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**DISCUSSION PAPER**

**LAND USE, DEVELOPMENT  
AND SOCIAL IMPACT ON  
CAPE YORK PENINSULA**

**Marcus B Lane**

No. 21

November 1993

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Land use, development and social impact on Cape York Peninsula  
has long been a topic of interest to researchers and the public alike.  
This book is the first to provide a comprehensive overview of the  
issues involved in the development of the Cape York Peninsula.  
It is a valuable resource for anyone interested in the region's  
future.


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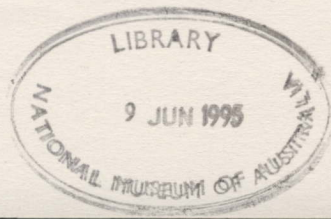
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## Acknowledgments

This paper is dedicated to the memory of Johnny Short, a Cape York Aboriginal man who taught me about *malandudji* and who was there. I would like to thank Athol Chase, Allan Dale, Geoff McDonald, Roy Rickson, Helen Ross, Richard Howitt and David Lea for comments on earlier drafts of this paper.

## Notes on contributor

Marcus Lane is a Lecturer with the Faculty of Environmental Sciences, Griffith University, Brisbane, teaching in a variety of courses including applied anthropology and environmental planning. Marcus is interested in the social dimensions of land use planning, including SIA and public participation. Prior to joining Griffith University, he worked for over a year with the Department of Aboriginal Affairs in the Queensland Government. Marcus has previously taught in cultural resource management at the University of Queensland (Gatton) and National Park Management at the University of New England.

## ABSTRACT

This study is about the mechanisms of impact assessment, participation and decision-making in two recent development projects in Aboriginal domains in Cape York Peninsula. It investigates the degree to which Aboriginal perspectives are accommodated. Review of the case studies suggest that planning mechanisms do not facilitate the equitable reconciliation of Aboriginal concerns. The failure of contemporary planning regimes to accommodate Aboriginal concerns raises the potential for their marginalisation as the region is developed. These findings highlight the need for the reform of the institutional and legislative arrangements which govern development, impact assessment and planning. Bargaining theory is suggested as a framework for these reforms.



# LAND USE, DEVELOPMENT AND SOCIAL IMPACT ON CAPE YORK PENINSULA

Marcus B Lane

## Introduction

Since the commencement of European settlement in the 1920s, Cape York Peninsula has remained largely peripheral to the Queensland economy. With the exception of the Comalco bauxite mine and export facility established in 1955 (Fitzgerald 1982), development has been minor and sporadic. Early economic activity centred around mineral exploration and limited small-scale mining operations (Chase 1980). A number of Christian missions were also established. They attempted to centralise, convert and care for Aborigines (Long 1970; Chase 1980). Reliable access to the Peninsula was not available until World War II when a major road was developed and a number of small airstrips were established. The dominant land use in the region remains unimproved pastoral properties and Aboriginal reserve lands.

The occasional nature of development throughout much of this century was replaced, in the early 1980s, by a concerted developmental push. There are currently several large resource development proposals including a series of large mining ventures and an aluminium smelter, a commercial spaceport, an airforce base and a number of large tourist resorts (Ross 1992). Cape York Peninsula is also a major destination for recreational four-wheel drivers, several thousand of whom visit the area each year. The increasing interest in Cape York Peninsula displayed by developers and tourists has concerned conservation groups, who not only seek to have the region's unique flora and fauna protected, but also regard the Peninsula as one of Australia's most important remaining wilderness areas. At the time of writing a number of National Park proposals exist.

These changes represent a powerful challenge to Aboriginal people at a time when they are grappling with opportunities afforded them by the proclamation of the *Queensland Aboriginal Land Act 1991* and the recent High Court decision on Native Title. Although Aboriginal affiliation with traditional lands remains a powerful factor in the determination of land use, the future of the Peninsula is now an issue of national prominence.

This paper examines the process of resource development on Cape York Peninsula. Two case studies, a mining and a resort proposal, evaluate the capacity of the development approval process to adequately consider and accommodate the interests of local Aboriginal people. They reveal that planning and impact assessment procedures tend to empower the dominant interests of state and capital. As a result Aboriginal interests have at best been considered peripheral, and at worst have been contemptuously disregarded in the development approval process. In both cases, local Aboriginal interests have remained peripheral to the determination of development approvals.

These are matters of some importance to the practical application of planning and impact assessment in Aboriginal domains. In the light of these case studies, it is impossible to view planning and impact assessment as neutral, apolitical administrative procedures. They are instead fundamentally political activities, which serve particular interests. Recommendations for the refinement of planning and assessment therefore must account for the political nature of land use and development. The recommendations which flow from this analysis use a framework which takes the view that land use planning should be a process of bargaining between actors with an interest in land use outcomes.

## **Impact assessment and environmental decision-making**

Reconciling the environmental and social impacts of development has become an increasingly important challenge in the past. Accompanying the growth in importance of these issues has been the development of a substantial professional literature examining issues such as planning, impact assessment and environmental decision-making. In Australia, where many of these conflicts have involved resource development in the remote north, the operation of planning and assessment in indigenous domains is a crucial issue. The conflict and controversy generated by mining proposals at Coronation Hill and Noonkanbah, for instance, testify to the importance of these matters and to the complexity of applying mainstream approaches to planning and impact assessment in cross-cultural contexts.

Planning has long been considered a rational problem-solving process involving problem identification, canvassing alternatives, evaluating possible solutions and applying an agreed solution (Armour 1990). With regard to land use planning, this usually involves a comprehensive assessment of the characteristics of an area, an evaluation of its resources and an allocation of land uses on the basis of suitability (Steiner 1983). Such approaches to planning, often referred to as 'master' or 'blueprint' planning, emphasise the importance of empirical data, the definition and achievement of objectives and the role of the expert (Faludi 1973). With regard to impact assessment, it has been vigorously argued that the key ingredient in a successful EIA procedure is the degree of 'integration' or the adoption of EIA findings in the planning process in order to avoid or minimise impacts (Armour 1990). Planning and impact assessment, according to this view, can be seen as essentially technical procedures in which continued 'fine-tuning' will produce increasingly efficient results.

In recent years, these technical 'top-down' models of planning have been increasingly challenged and alternative models proposed. In the 1960s, 'systems' planning replaced blueprint planning; by adopting a

systems wide approach there was an attempt to reconcile the problems of arriving at agreed goals, cope with diverse social and economic interests and deal with the uncertainty of complex political systems (Faludi 1973; Hall 1983). However, both blueprint and systems approaches were characterised by

a belief that outcomes were predictable and plannable; that particular planning actions would achieve determinable results; that planning objectives could be specified by professional experts (speaking not on their own behalf, but as arbiters of an array of different social values) and would win general agreement; in sum, that rational decision-making was applicable to complex social systems (Hall 1983,42).

The late 1960s saw the development of new approaches and challenges to these technical models. Today many view planning as a process of 'bargaining' or negotiation between actors with an interest in the final outcome (Dorcey 1986; McDonald 1989). Ultimately, this alternative model — bargaining — asserts that planning is a social and political process, a proposition far removed from the centralised, mechanistic approaches to planning encapsulated by 'blueprint' planning of the 1950s. Like the systems and pluralist schools, bargaining theory holds that public participation is fundamental to the planning process. Indeed, given that the bargaining school considers planning outcomes to be the result of negotiation between interest groups with an interest in the outcome, opportunities for participation become fundamental to equitable land and resource use (Dorcey 1986).

In some ways conceptual development in impact assessment has travelled a similar path to the dominant planning models even if the changes in impact assessment thinking have lagged behind approaches to planning. Most recently, a 'political' approach to SIA has emerged, emphasising the political nature of environmental decision-making and planning and, as a result, the degree to which planning and decision-making outcomes tend to reflect the ideologies and relative power of particular actors. This approach, premised on the assumption that the entire process from project proposal to decision-making is highly value-laden and political (Ross 1990), is in stark contrast to the predominant 'technical approach' to SIA. The political approach assumes that the

ultimate political orientation of the decision-making authority will determine the outcome regardless of the weight of technical data produced (Craig 1990).

The political approach, therefore, emphasises the importance of community developed strategies and decision-making processes. It recognises democratic public participation as a necessary precursor to equitable outcomes and it utilises critical and developmental social theory in its assessment of social impact (Craig 1990). Importantly, it regards expert and scientific data as important but sees value choice as the final determinant of policy (Craig 1990). Others (see Rickson *et al.* 1989; Burdge & Opreyszik 1983) emphasise the importance of the intense conflict often involved in environmental decision-making, a dynamic which militates against rational decision-making. In some respects 'political' approaches to SIA are analogous to Marxist approaches to planning which emphasised the role of the capitalist state in the creation of planning problems for communities and which advocate planning as a mechanism of empowering local communities to challenge the State (Hall 1983). Political approaches to SIA, however, have a continuing relevance in land use planning by the use of bargaining as a tool for community participation and empowerment (Dale & Lane, in press).

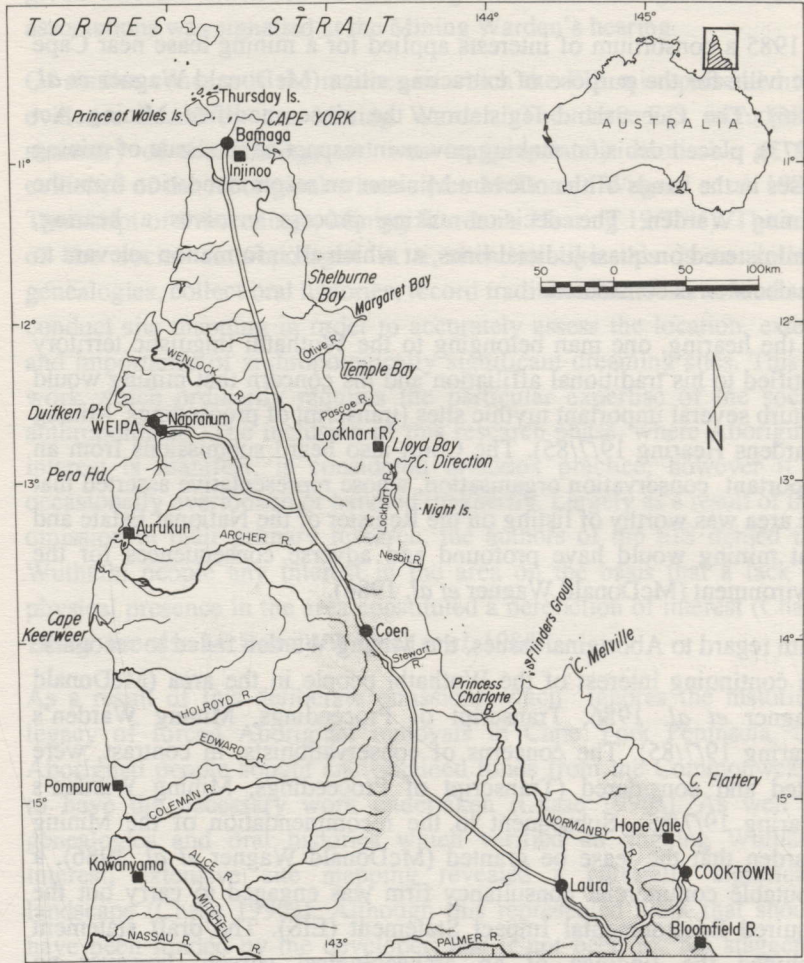
The 'technical' approach to SIA (Howitt 1989a; Craig 1990), which is more widely used as a result of its legislative basis, emphasises the accumulation of quantitative data as a result of an essentially positivist approach to social theory (Craig 1990). The 'technical approach' relies on the decision-making process being objective and rational rather than being a process of particular actors mobilising to protect their interests (Rickson *et al.* 1989). The power differential among actors who have an interest in the final outcome is thus significant in that planning and decision-making outcomes will tend to reflect the interests and ideologies of actors with access to substantial political resources (Howitt 1989a).

Given the current interest in the resources of Cape York Peninsula, it is timely to consider the degree to which Aboriginal interests are reflected

in the processes which determine land and resource use. Although a number of commentators (see Howitt 1989b; Coombs *et al.* 1990) have accurately described the marginalisation of Aborigines by rapid regional economic development, few have precisely described the process by which marginalisation resulted. It is the contention of this paper that marginalisation is the result of the failure of planning, impact assessment and development decision-making to adequately accommodate Aboriginal interests and concerns.

## **Mining and Aborigines at Shelburne Bay**

Shelburne Bay lies on the north-east coast of Cape York Peninsula, some 80 kilometres north of the Lockhart River Aboriginal Community (see Figure 1). It is the traditional homeland of the Wuthathi people who are now dispersed amongst several Cape York Peninsula Aboriginal communities including Lockhart River and Injinoo. Shelburne Bay consists of silica rich dunefields, perched lakes and significant vegetation mosaics. It is an area which, in land use planning terms, presents a typical scenario of conflict among the interested parties. An area of high conservation value, it has attracted the attention of conservation groups such as the Australian Conservation Foundation and the Wildlife Preservation Society of Queensland who have lobbied to have the area recognised by World Heritage listing (Wildlife Preservation Society 1987). Others (see Stanton 1976) have recommended National Park protection. The sand dunes of the area which consist of high quality silica, have been assessed as containing over 200 million tonnes of the commercially valuable sand (McDonald Wagner *et al.* 1986). Completing the trio of interests are the traditional owners of the area for whom it is a traditional homeland rich in dreaming sites, Aboriginal historical connections and marine and terrestrial resources. An examination of the manner in which these competing interests and demands for the same resource have been



**Figure 1 Map of Cape York Peninsula**

managed is instructive in analysing the degree to which Aboriginal issues are adequately considered by planning and decision-making processes.

In 1985 a consortium of interests applied for a mining lease near Cape Grenville for the purpose of extracting silica (McDonald Wagner *et al.* 1986). The Queensland legislation, the since modified Mining Act (1973), placed decision-making power in respect of the issue of mining leases in the hands of the relevant Minister on recommendation from the Mining Warden. The decision-making process involves a hearing, administered on quasi-judicial lines, at which all information relevant to the decision is considered.

At the hearing, one man belonging to the Wuthathi linguistic territory testified to his traditional affiliation and his concern that mining would disturb several important mythic sites (transcript of proceedings, Mining Wardens Hearing 19/7/85). The Court also heard submissions from an important conservation organisation, whose representative asserted that the area was worthy of listing on the Register of the National Estate and that mining would have profound and adverse consequences for the environment (McDonald Wagner *et al.* 1986).

With regard to Aboriginal issues, the Mining Warden failed to recognise the continuing interest of the Wuthathi people in the area (McDonald Wagner *et al.* 1986; Transcript of Proceedings, Mining Warden's Hearing 19/7/85). The concerns of conservationists, in contrast, were noted and considered (Transcript of Proceedings, Mining Warden's Hearing 19/7/85). Subsequent to the recommendation of the Mining Warden that the lease be granted (McDonald Wagner *et al.* 1986), a reputable commercial consultancy firm was engaged to carry out the required Environmental Impact Statement (EIS). The draft statement included the findings of an archaeological survey, however no anthropological work was carried out (McDonald Wagner *et al.* 1986; Chase 1990a). An occasional failure of commercial multidisciplinary research is that the disciplinary expertise dominant in the firm, ignore or misunderstand the relevance of particular disciplinary expertise (Burdge and Opreyszik 1983; Lane 1990). Burdge & Opreyszik (1983) explain



this phenomenon as 'disciplinary chauvinism'. The omission of anthropological studies in this instance is a particularly glaring one, given that the existence of dreaming sites and Aboriginal territorial associations was signalled at the Mining Warden's hearing.

Of similar concern is the manner in which the EIS misrepresented the evidence heard by the Mining Warden. The draft EIS included a summary of the hearing, and was inappropriately dismissive of the evidence of the Aboriginal witness (see McDonald Wagner *et al.* 1986; Transcript of Proceedings, Mining Warden's Hearing 19/7/85). The role of the social anthropologist in a situation like this is to collate genealogies, collect oral histories, record traditional interests in land and conduct site mapping in order to accurately assess the location, extent and importance of anthropologically significant dreaming sites. This is work which ordinarily requires the particular expertise of the social anthropologist. The inclusion of this research phase, where Aboriginal interest is manifest, is considered orthodox practice, however it is occasionally overlooked or handled inexpertly. Largely as a result of this omission in their primary research, the authors of the EIS denied the Wuthathi people any interest in the area on the basis that a lack of physical presence in the area constituted a dereliction of interest (Chase 1990a; see also McDonald Wagner *et al.* 1986).

As a result of this deliberate omission, which ignores the historical legacy of forced Aboriginal removals in Cape York Peninsula, the Aboriginal people sought and obtained funds from the Commonwealth to have the necessary work undertaken (Chase 1990a). As well as genealogies and oral histories which verified an ongoing Wuthathi interest, extensive site mapping revealed a culturally significant landscape (Chase 1990a). Although this represented work that should have been funded by the developer, had it not been for the staggered draft and final phases of the EIS process, the deficiency could not have been rectified. The final document, however, remained essentially as intransigent to the Aboriginal perspective as the draft (Chase 1990a), and in this respect the public participation phase was successful only in

bringing Aboriginal interests to the attention of the Federal government. Friesema and Culhane argue that

a fundamental problem with the EIS process is that the agency which is responsible for a project ... is also responsible for preparing the impact statement and responding to comments on the draft EIS ... It is not uncommon for agencies to ignore or misinterpret the detailed and apparently compelling comments they receive, leaving the substance of the final EIS essentially unchanged from the draft (1976, 352).

Importantly, because the anthropological work was not included as part of a wider study, important flow-on social impacts of site damage and the diffuse effects of major infrastructural development in the region were not considered. The impact study did not canvass the degree and nature of socio-psychological impact which may have resulted from damage to sites of significance to the Wuthathi people. Indeed, the impact assessment report sought to explicitly deny and de-legitimise the cultural position of the local Aboriginal people. The project was eventually stopped by the Commonwealth ostensibly on environmental grounds, although it appears that foreign investment considerations figured in the decision (Chase 1990a).

As a final aspect of this case, it is worth examining the process of consultation with Aboriginal groups. The reader will recall that the existence of traditionally linked Aboriginal people was initially signalled by the appearance of the Aboriginal witness at the Mining Warden's Hearing. Despite this, there was no effort made by the consulting firm to contact interested Aboriginal groups or to assess the significance and legitimacy of any Aboriginal interest (McDonald Wagner *et al.* 1986; Chase 1990b).

With regard to project consultation then,

a necessary part of the anthropologists' work with the Wuthathi people was the careful explanation of all of the documentation which had been produced on the project, the legal requirements at Federal and State levels, and the transposition of lease boundaries from maps to actual landscape (Chase 1990a,17).

In the absence of consultation by the consultants as part of their considerations of social impact, the Wuthathi would have remained

largely ignorant of the process had it not been for the intervention described above. The process of consultation, initiated by Federal intervention, enabled the Wuthathi to critically evaluate and comment on the project, and to participate, at least in a minimal sense, in planning and decision-making occurring in their midst.

## **Resort development at Lockhart River**

In 1987 a large corporation with significant international finance released plans for a resort and subdivision complex on Lloyd Bay to the immediate north of the Lockhart River Aboriginal Community on the east coast of Cape York Peninsula. The proposal was for a large, multifaceted tourist resort involving a marina, large accommodation complexes, as well as a staff residence complex designed to provide housing for an estimated 2000 staff and their families (Farndale P/L 1988). The proximity of the resort to the community, barely a kilometre away, meant that the development proposal was soon known to Lockhart residents. Significantly, the information was received via informal means, rather than through formal consultative mechanisms (Lane 1990). In respect of this proposal, three issues are pertinent: the development application, processes of consultation and the impact assessment study.

To proceed with the development, the firm was required to apply to the relevant Local Government Authority seeking a land use zoning commensurate with the proposed resort complex. Legislation under which development at the Local Government level proceeds requires that adjacent landholders are notified and allowed a thirty day period in which to lodge an objection. Notification, in this instance, occurred immediately after Christmas: a technique used in real estate to effectively limit the time period in which an adjacent landholder can object (Chase 1990a). Apart from signposted notification, there was no written or personal communication to notify the Aboriginal community that the period in which objections could be lodged had thus begun (Court Proceedings, Supreme Court 1989). The consultation, being

clearly inadequate in this cross-cultural context, was largely responsible for the failure of the community to object to the development in the allocated time.

Having received no objections from adjacent landholders, the Local Government Authority informed the proponent to begin the compilation of the required Environmental Impact Statement (EIS), the final step in the re-zoning application. The Authority, however, agreed in principle to approve the rezoning application in June 1989, some four months before the EIS was submitted (Ferros 1990). This is in direct contravention to the spirit of the legislation which requires that the application and the impact study be submitted together in order that the decision-making body has access to all pertinent information at the time of considering the proposal (Gilpin 1980).

As a result of the shrewd timing of notification, the lack of adequate consultation and the decision to allow the project to proceed prior to the completion of the EIS, the Local Government Authority subverted the minimal requirements of the legislation. Aboriginal people in Cape York Peninsula have long felt estranged from local government partly because it has often been antagonistic to Aboriginal interests and concerns (Graham 1990). The Local Government is characterised by extensive links with pastoralists and property holders in the Peninsula and has aggressively pursued resource and infrastructural development (Graham 1990). In addition, as a result of the State government legislation which established a system of Aboriginal trust lands, Aboriginal people are disenfranchised from political representation at the local government level on the Peninsula (Pearson 1989). These factors are pertinent in that they provide a political explanation for approval for the development in advance of the submission of the EIS and in the face of community opposition and reasonable concerns regarding social impact.

The response of the Lockhart community, on advice from a Federally funded legal aid service, was to serve the Local Government Authority with a Supreme Court writ restraining them from dealing further with the rezoning application. In November of 1989, the community took action against the corporate proponent in the Supreme Court on the

grounds that they had not correctly complied with the statutory advertising procedures (Ferros 1990). The action failed, the defence used by the corporation, that of 'substantial compliance', was sustained by the Supreme Court of Queensland (Court Transcript, Supreme Court 1989). An appeal to the High Court ultimately overturned this decision, a decision which means that the development application process will need to recommence if development is to proceed.

With respect to consultation and participation, the Community Council was first informed of a resort development in their midst by a trusted adviser operating in no formal capacity (Ferros 1990; Lane 1990). The concern of the Council was such that discussions began immediately on the possibility of the adviser (an anthropologist) undertaking to study and report on the possible social impact of the development. In the period between these initial discussions and the commencement of the study, the sole consultative meeting between the developers' consultants, a representative of the developer and the Community Council was held. It is generally considered orthodox that consultation with Aboriginal communities is not restricted to the formal representative body. Aboriginal communities are characteristically factionalised on age, gender, family and territorial lines; to limit consultation to a single body, such as the Community Council, in which these other interests are not represented, limits the usefulness of the consultation. A number of recent studies, all of which included anthropological expertise, have implicitly and explicitly followed this understanding of the politics of Aboriginal communities (see, for instance, Ross 1990; Lane *et al.* 1990). The process of consultation adopted by the developer and its consultants had been ineffectual and without any commitment to participation as a component of the assessment methodology.

The Environmental Impact Statement (EIS), which was legislatively required to include consideration of social impact, was compiled by a reputable successful consultancy firm. The report is illustrative of many of the problems routinely encountered in impact studies in which Aboriginal concerns are involved (see Ross 1990; Howitt 1989a; Chase

1990a). Further, and with particular regard to the manner with which it deals with issues of social impact, the study fulfils a role that has almost come to characterise impact assessment in Aboriginal domains. As Howitt (1989a, 159) writes, such research

often maximises social benefits (although usually at the aggregate scale) and minimises social costs (usually at the local scale) ... such research can often be reasonably characterised as *post facto* justification of pre-determined outcomes.

The approach used by the consultants who compiled the EIS was the 'technical' approach discussed earlier. This common approach to analysis of social impact is essentially designed to provide the decision-maker with all the information regarding possible impact. It is considered orthodox, where Aboriginal considerations are manifest, to scope, research and report on three areas of impact: archaeological sites, culturally significant sites and community-wide social impact. It has often been the case, however, that although archaeological sites are well reported, culturally significant sites and social impact are poorly handled or even omitted (see, for instance, the Shelburne Bay Silica Joint Venture EIS; Chase 1990a; Lane 1990). The EIS examined in this instance, therefore, is not the first to inadequately deal with Aboriginal considerations (see Ross 1990).

An important aspect of any impact assessment study is to adequately describe the existing environment in order that this 'baseline study' can be used in impact prediction and future monitoring. In addition, a comprehensive baseline study is important as a basis on which negotiation between the community and the proponent might proceed. In terms of Aboriginal considerations, the EIS under consideration provided a paucity of information about the social environment of Lockhart River. Although the report canvassed the existence of mythic sites, no detailed map was provided despite one being supplied by the community (Hollingsworth Dames & Moore [HDM] 1989). The report documents data on 'technical' variables such as employment, income and education in a most rudimentary fashion. There is a great deal of

pertinent material available which was not included in this study. The report also uses no ethnographic variables to document other aspects of the community. There is, for instance, no description of the overwhelming opposition of residents to the proposed development (HDM 1989; Chase 1988; Ferros 1990; Lane 1990). In addition, there is no meaningful assessment of life in the community that might explain the deteriorating health status of the residents, the level of crime and alcohol consumption (Chase & Lane 1990). In fact no such analysis is presented.

Given the inadequacy of social variables dealt with by this study, it is not surprising that the final evaluation of social impact was inadequate. To illustrate the level of analysis presented: the impact on cultural heritage (according to the report) might be mitigated by 'cultural tourism' (HDM 1989). There is no examination of the regional and historical contexts of development and subsequent impact (HDM 1989). There is no theoretical basis for the analysis presented, nor any use of appropriate studies from elsewhere in Australia (see, for example, Altman 1987). The alarming problems of community health, rather than being exacerbated by marginalisation, loss of access to land, erosion of selfdetermination etc., would improve (according to the EIS) because the resort doctor will be available to the community (HDM 1989, 77; cf. Sutton 1983; Lane *et al.* 1990). The report recognises the resort will represent an imposition on the community and possibly have negative implications for the community and traditional cultural orientation, but it quickly overcomes the fears of the reader, however, by asserting:

culture ... is a dynamic process ... influenced by a range of external issues ... and that liaison between the community and the developer will minimise cultural impact (HDM 1989, 32).

The study suggested cultural performance as a positive means by which the resort might contribute to the maintenance of Aboriginal cultural integrity (HDM 1989, 31). The report made no reference to the growing body of literature dealing with the social impact of tourism, a literature which has documented the cultural impact of tourism on indigenous societies. This literature often warns of the effects of commodification of culture and provides insights into the management of tourism so that

adverse socio-cultural impacts can be avoided and economic benefits achieved (Northern Land Council 1985; Mathieson & Wall 1982).

These aspects of the study are a manifestation of a recurring problem of many social impact studies. The study team included no social scientists or anthropologists, yet the report purported to make authoritative statements about life in the community. There are a number of possible explanations for this phenomenon. Firstly, the commercial consultancy field which developed in the mid 1970s following the passage of the first impact assessment legislation, quickly became dominated by engineering firms which were already providing consulting services in respect of development (Lane 1990). This factor, coupled with what Chase (1990a) has called 'expertise creep' has created a situation in which engineers and other physical scientists have come to dominate research and decision-making in all aspects of impact assessment (Chase 1990a; Brown 1984).

The report, having inadequately canvassed the scope of impact, and inexpertly evaluated the degree of impact, ultimately argues that the reader should regard the development as a positive contribution to the Lockhart community. The flaws in research design, and data compilation and analysis, illustrate the paucity of evidence available to support this contention. Ultimately the report is a sophisticated exercise in advocacy, and a very poor statement of impact (Chase 1990b; Ferros 1990).

This critique has two central findings. Firstly, the EIS has failed to identify and evaluate important areas of social, cultural and economic impact, both positive and negative for the Lockhart River Aboriginal Community. Secondly, the EIS has been used as vehicle for project advocacy, rather than for its prescribed purpose of evaluating impact. The observation that, in this instance, the project developer and its consultant attempted to deliberately deny critical (and obvious) Aboriginal dimensions is a difficult one to refute.



## Aborigines and environmental decision-making on Cape York Peninsula

The analysis of conflicts between proponents of development and Aborigines at Shelburne Bay and Lockhart River is instructive for practical application of impact assessment and planning in Aboriginal domains as well as for the relevance of existing theoretical approaches to these matters. Indeed, it is tempting to conclude that in terms of both practical applications of planning and impact assessment and theoretical frameworks in which these applications are situated, Aboriginal interests and perspectives have been poorly accommodated. Although each of the proposals ultimately failed to eventuate, the mechanisms for the articulation and consideration of local community concerns proved incapable of recognising these concerns, let alone reconciling the competing objectives of economic development and local community interest. Although these case studies provide no evidence for a cumulative marginalisation effect, they do point to a capacity for current approaches, in terms of the final outcome, to marginalise local communities (cf. Howitt 1989b; Coombs *et al.* 1990).

Importantly, these cases show that there exists a disparity between the practical application of impact assessment and planning, and the orientation of contemporary planning theory. Quite apart from the quality of the technical application of SIA, it is clear that whereas contemporary planning theory has recognised that, above all, land resource planning and environmental decision-making are socio-political processes (Dorcey 1986; Hall 1983; McDonald 1989; Howitt 1989a), the application of SIA in Cape York Peninsula proceeds on the premise that environmental decision-making is rational and capable of reconciling a diversity of interests and concerns. It is a contention of this paper that, although technical improvement in public participation, social impact assessment and planning are important objectives, unless these improvements and subsequent applications are grounded in realistic and appropriate theory, improved planning and environmental decision-making will not result.

Planning theory has moved away from mechanistic, supposedly rational approaches and now recognises that planning decisions and outcomes are the result of interplay and negotiation between actors with an interest in those decisions and outcomes (Hall 1983; Dorcey 1986). Theoretical recognition is an important precursor to understanding the way in which the practice of planning and impact assessment can be improved. If bargaining and negotiation is the framework in which land resource planning occur, the Cape York Peninsula experience demonstrates that the process is not adequately sensitised to the issues inherent in cross-cultural land use considerations. Dorcey (1986) has shown that bargaining in contexts other than indigenous domains often fails to produce equitable, rational outcomes. Since planning outcomes are the result of a political process, unless all actors participate in a roughly equitable and effective manner, planning outcomes will tend to reflect the interests of dominant forces, and other actors will be marginalised. For the Aborigines of Cape York, these are critical issues as governments and developers turn their attention to the resource-rich Peninsula. The process of European incursion into the Peninsula has had a dramatic socio-cultural impact on Aboriginal society. Assimilationism and paternalism have left Cape York Peninsula Aborigines poorly equipped to participate in a political process which has already demonstrated its insensitivity to differing cultural perspectives.

Dorcey (1986) recommends explicit recognition of bargaining as an approach to planning and advocates the following framework for reform:

- i. informing the bargaining or improving the ability of people to bargain;
- ii. improving participation and representation in bargaining;
- iii. increasing the productivity of bargaining by reform of institutional and legislative arrangements.

This provides a useful framework for discussing reform in impact assessment, participation and planning, as practised in Cape York Peninsula.

With regard to the ability of Aboriginal actors to participate in the political processes of resource development, certain problems must be overcome: the lack of information about the process itself, the opportunities for participation and the relevance and importance of participation. Indeed, in both the Shelburne Bay and Lockhart River cases, information about the proposal, the process of development approval and consideration came from informal advisers involved in community problems, rather than from the formal planning processes. A structural feature of current planning processes is the perpetuation of inequitable participation and bargaining by not informing and facilitating the involvement of politically disenfranchised groups. It is a structural inequality which the Western Australian system, in contrast, has overcome by establishing a Social Impact Unit as a government agency; this has as one of its principal objectives information provision and facilitation of effective participation (Beckwith 1990).

Providing opportunities for host community participation is fundamental to realising equitable outcomes in the land and resource use. The opportunity for participation in the EIS process was critical, as we have seen, in having the concerns of the Wuthathi recognised and critical to overcoming the flaws in the conduct of the Shelburne Bay EIS. However, unless communities are cognisant of the political processes which determine land and resource use, they are unlikely to appreciate the benefits of participation. The absence of meaningful consultation by and with the developer, together with other opportunities for Aboriginal participation, can only be overcome by legislative and institutional arrangements. Critically, the variety of effective techniques for enabling indigenous participation in planning and impact assessment (see Craig 1991) were not applied in either the Shelburne Bay or Lockhart River cases. In addition, it needs to be recognised that the provision of opportunities for Aboriginal people to participate in these processes, including active steps to empower them to do so, cannot be separated from a range of dependencies and social problems manifest in Peninsula Aboriginal communities. These concerns, coupled with poor planning and impact assessment procedures, provide a combination capable of marginalising Aborigines as Cape York Peninsula is rapidly developed.

With regard to the reform of relevant legislative and institutional arrangements, Dorcey argues that the continued refinement and restructuring of impact assessment procedures has been, and will continue to be, an important 'reform' for the bargaining process (1986). The examination of the Lockhart River and Shelburne Bay case studies has shown that changes to the various statutes under which an EIS can be instituted should substantially improve the quality of social impact assessment, consultation and, ultimately, negotiation. The failure of social impact assessment to adequately address Aboriginal concerns, both in the Peninsula and elsewhere (see Ross 1990; Howitt 1989a; Chase 1990a), stems from the failure of legislation to specify the methodology, scope and dimensions inherent in SIA of developments involving indigenous communities (Craig 1990). The structural basis of SIA, being inadequate, has allowed the poor consultation and inadequate assessment of impact to occur as the details of the Lockhart River and Shelburne Bay case studies demonstrate.

There exists a dichotomy of approaches and methodology for SIA, a dichotomy which is most apparent in indigenous SIA (Craig 1990). The Berger Inquiry which heralded the genesis of the 'political' approach to SIA recognised the worth of both approaches and, indeed, utilised both to great effect (Berger 1977). As Craig (1990) argues, there are often technical and political aspects to many environmental decisions, and the challenge is essentially one of identifying the different elements to the decision, and applying methodologies to suit the task. To illustrate, information about community value choice and local participation may be appropriate for a predominantly political decision and a greater role for expertise and adjudication (with less public participation) may be appropriate for a predominantly technical decision (Craig 1990). The criteria used for the choice in methodology in a particular situation should be the degree to which the decision is likely to effect other actors in the planning community (Dale & Lane, in press).

Effective social impact assessment needs to empower not only the State in respect of a land use decision, but also the community so it can become an effective actor in the bargaining process. If the decision falls

in favour of the development, then technical data detailing areas of Aboriginal concern for instance, become crucial in the formulation of measures to mitigate impact. If a 'political' approach to SIA has also been adopted, then a more equitable bargaining outcome is likely to result because of community participation and representation, together with the development of community strategies as a response to the development. The 'political' or participatory approach is essentially an empowering process (Howitt 1989a) and therefore is ideal for use in a forum in which bargaining determines land use outcomes.

### **The need for reform**

The number and diversity of development proposals to which Cape York Peninsula is currently subject leave little doubt that the region is soon to undergo a transition from being a peripheral resource wilderness to one integrated into the socio-economic fabric of the State. The transition can, in many ways, be seen to be analogous to the rapid transformation of other remote regions in Australia like the Pilbara, East Kimberley and the Alligator Rivers Region. For Aboriginal society in Cape York Peninsula, this transformation has the potential to provide meaningful economic opportunity, perhaps facilitating genuine self-determination or, alternatively, ensuring continued marginalisation and pauperisation (see Howitt 1989b). The mechanisms by which development proceeds — planning, impact assessment and decision-making — are fundamental to the future of Aboriginal people in a region like Cape York Peninsula. If these mechanisms facilitate the consideration and expression of Aboriginal concerns in a framework which provides for the equitable reconciliation of competing concerns and interests, the marginalisation of Aborigines which Howitt describes for the Pilbara region (1989b) might be avoided.

The Shelburne Bay and Lockhart River cases, however, signal that current approaches to planning and impact assessment are poorly equipped to accommodate Aboriginal perspectives. Reform of the institutional and legislative arrangements which determine the

developmental process is vital to ensuring Aboriginal participation and equity of opportunity in the determination of the future of their environment. These reforms will need to reflect contemporary theory in respect of environmental planning and decision-making if they are to realise the goals set for them.

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