RMA
RURAL MUNICIPALITIES of ALBERTA

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Bill 28 Impacts on Aggregate Pit Approval Process: At-a-Glance

This document provides an overview of RMA's *Bill 28 Impacts on Aggregate Pit Approval Process: Overview and Recommendations* report. The full report is available on the RMA website through this link.

Introduction

Bill 28: *Municipal Affairs and Housing Statutes Amendment Act, 2026* was introduced to the Legislative Assembly on April 2, 2026 and received Royal Assent on May 14, 2026. Bill 28 creates s. 619.1 in the *Municipal Government Act* (MGA). This section allows provincial approvals of aggregate pits to take paramountcy over municipal approvals, which replaces the dual-stream approval system previously in place. Municipalities now must amend land use bylaws, planning documents, and permits to align with provincial approvals. The report highlights RMA concerns with the Government of Alberta (GOA) decision to erode the municipal aggregate pit approval process through the introduction of s. 619.1. The report concludes with recommendations for the GOA that could support a credible standalone provincial aggregate approval process that properly considers local land use perspectives and ensures companies are accountable to neighbouring landowners.

RMA Analysis

Municipal and landowner risks

Provincial-level primacy risks pushing an increasing volume and pace of aggregate extraction into rural areas over time without consideration of local impacts, or in approving pits that are not in the local public interest. It is likely to reduce industry accountability to communities while increasing the risk of improper pit development or operation as the ability of municipalities to ensure that local factors are accounted for is limited. The GOA has provided no information on if or how they plan to amend the provincial approval process to account for local plans and perspectives.

The GOA has also signaled its intent to develop a future regulation restricting the scope of non-statutory studies that municipalities may request during the development process. Municipalities rely on non-statutory studies to ensure development is safe, appropriately serviced, and compatible with surrounding land uses. This is especially relevant to aggregate development, which could have significant off-site impacts.

Reduced public accountability and input

Bill 28 introduces MGA s. 619.1(4) and (6) which restricts a municipality's ability to hold public hearings for an aggregate pit application. Provincial approval processes have not been modified to better accommodate municipal and public input. As a result, broader public input, intervenor participation, and public accountability are removed from the approval process. Changes that reduce or eliminate opportunities for public input may streamline aggregate pit development for industry in the short-term but are likely to reduce the credibility and social license of the industry over the long-term.

Alignment with other engagement and review processes

Prior to the introduction of Bill 28, the GOA was in the process of updating the provincial regulatory framework for aggregate resource extraction through two parallel, and seemingly unrelated processes:

- Updates to the Code of Practice for Pits
- Implementation of Sand and Gravel Task Force recommendations.

Changes introduced through Bill 28 shift the broader regulatory context associated with the Code and the Task Force recommendations. The scope of review for updating the Code includes no reference to alignment or tension between provincial and municipal approval processes. The scope of the Task Force focused on "regulatory requirements for sand and gravel pits required by the *Environmental Protection and Enhancement Act* (EPEA), the *Water Act*, and supporting policies and processes used by EPA to apply these requirements." The relevance and applicability of updates to the Code and implementation of the Task Force recommendations is questionable given the new regulatory context.

Insufficient coordination and foresight around cumulative impact of changes

The GOA is advancing significant changes across three seemingly unrelated processes without a broader strategy to address their cumulative impacts. Misalignment or contradictions between s. 619.1, proposed updates to the Code, and recommendations of the Sand and Gravel Task Force reflect a disjointed provincial approach to aggregate extraction policy.

The Task Force recommended that if roles and responsibilities were changed, it should be "addressed through substantive engagement with municipalities and will require analysis of implications under the *Municipal Government Act,*" noting that some issues have a provincial/environmental regulation role as well as a local land use component. RMA was not engaged on or informed of the changes introduced through Bill 28. Collectively, changes have minimized public input, constrained municipal land use planning authority, and introduced quasi-expropriation of land for non-renewable resource extraction. Changes are also likely to result in aggregate pit development closer to populated areas, especially under an "automatic yes" approval framework, which has also been enabled through Bill 28.

Task Force engagements highlighted inadequate provincial capacity and processes related to inspection, enforcement and reclamation of aggregate pits. If the GOA takes on a more impactful role in approvals, it should be accompanied with enhanced capacity and transparency related to monitoring and holding industry accountable to ensure environmental and "good neighbour" objectives are met.

Expansion of existing centralized processes

MGA s. 619.1(1) and (2) grant a Director (as defined in the EPEA) with authority equivalent to or exceeding that of quasi-judicial agencies (such as the NRCB, AUC, and AER) to override municipal statutory planning documents. For aggregate pit approvals, the absence of a requirement for the Director to align with municipal statutory planning documents and to solicit community input undermines municipalities' ability to balance economic growth, infrastructure needs, environmental constraints, and community expectations.

Bill 28 amends MGA s. 488(1) and creates s. 619.1(7) to (12) which formalize and expand Land and Property Rights Tribunal (LPRT) powers to hear and make decisions in appeals related to aggregate pit approvals under s. 619.1. However, under MGA section 619.1(2), a pit registration prevails over any development decision by the LPRT. This means that regardless of the outcome of an LPRT hearing, a municipality may still be required to amend their statutory plan or land use bylaw, potentially after expending significant resources to participate.

Recommendations

Based on the analysis, RMA developed several recommendations to ensure that Bill 28 changes are implemented in a way that mitigates risks to local landowners and considers local perspectives, upholds environmental assurance, and improves accountability. For a more detailed explanation of the recommendations, refer to pages 15-17 of the full report.

Recommendation	Description
Recommendation 1	Collaborate with municipalities and stakeholders to develop clear, binding notification and public hearing requirements that provide sufficient opportunities for municipal and local input into pit applications
Recommendation 2	Clarify roles and responsibilities through meaningful engagement
Recommendation 3	Establish clear provincial monitoring and enforcement standards and other accountability measures, and require regular reporting of industry compliance performance
Recommendation 4	Require the Director to align decisions with municipal statutory planning documents
Recommendation 5	Reform LPRT development hearing processes

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