

# Bill 28 Impacts on Aggregate Pit Approval Process

**Overview and Recommendations**

**June 2026**

June 24, 2026

<b>INTRODUCTION .....</b>	<b>3</b>
<b>RMA ANALYSIS.....</b>	<b>5</b>
<b>RECOMMENDATIONS .....</b>	<b>14</b>

# 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. While Bill 28 makes a wide range of changes to the *Municipal Government Act* and other legislation, one of the most significant changes relates to approval of aggregate pits. Previously, both the Government of Alberta (GOA) and the host municipality were responsible for approving proposed aggregate pits on private land. While specific approval scope and processes varied based on the size and location of the pit, the previous system ensured that both a provincewide and local lens could be applied to pit approvals in relation to areas such as environmental considerations, land use impacts, and nuisance risks. Under the previous system, the provincial approval process primarily focused on environmental considerations, while the municipal approval process focused on land use considerations.

Bill 28 creates section 619.1 in the *Municipal Government Act*, which replaces the dual-stream approval system with one in which provincial approvals are paramount. Municipalities now must amend land use bylaws, planning documents, and permits to align with provincial approvals. To RMA's knowledge, no subsequent changes to provincial approval processes are planned to address this significantly reduced local approval scope.

RMA has significant concerns with the introduction of section 619.1 and the lack of engagement with municipalities prior to introducing a legislative change that fundamentally reduces municipal land use planning authority.

This report highlights RMA concerns with the GOA decision to erode the municipal aggregate pit approval process, specifically in the following areas:

- ◆ Lack of consideration of increased municipal and landowner risks and costs associated with centralized decision-making.
- ◆ Lack of foresight, planning, and coordination between the GOA's decision to introduce s. 619.1, ongoing changes to the Code of Practice for Pits, and the recommendations of the provincial Sand and Gravel Task Force.
- ◆ Existing risks and challenges associated with centralized provincial approvals of other regulated developments (such as confined feeding operations, renewable energy projects, and oil and gas development) that may become relevant to aggregate approvals under s. 619.

While RMA will remain opposed to the introduction of section 619.1 and restrictions on municipal land use planning autonomy, the report concludes with a series of recommendations for the Government of Alberta to pursue to support a credible standalone provincial aggregate approval process that properly considers local land use perspectives and ensures companies are accountable to neighbouring landowners.

## Context

Aggregates are non-renewable resources that are vital to the growth of Alberta. Readily available supplies are essential for the development of roads, buildings and other infrastructure upon which communities and economies are built. The 2025 GOA-led Sand and Gravel Task Force<sup>1,2</sup> estimates that in

---

<sup>1</sup> Government of Alberta. 2025. [Sand and Gravel Task Force Final Report](#), page 2.

<sup>2</sup> Government of Alberta. 2021. [Aggregate pits: municipal and provincial processes](#).

2021 the sector directly or indirectly employed 3,159 people and produced 35.6 million tonnes of aggregate, valued at \$556 million.

Municipalities recognize the necessity and benefits of aggregate extraction to sustain economic growth and develop their local communities. The municipality, as the development authority, must balance the needs of industry, its residents, and the overall economic and environmental well-being of its community through land use policies and bylaws.

Since late 2025, the GOA has introduced or is in the process of developing a series of what appear to be unrelated changes to how aggregate extraction activities are approved. While the most notable is the Bill 28 change explained above, these various changes, described later in the report, combine to not only undermine municipal autonomy, but introduce significant risks to reducing red tape given the potential increase in local conflicts that problematic pit approvals may cause.

## Overview of current approval processes

Historically, the GOA and municipalities have each played an important role in the development of aggregate pits on private land.<sup>3</sup> Alberta Environment and Protected Areas (EPA) is focused on environmental management (air, land, water and biodiversity) and the application of various provincial requirements, which includes the *Environment Protection and Enhancement Act* (EPEA), *Water Act*, Code of Practice for Pits (CoPP), *Conservation and Reclamation Regulation* and associated regulations, incidental policies, and guidelines.

When EPA receives an application that includes a *Water Act* approval, EPA typically refers the application to the applicable municipal development authority with a request for input within 20 business days. It is important to note that while municipalities can express concerns or requirements at this stage, the 20-day timeline is not legislated, and EPA is not required to delay their decision-making process to allow for the 20-day response window, or to consider municipal input in any formal or meaningful manner. The Director (the individual delegated to approve pit applications under the *Environmental Protection and Enhancement Act*) also provides, or requires the applicant to provide, notice of an application or amendment after which any directly affected person may submit a written statement of concern to the Director within 30 days or a period specified by the Director. The Director provides notice of decision to any person who submitted a statement of concern and any other person the Director considers appropriate. There is no requirement for the Director or EPA to hold a public hearing for an aggregate pit application or amendment to an existing pit registration.

Once all necessary provincial authorizations are received, the proponent applies to the municipality for all relevant rezoning and permits. The proponent may also pursue provincial and municipal approvals concurrently.

The *Municipal Government Act* (MGA) provides municipalities with authority over land-use planning and development matters which include municipal development plans, area structure or redevelopment plans, and land-use bylaws. The MGA also requires municipalities to provide notice to applicants and affected persons of any plan or land-use bylaw amendment, along with opportunities for public engagement.<sup>4</sup> Prior to the introduction of MGA s. 619.1, municipal development conditions for aggregate operation development permits could address matters such as road use management/agreements; development agreements, setbacks of activity from residential dwellings;

---

<sup>3</sup> This report focuses on Class I pits which are pits over five hectares on private land.

<sup>4</sup> *Municipal Government Act*, section 692

noise and dust management; and hours and days of operation, in order to provide opportunity for multiple land uses to coexist and for the safety of citizens. Municipal conditions or requirements could address issues (such as dust) that are also the subject of provincial approval process through the lens of nuisance or off-site impacts.

## Overview of changes to approval processes through Bill 28

The introduction of section 619.1 creates a binding process that ensures municipal planning instruments cannot reference any issue or factor addressed within provincially approved pit registrations. Pit registrations under the EPEA prevail over any statutory plan, land use bylaw, subdivision decision by a subdivision authority, development authority, appeal board, Land and Property Rights Tribunal, and any other authorization under Part 17 of the MGA.

Municipalities' ability to hold public hearings and engage on matters related to aggregate pit developments is severely restricted through s. 619.1. If municipalities hold a public hearing, it cannot relate to matters already decided by a Director in the registration but can relate to whether an amendment to a statutory plan or land use bylaw is required. The intent and process of these provisions is unclear given that a municipality must approve an aggregate pit application and amend its statutory plan or land use bylaw to align with the pit registration. Municipal approvals and integration of any amendments into planning documents or bylaws must also meet prescribed timeframes. While directly affected parties (including municipalities) can still submit a written statement of concern to the EPA, there is no requirement for the Director or EPA to hold a public hearing for an aggregate pit application or amendment to an existing pit registration. This restricts input from those directly affected by the pit operation, such as neighbouring rural businesses, farms, and residential developments.

While municipalities can still include conditions in the approval of a development permit for an aggregate pit, the conditions must not conflict with the registration or already be regulated at the provincial level. The conditions must already be outlined in the municipality's land use bylaw.

## RMA Analysis

### Planning and development are core municipal functions

Rural municipalities oversee the vast majority of Alberta's land base and are responsible for managing most of the province's agricultural production, industrial activity, and environmentally sensitive areas. Rural municipalities also face diverse planning realities depending on their location and circumstances. Some are experiencing rapid population growth and must manage pressures on housing, infrastructure, and services, while others are focused on stimulating new economic opportunities in remote or sparsely populated areas. This makes rural municipalities' role in planning and development not only critical for local communities but also essential to the overall long-term sustainability and prosperity of Alberta.

Planning and development are core municipal functions mandated by the *Municipal Government Act* (MGA), giving municipalities broad land-use planning authority applied through statutory tools such as municipal development plans and land use bylaws. Municipalities are required to balance growth with infrastructure capacity, environmental stewardship, and community safety, while tailoring decisions to reflect the unique priorities of their communities. Municipalities dedicate substantial resources to developing and maintaining a variety of statutory and non-statutory plans, policies and bylaws that reflect long-term community needs and growth priorities.

The MGA, in combination with the *Alberta Land Stewardship Act*, establishes a planning hierarchy for effective province-wide land use planning. Shifting decision making authority to the province and overriding municipal planning tools and decisions by development authorities, appeal boards and the Land and Property Rights Tribunal (LPRT) effectively force a municipality to prioritize aggregate extraction activities over local needs. While approval of an aggregate pit may make sense from a provincewide perspective, it could lead to local impacts on neighbouring land uses, infrastructure, and the environment if not properly evaluated locally as well.

## Municipal and landowner risks

While aggregate resources are needed across urban and rural environments, aggregate extraction occurs primarily within rural municipalities and has a long history of creating land use conflicts in some municipalities. Provincial-level primacy alongside reduced provincial application processing times risks pushing an increasing volume and pace of aggregate extraction into rural areas over time, or in approval of pits that are not in the local public interest.

Provisions under section 619.1 weaken the ability of municipalities and landowners to ensure aggregate development is 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.

Additionally, while Bill 28 does not include provisions to amend the MGA with respect to non-statutory studies, the GOA has signaled its intent to develop a future regulation restricting the scope of non-statutory studies that municipalities may request during the development process.<sup>5</sup> It is unclear how the province intends to determine which studies are considered unnecessary, or how limits on study requirements would account for local conditions. 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. Restricting these tools could reduce municipal ability to manage growth responsibly, address site-specific risks, or require information needed to make informed planning decisions.

## Reduced public accountability and input

Currently, MGA section 692 requires municipalities to hold a public hearing before Council can give second reading to a bylaw that adopts or amends a statutory plan or land use bylaw, including to re-designate a land use to a district or zone that permits aggregate extraction.

Bill 28 introduces MGA section 619.1(4) and (6), in which a municipality's ability to hold public hearings for an aggregate pit application is severely restricted. As a result, broader public input, intervenor participation and public accountability is removed from the approval process. This poses a risk to the municipality, particularly if the community is not aware of the shift in provincial regulatory oversight. This risk is compounded by the lack of clarity as to whether the provincial approval process will be modified to better accommodate municipal and public input. It is also not clear whether municipalities with existing requirements on proponents to undertake pre-application community engagement (e.g., open house, mail outs) will be permitted under the changes.<sup>6</sup>

---

<sup>5</sup> Government of Alberta. 2026. [Municipal Affairs and Housing Statutes Amendment Act: Information Guide 2026](#), page 3.

<sup>6</sup> For example, Sturgeon County, Rocky View County, Mountain View County

In previous discussions on this issue, some industry stakeholders have identified municipal and local resident concerns as a driver of inconsistency and red tape in the regulatory process. Changes that reduce or eliminate opportunities for public input may streamline aggregate pit development for industry in the short-term but are highly likely to reduce the credibility and social license of the industry over the long-term. Attempts to increase speed and reduce oversight of development permits and other approvals risk creating an unsafe system. Under EPEA section 72, the Director may waive notice requirements (for an application or amendment) if they are satisfied that the activity is a routine matter or adequate notice has already been given. There is a risk that municipalities and communities are not notified at all if aggregate extraction activities are considered low risk, low complexity or subject to an “automatic yes” type of approval framework (also now enabled through Bill 28).

As will be further explained below, the GOA’s 2025 Sand and Gravel Task Force report recommended that applications from operators in “good standing” should be guaranteed approval within a set timeframe.<sup>7</sup> Section 619.1(4) introduces a 90-day timeframe for municipal approval and integration of amendments into statutory plans or land use bylaws. The Task Force recommendation or legislative change is not accompanied by data or evidence showing if and how municipal approval timelines and public hearings are hindering development or creating unnecessary delays.

## 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:

### Code of Practice for Pits

The Code of Practice for Pits (CoPP)<sup>8</sup> is enabled through the EPEA and the *Conservation and Reclamation Regulation* and applies to pits on private land over five hectares. The CoPP establishes the provincial pit approval process, including registration and operational requirements.<sup>9</sup> Notification requirements for applications or proposed changes to a pit registration are set out in EPEA section 72, not the CoPP. So while the guide to the CoPP strongly encourages applicants to engage with local residents early in the planning process, there is no requirement for the applicant to seek and address municipal and public input.<sup>10</sup> The CoPP has not been updated since 2004 and any updates to modernize the CoPP will flow through to guidance documents.

In 2024, EPA began updating the Code of Practice for Pits. Based on the information that EPA provided to RMA, the scope of the review is to support “a more efficient regulatory system that continues to support desired environmental outcomes for pits on private land.” Specific areas of focus for the review were:

- ◆ Updated dust and erosion control provisions
- ◆ Improvement to pit water monitoring
- ◆ Professional sign-off of technical data and reports
- ◆ Five-year reporting requirements
- ◆ Alternative reclamation material reporting.

---

<sup>7</sup> Government of Alberta. 2025. [Sand and Gravel Task Force Final Report](#), page 35.

<sup>8</sup> Government of Alberta. 2004. [Code of Practice for Pits](#).

<sup>9</sup> Requirements include the Activities Plan, soil conservation, pit water monitoring, reclamation, reclamation security, reclamation certificate, reporting and record keeping.

<sup>10</sup> Government of Alberta. 2004. [A Guide to the Code of Practice for Pits](#), page 37.

It is important to note that the scope of review of the CoPP includes no reference to alignment or tension between provincial and municipal approval processes. Bill 28 changes have significant impacts on the role of the CoPP and the changes that should be considered to address the fact that municipal approval scope and power is now greatly diminished. The current CoPP review scope is not intended or designed to consider how to change the provincial approval process to address Bill 28 changes. Given that Bill 28 changes the regulatory context for the CoPP, the credibility and relevance of the current CoPP review is significantly diminished. While the CoPP requires updating (given it has been over 20 years since the last update), the scope of the review should be significantly expanded to include not only the items listed above, but also the role of the CoPP and the pit approval process in considering municipal and local landowner concerns and perspectives in the context of s. 619.1 restrictions.

## Sand and Gravel Task Force

In May 2025, the GOA formed a Sand and Gravel Task Force to review the provincial role in relation to regulation of aggregate pits on private land. RMA participated in the Task Force, along with other municipal and industry stakeholders. According to the Task Force Terms of Reference (ToR), its purpose was to:

Serve as a forum to gather advice and provide recommendations to the Minister of EPA on issues and challenges related to regulatory processes for aggregate extraction (sand and gravel pits) on private lands, and how to address these challenges to facilitate optimum balance between economic development and environmental assurance.

The ToR clarifies the Task Force's scope as 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." In other words, the Task Force was not intended to consider or make recommendations related to municipal pit approval powers. This is further reiterated in the final report, which states that "while recognizing other governments play a role in regulation of sand and gravel pits, the Task Force's purview was solely on the provincial role as related to regulation of pits on private land, with a focus on EPA."

The final report, publicly released in December 2025, included 15 recommendations to amend provincial policies, processes and industry supports to balance economic development and environmental assurance. Implementation of the recommendations is in progress, with the status of individual recommendations unknown.

During development of the report, the Task Force engaged with municipal and industry stakeholders. The Task Force observed that, from the perspective of pit operators, provincial processes appeared to be applied inconsistently, unpredictably or arbitrarily across the province.<sup>11</sup> While municipal processes were out of scope of the Task Force review, policy coordination between the province and municipalities was identified as an area for improvement. Stakeholders shared areas of concern including:

- ◆ Diversity in application requirements across locations and projects at both provincial and municipal level.
- ◆ Duplicative processes between provincial and municipal authorities.
- ◆ Inadequate provincial compliance and assurance activities resulting in greater municipal involvement and risk.

---

<sup>11</sup> Government of Alberta. 2025. [Sand and Gravel Task Force Final Report](#), page 12-14; Task Force engagement workshops.

- ◆ Insufficient communication of changes in policies limiting awareness of impact on future aggregate development applications.
- ◆ Ability to maintain social license to operate.

The Task Force noted that the diversity of requirements and perceived differences in application of policies stem from the need for each region and associated district to consider unique environmental, economic and social factors in conjunction with provincial policy to inform decision making.

Despite municipal processes falling outside the Task Force scope, the final report included a “What we heard: Areas where further discussion may be needed” section with suggestions that, if implemented, would infringe on municipal autonomy.<sup>12</sup> RMA did not support the inclusion of these suggestions.

Similar to the CoPP, the changes in Bill 28 significantly shift the broader regulatory context associated with pit approvals and render the relevance or applicability of the Task Force recommendations as unknown in relation to the post-Bill 28 regulatory context. For example, the potential risks of streamlining provincial approval processes (as recommended by the Task Force) may be significantly higher in a regulatory context in which municipal oversight of similar factors is no longer permitted.

It is also important to note that the Task Force identified significant weaknesses with current provincial regulatory capacity and processes. While these weaknesses posed risks to industry, municipalities, and landowners under the previous dual-stream approval process, such risks are significantly increased when applying the province’s admittedly sub-standard approval and compliance approach as the sole regulator.

## **Insufficient coordination and foresight around cumulative impact of changes**

The EPA is pursuing changes to the pit approval process across three seemingly unrelated processes (CoPP review, Task Force, Bill 28); they are not being advanced under a broader strategy that has meaningfully considered the cumulative impacts of each major change in relation to adequate consideration of both environmental and land use impacts. This uncoordinated approach is likely to result in a weaker, less transparent regulatory model, presenting long-term risks for industry, municipalities, and all Albertans. The lack of alignment, and in some cases, contradictions between section 619.1, proposed updates to the CoPP, and recommendations of the Sand and Gravel Task Force reflect a poorly planned and disjointed provincial approach to aggregate extraction policy. Given the economic importance and land use impacts of aggregate extraction, any changes to how it is developed should occur based on meaningful engagement with industry, municipalities, and stakeholders.

The Bill 28 amendments are not aligned with the scope or recommendations of the Sand and Gravel Task Force, and they enable changes far beyond the Task Force’s suggested areas for further discussion. This lack of alignment suggests that government does not view the work of the Task Force as relevant. One suggestion from the Task Force was that the province assume a primary role in regulatory authorizations for pits that are considered high impact or have generational significance in relation to major infrastructure projects. Bill 28 enables the province to assume a primary role in *all* pit authorizations above five hectares on private land. This approach sets a precedent that the GOA may continue to introduce broad changes with wide-ranging impacts on municipal autonomy, rather than nuanced adjustments to approval processes based on specific circumstances.

---

<sup>12</sup> Government of Alberta. 2025. [Sand and Gravel Task Force Final Report](#), page 36.

Bill 28 amendments, coupled with Task Force recommendations,<sup>13</sup> are likely to result in aggregate pit development closer to populated areas (regardless of whether it aligns with local land use planning), especially if applications are assessed against an “automatic yes” or other expedited, less stringent approval framework, which has also been enabled through Bill 28. There is a longer-term risk that the GOA will seek to expand the scope for projects that qualify as low-risk or low complexity development, particularly in areas with more vocal public feedback and where a municipality may seek to impose development conditions that may conflict with a pit registration under the EPEA.

At the municipal level, the Task Force suggested that:

...more proactive consideration of aggregate potential in municipal land use planning may help prevent resource stranding by reserving land for future sand and gravel pits or encouraging the extraction of aggregate in the short term to enable the use of land for other purposes in the longer term. For example, this might include restricting some kinds of development – such as housing – in / near areas where there are aggregate reserves until the aggregate has been extracted, thereby preventing future land use conflicts.<sup>14</sup>

The suggestion that municipalities apply a more “aggregate-centric” lens to land use planning can now be centralized and forced upon municipalities through Bill 28 changes, combined with separate changes made to the MGA through 2024’s Bill 20,<sup>15</sup> which allows Cabinet to amend or rescind municipal bylaws that do not align with provincial priorities. While the Task Force envisioned an increased local focus on future aggregate extraction, the GOA now can shape both current and future aggregate development (including how it intersects with other planned development, such as housing) across the province, regardless of local impacts.

The cumulative impact of changes to provincial approval processes have minimized public input, constrained municipal land use planning authority, and introduced quasi-expropriation of land for non-renewable resource extraction. The changes also pose a risk to reducing red tape given the potential increase in local conflicts and lack of clarity around roles and responsibilities.

### Lack of clarity around roles and responsibilities

The Bill 28 amendments set out provincial level primacy in aggregate pit approvals, which result in increased uncertainty related to the regulatory roles and responsibilities of the province and municipalities. 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*,”<sup>16</sup> noting that some issues have a provincial/environmental regulation role as well as a local land use component. For example, dust has both environmental impacts, and localized, off-site health and nuisance considerations that inform land use planning decisions. RMA was not engaged on or informed of the changes introduced through Bill 28.

Bill 28 also introduces section 619.1(5), which allows municipalities to include one or more conditions in a subdivision approval or development permit if the conditions do not conflict with the scope of provincial pit registration. Development permits often include conditions covering setbacks, dust, noise, and hours of operation. While reclamation and remediation sit within the purview of the province, some

---

<sup>13</sup> Such as ‘Proactively mitigate common concerns of land users to help enable more developments closer to markets’ and ‘Guarantee authorization within a set-timeframe for low-risk development.’

<sup>14</sup> Government of Alberta. 2025. [Sand and Gravel Task Force Final Report](#), page 36

<sup>15</sup> Government of Alberta. 2024. [Bill 20 Municipal Affairs Statutes Amendment Act](#)

<sup>16</sup> Government of Alberta. 2025. [Sand and Gravel Task Force Final Report](#), page 37.

municipalities also include conditions related to reclamation schedules or maximum area of disturbance (to support progressive reclamation) as part of a development permit.

MGA section 640(2)(c)(iv) requires that a municipality's land use bylaw establish a decision-making framework for development permit applications, including the conditions that may be attached to a permit. This provision ensures that the bylaw sets out both the general and permit-specific conditions a development authority may impose, providing a clear statutory basis for conditioning approvals and regulating how development permits are issued. Under the new section 619.1(2) a provincial pit registration prevails over any land use bylaw, but it is important that municipalities' decision-making authority to set conditions within those bylaws on issues outside the scope of the provincial approval are not overridden or modified by the province. If the GOA intends to further restrict the conditions that a municipality may include in a development permit, or to further centralize and standardize certain development conditions, it is critical that the province introduce mechanisms that increase operator accountability, improve monitoring and enforcement, and provide flexibility for municipalities to vary those conditions.

Municipalities are best placed in determining how to mitigate local concerns, particularly for matters not addressed or prescribed in legislation or regulation. While municipal decisions around these concerns may seem like an impediment to some stakeholders, these decisions can directly affect residents' daily lives. Restricting municipal authority to apply conditions on a development permit devalues local decision-making, erodes municipal autonomy and disregards community impacts.

### **Inadequate inspection, monitoring and enforcement**

Stakeholder feedback during Task Force engagements highlighted inadequate provincial capacity and processes related to inspection, enforcement and timely reclamation of aggregate pits. Compliance with provincial regulations and authorizations is enforced through the EPEA and the province is responsible for conducting site and field evaluations of regulated activities to verify that requirements are being met.<sup>17</sup> EPA does not disclose the frequency of evaluations, evaluation criteria, and how problem operators are tracked or dealt with. Compliance assurance reports and enforcement action reports have not been released since early 2023.

Prior to the Bill 28 changes, rural municipalities expressed concerns that insufficient inspection and enforcement by the province results in the downloading of increased municipal capacity requirements related to using local tools to monitor compliance. For example, to ensure ongoing compliance with conditions outlined in the development permit, municipalities may develop bylaws to conduct monitoring and inspection of sites.<sup>18</sup> Despite this, RMA has heard member accounts of operators that refuse to comply with their development permit conditions or road use agreements, even following verdicts by the LPRT and King's Court of Appeal that found in favour of the municipality. If an operator cannot follow municipal-level development conditions, it is unlikely that they would be willing to follow provincial rules, particularly in the absence of stronger provincial-level monitoring.

It is not clear whether amendments under Bill 28 prevent municipalities from continuing to undertake inspection, monitoring and enforcement actions, although this is no longer an option in relation to any issue addressed in the provincial approval process. If municipalities are constrained in their ability to

---

<sup>17</sup> The provincial regulatory process is supported by the [Compliance Assurance Program | Alberta.ca](#)

<sup>18</sup> For example, Rocky View County recently established an [Aggregate Site Monitoring Bylaw](#) as a condition of approved development permits for aggregate operations. Even with a site monitoring bylaw, municipalities do not have authority to enforce compliance with the CoPP and provincial regulations and authorizations.

utilize existing tools to monitor compliance and identify or act in relation to non-compliant operators, this may lead to poorer outcomes in the long-term including increased land use and nuisance issues.

Amendments under Bill 28 continue a trend of the GOA shifting areas of municipal jurisdiction to provincial authority without transferring equivalent accountability to the provincial level. If the GOA takes on a broader and more impactful role in the approval process, it should be accompanied with an equivalent enhancement in capacity and transparency related to monitoring and holding industry accountable to ensure environmental and “good neighbour” objectives are met.

## Expansion of existing centralized processes

Centralized development approval processes already exist for several types of developments such as confined feeding operations (approved by the Natural Resources Conservation Board [NRCB]), renewable energy (approved by the Alberta Utilities Commission [AUC]), and oil and gas developments (approved by the Alberta Energy Regulator [AER]). RMA has undertaken significant analysis on all three existing centralized approval processes, which has identified common challenges related to lack of consideration of the public interest in how such projects are approved and insufficient mechanisms to align development decisions with municipal planning priorities. Expanding the use of centralized approval processes to aggregate pits without first ensuring such processes properly balance economic benefits with public interest, as well as local and provincewide impacts, places unnecessary risks on local landowners.

## Granting quasi-judicial agency authority

Bill 28 creates MGA sections 619.1(1) and (2), which establish provincial level primacy for pit registrations issued under section 68 of the EPEA by granting a Director as defined in the EPEA with a level of authority equivalent to or exceeding that of quasi-judicial agencies (such as the NRCB, AUC, and AER) to override municipal statutory planning documents. Under EPEA section 68, a Director has broad discretion to issue approval subject to any terms and conditions they consider appropriate which could include municipal or landowner input. However, the process by which a Director would do so and how they would weigh those terms and conditions as part of the decision-making process is not laid out in existing regulation or the CoPP. Through engagement with EPA, RMA has been informed that Directors will focus solely on matters that are clearly required as per existing provincial legislation or regulation when reviewing pit applications and are unlikely to consider municipal plans or landowner input. This broad level of discretion, coupled with the GOA’s apparent intent to maximize aggregate production regardless of local risks, means that aggregate extraction may occur closer to populated areas with limited or no development conditions, consideration of a municipality’s long-term planning, or community input.

The 2023 RMA Quasi-Judicial Agencies Member Committee ([QJAC report](#)) took a deep dive into how each quasi-judicial agency<sup>19</sup> approves projects and how these processes impact municipalities. The report focused on five themes common across agencies and presented eight recommendations to better integrate municipal plans and perspectives into agencies’ planning and approval processes. While EPA is not a quasi-judicial agency, they will play a similar unilateral project approval role for aggregate pits as that of the NRCB, AUC and AER for other types of development. As such, there are several

---

<sup>19</sup> Alberta Utilities Commission, Natural Resource and Conservation Board, Alberta Energy Regulator, Energy and Resources Conservation Board, Alberta Energy and Utilities Board.

recommendations from RMA's QJAC report that a revised EPA approval process should adopt based on Bill 28 changes. These include:

- ◆ That both quasi-judicial agencies and applicants play a direct role in initial project engagement processes with municipalities and impacted landowners.
- ◆ That agencies review and redevelop current notification systems to better engage with municipalities at the onset of projects.
- ◆ That the AER, AUC, and NRCB (and now EPA) collaborate to harmonize their respective engagement and approval processes as much as possible.
- ◆ That the AER and AUC (and now EPA) adopt NRCB requirements related to aligning projects with municipal development plans, and that the requirements be expanded to include land use bylaws and intermunicipal development plans.
- ◆ That municipalities have automatic status as directly affected parties and automatic standing at all hearings.

The extent to which municipal plans and input informs approvals decisions varies among quasi-judicial agencies. While the AUC and NRCB have mechanisms to receive municipal feedback, the feedback is often treated as a "checklist" step and they are under no obligation to use the plans to inform their approval decisions. In the context of aggregate pit approvals, without a requirement for the Director to give due consideration to municipal planning documents and to solicit community input, there is a risk of unintended longer-term consequences for land use planning and management. It undermines a municipality's ability to balance economic growth, infrastructure needs, environmental constraints, and community expectations.

The QJAC report recommendations listed above will support the EPA in delivering a credible standalone provincial aggregate approval process that properly considers local land use perspectives and ensures companies are accountable to neighbouring landowners.

### Inefficient LPRT development hearing processes

Bill 28 amendments to MGA section 488(1) and the creation of sections 619.1(7) to (12) formalize and expand LPRT powers to hear and make decisions in appeals related to aggregate pit approvals under section 619.1. LPRT may only hear matters relating to whether municipal statutory plans or land use bylaw is consistent with the registration or municipal approvals have not met the newly prescribed timelines. Section 619.1(9) prevents appeals based on other factors such as conflict with proposed subdivisions or other developments. It is not clear whether the LPRT is restricted from deferring environmental concerns to the Environmental Appeals Board and whether the public can lodge an appeal with the Environmental Appeals Board.

The LPRT – after appeal – may only direct a municipality to amend their statutory plan or land use bylaw or dismiss the appeal. Under MGA section 619.1(2), a pit registration prevails over any development decision by the LPRT meaning that the LPRT could dismiss the appeal but cannot prevent the imposition of the pit development once it has been affirmed by the Director under the EPEA. In other words, a municipality may be required to amend their statutory plan or land use bylaw regardless of the outcome of a hearing, potentially after expending significant resources to participate in a hearing.

The provisions related to aggregate pit developments mirror existing LPRT processes and powers in relation to other provincial authorization appeals. In June 2025, RMA published [a report](#) on development hearings at the LPRT highlighting concerns with some of their processes. Introducing

aggregate pit development appeals to the purview of the LPRT may necessitate further review to ensure procedural fairness as the same concerns are likely to carry over. These concerns include, for example:<sup>20</sup>

- ◆ Lack of gatekeeping function which permits frivolous, late or otherwise deficient appeals to receive a fulsome hearing.
- ◆ Lack of evidentiary rules as the LPRT is not bound by the rules of evidence or any other law applicable to court proceedings and has the power to determine the admissibility, relevance and weight of any evidence in determining any matter within its jurisdiction.<sup>21</sup> There are substantial submission requirements imposed on municipalities without such requirements for appellants.
- ◆ Re-hearings of previous decisions where a person lodging the appeal can refuse to acknowledge an LPRT Case Manager's rejection of an appeal and compel the Case Manager to schedule a preliminary hearing before a full panel of the LPRT without incurring filing fees or costs.
- ◆ Inadequate notice of a hearing to municipalities or affected neighbouring landowners.

LPRT also has broad discretion to do or consider matters on their own initiative resulting in little procedural consistency between hearing decisions and virtually no certainty to those municipalities and developers involved with the LPRT.

These procedural issues can prolong disputes and require municipalities to use up significant resources. RMA identified several procedural and structural reforms in the report that should improve the LPRT's efficiency, reduce the burden facing municipalities, and enhance both certainty and procedural fairness for all parties. However, as of writing, RMA has not received a response from the Government regarding the findings and recommendations in the report.

---

<sup>20</sup> RMA. 2025. [RMA Report: Development Hearings at the Land and Property Rights Tribunal](#).

<sup>21</sup> *Land and Property Rights Tribunal Act*, section 10(1)

# Recommendations

Land use planning is complex and challenging. Both the risks and benefits of development decisions are experienced most acutely at the local level, which is why municipalities have long been delegated with land use planning authority within Alberta.

While municipalities are responsible for nearly all land use planning decisions in Alberta, it is reasonable that some with especially significant impacts locally and provincially be within the scope of the GOA, or a delegated arms-length agency. In such cases, provincial decision-makers should have the expertise, capacity and mandate to consider the myriad impacts that the development will have provincially and locally, have mechanisms in place to ensure their decisions align with municipal and local landowner plans and priorities, and make a decision that is in the public interest. At this point, RMA lacks confidence that the centralization of aggregate approval responsibility is justified, or that the GOA will develop a process that properly balances local and provincewide considerations and support decisions made in the public interest.

RMA and rural municipalities recognize the importance of aggregate extraction activities in infrastructure maintenance, economic development and housing supply. However, uncoordinated regulatory change without municipal or community input infringes on municipal autonomy, will hinder efforts to reduce red tape, and will result in unintended long-term consequences for all Albertans.

RMA has identified 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:

## **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**

Each existing quasi-judicial agency with development approval responsibilities uses a slightly different engagement and hearing process to review and make a decision on a development application. While each process differs, all include, at a minimum, some requirement that the approval process consider municipal land use plans.

EPA's current pit approval process, as reflected in the CoPP, includes no requirement for proponents to consider off-site impacts, alignment with municipal plans, or input from municipalities or local landowners as part of their application or associated activities plan. While pits that include a *Water Act* approval do include an opportunity for municipalities and landowners to file statements of concern, there is no requirement as to if or how such submissions are weighed in the decision-making process.

While the limitations and lack of local lens associated with the provincial approval process may have been acceptable when a municipal approval process functioned as a backstop, the removal of provincial authority in this area necessitates significant changes to the provincial approval process to ensure accessibility to municipal and local perspectives, as well as a requirement that provincial decision-makers consistently and meaningfully weigh local plans and input in their approval decision. This requires clear expectations on decision-makers as to how they review and consider planning documents and other input, requirements for up-front engagement with municipalities from both the project proponent and provincial decision-maker, and process timelines that allow for proper local input given the limited capacity of some stakeholders (particularly landowners).

Both applicants and the GOA should be required to document the input received and how it was considered. The Director should verify that applicants have engaged directly with the municipality and local community during the aggregate pit planning process and adequately addressed their concerns.

As developing an engagement and approval process that properly considers municipal and local input is complex, RMA requests that the GOA develop a meaningful engagement process to ensure changes are thoughtful and will meet the needs of stakeholders that are currently lacking a voice due to Bill 28.

## **Recommendation 2: Clarify roles and responsibilities through meaningful engagement**

Clarifying the roles and responsibilities of regulatory partners was a long-term recommendation from Task Force. The Task Force also recommended regular performance reviews of the province's approach to approvals and compliance monitoring to ensure sufficient visibility and public assurance. Given that the Bill 28 changes were made without engagement with municipalities (a key regulatory partner) and have not been accompanied by a clear policy intent from the GOA, implementation of these recommendations to ensure the provincial regulatory role is effective is even more critical. EPA should also meaningfully engage municipalities when updating relevant provincial regulations, codes or guidance documents to reflect the reality that the overall municipal aggregate pit approval scope has been significantly narrowed as a result of Bill 28.

## **Recommendation 3: Establish clear provincial monitoring and enforcement standards and other accountability measures, and require regular reporting of industry compliance performance**

A lack of visible provincial activity on inspection, enforcement and timely reclamation has been a driver of frustration amongst communities. RMA has heard instances where lack of provincial activity has led to poor operator practices with negative environmental and nuisance impacts. The five-year and annual reports required under the CoPP are insufficient to ensure that companies with poor operating practices are prevented from expanding or continuing to operate. In increasing their role in the aggregate pit development space, RMA recommends that the province develop and adhere to clear standards and procedures, developed collaboratively with relevant stakeholders. Subsequently, the province should develop and report on performance benchmarks in collaboration with municipalities, industry and other stakeholders.

## **Recommendation 4: Require the Director to align decisions with municipal statutory planning documents**

Establishing provincial level primacy over aggregate extraction activities must be accompanied by a corresponding shift in accountability for such decisions. A decision made without consideration of and alignment with municipal statutory plans, land use bylaws or development authority decisions introduces risks into both local and province-wide land use planning framework. RMA recommends that not only is the provincial approval process redeveloped to allow for meaningful municipal and local engagement (as per recommendation 1) but that a default condition of approval is alignment with municipal statutory planning documents, and any misalignment triggers an additional review process with the full involvement of the municipality.

By properly including municipal plans and perspectives in approval processes, EPA can ensure that local project risks and impacts that may not be visible to themselves or the applicant are considered and mitigated, which will increase the likelihood that well planned projects will succeed and that truly poor project proposals with significant local risks are less likely to move forward.

### **Recommendation 5: Reform LPRT development hearing processes**

RMA's [recommendations](#) to improve the LPRT's efficiency remain relevant, and we encourage the Government to advance implementation of reforms to improve outcomes for municipalities and developers. For example, automatic preliminary hearings alongside greater use of costs awards can disincentivize frivolous or late hearings, and reduce the volume of records and documents that municipal legal counsel must prepare that may ultimately be irrelevant to the LPRT's determination.