



Subject: *Swinks Agro Engineering Ltd. - Amendments to Official Community Plan*
To: Planning Advisory Committee, October 20th, 2026
Date Prepared: October 7th, 2026
Related Motions: PAC26(39), C26(177), PAC26(44), C26(217)
Prepared by: Darby Sullivan, Community Planner I
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 Official Community Plan to allow reduced front yard setbacks for an intensive livestock operation.

In July, 2026, Council directed staff to move forward with amendments that would allow for reduced front yard setbacks for intensive livestock operations in the Rural Use North (RU-2) Zone by development agreement. This staff report outlines the application, current regulations, and provides amendments for first reading. The applicant intends to enter into a development agreement with the Municipality upon the adoption of these amendments.

Financial Impact Statement

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

Recommendation

That first reading be given to amend the Municipal Planning Strategy and Land Use Bylaw to allow for reduced intensive livestock operation setbacks by development agreement in the Rural Use North (RU-2) Zone, and authorize staff to schedule a Public Hearing.

Recommended Motion

Planning Advisory Committee recommends to Council that Council

- *Give First Reading to amend the Municipal Planning Strategy and Land Use Bylaw to allow intensive livestock operations with reduced front yard setbacks by development agreement in the Rural Use North (RU-2) Zone, notwithstanding section 5.2.3 a) and f) of the Land Use Bylaw, to permit Council to consider entering into a development agreement with Atlantic Broilers Ltd. for PID 45382199 for a reduced public road setback for an intensive livestock operation, and;*
- *Authorize staff to schedule a Public Hearing*

Background

In 2021, Atlantic Broilers Ltd. received permits to build three poultry barns at 1108 Burntcoat Road. At the time of approval, no setbacks were required for an intensive livestock operation in this area of the municipality. Construction ended in February of 2025.

In April 2026, 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. Originally, the applicant submitted a site plan where two new structures, a barn and a hatching building, were to be situated within the 45 m setback from the front property line. Since then, the applicant has been able to reconfigure the proposed hatching facility to comply with existing setbacks. This facility does not need to be in line with the existing barns. The applicant has received a footing permit for the hatching facility that complies with the existing setbacks.

The applicant explained in order to expand their operations the new barn structure must be in line with the existing buildings to facilitate egg processing. Their site plan indicates a minimum setback of 26.42 m from the proposed structure to the fronting property line (Burntcoat Road). The applicant has submitted an application to have the setback reduced so the barn can be built.

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. The applicant's property does not fit within these provisions.

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)."

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 front yard 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) Intensive livestock operation with reduced front yard 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 front yard 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 intensive livestock operations with reduced front yard 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) Notwithstanding section 5.2.3 a) and f), Intensive livestock operation with reduced front yard setbacks*

AGENCY COMMENTS

Comments were sought from the municipal department of Operations and Infrastructure, Nova Scotia Public Works, and Nova Scotia Municipal Affairs who forwarded the request to Nova Scotia Agriculture.

Operations and Infrastructure stated that as long as there are sufficient setbacks that would not cause unreasonable dust or other airborne matter that may disturb people travelling along the front setback or adjacent properties there should be no problem with allowing reduced setbacks by development agreement. Dust management can be detailed in a development agreement. Nova Scotia Public Works stated that as long as their required setback of 5 metres from roads is met, they have no concerns with the proposed amendments.

Nova Scotia Municipal Affairs and the Department of Agriculture were consulted on the policy options prior to Council making their decision to choose a development agreement approach. They proposed that the municipality should consider a site-specific mechanism for reduced setbacks in the RU-2 Zone. They stated that such a process would allow the municipality to assess individual site conditions, public road frontage, access, nuisance risk, environmental considerations, nearby land uses, and agricultural operational needs before permitting a reduced setback. A development agreement would ensure these criteria are examined. They also noted that any reduced setback mechanism should be limited to public road setbacks only. All other setbacks and separation distances in Section 5.2.3 should remain in effect, including setbacks from lot lines, private roads, right-of-way, watercourses and wetlands, and the 45 m separation from properties that are not commonly owned.

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*.

The Agricultural Advisory Committee (AAC) 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. Staff recommended that Council engage the AAC on the proposed amendments.

AAC met on September 28th, 2026. Five members attended the meeting. The committee supports amendments to the Official Community Plan to allow reduced setbacks for intensive livestock operations in the Rural Use North (RU-2) Zone through a development agreement. The committee had no concerns with the proposed criteria. It was noted that each proposal would be considered on a site-specific basis through a development agreement, providing an opportunity to address individual circumstances. The AAC also supported entering into a development agreement with the applicant for the proposed reduced public road setback for the intensive livestock operation. They discussed that operations such as this are considered low impact and are unlikely to affect neighbouring properties or traffic.

A Public Information Meeting (PIM) is required for amendments to the Municipal Planning Strategy. The PIM was held on October 6th. A notice was placed in the Chronicle Herald and on the municipal website indicating the time, date, and location of the meeting. Two residents attended.

There were questions surrounding the layout of the proposed buildings and whether there is enough room for the fourth barn. A larger topic of discussion was the existing and potential noise from the operation. Residents were concerned that the noise from the existing barns would get louder and mentioned it was already constant. The applicant provided some clarity on the positioning of the exhaust fans on the new building.

While a development agreement cannot regulate the existing noise, the agreement may be written so that there are mitigation measures for the new buildings. Staff will review and recommend measures once more information is provided by the applicant.

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 first reading be given and that staff be authorized to schedule a public hearing to consider intensive livestock operations with reduced front yard setbacks in the Rural Use North (RU-2) zone by development agreement, to enable Council to consider entering a development agreement with Atlantic Broilers Ltd.

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 encouraging investment in agriculture.

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.

Appendix

Appendix A - Amendment Sheets

Attachments

1. Preliminary Agricultural Review Comments - Nova Scotia Department of Agriculture

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Part 5: Rural Zones

Part 5 of the Land Use Bylaw is hereby amended by adding the following text in green.

5.2.6. Development Agreements

The following shall be considered by development agreement in the Rural Use North (RU-2) Zone

- a) Multiplexes over 12 dwelling units and up to a maximum of 24 dwelling units and cluster townhouse developments over 12 dwelling units and up to a maximum of 24 dwelling units*
- b) Accommodations, General over 12 units*
- c) Drinking establishments open after 1 am*
- d) Notwithstanding section 5.2.3 a) and f), an intensive livestock operation with reduced front yard setback*

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Section C10 Rural & Agricultural Lands

Section C10 of the Municipal Planning Strategy is hereby amended by removing the following text in red and adding the following text in green.

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:

- a) Any Highway Commercial (HC), General Commercial (GC), and Industrial Commercial (IC) uses;*
- b) Industrial development engaged in the production, wholesale storage, or distribution of dangerous goods;*
- c) Any commercial developments for the chemical treatment of timber resources;*
- d) Licensed salvage yard commercial developments;*
- e) Aggregate and mineral resource related industries;*
- f) Structures that are related to pit operations that are proposed to be closer than 100 m to the nearest non resource related structure (not including retail and showrooms);*
- g) Structures that are related to a quarry or mineral extraction operations that are proposed to be closer than 1 km to the nearest non resource related structure (not including retail and showrooms);*
- h) Bioenergy facilities that are considered obnoxious that are not related to an existing agriculture operation;*
- i) Accommodations, General over 12 units;*
- j) Multiplexes over 12 dwelling units and up to a maximum of 24 units and cluster townhouse developments over 12 dwelling units and up to a maximum of 24 dwelling units;*
- k) Any potentially obnoxious commercial developments to include vehicle race tracks and amusement parks; and*
- l) Home-based business uses that go beyond the specified maximum floor area in the Land Use Bylaw.; and*
- m) Intensive livestock operation with reduced front yard 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 front yard 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*