

Development Permits
for the
Construction/Expansion of Livestock and Poultry Facilities



Land Resource Stewardship Division
Department of Natural Resources

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I. Purpose

The purpose of this paper is to provide farmers and other interested individuals with an outline of permit requirements related to the construction of livestock and poultry buildings. The acquisition of building permits can be a lengthy process, however, with an understanding of the process, time delays and frustration can be minimized.

II. Municipalities

In most areas of the province, development is likely to be controlled by a municipality or, by the Department of Government Services. Most municipalities control development through a municipal plan and accompanying development regulations. The review of development applications includes an assessment of the proposal in respect to the plan and through a system of referrals to other Departments and agencies.

The municipality should be contacted in the early stages of planning the construction or expansion of a facility as the acquisition of permits may take up to six months. Although this time period may appear lengthy, the assessment can be complex. This is a result of the factors which must be considered by a council and the characteristics of the development which must be considered.

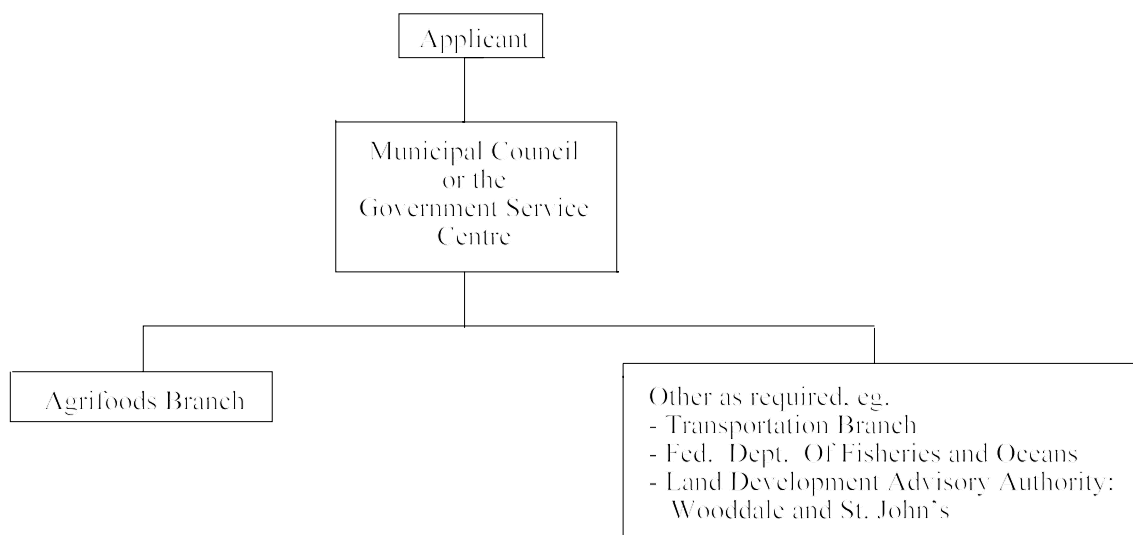
The responsibilities of the municipality include:

- (1) The municipality shall determine if the proposal is a permitted use within a designated zone.
- (2) In some cases, the development may be considered as a conditional use and, therefore, there may be need for a more detailed assessment. This may include a public advertisement of the proposal to determine if residents of the

area have concerns over the proposal. Approval under such a clause may require extra conditions before a permit is issued.

- (3) The municipal regulations will also require separation distances between the barn and property boundaries. In addition, there will be a set back required from any public roads.
- (4) The municipal regulations require that the subject property has access to a publicly maintained road. Municipalities are cautious in this respect as road construction and maintenance, particularly in winter, is very expensive.
- (5) In addition to concerns of site selection, municipalities also administer various building codes. Consequently, before construction starts, building plans must be submitted to the local authority. In some instances, these plans must be approved by a professional engineer.

The chart below illustrates the typical flow of documentation/consultation for many applications.



III. Referral Agencies

During the assessment of proposals for the establishment or expansion of livestock facilities, municipalities must also request input from other relevant agencies. Potentially relevant provincial agencies include:

- The Government Services Center of the Department of Government Services,
- The Agrifoods Branch of the Department of Natural Resources,
- The Department of Transportation and Works, and
- The Department of Environment and Conservation.

Potentially relevant federal agencies include:

- The Department of Fisheries and Oceans, and
- The Canadian Food Inspection Agency.

IV. Department of Government Services (Government Services Centre)

The Government Services Centre, of the Department of Government Services was established to facilitate the application process. In non-incorporated areas, the Government services Centre is the principal contact. The Government Service Centre (a list of offices is identified in Appendix A) is responsible for matters related to health and environment.

Health

The Department of Government Services' mandate is to ensure that public health is protected. In regards to livestock operations, the Government Service Centres' responsibility is to ensure that food is produced in a facility which is designed to minimize the opportunity for food contamination.

The Department's responsibilities extend from animal health, handling of food, including milk, and the on-site sewage and water services.

Specifically, the Government Service Centre carries out the following assessments:

- (1) Assesses the suitability of the land for on-site water and sewer services. This assessment requires a percolation test to ensure that the soil is able to handle domestic sewage and farm related wastes, such as milk and cleaning solutions from milk lines, up to a maximum of 1000 gallons a day.
- (2) Responsible for general sanitation within livestock structures. In particular, the milk storage room must be approved by the Department before a license to produce milk is issued. Specifically, the "dairy" must be equipped with adequate drainage, impervious floor, screened windows/doors and all walls must be painted and made of a material that can be frequently washed.
- (3) Electrical
- (4) Handicap Accessibility
- (5) Fire Code/Building Code

Environment

The aim of the Government Service Centre, in respect to environmental matters, is to ensure that existing and developing farms operate in a manner which will minimize the likelihood of pollution and the opportunity for land use conflict. The Government Service Centre requires that new or expanding livestock operations obtain a Ministerial Environmental Certificate of Approval before a farm is permitted to operate.

The Government Service Centre will require the following information when reviewing proposals:

- (1) Engineering plans, including:
 - (a) plot plan of building in relation to:
 - water courses
 - property boundaries
 - (b) proposed water supply
 - (c) manure handling/storage facilities
 - (d) building design
- (2) Commodity - manure type; number of animals/poultry
- (3) Size of land base; acreage cleared

This information will allow the Government Service Centre, in consultation with the Agrifoods Branch to determine if the development is capable of complying with the following standards:

- (1) Six months manure storage.
- (2) Lagoons must be pumped out on a yearly basis.
- (3) Overflow or leakage to surface or groundwater is prohibited.
- (4) Manure must be spread at least 15 metres plus 1.5 times percent slope from the nearest water course.
- (5) Manure must be spread at least 75 metres from any well or public water supply, however, this may vary based on topographic characteristics. (The Water Resources Management Division of the Department of Environment and Conservation reviews applications for development within public water supply areas.)

- (6) Proposals within 2000 feet of houses or residential areas will be reviewed in regards to the potential for land use conflicts.
- (7) Transportation of liquid manure must be in an enclosed vehicle or tank.
- (8) If there is insufficient land to handle the manure, the proponent will have to supply written commitments ensuring that the manure will be removed and used in a fashion acceptable to the Government Service Centre and the Agrifoods Branch.
- (9) For 2005, fur carcasses (greater than 1,500 pounds must be disposed of in a waste disposal site with the approval of the operator and the Government Service Centre (GSC). For amounts less than 1,500 pounds, normally random mortalities throughout the year, on farm burial may be permitted if approved by the Government Service Centre.

V. Agrifoods Branch

The objective of the Agrifoods Branch is to assist the proponent in proceeding with the development. The assistance will vary considerably in relation to the needs of the individual. In general the Branch may be involved in the following areas:

- (1) Availability of financial assistance.
- (2) Assistance in the preparation of plans for submission to the local development control authority or other Departments and agencies.
- (3) Ensuring that the proposed development is compatible with an Agricultural Lease.
- (4) Agrifoods Branch is responsible for the release of the Environmental Certificate of Approval after the certificate is approved by Government Service Centre.

VI. Land Development Advisory Authority

In the Wooddale and St. John's Agriculture Development Area, applications for development are reviewed pursuant to the Agriculture Zone Regulations. The aim of these regulations is to protect farms and the land base from conflicting uses of land. In the St. John's area, applications to the Authority responsible for administering the zone, are made through the local municipality. In Wooddale, applications are generally made directly to the Wooddale Land Development Advisory Authority.

VII. Water Resources Management Division, Department of Environment and Conservation

Any construction/expansion of livestock and poultry facilities proposed in a public water supply will require a permit under the Water Resources Act. Any proposal including site development, access roads along with any bridges or culverts or other associated development within 15 m of the high water mark of any body of water requires a permit under the Water Resources Act. A non-domestic well requires a permit under the Water Resources Act.

Application forms can be obtained from www.gov.nl.ca/env/Env/waterres/Forms/WRMD-Forms.asp and should be forwarded to the Department of Environment and Conservation for processing.

Summary

This paper is intended to provide farmers and Agricultural Branch staff and any others who may be interested with an introduction to the requirements of obtaining a building permit for a livestock operation. It is recommended that the various Departments and agencies be contacted for further details.

The following is a list of legislation and guidelines which provide the basis to the permit requirements of the various Departments and Agencies. The regional Land Management Specialist, Agrifoods Branch, may be contacted to assist in determining the acts, regulations, and/or guidelines which are applicable to obtaining permission to obtain the necessary permits.

(A) Federal Legislation

- (1) Canadian Environmental Assessment Act, S.C. 1992, c. 37
 - Exclusion List Regulations, SOR 94-639
 - Law List Regulations, SOR 94-636
- (2) Canadian Environmental Protection Act
 - Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products
 - Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products
- (3) Fisheries Act, R.S.C. 1985, c. F-14
 - Meat and Poultry Products Plant Liquid Effluent Regulations
 - Meat and Poultry Products Plant Effluent Guidelines
 - Potato Processing Plant Regulations
 - Toxicity Guidelines for Potato Processing Plants
- (4) Meat Inspection Act, R.S.C. 1985, c. 25 (1st. Supp.)
- (5) Canada Water Act, R.S.C. 1985, c. C-11
 - Guidelines for Canadian Drinking Water Quality
- (6) The Transportation of Dangerous Goods Act, R.S.C. 1989, c. T-19.
- (7) Canadian Environmental Assessment Act, S.C. 1992, c. 37

B. Provincial Legislation

- (1) Farm Practices Protection Act, 2001, F-4.1
- (2) Environmental Protection Act, C.E-14
 - Environmental Assessment Regulations 2003, 54/2003
 - Storage and Handling of Gasoline and Associated Products Regulations, CNR 58/2003
 - Air Pollution Control Regulations, 2004
 - The Environmental Control (Water and Sewage) Regulations CNR 1078/96
 - Used Oil Control Regulations CNR 82/2002
 - Pesticide Control Act, RSN 1990, c. P-8
- (3) The Public Health Act, S.N. 95, C, P-37.1
 - Sanitation Regulations, CNR 803/96
- (4) Urban and Rural Planning Act, RSN 1990, c. U-7
- (5) Municipalities Act, RSN 1999
- (6) Meat Inspection Act and Guidelines
- (7) Urban and Rural Planning Act
- (8) Lands Act
 - Development Area of Wooddale (Agriculture) Regulations, 1996
 - The St. John's Urban Region (Agriculture) Development Area Regulations, 1996
- (9) Water Resources Act, SNL 2002 c W-4.01.

C. Guidelines

- (1) Environmental Farm Practices Guidelines for Producers in Newfoundland and Labrador
 - Livestock
 - Poultry; and
 - Horticultural Producers
- (2) Environmental Guidelines for Agriculture Development-Livestock and Poultry Operations Less Than Five Animal Units
- (3) Environmental Guidelines for Agriculture Development-Non-Livestock or Poultry Production
- (4) Guidelines and Conditions for the Approval of Swine, Poultry and Other Livestock Enterprises
- (5) Information Guide for Livestock Facilities, Manure and Waste Management in the Province of Newfoundland May 1992