-2) zone was established with a similar intent: to protect the rural landscape while supporting rural industries such as farming and forestry. Adding the RU-2 Zone to Clause c) ensures administrative consistency by granting the same regulatory flexibility afforded to the Municipality's other primary rural designations.

The site plan approval process requires a detailed site plan prepared by a qualified agricultural engineer that must confirm that the reduced setback is appropriate and will not negatively impact surrounding features, such

as watercourses or wells. This ensures that any reduction is technically sound and maintains public safety standards.

Proposed Additional Land Use Bylaw Text

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*

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

MUNICIPAL PLANNING STRATEGY AMENDMENTS

Recent amendments to the Municipal Planning Strategy included the Rural Use North (RU-2) zone in policy AR22. Which states

AR22. Council shall ensure that buildings or structures housing an intensive livestock operation not be established within 46 m of boundaries of properties within any designation other than Rural Use (RU)

or Agricultural Reserve (AR), and Rural Use North (RU-2) to reduce possible negative impacts and potential conflict with rural residential development in areas designated for such use.

Policy AR23.a) allows intensive livestock operations which do not meet the minimum separation distance from a watercourse or well to have a reduced setback through site plan approval. This clause does not mention reduced property boundary setbacks through site plan approval. The policy would have to be amended to include setbacks that do not meet the minimum separation distance from public roads.

Proposed Additional Municipal Planning Strategy Text

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.*

In the Municipal Planning Strategy, policy AR34. explicitly directs that the RU-2 Zone shall be established to encourage the future development of agricultural uses. By providing a pathway for reduced setbacks through site plan approval, the Municipality is fulfilling this policy goal by removing policy barriers that would otherwise inhibit the logical expansion of existing intensive livestock operations.

Development Agreement Versus Site Plan Approval

The choice between using a development agreement or site plan approval to permit reduced setbacks for intensive livestock operations involves balancing Council oversight with administrative efficiency. Site plan approval is an administrative process where decisions are made by the development officer based on compliance with specific Land Use Bylaw criteria. This approach is streamlined, requiring only neighbour notification after a decision is made and allowing decisions to be appealed to Council. The cost to apply for site plan approval is \$100.

In contrast, a development agreement is a legislative process requiring approval by Council and is guided by broader Municipal Planning Strategy policies. It includes a public participation process consisting of mailed questionnaires, public notices, and a public hearing. Development agreements provide greater flexibility by allowing customized terms and conditions related to site operations and mitigation measures and remains registered on the land title. The cost of a development agreement is \$500. However, the applicant is responsible for any costs associated with advertisements and public engagement, which can cost an additional \$1000 or more.

From an administrative perspective, site plan approval is the simpler more efficient option, as it removes the need for a public hearing and Council approval, reducing processing time while still ensuring compliance with established technical standards.

Regardless of the chosen approach, amendments to the Municipal Planning Strategy and Land Use Bylaw would be required for either mechanism to permit reduced setbacks for intensive livestock operations in the Rural Use North (RU-2) zone.

AGRICULTURAL ADVISORY COMMITTEE

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

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*.

Staff recommend that Council engage the Agricultural Advisory Committee on the proposed amendments. The Agricultural Advisory Committee is mandated to review studies, plans, proposals, and policy changes related to agriculture and provide recommendations on agricultural matters. Livestock operations fall under the jurisdiction of agricultural matters. A review by the Agricultural Advisory Committee will identify potential impacts on existing and future farming operations resulting from both site plan approval and development agreement.

A Public Information Meeting is required for amendments to the Municipal Planning Strategy. A notice will be placed in the Chronicle Herald and on the municipal website indicating the time, date, and location of the public information meeting. A notice for the public information meeting will be mailed to residents within 300 metres of the subject property.

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

Conclusion

Staff are recommending that approval be given to schedule a Public Information Meeting and seek comments from the Agricultural Advisory Committee to consider reduced setbacks for intensive livestock operations in the Rural Use North (RU-2) zone by site plan approval (Option 2).

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.

Attachments

1. Nova Scotia Department of Agriculture - Manure Management Guidelines 2006