

Western Highway Duplication – Rethinking Section 2B

Buangor – Ararat

An Occasional Paper on Smarter Infrastructure

Paper No. 3 – Avoiding Indigenous Cultural Desecration

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About KORS Inc.

KORS Inc. (Keep the Original Route Supporters) is a community-based organisation of landholders and environmental advocates promoting a safer, quicker-to-build and more responsible alignment for the Western Highway Duplication between Buangor and Ararat.

KORS supports duplicating the highway but opposes the approved southern deviation (“Option 1”), which relies on outdated environmental and cultural heritage data and causes excessive damage to Country, farmland and native vegetation.

KORS advocates the **Northern Option**, a design that shadows the existing highway, protects Indigenous cultural heritage, preserves significant trees, reduces cost and construction time, and achieves the project’s transport aims with far less disruption.

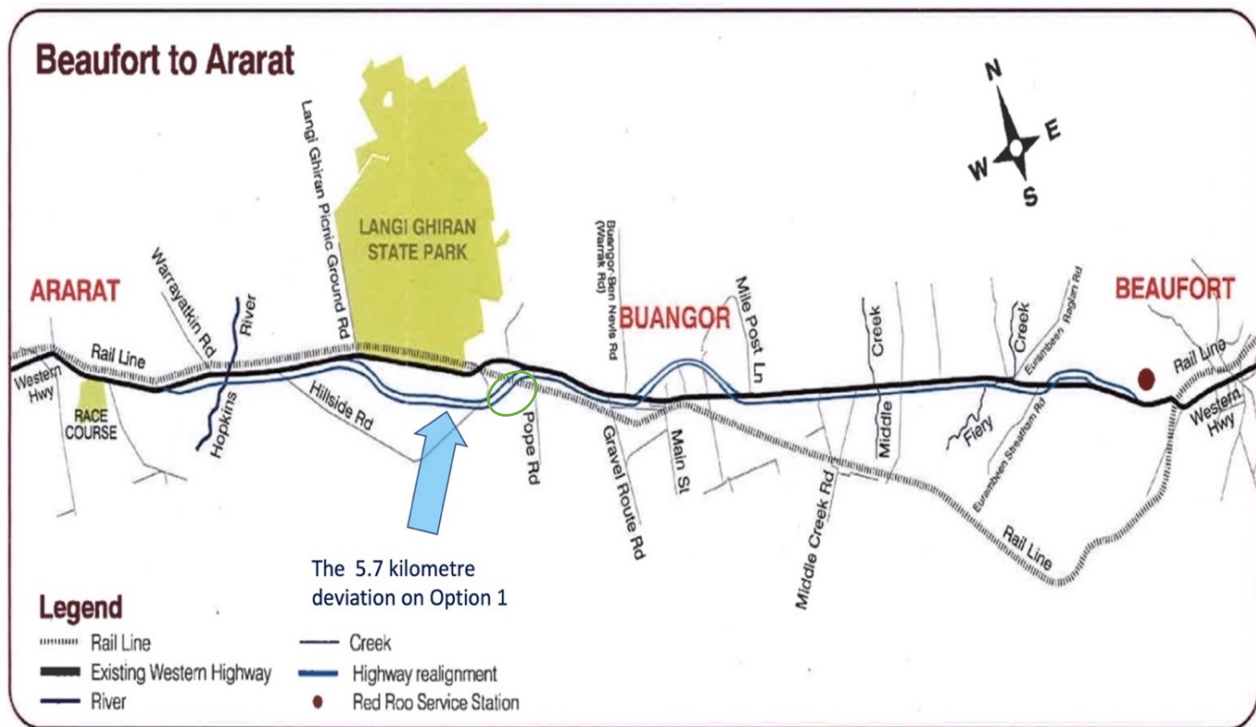
1. Introduction

The 12.4-kilometre duplication between Buangor and Ararat includes a **5.7-kilometre greenfield deviation** south of the existing highway (“Option 1”).

This deviation leaves the established corridor and enters a new valley, cutting through hills, culturally sensitive DjabWurrung Country, Spring soaks, boulders, and 94 ancient habitat trees. The alignment was selected in 2013 using information now known to be incomplete and outdated.

The consequences are serious: **Option 1 will destroy, desecrate or irreparably damage areas and trees of profound importance to DjabWurrung people.**

Figure 1 provides an overview of the deviation.



Maps for illustrative purposes only. For more detailed maps contact the Western Highway Project.

Figure 1. Option 1's southern deviation at blue arrow. Aboriginal area at green circle (Diagram adapted from the 2012 EES.)

2. Why Indigenous Cultural Heritage Matters

An area on the Option 1 alignment near Pope Road (see **Figure 1**) has

- “birthing” or habitation trees shaped by DjabWurrung people over generations,
- multiple culturally scarred trees, some with clear tool marks and
- artefacts
- all within 250 metres of each other. This is described by cultural heritage assessors as an identifiable Aboriginal area.

“Birthing” trees are rare and very significant. Identified by oral history, they were a special place for those born at them. Culturally-hollowed habitation trees where newborns could shelter are now clearly distinguishable from naturally burn-out trees are also recognised as a special part of the architecture left by indigenous Australians.

Numbers of DjabWurrung people dropped nearly to single digits in the latter half of the 19th century due to the violence of European presence, and the DjabWurrung tribe’s traditional area has mostly been cleared and farmed. The scarcity of traditional DjabWurrung sites makes the area identified a very important place for them and a place that can help people heal. The country surrounding these trees has:

- landscape formations that hold spiritual meaning and
- ancestral pathways, songlines and areas of deep cultural identity

The large hollow tree, estimated to be at least 800 years old on the west end of Option 1, had **cooking materials** found in it. It shows the antiquity of DjabWurrung presence in the area and shows that hollow trees like the eastern one were used for cooking.

This is not abstract heritage. It is **living culture**, still recognised by DjabWurrung Elders today.

Victoria's infrastructure policy increasingly acknowledges that culturally sensitive areas must be avoided wherever possible. **Section 2B is a textbook example of where avoidance is both feasible and responsible.**

3. What Option 1 Will Destroy

If built, Option 1 will:

- **Cut through a culturally sensitive precinct**

The deviation passes directly through land shown by the Victorian Government as an area of cultural sensitivity (**Figure 2**). This area includes:

- a highly significant DjabWurrung birthing or habitation tree,
- a second culturally modified tree containing a “keeping place” hollow and a clear ovoid scar probably created by a stone axe (**Figure 3**),
- a canoe tree (**Figure 4**).

These were **not** considered when the route was selected in 2013.

This area:

- can be avoided by using the Northern Option.

Damage the cultural landscape

Freeway ramps, elevated roadbeds and deep cuttings will alter the shape and presence of the Country itself—a direct form of cultural loss.

Destroy large old trees

Among the ancient trees in the vicinity is a very large old tree (**Figure 5**) that remained threatened even after the 2019 realignment attempts made to avoid the nearby birthing tree.

Cause irreversible desecration

As one DjabWurrung man stated publicly at a DjabWurrung meeting in July 2018: “*Option 1 would desecrate this place.*”

This statement is neither symbolic nor rhetorical. It reflects the real-world consequence of building the deviation through sacred Country.

4. The Northern Option: A Respectful and Low-Impact Alternative

Senior DjabWurrung women support the **Northern Option**, which:

- stays on or beside the existing highway corridor,
- avoids all known cultural heritage sites,
- avoids all registered areas of cultural sensitivity,
- avoids the “birthing” tree precinct entirely,
- requires significantly less earthworks.

Dr Heather Bulth’s independent cultural mapping (2018) states:

“This report calls for the Victorian Government to seriously investigate adopting the proposed alternative option of duplicating the existing Western Highway by using the current power line corridor” (page 17).

“It is recommended by all of us that the Northern Option be taken seriously.....” (page 51).

The Northern Option is therefore both the culturally responsible choice and the technically practical one.

5. How We Reached This Point: A Brief History

2013 – Project approved using incomplete cultural information

Martang Pty Ltd—then the Registered Aboriginal Party—approved the project before significant DjabWurrung cultural features were known.

2014 – Local environmental protest commences following drastic tree felling on highway.

2016 – Environmental case lodged in Supreme Court, adjourned until 2020

2017 – Major discoveries and emerging concerns

- Two living “birthing trees” with large hollows in their bases were identified at opposite ends of Section 2B. (western one: **Frontis piece** and eastern one: **Figure 6**)
- Four other culturally scarred trees were found in or very near the construction corridor, two of them on the deviation.
- One was found near the precinct but outside the construction corridor (**Figures 7, 8**)
- A seventh culturally scarred tree had already been destroyed (**Figure 9**)
- None was included in the Cultural Heritage Management Plan.
- Project delayed for a year due to lapsed paperwork.

The discovery of birthing trees and artefacts should have triggered reconsideration of the alignment. Instead, new land acquisitions continued to lock in Option 1, despite a bureaucratic opportunity in 2017 to reassess the route.

2017 – Official inspection undermined by later discoveries

Government representatives claimed no substantial cultural evidence. But:

- cooking items (a clay heat ball and clay capping) were later found inside the 800-year-old tree (**Figure 10**),
- stone artefacts were located near other trees,
- Elders reaffirmed cultural significance.
- Naturally burnt-out hollows can now be distinguished from culturally made ones and these hollows have been identified as the latter.

2018 – Protection sought

- DjabWurrung Elders applied for protection under the Federal ATSIHP Act.

2018–2020 – Protest camps and national attention

- Three protection camps operated for more than two years (**Figures 11, 12**), reflecting national concern about cultural loss.
- The new RAP for the area, Eastern Maar Aboriginal Corporation, requested an alternative route.

2019 – EMAC publicly reverses position after initially requesting an alternative route

- In response, DjabWurrung women publicly stated EMAC did **not** represent them.
- Aunties from all over Australia came to support them (**Figure 13**).

2020 – The Directions Tree felled under police guard

- After two successful Federal court challenges by DjabWurrung people to Government's refusal to protect the area, a third court case was 50% successful. This allowed the project to proceed.
- Under police guard, a striking 350-year-old culturally significant yellow box tree was cut down in the early morning (**Figures 14, 15**). Local roads were blocked by more police. No journalists were allowed through while the Western Highway was blocked from Beaufort to Ararat. The trunk was displayed in the back of a truck up and then down Ararat's main street.
- Public reaction was overwhelming; the tree felling became a global symbol of cultural loss and was the largest category of tweets that day worldwide. Around sixty protestors were arrested the next day.

2020-2021 – Victorian injunction and suspension of works

- The Supreme Court halted work. MRPV then postponed the project until a new Cultural Heritage Management Plan could be prepared.

The net result:

- Years of conflict, avoidable damage, and loss of community trust—all stemming from the choice of an unnecessary deviation.

6. Misrepresentation and the Failure of Consultation

- The DjabWurrung have never been formally consulted as Traditional Owners because they do not hold Native Title rights.

However, not being a member of a RAP or lack of Native Title does not extinguish culture or a legal right to be consulted.

Under Victorian law, nothing denies DjabWurrung people the right to be properly consulted. Instead:

- The Registered Aboriginal Party system produced a single, controversial spokesperson entity.
- Senior DjabWurrung women consistently stated they were **not represented**.
- The *On Country* report—commissioned by EMAC itself—recommended avoiding the cultural area, yet was **not presented to the Federal Environment Minister** during key decision-making on the Federal Application for Protection

The planning process therefore lacked integrity, and the decision-making lacked meaningful cultural engagement.

7. What Happens if Option 1 Proceeds

If built, Option 1 will:

- bisect the cultural precinct,
- place high-speed traffic just metres from a birthing tree,
- expose hollows to noise, pollution and rubbish,
- cut deep scars into the landscape with noise and light pollution spread across the land from crest and side of ridges,
- cause permanent loss of culturally modified trees,

Approval of a Cultural Heritage Management Plan would legally permit destruction of heritage—yet **lawful destruction is still destruction**.

Victoria's road-building legacy will forever carry the memory of the trees and places that were lost.

8. Our “KOR” Message

There is strong evidence that Section 2B can be built:

- faster,
- more safely,
- at lower cost,
- with dramatically reduced environmental impact,
- **and without desecrating Aboriginal cultural heritage.**

This is where Victoria can demonstrate a better way to build infrastructure: one that honours culture rather than erasing it.

Before more harm occurs in this sensitive Aboriginal place we ask you to encourage VIDA to reconsider the alignment. We ask not just for minor realignment to save particular trees but to avoid cutting through the aboriginal area altogether. We ask the Victorian Minister for Infrastructure to support a faster-to-build, safer-to-build, less destructive alternative that respects DjabWurrung heritage and protects irreplaceable cultural landscapes.

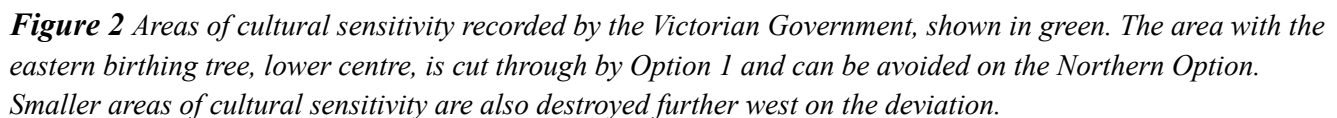




Figure 3. Ovoid scar on large old tree with keeping place, threatened by Option 1.



Figure 4. Fallen tree with canoe scar.



Figure 5. Very large old tree near habitation tree, which was still threatened by Option 1 despite the 2019 realignment to avoid the habitation tree.



Figure 6. The habitation tree in the Aboriginal Area. The ground area in the hollow of this ~500 year old tree is large enough for 3 people to sleep on. The unburnt wood in the opening (behind the child) shows the burning inside the trees was managed by people.



Figure 7. *Culturally scarred tree 200 metres west of eastern habitation tree.*



Figure 8. *Second scar on same tree 200 metres from habitation tree.*



Figure 9. *Dead tree with shield scar and coolamon scar higher up on small branch, destroyed in 2015 before the protest could protect it, ~700 metres from eastern habitation tree. Tree had been partially ringbarked after shield was taken, and so recorded the cultural clash underway .*



Figure 10. *From 800 y.o. tree, clay capping for cooking small tubers.*



Figure 11.. Djab Wurrung Embassy beside the Western Highway



Figure 12. Protest camps ran for over two years.



Figure 13. Aunties from all over Australia came to the birthing trees to support the DjabWurrung. Here, they are standing in front of hollow tree threatened with construction just a few metres from its drip line.



Figure 14. DjabWurrung Teenager protects the Directions tree.



Figure 15. The Directions tree, felled in October 2020.