

# **Guideline for preparation of minor variations**

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

Resources Victoria is committed to genuinely partnering with Victorian Traditional Owners and Victoria's Aboriginal community to progress their aspirations.

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# 1. Introduction

A minor variation is a change to any part of an approved work plan that does not significantly increase risk to the environment, the public, land, property or infrastructure in the vicinity of that work. A minor variation lets a quarry or mine operator implement small changes to their work plan without a full work plan variation, provided eligibility criteria are met. **Minor variations replace administrative updates.**

## Legislative & Regulatory Framework

The minor variation process is established by Part 3 and Part 6A of the *Mineral Resources (Sustainable Development) Amendment Act 2023*, which inserts new provisions into the MRSDA (specifically section 41AAA for minerals licences and section 77HAA for extractive industry work authorities).

**Repeal in 2027: The minor variation pathway is temporary, until 1 July 2027. From July 2027, the general duty provisions of the MRSD Amendment Act will commence.**

Regulation 11 of the *Mineral Resources (Sustainable Development) Extractive Industries) Regulations 2019* and regulation 43 of the *Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019* prescribe requirements for rehabilitation plans.

**Minor variations to rehabilitation plans will require uplift of the rehabilitation plan to meet the requirements of the 2019 regulations.**

## Administrative updates vs minor variations scope

**Table 1 - Criteria comparison between Minor Variations and Administrative Updates**

Criterion	Administrative Update (AU)	Minor Variation (MV)
<b>Decision framework</b>	Non-statutory acknowledgement of change	Statutory decision under the MRSDA
<b>Decision timing</b>	No statutory timeframe for decisions	28-day statutory timeframe for decisions
<b>Planning permission</b>	No new or amended planning permission. Changes via secondary consent are allowed	No new or amended planning permission. Changes via secondary consent are allowed
<b>Risk threshold</b>	No significant increase in risk for the new or changing work	Change does not significantly increase the risk of the overall works under the work plan
<b>Community engagement plan</b>	No changes to community engagement plan are allowed	Changes allowed
<b>Rehabilitation concept</b>	No changes to rehabilitation concept are allowed	Changes are permitted where: <ul style="list-style-type: none"> <li>the proposed variation remains consistent with the currently approved rehabilitation outcomes, or,</li> <li>where the change eliminates an identified hazard or reduces the overall risk to the environment, public, nearby land, property or infrastructure.</li> </ul> All changes must continue to satisfy the prescribed rehabilitation requirements.
<b>Crown land</b>	Administrative updates allowable on crown land	Mineral operations <b>cannot</b> undertake minor variations on crown land Quarry operations <b>can</b> undertake minor variations on crown land with consent of the crown land manager
<b>Registration of documents</b>	Not registered to the mining register under s69 of the MRSDA	Minor variations to mineral operation work plans are registered to the mining register under s69 of the MRSDA

## 2. Minor Variation Eligibility Criteria

Before preparing a **minor variation**, check whether your proposed minor variation meets the following criteria:

1. **No planning permission needed:** The proposed change must not trigger a new or amended planning permit under the *Planning and Environment Act 1987*. The Responsible Authority may provide secondary consent.
2. **No increase in risk:** The change must not increase the overall risk of harm of the work under the work plan. Residual risks should not escalate to high or to very high after controls are in place. Risks to the environment, the public, land, property or infrastructure must be considered.
3. **No impact on crown land for minerals operations:** The minor variation provisions do not apply to minerals operations if any part of the land relating to the proposed variation of the work plan is crown land.
4. **Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 (MSA):** Land subject to the MSA Levy is not eligible for minor variations.

If **all** the above criteria are satisfied, the change is eligible to be a minor variation.

**Tip: If you are unsure whether your proposed change qualifies as a minor, engage early with Resources Victoria and seek advice on how to develop your application.**

## 3. How to lodge a Minor Variation

Once an operator, in consultation with Resources Victoria, has determined that a proposed change meets the minor variation eligibility criteria, the following procedure should be followed:

1. **Prepare a notification package** to be submitted to Resources Victoria Regulatory Operations. The minor variation notification should include:
  - a. Cover letter clearly identifying the tenement number, site name, and operator contact details. This information can be compiled using the minor variation template (**Appendix B or C**)
  - b. Description of the proposed change to the work plan, including how it is different from what is currently approved, and why the change is being proposed.
  - c. Updated risk assessment focussed on any new risks or changes to risk levels due to the variation, these should demonstrate that there is no significant change in risk.
  - d. Confirmation that no new planning permission is required, in writing from the responsible authority. This can be in the form of a letter, email or secondary consent approval.
  - e. Confirmation from co-regulating agencies that the proposed change does not significantly increase the risk. You may choose to compile this information using the minor variation co-regulator contact template (**Appendix D**).
  - f. Updated technical reports, plans or maps that describe the changing works or support assessment of risk.
  - g. (If changes are proposed to the rehabilitation concept) An updated rehabilitation plan (Refer to Guideline: Preparation of Rehabilitation Plans). Resources Victoria can provide advice on the level of detail required depending on the nature and scale of the operation.

**Tip: Be specific. Reference the relevant sections or plans in your approved work plan that are proposed to be varied. The goal is to give Resources Victoria Regulatory Operations all the information required to assess whether the change meets the minor variation criteria.**

### 2. Submit the minor variation via RRAM:

- a. Email Resources Victoria Regulatory Operations requesting a minor variation plan shell to be set up for your submission. Email your request to: [workplan.approvals@deeca.vic.gov.au](mailto:workplan.approvals@deeca.vic.gov.au)

**Tip: If acting on behalf of the tenement holder, ensure you have been set up as an authorised agent, otherwise, provide a signed letter of authority from a primary contact of the tenement holder.**

- b. The plan will be assigned to you to allow uploading of documents and submission of the minor variation.
- c. **Upload the mandatory documents** to the plan shell on RRAM. Include all documents that form the minor variation package. Submit the minor variation.

**Tip: Minor variations are a temporary transitional arrangement. The RRAM plan shell will reflect the standard work plan variation format. To submit the variation specified attachments (Work Plan Area, Regional Plan Area and Site Layout Plan) are required. If these documents are not relevant to the minor variation, blank placeholder documents can be attached to bypass the requirement.**

## 4. Decision and registration process

Following submission of the minor variation, Resources Victoria Regulatory Operations will check completeness to ensure the variation has all the necessary information and supporting documentation to make a decision. The Department Head (or delegate) will decide whether to approve or refuse the proposed variation within 28 days. **If no decision can be made in 28 days, it is automatically determined that the proposed variation is not minor, and a full work plan variation will be required.**

**Notice of Decision:** You will receive a formal response letter outlining the Department Head's decision, which will either approve or refuse the proposed minor variation.

1. **If the minor variation is confirmed:** The letter from the Department Head will confirm that the proposed variation is determined to be a minor variation under section 41AAA/77HAA. This confirmation means you are authorised to proceed with the changed works without further approval steps. For mining operations, Regulatory Operations will then record the minor variation on the Mining Register.

**Tip: The minor variation confirmation letter serves as your approval. Keep it for your records.**

2. **If not a minor variation:** The letter from the Department Head will confirm that the proposed variation is determined not to be a minor variation under section 41AAA/77HAA.
3. **Minor variation may trigger rehabilitation bond review:** The Rehabilitation Liability Assessment and Bond team will contact you to discuss a review of the rehabilitation bond if it is determined that one is required.

### Registration & Public Access (Mining Register)

4. **Recording on the Mining Register:** For all confirmed minor variations to mining work plans, Regulatory Operations will update the Mining Register (a public register of licences and work plan instruments).

**Tip: The minor variation instrument is publicly accessible once recorded on the Mining Register.**

# Appendices



# Appendix A – Eligibility example

## Change of rehabilitation concept – pit lake to backfilled void

### Proposed Change

The proposal seeks to amend the rehabilitation end landform, from a pit lake to be fully backfilled. No changes are proposed to the work authority boundary, operating hours, processing or other amenity factors. Backfilling will use soil and rock from the site, with clean fill material brought in only if needed. This activity is allowed under the existing planning permit. The material will be placed and compacted to meet geotechnical standards. The final ground levels will be similar to the pre-quarrying surface and will be replanted with vegetation as set out in the existing work plan. The site has an existing EPA A18 permit for discharge of water to the aquifer.

### Eligibility criteria

#### No new planning permission needed

**Reasoning:** The change is confined to the already approved quarry footprint and does not expand activities beyond the existing planning permit. The end land use intent (non-sensitive open space/amenity values) remains aligned with the current planning scheme requirements and permit conditions.

#### Evidence to provide:

1. Written confirmation from Council that the change is allowable under the existing permit, or that secondary consent has been granted.

#### No significant increase in risk

**Reasoning:** Updated risk assessment demonstrates that the changing works don't result in new high or very high risks. Backfilling removes the long-term water quality and level uncertainty associated with pit lakes and reduces public safety risk by eliminating deep water. Geotechnical risk is managed through engineered placement, compaction testing, batter geometry at  $\leq 1V:3H$ , and drainage controls in place.

#### Evidence to provide:

1. Updated risk register showing no high or very high residual risks.
2. Technical evidence – e.g. technical assessments and standards, imported materials management plan and/or revised

monitoring plans demonstrating controlled closure performance.

- a. Backfill Materials & Placement: Overburden and inert imported fill (if required) certified as non-contaminated, non-reactive.
  - b. Surface Water & Drainage: Final grades designed with sediment controls, no new discharge points, drains sized for design storm events, erosion protection at outlets.
  - c. Stability & Erosion Control: Batters  $\leq 1V:3H$  (or as indicated by geotechnical advice), berms/contour banks designed where needed.
  - d. Monitoring & Closure: Settlement/tolerance surveys, vegetation establishment metrics, progressive rehabilitation objectives etc.
3. Evidence of consultation with relevant co-regulating agencies, e.g. water agency, EPA etc. or statement that consultation is not required.
    - a. Confirmation from agencies that existing permits are adequate to address the changing works.
    - b. Confirmation from agencies that they agree with the updated risk assessment for relevant risks.

#### No Impact on Crown land for mineral licence operations

**Reasoning:** Since this proposal is for a variation to Work Authority, this eligibility is not applicable.

### Summary - Why this example proposal fits the Minor Variation Pathway

1. It does not require new or amended planning permission.
2. It does not increase risk; in several categories (public safety, water quality), risk is lower than the pit-lake scenario, with all residual risks at Low/Medium.
3. It stays within the Work Plan scope, keeping the same boundary, operational profile, and end-use intent, only the rehabilitation method changes.
4. It does not involve Crown land for a mineral licence operation.
5. It does not affect duty thresholds or strategic obligations.

## Appendix B – Submission template work authorities

Work Authority Number:		Work Authority Holder:	
WA number  Click or tap here to enter text.		The organisation that is submitting the Minor Variation  Click or tap here to enter text.	
Contact Name:	Click or tap here to enter text.		
	The person submitting the Minor Variation on behalf of the Work Authority Holder		
Email:	Click or tap here to enter text.		
Phone Number:	Click or tap here to enter text.		
Site Address:	Click or tap here to enter text.		
	Suburb Click or tap here to enter text.	Postcode Click or tap here to	
Background:			
Describe the site, the operations on the site and details of approvals to work on the site. The background section should set the context for describing the proposed change, for example, if the proposed change relates to replacing equipment, details of existing equipment should be provided.  Click or tap here to enter text.			
Proposed Change or Amendment:			
Describe the proposed change and any reasoning for the proposed change. Include any relevant information on location/ equipment/ timing etc.  Click or tap here to enter text.			
Reference to current work plan:			
What part of the work plan does this change correspond to? Sections, Page numbers. Does it make some sections no longer relevant? Be specific about what sections this change affects and how.  Click or tap here to enter text.			

<b>Risk Assessment:</b>	
<p>Identify and assess the risk (likelihood and consequence) associated with the new (or changing) work.</p> <p>Include details of:</p> <ol style="list-style-type: none"> <li>1. inherent risk (the risk before control measures applied)</li> <li>2. control measures to reduce risks</li> <li>3. residual risk (the risk after control measures applied).</li> </ol> <p>The residual risk is required to be low or medium for the proposed new (or changing) work to be submitted as a Minor Variation. Each Minor Variation is unique and requires careful consideration by Regulatory Operations of risks presented.</p> <p>Click or tap here to enter text.</p>	
<b>Reference to current risk assessment (if applicable):</b>	
<p>How does this change or alter the current risk assessment? Be specific about hazards, inherent risk and residual risk and control measures.</p> <p>Click or tap here to enter text.</p>	
<b>Agency Correspondence:</b>	
<p>Include written confirmation from council that they support the change, or it is in keeping with planning permit requirements.</p> <p>Include written confirmation from relevant co-regulators that they support the change.</p> <p>Click or tap here to enter text.</p>	
<b>Attachments:</b>	
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.

## Appendix C – Submission template minerals licences

Tenement Number:		Tenement Holder:	
MIN/RL/PL/EL number		The organisation that is submitting the Minor Variation	
Click or tap here to enter text.		Click or tap here to enter text.	
Contact Name:	Click or tap here to enter text.		
	The person submitting the Minor Variation on behalf of the licensee		
Email:	Click or tap here to enter text.		
Phone Number:	Click or tap here to enter text.		
Site Address:	Click or tap here to enter text.		
	Suburb Click or tap here to enter text.	Postcode Click or tap here to	
Background:			
<p>Describe the site, the operations on the site and details of approvals to work on the site. The background section should set the context for describing the proposed change, for example, if the proposed change relates to replacing equipment, details of existing equipment should be provided.</p> <p>Click or tap here to enter text.</p>			
Proposed Change or Amendment:			
<p>Describe the proposed change and any reasoning for the proposed change. Include any relevant information on location/ equipment/ timing etc.</p> <p>Click or tap here to enter text.</p>			
Location of Change or Amendment not on Crown Land:			
<p>Provide a statement or map confirming the location of any disturbance from the proposed change is not on crown land.</p> <p>If your licence area includes Crown land, the minor variation approval pathway is applicable provided the proposed changes are not on Crown land. In this case, a map showing the disturbance area of the proposed change and location of Crown land within the licence should be provided.</p> <p>Click or tap here to enter text.</p>			

<b>Reference to current work plan:</b>	
<p>Include the reference number of the relevant current work plan or work plan variation.</p> <p>Which specific sections and page numbers of the work plan are affected by this change and how?</p> <p>Does it make some sections no longer relevant?</p> <p>Click or tap here to enter text.</p>	
<b>Risk Assessment:</b>	
<p>Identify and assess the risk (likelihood and consequence) associated with the new (or changing) work.</p> <p>Include details of:</p> <ol style="list-style-type: none"> <li>1. inherent risk (the risk before control measures applied)</li> <li>2. control measures to reduce risks</li> <li>3. residual risk (the risk after control measures applied).</li> </ol> <p>The residual risk is required to be low or medium for the proposed new (or changing) work to be submitted as a minor variation. Each minor variation is unique and requires careful consideration by Regulatory Operations of risks presented.</p> <p>Click or tap here to enter text.</p>	
<b>Reference to current risk assessment (if applicable):</b>	
<p>How does this change or alter the current risk assessment? Be specific about hazards, inherent risk and residual risk and control measures.</p> <p>Click or tap here to enter text.</p>	
<b>Agency Correspondence:</b>	
<p>Include written confirmation from council that they support the change, or it is in keeping with planning permit requirements.</p> <p>Include written confirmation from relevant co-regulators that they support the change.</p> <p>Click or tap here to enter text.</p>	
<b>Attachments:</b>	
<p>Attach the Minor Variation proposal, updated risk assessment and risk matrix, written confirmation that no new planning permission is required, written confirmation from relevant co-regulators, changed Community Engagement Plan (if relevant), changed Rehabilitation Plan (if relevant), technical reports relevant to the changes, updated plans, maps and cross sections and any other relevant documents.</p>	
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.

# Appendix D – Co-regulator contact template work authorities

This template is to be used when Regulatory Operations requests that a Minor Variation submission process includes co-regulator advice. Please contact Regulatory Operations before completing this form to ensure it is required.

<b>Work Authority Number:</b>		<b>Work Authority Holder:</b>	
WA number		The organisation that is submitting the Minor Variation	
Click or tap here to enter text.		Click or tap here to enter text.	
<b>Contact Name:</b>	Click or tap here to enter text.		
	The person submitting the Minor Variation on behalf of the Work Authority Holder		
<b>Email:</b>	Click or tap here to enter text.		
<b>Phone Number:</b>	Click or tap here to enter text.		
<b>Work Authority Number:</b>		<b>Planning Permit Number (if applicable):</b>	
Click or tap here to enter text.		Click or tap here to enter text.	
<b>EPA Licence Number/s (if applicable):</b>		<b>Other Relevant Licences or Permits (if applicable):</b>	
Click or tap here to enter text.		Click or tap here to enter text.	
<b>Site Address:</b>	Click or tap here to enter text.		
	Suburb Click or tap here to enter text.	Postcode Click or tap here to	
<b>Background:</b>			
<p>Describe the site, the operations on the site and details of approvals to work on the site. The background section should set the context for describing the proposed change, for example, if the proposed change relates to replacing equipment, details of existing equipment should be provided.</p> <p>Click or tap here to enter text.</p>			
<b>Proposed Changes or Amendments:</b>			
<p>Describe the proposed change and any reasoning for the proposed change. Include any relevant information on location/ equipment/ timing etc.</p> <p>Click or tap here to enter text.</p>			

<b>Reason it is being referred:</b>
<p>Describe the reason it is referred to this agency, for example possible changes to air quality.</p> <p>Click or tap here to enter text.</p>
<b>Risk Assessment:</b>
<p>Identify and assess the risk (likelihood and consequence) associated with the new (or changing) work. Include details of:</p> <ol style="list-style-type: none"><li>1. inherent risk (the risk before control measures applied)</li><li>2. control measures to reduce risks</li><li>3. residual risk (the risk after control measures applied).</li></ol> <p>any advice from suitability qualified experts regarding sensitive matters e.g. dust, noise, blasting etc.</p> <p>Click or tap here to enter text.</p>
<b>Community Consultation/ Engagement (if any):</b>
<p>Outline any efforts made to engage with immediate/surrounding community if applicable.</p> <p>Click or tap here to enter text.</p>
<b>Confirmation (regulator to complete):</b>
<p><b>Date:</b>        /        /</p>
<p><b>Agency name:</b></p>
<p><b>Officer name:</b></p>
<p><b>Does your agency have any concerns or objections about the change/s detailed above?</b> (please tick)</p> <div><div><input type="checkbox"/> No</div><div><input type="checkbox"/> Yes</div></div> <div><div><input type="checkbox"/> No (subject to conditions)</div><div><input type="checkbox"/> Other (further information/clarification required)</div></div> <p>Please provide an explanation:</p>

# Appendix E – Co-regulator contact template minerals licences

<b>Tenement Number:</b>		<b>Tenement Holder:</b>	
MIN/RL/PL/EL number		The organisation that is submitting the Minor Variation	
Click or tap here to enter text.		Click or tap here to enter text.	
<b>Contact Name:</b>	Click or tap here to enter text.		
	The person submitting the Minor Variation on behalf of the licensee		
<b>Email:</b>	Click or tap here to enter text.		
<b>Phone Number:</b>	Click or tap here to enter text.		
Click or tap here to enter text.		Click or tap here to enter text.	
Click or tap here to enter text.		Click or tap here to enter text.	
<b>Site Address:</b>	Click or tap here to enter text.		
	Suburb Click or tap here to enter text.		Postcode Click or tap here to
Describe the site, the operations on the site and details of approvals to work on the site. The background section should set the context for describing the proposed change, for example, if the proposed change relates to replacing equipment, details of existing equipment should be provided. Click or tap here to enter text.			
Describe the proposed change and any reasoning for the proposed change. Include any relevant information on location/ equipment/ timing etc. Click or tap here to enter text.			

<p>Describe the reason it is referred to this agency, for example possible changes to air quality.</p> <p>Click or tap here to enter text.</p>
<p>Identify and assess the risk (likelihood and consequence) associated with the new (or changing) work. Include details of:</p> <ol style="list-style-type: none"> <li>1. inherent risk (the risk before control measures applied)</li> <li>2. control measures to reduce risks</li> <li>3. residual risk (the risk after control measures applied).</li> </ol> <p>any advice from suitability qualified experts regarding sensitive matters e.g. dust, noise, blasting etc.</p> <p>Click or tap here to enter text.</p>
<p>Outline any efforts made to engage with immediate/surrounding community if applicable.</p> <p>Click or tap here to enter text.</p>
<p><b>Date:</b>       /       /</p>
<p><b>Agency name:</b></p>
<p><b>Officer name:</b></p>
<p><b>Does your agency have any concerns or objections about the change/s detailed above?</b> (please tick)</p> <div> <input type="checkbox"/> No         <input type="checkbox"/> Yes       </div> <div> <input type="checkbox"/> No (subject to conditions)         <input type="checkbox"/> Other (further information/clarification required)       </div> <p>Please provide an explanation:</p>
<div></div>

