

URBAN DEVELOPMENT AND INDIGENOUS PEOPLES: THE RETXIKURA ROCK AND THE "LOMAS DEL LAGO VILLARRICA" REAL-ESTATE PROJECT, CHILE ¹

DESARROLLO URBANO Y PUEBLOS INDÍGENAS: PIEDRA RETXIKURA Y PROYECTO
INMOBILIARIO "LOMAS DEL LAGO VILLARRICA", CHILE

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La regulación del desarrollo urbano en Chile es extremadamente permisiva. Aprueba casi automáticamente los proyectos de urbanización en áreas urbanas que cumplan con la normativa vigente. Sin embargo, el aumento reciente de la población indígena en ciudades chilenas ha creado una “zona de contacto” entre esa población y los procesos de aprobación de esos proyectos inmobiliarios. A partir del caso de estudio de la expansión inmobiliaria en torno al Monumento Arqueológico Nacional Piedra Retxikura, ubicado adyacente al sector Segunda Faja en Villarrica, Región de La Araucanía, Chile, esta investigación busca analizar en qué medida se incluye realmente a la población indígena en los procesos de planificación y regulación del desarrollo urbano chileno. Mediante un enfoque cualitativo basado en entrevistas semiestructuradas, revisión documental y recopilación de datos empíricos, se analizaron las experiencias de actores clave, tanto comunitarios como institucionales. El estudio evidencia la ausencia de un enfoque intercultural y la colonialidad en la configuración de los procesos de planificación que delegan en los titulares de proyectos sometidos al Servicio de Evaluación de Impactos Ambientales la toma de decisiones respecto de poblaciones indígenas. Esto conduce a la exclusión total de la comunidad originaria del proceso de toma de decisiones sobre proyectos inmobiliarios.

Palabras clave: consulta indígena, planificación urbana, desarrollo urbano, sistema de evaluación de impacto ambiental

Chilean urban regulations are extremely permissive. They almost automatically approve development projects in urban areas that comply with current regulations. However, the recent increase in the Indigenous population in Chilean cities is creating a “contact zone” between this group and urban development approval processes. Based on a case study of the real estate expansion around the Piedra Retxikura National Archaeological Monument, located alongside the Segunda Faja sector of Villarrica, Araucanía Region, Chile, this research seeks to analyze the extent to which the Indigenous population is included in the planning and approval processes for urban development projects. Through a qualitative approach based on semi-structured interviews, document review, and empirical data collection, the experiences of key actors, both community and institutional, were analyzed. The study highlights the absence of an intercultural approach and the coloniality in the organization of planning processes that delegate decisions regarding Indigenous peoples to proponents of development projects submitted to the Environmental Impact Assessment System. This leads to the complete exclusion of the Indigenous community from the decision-making process regarding real estate projects.

Keywords: indigenous consultation, urban planning, urban development, environmental impact assessment system

I. INTRODUCTION

Only a couple of decades ago, it was uncommon to question the approval of a real estate project in Chile on the grounds that it interfered with indigenous cultural practices. Around 2000, the approval of urban development projects was fundamentally a bureaucratic and technical matter within the competence of the Municipal Works Directorate and, therefore, in practice, did not involve the local population. However, over the next few years, a series of citizen conflicts arose in districts of Santiago's Metropolitan Region (Vitacura in 2004, Lo Espejo in 2005, Ñuñoa in 2006, etc.) that questioned this exclusionary logic (Agüero et al., 2014; Caulkins, 2020; Parraguez Sanchez, 2012). Subsequently, the Law on Citizen Participation (Law 20,500, 2011) and the Decree regulating the procedures for Indigenous Consultation in the country (Decree 66, 2014) were approved. Nowadays, this set of social and regulatory changes includes urban planning, regulatory plans, and the daily work of approving and/or regulating urban development, which is receiving increasing opposition from citizens. Indeed, recently, an indigenous population in the city of Concepción managed to reverse the approval of the Metropolitan Regulatory Plan by having it discussed again, including them as participants in the new process (Gore Biobio, 2022).

In Chile, urban planning is mainly limited to preparing and applying regulatory instruments, including the General Law of Urbanism and Construction, its Ordinance, and the Regulatory Plans at the Sectional, Communal, and Intercommunal levels. Recent authors even go so far as to describe the Chilean case as "urbanism by decree," a commodified context in which projects that do not contradict current regulations are approved almost as an acquired right (Schuster-Olbrich et al., 2024; Sierra, 2006; Vicuña Del Río, 2013). This is especially important for indigenous populations affected by urban development projects in their regions.

This article will review a case of the Mapuche people's opposition to the approval of an urban development project around a site of great significance to them. The Retxikura Stone National Archaeological Monument (Figure 1) is located in a highly relevant urban, environmental, and heritage context (Aguilera, 2022). However, the area's accelerated real estate growth has fragmented its water system and affected this pre-Hispanic archaeological site, recognized by the Historical Heritage Corporation of Villarrica and the National Monuments Council.

The "Lomas del Lago Villarrica" urbanization project, set around the Retxikura Stone, comprises 600 residential units, 640 parking spaces, and 7 commercial premises. The 6.75ha project seeks to extend the city toward the lake by

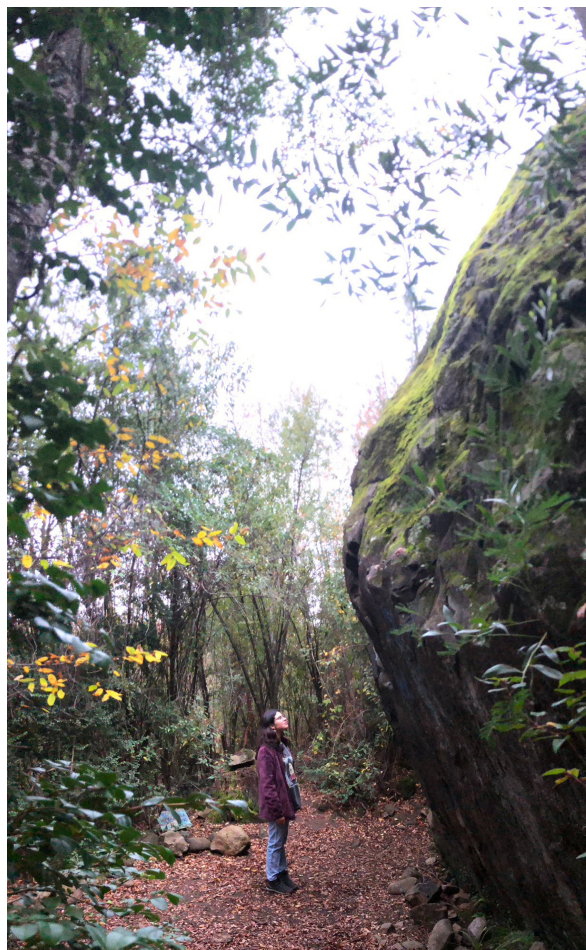


Figure 1. Piedra Retxikura National Historical Archaeological Monument. Source: Preparation by the authors.

forcibly breaking into the sector, thanks to its scale and its projection into previously protected forest areas, estuaries, and archaeological sites.

Although urban development regulations and indigenous recognition laws (such as Law 19.253, 1993) do not have formalized points of intersection in Chile, the increased migration of originally rural indigenous populations to cities and the expansion of urban areas that may incorporate rural indigenous lands (Caulkins et al., 2023) produce a "contact zone" between both regulatory bodies (Porter & Barry, 2016). The General Urban Planning and Construction Law does not address this indigenous population in cities, but the National Urban Development Policy (PNDU), in its 2014 update, identified identity and heritage as important factors. However, only since the passing of Decree 66 (2014) has the right to indigenous consultation in Chile become concrete.

This article seeks to contribute to recent efforts to understand the relationship between urban planning and indigenous peoples (Caulkins et al., 2023; Porter & Barry, 2016). In particular, it is proposed to analyze how urban development, and specifically the approval of real estate projects, is related to the right to indigenous consultation.

The text below this introduction is organized as follows. The next section reviews the scientific literature on urban development regulation, regional justice, and its relationship with the administrative approval of real estate projects in Chile, to provide a reference framework for interpreting the contact zone created by the “Lomas del Lago Villarrica” project (Figure 2). After that, the methodology used for the case study is presented, highlighting a focus on understanding the regulations governing the project’s approval and on participant observation by one of the authors. The results of the analysis of the approval structure for real estate projects, along with interviews with key players, are then presented. The article suggests that administrative reforms are needed so that indigenous peoples can participate in better conditions in the planning and regulation of urban development.

II. THEORETICAL FRAMEWORK

Urban development disputes

The real estate expansion in Chile has reconfigured urban landscapes, driven by a mercantile logic that guides urban regulations and subordinates them to real estate profitability interests (Kramer Grand, 2019). The growing real estate speculation and the commodification of the landscape have transformed these natural environments, with a greater presence along the coasts (Oyarce Avilés, 2020). Zunino et al. (2011) point out that, in particular, the densification of the Villarrica area has been driven by real estate projects offering privileged access to the lake.

This real estate pressure has begun to impact peri-urban indigenous lands in cities such as Temuco (Rojo-Mendoza et al., 2022; Prada-Trigo et al., 2021). Núñez et al. (2022) suggest that these urban logics strain culturally significant places for indigenous peoples and their traditional ways of living in community. When reviewing recent literature, cases stand out where urbanization affects spiritual ceremonies in an indigenous community in the commune of Padre Las Casas (Imilan et al., 2023), an electrical substation for the metro affecting the *rewe* of neighboring municipal land⁴ in Pudahuel, Santiago Metropolitan Region (Caulkins et al., 2023),



Figure 2. Lomas de Villarrica Real Estate Project and Alto Costanera Avenue. Source: Preparation by the authors based on material provided by the NGO “Salvemos la Piedra Retxikura”.

or a real estate development next to the Topater indigenous cemetery of Atacama communities (Fuenzalida, 2015).

However, very little has been written about the relationship between urban development regulation and indigenous peoples. In Canada and Australia, Porter and Barry (2016) analyze urban and rural instances of “contact zones”, social spaces where indigenous culture meets local regional planning bureaucracies. They insist that achieving concrete results depends not only on the efforts of these peoples and well-intentioned bureaucrats, but also on more structural elements: on the institutional rules that require State actors to include the peoples in decision-making and to transfer capacities to them so they can participate more meaningfully.

As for the Chilean case, Caulkins et al. (2023, p. 1) point to the insufficient recognition of indigenous peoples’ status in urban planning, thereby denying them effective participation in the formulation, implementation, and evaluation of plans likely to affect them directly. On the other hand, planning and regulation continue to reproduce a dichotomous colonial logic in which indigenous peoples are assigned only to rural areas of the country for land-granting, not to urban areas (Ugarte et al., 2019).

Urbanization, indigenous population, and regional justice

The cases reported in the literature demonstrate that the colonial development matrix affects indigenous peoples in

⁴ The Evaluation Commission of the Metropolitan Region, in its Resolution 67 of February 4, 2013, required the company Transelec S.A., within the framework of the project’s Environmental Impact Assessment, to conduct an Indigenous Consultation process. This is the only case of Indigenous Consultation derived from the Environmental Impact Study of an urban project known to date in the country.

Data sources	Purpose	Addressed to
Semi-structured interviews	Collecting stakeholders' insights and experiences.	9 participants: 2 from Environmental Institutions, 2 from indigenous communities, 3 from local environmental NGOs, 1 from Local Government, 1 from a person in charge of local heritage.
Documentary review	Identifying gaps and opportunities for improvement.	Law 19.300, Environmental Impact Assessment System Regulation [RSEIA, in Spanish], Indigenous Participation and Consultation guides, and international standards. Academic articles on the Effects of Urban Expansion and Real Estate Projects, Interculturality, Socio-environmental Impacts, Indigenous Participation and Consultation Mechanisms, among others.
Participatory observation	Validating impacts and corroborating perceptions.	Cultural dynamics, use of ceremonial spaces, and instances of participation

Table 1. Data source. Source: Preparation by the authors.

both urban and rural contexts (Mansilla Quiñones & Imilan Ojeda, 2020). The indigenous population, when seeking greater regional justice, seeks recognition as a legitimate interlocutor (Coulthard, 2014; Herrera Amaya, 2018). However, within State processes, citizen participation appears as merely symbolic, without entailing participation in decision-making.

Ugarte Urzua (2019) analyzes the process of drafting Decree 66, which regulates Indigenous Consultation in Chile. Article 7 requires the State to consult with indigenous populations regarding any administrative measure that may affect them. On the other hand, Article 8 regulates the approval of private projects evaluated under the Environmental Impact Assessment System. On the one hand, the few studies to date (Caulkins et al., 2023) have analyzed the impacts of Indigenous Consultation on State administrative measures. However, no literature reviews the effects of private project approval on Indigenous peoples' rights. So far, in Chile, only Environmental Assessment for mining and large energy projects has been extensively studied (Barría Meneses, 2019), leaving real estate developments unstudied.

The Environmental Impact Assessment System (SEIA, in Spanish) determines whether a project or activity causes environmental changes and whether it complies with the country's regulations. To do this, the owners must comply with Law 19,300 (1994) and the SEIA Regulations (Decree 40, 2012, Articles 10 and 3) to determine whether their project requires an Environmental Impact Assessment under the modality of an Environmental Impact Statement (DIA, in Spanish) or an Environmental Impact Study (EIA, in Spanish). Article 7 of the Regulation requires an EIA for projects with direct impacts on indigenous communities, considering their duration, magnitude, and vulnerability to climate change that affect their natural resources, mobility, access to basic services, and worldview. On the other hand, Article

10 of Law 19,300 requires an Environmental Impact Study for urban development projects only when they are not included in areas designated by regional land-use planning plans, regulatory plans of different hierarchies, regional urban development plans, and coastal edge zoning.

The Indigenous Consultation processes in the SEIA seek agreements with indigenous peoples on measures that could affect them. These meetings should be consultations in good faith prior to the environmental assessment, in which cultural particularities are respected (Decree 40, 2012, Title V. Art. 85). However, Faúndes Peñafiel and Campos Mello (2024) point out that the consultation depends on the level of affectation understood as a "precautionary requirement of probable effects", without the need for prior checks, and must be carried out by the SEA (Environmental Assessment Service) when a project significantly impacts indigenous peoples. On the other hand, the SEIA Regulation (Decree 40, 2012) establishes that the Indigenous Consultation must address potential impacts, mitigation measures, compensation, reparation, and the project owner's voluntary commitments.

Thus, the question remains whether the regulation of Chilean urban development adequately addresses the requirements of Convention 169 of the International Labor Organization, ratified in Chile (Decree 236, 2008), or merely symbolically recognizes the right to consultation.

III. METHODOLOGY

In the following research, a qualitative approach was used to examine the scope of Indigenous Consultation in the approval of significant urbanization projects, drawing on the experiences of the different stakeholders in the case study.

Aspect	DIA	EIA
Evaluation period	60 days	120 days
Extension of the evaluation period	30 days	60 days
Citizen participation	If requested, if there are environmental positions	Always
Indigenous Consultation	Not applicable	When there is a significant impact on indigenous peoples
Appeal process	Before the SEA's Executive Director	Before the Committee of Ministers

Table 2: Differences between Environmental Impact Statements (DIA) and Environmental Impact Studies (EIA). Source: Prepared by the authors based on information from the SEA.

The research collected data through interviews, observation, and documentary analysis (Table 1). Participant observation conducted by one of the authors during the project's citizen participation process in August 2024 was also included. Results were triangulated with interviews with Environmental Assessment Service officials [SEA], Mapuche communities, the municipal Cultural Advisor, and a local environmental NGO. All the interviewees were informed about the project and asked to sign an informed consent. Only SEA officials asked that their names not be revealed. The interviews were transcribed and subsequently analyzed according to the research topics.

IV. RESULTS

The evaluation system of urban development projects is structured to facilitate their approval. Table 2 shows a structural discretion in the choice of evaluation between the more expeditious Environmental Impact Statement (DIA) or the more demanding Environmental Impact Assessment (EIA). When analyzing the data available on the SEA's website ([SEA], 2026), it is noted that between 2017 and 2025, the Environmental Impact Statement was used in more than 90% of the cases. The vast majority of EIA or DIA applications are approved. The rejection rate varied from 2.4 to 6.2%. In 2019 and 2024, for example, 0% of real estate projects were rejected. In the years reviewed, the rejection rate for real estate projects ranged from 0% to 4.8%, and only in 2022 did it reach 11.5%. Carmona Caldera (2020) shows that limiting Indigenous Consultation to EIAs reduces their participation (4.6% in the SEIA, between 1992 and 2017), making impacts invisible and requiring technical or environmental impact evaluations, which dilute the debate on impact and mitigation.

As a complement to this structural analysis, interviews were conducted to understand the participants' experience. The Mapuche communities report that work undertaken prior to the construction of the "Lomas del Lago Villarrica" real estate

project proposed by the developer Martabid has fragmented their spiritual link with ecosystems, and that this impact is not considered in the project's Environmental Assessment. Their examples include altering the natural slopes of the hills with heavy machinery, modifying watercourses, and deforesting native vegetation in the vicinity of the Retxikura Stone National Archaeological Monument—all of which occurred prior to the project's approval.

The real estate project adjacent to the Retxikura Stone National Archaeological Monument affects the wetlands (*Menoko*) and centennial forests (*Aliwen*), which are essential to the Mapuche cosmovision and their traditional activities (Figure 3). The community highlights several important spaces, such as the estuary and its pampa, where significant activities take place (Table 3).

As a result, there is inadequate representation of the affected communities in the Evaluation System, leading to the omission of relevant environmental and cultural characteristics in the studies preparing the Environmental Impact Statement, and to the transgression of ceremonial spaces and cultural sites during pre-construction activities.

One of the issues highlighted most by the interviewees is the omission of cultural characteristics in the Environmental Impact Assessment Service. An SEA official mentioned (interview September 13th, 2024) that regional planning and environmental assessment are clearly on different tracks. For the Lomas de Villarrica project, the owner's company submitted an Environmental Impact Statement (DIA) to the SEIA, with attached site and local context analysis reports, on Folio 2024-09-244-2 (Environmental Assessment Service [SEA], 2024). The president of the NGO, *Salvemos la Piedra Rexicura*, explained (Beltrán, P., personal interview, September 25th, 2024) that the company behind the project hired consultants to conduct the studies needed to submit the project's DIA. However, there were "clear shortcomings in capturing the

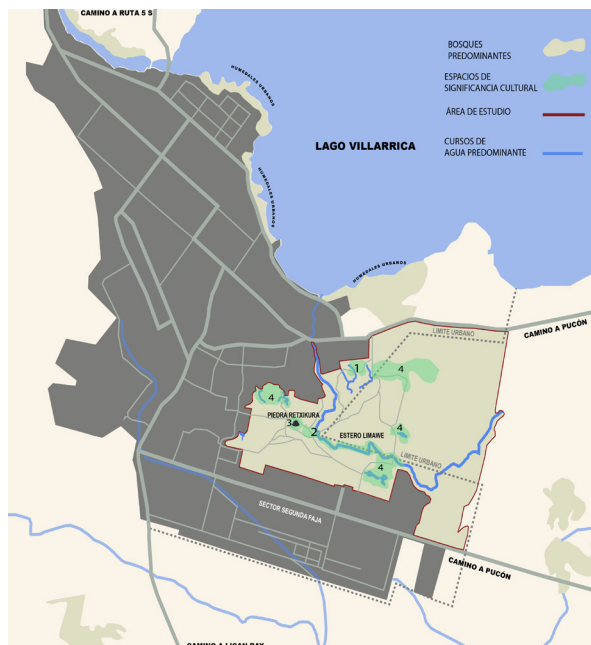


Figure 3. Main spaces of cultural significance in the study area.
Source: Preparation by the authors based on visits and interviews with local actors between July 2023 and June 2025.

sector's reality" because they ignored fundamental cultural practices such as *Ngillatun*, *We Tripantu*, and areas of *Nguillatu*, as well as ceremonial spaces and *Ngen* (protective spirits). This omission shows that "the impact assessment system benefits the owner rather than the people."

According to Sánchez Curihuentro (2001), these natural spaces are considered the "heart of Mapuche culture", differing from Chilean culture, where places of worship are marked out and built. Regarding these spaces, a SEIA official emphasizes (Personal interview, September 13th, 2024) the need for a comprehensive analysis that considers "all elements such as noise, atmospheric emissions, road use, and the effect on natural resources, among others." However, from the perspective of the director of the Historical and Heritage Corporation of Villarrica (Aguilera, M., personal interview, June 26th, 2024), the spiritual limits of the ceremonial zones should also be recognized:

What is the influence of the river, spiritually? Where are its edges? This issue is very important and sensitive; these questions have to be answered by the right people (from Mapuche communities). The spiritual boundaries of sacred elements for the Mapuche people are based on geographic characteristics and on how certain natural elements manifest.

Area	Activities
1. Boldo Forest	Environmental Conservation, Mapuche Ceremonies, Environmental Education, Archaeological Site
2. Limawe Estuary	Mapuche Ceremonies, Collection of Medicinal Herbs, Archaeological Site
3. Limawe Estuary Pampa	Mapuche Ceremonies, Environmental Education, Palin (Traditional Mapuche Game)
4. Hualve-Aliwen (Wetlands - Ancient forests)	Environmental Conservation, Collection of Medicinal Herbs, Environmental Education

Table 3. Areas of cultural significance. Source: Preparation by the authors based on interviews with local actors between July 2023 and June 2025.

In this context, the Cultural Advisor from the Indigenous Development Office of the Municipality of Villarrica stresses (Marín Manquecoy, H., personal interview, October 11th, 2024) the importance of "validation from the *Lonko*, *Kimche*, *Lawentuchefe*, among others", who must be included in the project's evaluation, for example, in the layout of the subdivision's avenues (Figure 4).

The Director of Villarrica's Historical and Heritage Corporation (Aguilera, M., personal interview, June 26, 2024) points out that the current system places excessive responsibility on the project owners: "We rely on the professional ethics of the consultants and owners who conduct the studies." This is exemplified by the disconnect between the Environmental Impact Statement (DIA) and the reality of the area, where:

According to the DIA, there are no cultural traditions and archaeological remains in the area. This means an aberrant disconnection from Environmental Law; it is an inconsistency with the spirit of the law that evidences the system's capture by economic interests.

The SEA official mentioned above explains (Interviewee A, personal interview, September 13th, 2024) that:

One of the most important matters that has become relevant in the last ten years is the human-environment interface as a component of environmental assessment. That means more challenges in terms of methodologies to understand the socio-territorial context better.



Figure 4. Alto Costanera Avenue. Source: Prepared by the authors (2025).

To counteract this situation, (Aguilera, M., personal interview, September 13th, 2024) insists that Historical Heritage Land Registries need to be created for the Region, in collaboration with State institutions and indigenous organizations, as a tool to validate the information presented by the project owners. Something similar was implemented in Colombia in 2023 with the Land Registry Management by Indigenous Communities Agreement. This Multipurpose Land Registry registers boundaries, physical characteristics, land uses, and cultural values of indigenous areas (Government of Colombia, 2025). It was developed through prior consultation and included training for communities to manage their areas, as well as specific regulations. This process, which could be emulated in Chile, combines efforts between the government, public-private institutions, and communities, integrating technical, cultural, and spiritual values in regional management.

The concern of the Villarrica Historical and Heritage Corporation Director, Marco Aguilera, is supported by an official letter from the National Monuments Council (CMN) dated June 7th, 2024, addressed to the SEA, regarding the Environmental Impact Statement presented by the Martabid Real Estate Company for the “Lomas del Lago Villarrica” project. The CMN argued that the DIA “does not present the background information needed to certify that the project does not have any of the effects, characteristics or circumstances described in letter f) of article 11 of Law 19,300” (1994) (letter f indicates: alteration of monuments, sites of value, anthropological, archaeological, historical and, in general, those belonging to the cultural heritage) given

the presence of archaeological findings and sites of cultural importance in the area. In addition, the project clearly violates letter “c” of Article 11 of the SEA Regulation (Decree 40, 2012) by significantly altering the customs of the local Mapuche population in their ceremonies at the Retxikura stone. Faced with this situation, the CMN requested a “preventive archaeological characterization” during the Environmental Assessment, stressing the need to consider cultural heritage in the process.

V. DISCUSSION

The review of the results shows a structurally insufficient response regarding the obligations from the ratification of ILO Convention 169 (Decree 236, 2008). This is because the approval of real estate projects in Chilean urban areas relies uncritically on the Environmental Assessment System (SEA) to determine whether consultation with the indigenous population is required. The SEA, for its part, accepts that they are included in this case within a Regulatory Plan and that it would not be necessary to evaluate the urbanization project more closely. Although the project clearly and significantly affects the customs of the local Mapuche population in their ceremonies around the Retxikura stone and impacts a declared National Archaeological Monument, the project owner could submit an Environmental Impact Statement and, with that, would not need to conduct an Indigenous Consultation. The case shows that the Environmental Impact

Assessment focuses on compliance with environmental quality standards while pushing aside intangible cultural and spiritual aspects.

Regarding the Director of Villarrica's Historical and Heritage Corporation's suggestion to create Historical Heritage Registries for the Region to validate the information presented by project owners, recent Chilean studies confirm the importance of protecting spaces of significance for the indigenous population in national urban and peri-urban areas (Fontana, 2022; Olate Michel, 2024). The co-creation of registries, as exemplified by Colombia's Multipurpose Land Registry, could serve as a regional information tool to reduce the structural power gap in the planning and regulation of Chilean urban development between project owners and indigenous communities. A first step in this direction was recently taken in the context of the modification of the Concepción Metropolitan Regulatory Plan with the publication of the protocol on including indigenous peoples in planning matters by the SEREMI MINVU Biobío (Trawün in Concepción: State and Mapuche People co-build metropolitan urban planning, 2025) and of a first mapping effort that included 395 sites of Mapuche-lavkenche cultural significance in the Metropolitan Area (Gore Biobío & Minvu, 2025).

VI. CONCLUSIONS

This research aimed to analyze a case of urban development in the peri-urban area of Villarrica to better understand the relationship between urban planning and spaces of cultural significance for indigenous peoples, particularly in relation to urban development regulations. The key is recognizing Environmental Impact Assessment as the only way to consult indigenous peoples for an urban development project. In this vein, there are structural limitations, such as restrictions on Environmental Impact Statements and insufficient deadlines, that do not allow for effective public participation. The research reveals a lack of a rigorous intercultural approach and administrative obstacles to effective participation, coupled with a technical vision that minimizes cultural and spiritual dimensions, thereby restricting the ability of the SEIA and, therefore, of urban development regulation, to address impacts comprehensively.

The discussion presented here demonstrates that the urban development regulations in Chile fail to adequately address essential issues concerning the State's obligations to indigenous peoples. It is necessary to make structural regulatory adjustments to the approval process for urban development projects to better protect sites of significance to indigenous peoples within Chilean urban areas, recognizing their status as peoples rather than treating them as just another stakeholder in urban planning.

VII. CONTRIBUTION OF AUTHORS CRediT:

Conceptualization, I.F., M.C.; Data curation, I.F.; Formal analysis, I.F.; Acquisition of financing, M.C.; Research, I.F.; Methodology, I.F., M.C.; Project management, I.F.; Resources; Software; Supervision, M.C.; Validation; Visualization, I.F.; Writing - original draft, I.F.; Writing - revision and editing, M.C.

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