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## **Dimensions of sustainable territorial development in the analysis of the tourist city of Matinhos, south coast of Brazil—the historical construction of the territory seen from the process of regulation of land use and occupation**

### ***Dimensões do desenvolvimento territorial sustentável na análise da cidade turística de Matinhos, costa sul do Brasil – a construção histórica do território vista desde o processo de regulamentação do uso e ocupação do solo***

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**ABSTRACT:** The objective of the article is to explain and understand how the regulation process related to land use and occupation influenced the conformation of three dimensions of sustainable territorial development (ecological, spatial and institutional), considering the trajectory of the coastal city of Matinhos, located in southern Brazil, whose occupation is related to second home tourism. The research was based on the historical-documentary method that made it possible to carry out the analysis of events from a chronological perspective, in a longitudinal character. The treatment of the documentary base was carried out using the document comment tool. The main sources of historical research were the documents related to the use and occupation of the land that were directly related to the municipality. The analysis allowed the identification of three axes that explain the dimensions of the territory. In terms of results, it was found that in the process of construction of the surveyed territory, the institutional and normative changes in the management of the territory occurred; however, insufficient mechanisms were shown to configure a type of sustainable territorial development.

*Keywords:* socio-environmental; spatial; institutional; DTS; Matinhos.

**RESUMO:** O objetivo do artigo é evidenciar como o processo de regulamentação relativo ao uso e ocupação do solo influenciou a conformação de três dimensões do desenvolvimento territorial sustentável (ecológica, espacial e institucional), considerando a trajetória da cidade litorânea de Matinhos, localizada no sul do Brasil, cuja

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ocupação está relacionada ao turismo de segundas residências. A pesquisa foi baseada no método histórico-documental que possibilitou a realização da análise de eventos sob a perspectiva cronológica, em caráter longitudinal. As principais fontes da pesquisa histórica foram os documentos relativos ao uso e ocupação do solo que incidiram diretamente sobre o município. A análise permitiu a identificação de três eixos que explicitam as dimensões, constatando que no processo de construção do território pesquisado as mudanças institucionais e normativas da gestão do território ocorreram, mas se mostraram mecanismos insuficientes para configurar um tipo de desenvolvimento territorial sustentável.

*Palavras-chave:* socioambiental; espacial; institucional; DTS; Matinhos.

## 1. Introduction

The territory is understood as a result of historical paths that reflect the interests and disputes of its actors. This is the focus of this study, which aimed to explain and understand how the regulatory process contributed to the understanding of three dimensions of sustainable territorial development (ecological, spatial and institutional), considering the trajectory of a coastal city in southern Brazil, whose occupation is related to second home tourism. In addition, the study seeks to highlight the tensions and contradictions that have arisen along the path analyzed.

Space delimitation was defined based on the characterization of the city, whose profile as a resort for second homes dates back to the beginning of the 20th century. It is the municipality of Matinhos, on the coast of the state of Paraná, which was the subject of an intense regulatory process regarding coastal occupation. The research sources came from legal documents that established the regulation of land use and occupation, with emphasis on the period after the 1980s. The time frame extends to 2014, when there was a change in the institutional parameter for the process of territorial occupation.

Tourism is a phenomenon that is profoundly susceptible to changes resulting from alterations in social dynamics and specifically in the life of each

individual who practices this activity. Originally, flows related to the second home tourism were generated within the same country. The predominance of this pattern is observed in several studies carried out until the 1990s (Barrantes-Reynolds, 2011). However, this characteristic became more prominent after the 1970s and with more emphasis in the 1990s, when there was a significant increase in the flow of foreign visitors in the pursuit of leisure and consumption of goods and services. This expresses the renewal of this phenomenon and its transforming power (Assis, 2001).

The occupation of space through the construction of second homes is one of the forms of expression of this phenomenon, which has specificities related to the significant need for infrastructure that seasonally meets the demand of temporary residents, vacationers, remaining underutilized in the other periods of the year. The increased demand for these properties increases land prices and the cost of living. Consequently, many places have become inaccessible to subsequent generations of permanent residents. On the other hand, this growing demand allows for the maintenance of jobs, in addition to the survival of small commercial establishments (Ariel Manzano & Angel Velázquez, 2018).

From an environmental point of view, there is ambiguity in the impact assessments of this form of occupation: some authors understand that owners

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of second homes can be allies in the environmental protection of heritage (Ursic *et al.*, 2016; Bissoli-Dalvi *et al.*, 2019). However, there is the impact of buildings that increase the density of occupation around lakes, forests, on the seashore and in preservation areas, causing damage to local biodiversity, as well as to natural environments. With regard to cultural aspects, it can be seen that the spread of urban values is the most significant impact attributed to the expansion of these buildings. The fiscal effects arising from second homes cannot be overlooked, nor how they favor municipalities in terms of revenue generation (Muller *et al.*, 2004; Brida *et al.*, 2011).

In Brazil, public policies and the real estate market shaped the seashore under a particular institutional framework. In all aspects, there is an association between urban practices and the tourist phenomenon derived from the way in which coastal spaces are used and appropriated. In the 1970s, urban-tourism plans, boosted by the federal government's macroeconomic policies, sought to expand infrastructure and offer incentives for tourist investments on the northeastern shore, which enhanced its attractions, as well as stimulated the development of large enterprises, especially, in the capitals and their areas of influence (Pereira; Dantas & Gomes, 2016).

In Paraná, the occupation of beaches for healing and leisure practices dates back to the beginning of the 20th century, associated with settlers of German origin. Primarily, beach houses were installed on Ilha do Mel, but from the 1930s onwards, the occupation of the south coast began, with emphasis on an area known as Praia Mansa de Caiobá (current district of the municipality of Matinhos). Initially, the beaches were frequented

in the winter period, due to sanitary conditions, in particular, because of the incidence of malaria (Gobbi, 1997; Esteves, 2011).

The process of regulation and heritage protection began in the 1970s with the designation of the view of Praia de Caiobá as a heritage site, which was followed by several other legal and planning instruments filed by the federal government and the State of Paraná. Private and municipal interests, both associated with the occupation of leisure-oriented space, through second homes, came into conflict with the regulatory process, which was perceived as a limiting factor of their interests.

In order to analyze this process, this article was structured in five sections, including this introductory part. In the second session, theoretical reflections are presented that support the analysis of the results; in the third session, the methodological approach is shown; in the fourth session the results are interpreted and analyzed, while the last session summarizes the final notes.

## ***2. Sustainable territorial development: the different conceptions and dimensions of territorial sustainability***

Sustainable territorial development (DTS) is epistemologically based on complexity and an inter and transdisciplinary paradigm (Morin, 1991; Vieira, 2006; Morin, 2011; Dallabrida *et al.*, 2021). According to García (1994), the analysis of socio-environmental problems requires the coordination of the different disciplines involved, in order to obtain an integrated study of the problem.

From a theoretical point of view, in sustainable territorial development, the starting point is socio-

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-environmental degradation and its relationship with long-term development strategies, through ecodevelopment<sup>1</sup> and territorial development, mobilizing an interdependent set of normative evaluation criteria:

(1) priority given to the achievement of social purposes (satisfaction of basic needs – material and intangible – and promotion of equity);

(2) ecological prudence;

(3) autonomy (or self-reliance) and

(4) redefinition of the concept of economic efficiency based on a human ecology grounded in the new systemic paradigm (Vieira, 2006; Sachs, 2007; Pecqueur & Vieira, 2018).

The debate about the concept of sustainability is old. In the systemic approach, the term designates a wide variety of ecological (preserving genetic diversity), social (basic human needs, maintaining essential ecological processes and life support systems) and economic (ensuring the sustainable use of species and ecosystems) objectives. In Frey's (2001) perception, three approaches to this seminal concept can be distinguished:

(i) market economic-liberal approach

(ii) ecological-technocrat approach, and

(iii) democratic-participatory approach.

The classic contribution of Ignacy Sachs (1993) indicates five dimensions of the concept of sustainability, namely:

i) social, related to the construction of a new civilization of being, as opposed to the civilization of having);

ii) economic, “made possible by a more efficient allocation and management of resources and by a regular flow of public and private investment. [...]economic efficiency should be evaluated more in macro-social terms than just through criteria of micro-enterprise profitability”;

iii) ecological sustainability, to be achieved through ingenuity in using the base of potential resources existing in the various ecosystems, limiting the consumption of non-renewable resources and easily depleted products and their replacement by renewable resources;

iv) spatial, in the sense of the progressive improvement of rural-urban configurations; and finally,

v) cultural, is related to community roots, as well as integrated rural systems (Sachs, 1993, p. 27).

The territory reappears as a central element of the socio-environmental problem, a polysemic concept that has a vast field of study. Furthermore, it can be related to the management of a governed space (Vieira & Weber, 2000; Sabourin, 2002; Vieira, 2005; 2006; Sachs, 1993; 2007; 2009). In an anthropological sense, it can be defined as the environment of life, action and reflection of a community, which has a political configuration and sociocultural identity that have not yet been incorporated into conventional economic analyzes (Sabourin, 2010). Alternatively, for Souza (2000), the territory is also perceived as a space defined and delimited by and from power relations; finally, it can be defined as a given geographical space socially constructed, but which also has a strong cultural and institutional component (Pecqueur, 2006; Sabourin, 2010; Büttenbender *et al.*, 2022).

<sup>1</sup> The term ecodevelopment, originated in discussions at the Stockholm Conference in 1970, was expanded by I. Sachs; however its original spirit is maintained, which involves rethinking the parameters of development based on the need to preserve natural resources and the environment.

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From the point of view of research on territorial dynamics of development, the dimension of proximity is another essential element to be incorporated into this list. In the approach proposed by Pecqueur (2006), geographic proximity expresses what he considers really significant for the composition of a socio-productive, cultural and institutional fabric related to development dynamics. From this perspective, community cohesion depends on the identification of individuals with the history of the place, the landscape, the human and cultural heritage and face-to-face relationships, which are closely intertwined in the notions of trust, reciprocity, in addition to proximity.

Based on these findings, also according to Pecqueur (2006), this reflection contributes to a conception of territory where the following stand out:

the *given territory*, seen as the portion of constituted space that is the object of observation and that exists a priori, usually a region, a canton, a province: and

the *constructed territory*, understood as the result of a construction process established by the actors themselves.

From this perspective, the territory is not postulated, but verified a posteriori. That is, the constructed territory does not exist for everyone; it is the fruit of cultural identity, of the existence of reciprocity, trust and loyalty ties that revolve around a productive issue accepted by all (Pecqueur, 2006).

The investigation of Matinhos' trajectory was carried out under this intertwined perspective of perception of territory and development, based on legal documents as an elucidative source. For the purposes of this article, considering the theoretical fra-

mework of reference, we sought to investigate three dimensions of sustainable territorial development: the ecological dimension, the spatial dimension and the institutional dimension of the development process. In the ecological dimension, we attempted to detect how legal statutes imposed limits on the use of non-renewable resources. Regarding the spatial dimension, the focus was on understanding how the urban configuration was consolidated. The institutional dimension, in turn, attempted to highlight the conformations related to the configuration of norms and institutions that make up the management of the territory. The dialogue that promotes the interaction of these dimensions, in turn, allows us to glimpse part of the dynamics and contradictions inherent in the construction of the territory.

### **3. Methodology**

The study was based on the historical documentary method, which made it possible to analyze the events from a chronological perspective, in a longitudinal manner. This method provided support for the characterization of the intervention of the process of regulation of the use and occupation of the coastal area of Paraná, with emphasis on the tourist municipality of Matinhos. The main sources of the historical research were the documents related to the use and occupation of the soil that directly affected the municipality. Legal documents were collected, which directly and indirectly impacted the urbanization process (Laws, Decrees, regulations at all federative levels) (Sá-Silva *et al.*, 2009).

The survey dates back to the 1970s, taking into account two milestones, the Matinhos Coastal Heritage Act of February 15, 1970, and the Federal

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Law that established the creation of Special Areas and Places of Tourist Interest (AEITs and LITs), of 1977 (Figure 2). Emphasis is given to the period of effectiveness of State Decree 2722/84 (Figure 2), with the extension of the period analyzed until the establishment of the State Decree of 2014 that regulated the Master Plan of the municipality of Matinhos<sup>2</sup>.

In the analysis stage, Document Comment was used, which requires a process of contextualization, analysis and explanation of the particularities of a written source (Létourneau, 2011). The procedure was used exclusively for legally written sources, according to the steps below:

1) thematic contextualization of the document, which involves situating the document regarding the research questions, as well as identifying its potential contribution to the investigation;

2) identification of the origin and historical context of the production of the document, authorship, objectives and target audience;

3) schematization and analysis of the document. At this stage information and particularities must be analyzed, any subtleties relevant to the vocabulary elucidated and the authorities mentioned identified;

4) final evaluation, where the lessons learned, questions raised, degree of relevance within the research and the degree of reliability of the information to support new hypotheses and explanations about the phenomenon originate (Létourneau, 2011).

Three categories of analysis guided the systematization process, namely, tourist uses (spatial

dimension), environmental protection (ecological dimension) and territory management (institutional dimension). From them, the results were grouped as follows:

1) Tourist uses – regulation regarding the delimitation process of special areas and tourist points of interest (AEITs);

2) Environmental protection – coastal management and conservation of the Atlantic Forest; and

3) Territorial management – concurrent competence between the government of the State of Paraná and the municipality of Matinhos.

The careful choice of legal documents and government plans is associated with the fact that, since the 1970s, both at the federal and state levels, there has been an effort to organize land use and occupation, with emphasis on coastal areas. With the growing urbanization process in Brazil and the appreciation in property value in the coast, this area became the target of growing concern. The reason for such concern was the inflation of land prices, as a consequence of the increased demand for the use of coastal areas for industrial and tourism activities, since 23.58% of the Brazilian population is concentrated in the coastal region (IBGE, 2010). Matinhos, a coastal city in the state of Paraná, is a symptomatic case of these processes, in which regulation and planning exercised opposing forces to the expansion of speculative land use. And this is, therefore, a relevant indicator for an analysis based on the dimensions of sustainable territorial development.

<sup>2</sup> In this analysis, complementary documents were used, such as the Orla Project and the Study of the Environmental Impact of the Revitalization of the Matinhos Seashore.

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### *3.1. Description of space delimitation*

Matinhos is one of the seven municipalities in the coastal plain of the state of Paraná and is bounded between the Atlantic Ocean and Serra do Mar, bordering Guaratuba to the south and west, Pontal do Paraná to the north and Paranaguá to the northwest (Figure 1). Population growth at higher densities in the municipality began in the 1920s and more strongly since 1948, when the Estrada do Mar (currently PR-407) was inaugurated, which improved access to the then beach towns of Matinhos and Caiobá. From then on, new merchants and residents were able to settle in the place. Originally, the flow of visitors to the site was associated with the culture of Germanic peoples, inhabitants of the state capital (Curitiba), who liked to live by the sea, particularly for treating health problems (Bigarella, 2009; Esteves, 2011).

As accessibility to the site increased, growing flows of visitors led to the construction of hotels and the first second homes. Bigarella (2009) and Gobbi (1997) reported that the intervention and planning process for the urbanization of the beaches of Caiobá and central Matinhos began in the 1930s. In turn, the verticalization of the city only began in the 1960s, as referred by Esteves (2011).

Since the 1980s, there has been a proliferation of buildings with more than four floors, revealing that the occupation stage had lost its initial spontaneous characteristic and was determined by the interests of real estate capital. This real estate pressure was confronted with a more intense process of regulation. The process of transformation of the coast of Paraná, in particular of Matinhos, remained associated with the construction of second homes.

Considering the indicator of Private Households for Occasional Use, calculated by the IBGE, until the 1990s, there was a substantial demographic increase, in terms of its total. The 1991 IBGE Census reported 15,436 households, for a permanent population of 11,471 residents, with the percentage of occasional use households being 76% (IBGE, 1991; Abrahão & Tomazzoni, 2017; 2018). The 2010 Census confirmed that second homes persisted as the basis of the municipality's urban configuration, representing 65% of the total.

The economic impacts of the dynamics associated to second homes made possible the population increase produced by the intensification of migratory flows. In 2000, the municipality's population reached 27,969 and, in 2010, there were 33,165 permanent residents (IBGE 1991, 2000, 2010). However, since the 1970s, sociocultural and environmental<sup>3</sup> problems were already detectable in Matinhos due to the demographic density, as well as to the process of appreciation in land value. Such findings refer to the advance of the population towards permanent preservation areas (APP), especially on the seashore, which is contrary to the stipulations of Law 4771/1965 (Forestry Code), as well as the advance of urbanization on the traditional territories of artisanal fishermen and “caiçaras”.

### *4. Result of the document analysis*

The results of the study are based on the analysis of documents that met the research criteria, which focused on analyzing the three dimensions of sustainable territorial development: ecological, spatial and institutional. The sources that supported the regulation of land use and occupation were

<sup>3</sup> The advance of construction in permanent preservation areas (APP) stands out, especially on the coast and the advance of urbanization over traditional caiçara territories.

specially selected, as well as the legal documents specifically referring to the subject. In all, 41 legal documents were analyzed, 14 of them relating to the Federal Government, 17 to the State of Paraná and 10 to the municipality of Matinhos. Figure 2 contains a diagram with this sequence of documents, according to the frequency with which these documents were created.

As can be seen in Figure 2, it becomes evident that in the 1980s the State of Paraná expanded the

set of norms and regulations on the process of land use and occupation. Furthermore, in the 2000s, a set of norms were proposed by the Federal Government, referring to ecological and social (socio-environmental), planning and management issues regarding Brazilian urban policy, an aspect that was strengthened with the creation of the Ministry of Cities in 2003.

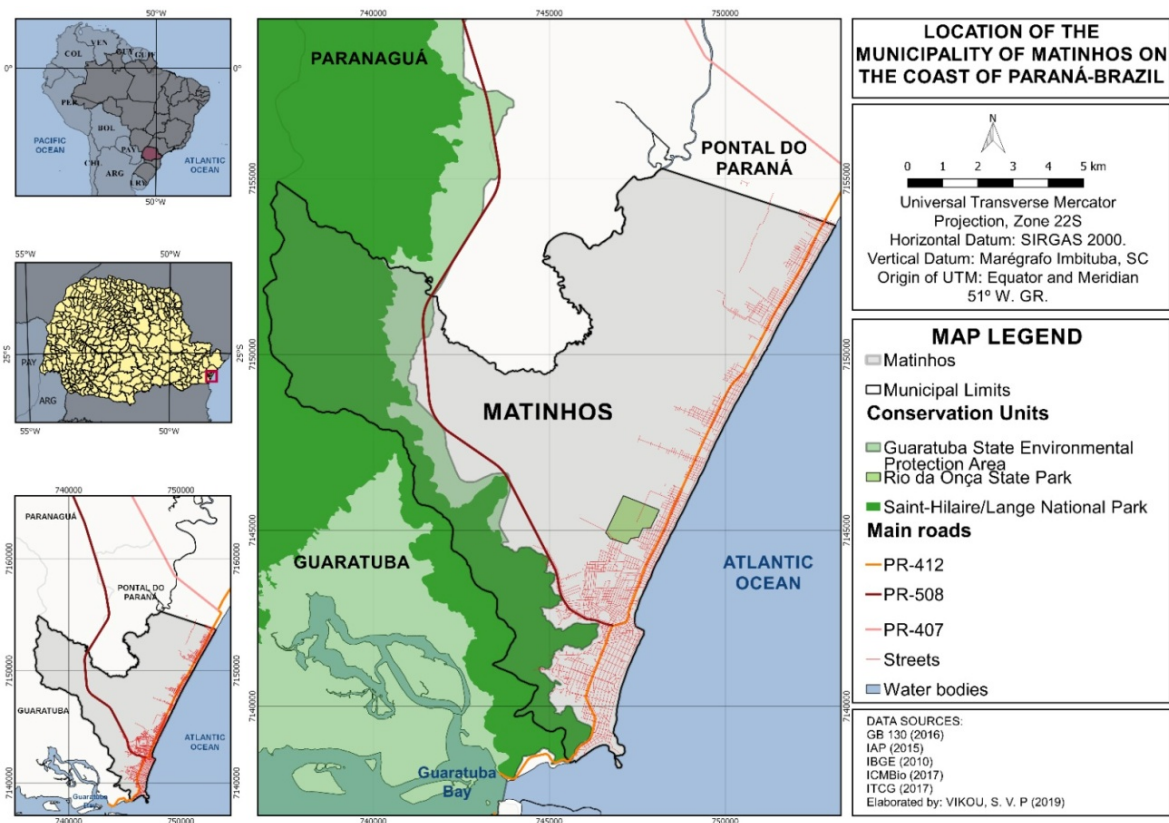


FIGURE 1 – Location Matinhos - PR.

SOURCE: organized by the authors.



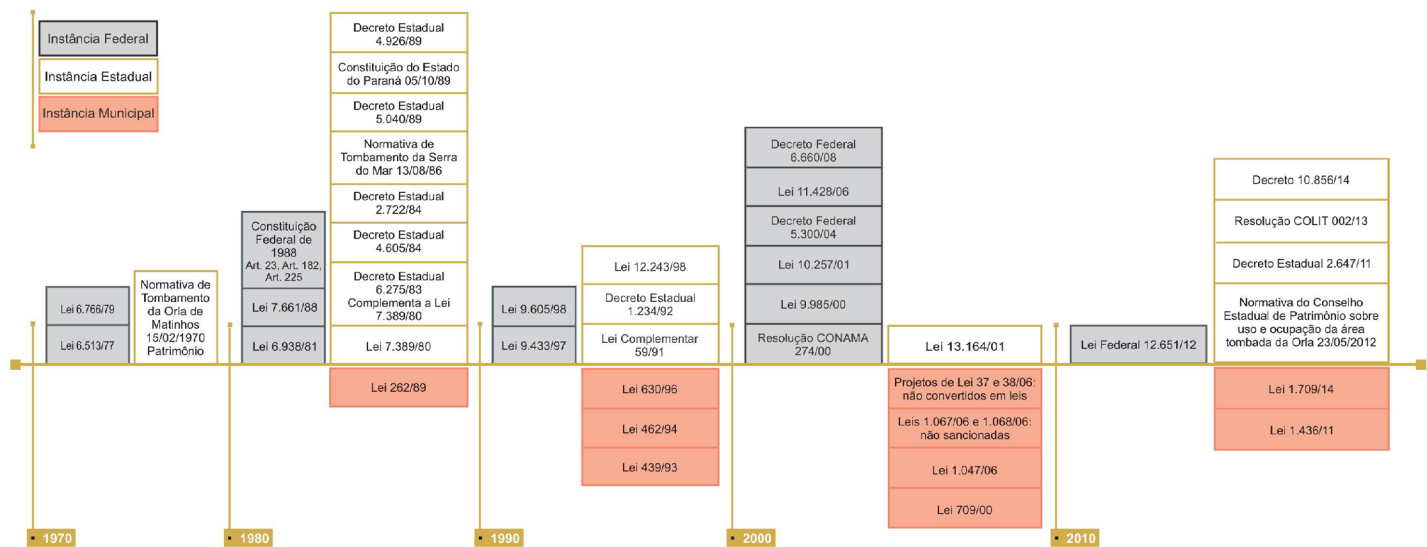


FIGURE 2 – Timeline of the regulations analyzed.  
 SOURCE: the authors. Graphic design: Luciana Ferreira

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#### *4.1. Spatial dimension: tourist uses defined through the delimitation of special areas and tourist points of interest (AEITs)*

Regulations relating to AEITs in Brazil emerged in the late 1970s, with Federal Law 6513/77 (Figure 2; Brazil, 1977), which allowed public intervention in areas considered relevant to the collective interest, whether for scenic or historical value. Through this statute, continuous areas (AEIT) or points, private areas (LIT, tourist points of interest) could be delimited. This was complemented by the State's monopoly on land creation, defined by Federal Law 6766/79 (Figure 2), which made any act of dismemberment or allotment a crime without proper public authorization.

Even before the establishment of this federal regulation, within the scope of the State of Paraná, the Coast of Matinhos had been designated a heritage site due to its natural historical value (Paraná, 1970). This document showed that since the 1930s the occupation of the seashore for use in the summer, a process accentuated after the 1960s, was the circumstance that served as the basis for the aforementioned heritage designation, whose objective was to preserve the flora of the coastal region, notably the range of “restingas” protected by the Forestry Code as Permanent Preservation Areas (APP).

The intense urbanization of the beach areas was referred to as a threat to the natural system of the region, in particular due to the arrival of tourism businesses in seaside towns and construction companies that began to perceive in this space an environment conducive to the progress of real

estate businesses associated to the valuation of proximity to the sea, as an element of status and social projection.

In the early 1980s, the government of the State of Paraná regulated the AEITs, defining the areas that fit into this legal category, including Praia de Caiobá. Sanctions were established for land use and occupation in areas defined as heritage. The first effective attempt to protect fauna and flora was carried out with the designation of Serra do Mar as a historic site and a body responsible for managing compliance with regulations for land use and occupation was created, the Conselho de Desenvolvimento Territorial do Litoral do Paraná - Council for the Territorial Development of the Coast of Paraná (COLIT). These themes were the object of State Laws 7389/80, 6275/83, 4605/84 and Heritage site designation process 001/86. It is also worth mentioning the zoning defined by DE 5.040/89, which imposed strict conditions to guide occupation in heritage areas (Figure 2).

The political-administrative autonomy of the municipality of Matinhos, separated from Parana-guá in 1967, occurred almost concurrently with the establishment of the restriction resulting from Matinhos Coastline designation of a heritage site. This became even more effective in the 1980s, when the State of Paraná instituted State Decree 2.722/84 (PARANÁ, 1984) which more precisely delimited the protected area, imposing strict limits on buildings, particularly for the first blocks facing the sea, in addition to requiring the consent of a supra municipal body for any construction project.

In the wake of this process, the COLIT was created, which was responsible for implementing and supervising the application of DE 2.722/84<sup>4</sup>. As

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<sup>4</sup>In 1987, State Decree 1.79/96 was instituted, with a more detailed regulation of COLIT's powers, maintaining the essential aspect of advising the State government on matters related to the development of the coast. When it was created, COLIT was attached to the State Department for

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a supramunicipal entity, it was constituted through a shared management system, in which the municipality participated as one of its members, without legal competence to be the main public actor in the management of land use and occupation. Municipal Law 262/89 (Matinhos, 1989, Figure 2), related to the creation and delimitation of special zones for the use and occupation of urban land in the cases of irregular buildings, can be interpreted as an attempt to react to the overlapping of powers.

At the end of the 1990s, the government of the state of Paraná updated the legal statutes of AEIT on the coast, State Law 12243/98 (Paraná, 1998), when the delimitation that had already included in this condition the 2,000-meter range of the seashore and of 400 meters from the surroundings of the bays was reiterated, all counted from the average high tide line of 1831, agreed as an official measure. In addition, ecological reserves and stations, natural resource protection areas, as well as hydromineral sources and places of historical, archaeological and prehistoric interest were included. Through Law 12243/98 (Paraná, 1998), construction restrictions were reinforced in the municipalities adjacent to the seashore.

As a result, the municipal government had to specify, through the Master Plan, the conditions for using the AEIT. However, COLIT became responsible for issuing opinions and guidelines on all urban projects, in addition to buildings. This process, despite its largely conflicting character, from the point of view of the institutional dimension of space management, is close to Sustainable Territorial Development (DTS), as it attempted to

integrate different public and social levels of territory management (Godard, 2000; Pecqueur, 2006; Vieira, 2003; Büttenbende *et al.*, 2022).

The delimitation of this AEIT, in particular, can be considered a way of preserving the use established at the time of its creation, defining it not only as a possible and desirable use, but also limiting other possibilities of land use. The purpose of the regulation was to establish equilibrium parameters at a time of intensification of urbanization. In the specific case of Matinhos, the configuration was intended to reduce the occupational density and preserve the seashore area, intended both for tourist activities, as well as preserving traditional activities such as artisanal fishing.

In contrast, Abrahão and Tomazzoni (2017; 2018) showed that the appreciation of land prices, associated with second-home tourism, sparked a process of intense territorial dispute and an attempt to overcome the limits imposed by regulation. Due to the fragility of the structure for inspection of constructions, interests related to real estate appreciation prevailed and promoted the imbalance in the spatial configuration.

#### *4.2. Ecological dimension: the process of environmental protection of coastal areas and the conservation of the Atlantic Forest*

Throughout the 1990s and 2000s, the Federal Government was actively involved in regulating environmental aspects, in the wake of international policies and agreements arising from the United Nations Conference on Environment and Development

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Planning, in 1989; through a new amendment, it was submitted to the Department of Urban Development and Environment and is currently attached to the Department of Sustainable Development and Tourism. As a supramunicipal body, it has representatives of the State of Paraná, Municipalities of the Coast and other institutions. Although members representing civil society were incorporated in the 1990s, currently, only public entities participate in the council.

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(Rio 92) (Sachs, 2009). Regarding particularly the environmental issue, however, the Federal Constitution of 1988 is preceded by Federal Law 6938/81, which deals with environmental protection and Law 7661/81, which addresses coastal management and its particularities in terms of occupation and sensitivity (Figure 2).

In the 1990s, the National Water Resources Policy and its National Management System deserve to be highlighted, which, among other things, instituted penalties for crimes against urban planning and cultural heritage. Article 64, in particular, establishes a penalty for construction on non-buildable soil, whose restrictions stem from landscape, artistic, ecological or historical value (Federal Laws 9443/97, 9605/98, Brazil; 1997, 1998; Figure 2). Another important aspect, edited in 1997, concerns the approval of the National Coastal Management Plan, focusing on the implementation of zoning processes and coastal management, under the responsibility of the institutional teams of the states of the federation.

There was a federal legal reinforcement for the framework of protectionist regulation that the definition of AEITs and the State Decree 2.722/84 had already established at the state level for land use and occupation in the municipality of Matinhos. State Decree 1,234/92 (Figure 2), which created the Guaratuba Environmental Protection Area (APA), involving five municipalities on the coast and the Curitiba Metropolitan Region, including Matinhos, with an approximate extension of 137,189 hectares, evidenced this tendency. State Law 12243/98 added to this the definition of reserves, ecological stations

and natural resource protection areas. State Law 12243/98 added to this the definition of reserves, ecological stations and natural resource protection areas.

Due to its location and geographic characteristics, the municipality of Matinhos was widely covered by all legal statutes<sup>5</sup>, which restricted the area available for construction, inhibiting the expansion of second home tourism. The municipality's reaction was to keep revising the statutes on this topic through legislative activity. The municipality progressively became an actor in search of its legal autonomy in the management of the territory, whose actions have historically evidenced the reinforcement of the original occupation profile of the municipality, based on the tourist residence.

The municipal legislative effort makes the direction taken explicit, except for Municipal Law 630/98 (Figure 2) which provided for the policy of protection, conservation and recovery of the environment, which also created the Municipal Council for the Environment and the corresponding Municipal Fund. Even though it is not directly related to the issue of use and occupation, Title II, Article 4 of this law, expresses the claim of the municipality's competence over the management of the environmental protection law.

In the 2000s, the process of regulating the environmental issue became more restrictive for municipal management, with the institution of the National System of Nature Conservation Units (SNUC), based on Federal Law 9985/00 (Brasil, 2000; Figure 02). In 2001, the Saint Hilaire Lange National Park was created, by Law 10227/2001,

<sup>5</sup> Complementary State Law 59/1991 provides for the distribution of ICMS, referred to in art. 2 of Law No. 9,491, of December 21, 1990, to municipalities with water sources and environmental conservation units, constitutes a relevant milestone in the sense of bringing fiscal compensation to municipalities covered by environmental protection statutes.

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which fully protects the mountainous forests surrounding the entire municipality of Matinhos on its west side. The main objective was the protection and conservation of the Atlantic Forest ecosystem, ensuring the environmental stability of the resorts under its influence, in addition to being the main source of water for public supply on the southern coast of the state. The municipalities covered by the Park were Guaratuba, Matinhos, Morretes and Paranaguá. However, the resorts directly adjacent to the park are located in Matinhos (Figure 1).

Federal Law 11428/06 (Brazil, 2006, Figure 2) continued this process of refining the legal statutes related to the environment<sup>6</sup>, based on Art. 225 of the Federal Constitution, which provided for the use and protection of the native vegetation of the biome Atlantic Forest (CF, 1988; Figure 2). Rules and penalties were established to maintain vegetation at different levels of natural regeneration, safeguarding differences in degrees of urbanization and prior extraction of natural vegetation. Thus, ecological tourism was identified as one of the preferred support activities for the fulfillment of preservation and development objectives, reinforcing the ecological dimension, but also the socio-environmental dimension of the DTS (Sachs, 1993; Vieira, 2006; Sachs, 2009; Pecquer & Vieira, 2018).

Also in the 2000s, within the scope of the State of Paraná, the focus of regulation was the strategic planning of the coastal zone. Law 13164/01 (PARANÁ, 2001; Figure 2) established the State Plan for Coastal Management with the aim of measuring the potentialities and vulnerabilities of the Coastal Zone of Paraná, ensuring the use of coastal natural resources, monitoring polluting agents and agents

that cause environmental degradation, in addition to promote land regularization capable of allowing the sustainable use of resources. Three actions were defined in the State Plan: implementation of the coastal management information system, the Monitoring Program and the development of management plans.

As a result of this process, Intervention Plans on the Seashore were prepared. In 2008, the Orla – Matinhos Project was published. It was produced through a partnership between the municipality and the Ministry of the Environment, the Federal Heritage Department, in addition to the State Government. The following results of the process of advance of real estate on the seashore were identified, which led to the occupation of the native vegetation of the restingas:

- i) the increase of the erosive process in several stretches;
- ii) more broadly, the reduction of bathing facilities, both contributing to scenic devaluation and tourist attractiveness.

It was clear, therefore, that regulatory efforts had not been sufficient to minimize the negative effects of disorderly anthropic occupation (Angulo, 1993; 2000; Angulo *et al.*, 2006; Stellfeld & Passos, 2018). Despite efforts to improve planning, the institutional and regulatory dimension, environmental problems have not been interrupted and prospective, well-founded diagnoses have not been generated to sensitize local public management and civil society to a patrimonial and shared management of space and of natural resources at the territorial level (Go-

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<sup>6</sup> These refinements include Federal Decrees 5,300/04 and 6,660/08 that involve rules for the use of the coastal area and rural production in areas of the Atlantic Forest, respectively. In addition to CONAMA Resolution 274, which defines bathing parameters (Figure 2).

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dard, 2000; Vieira, 2006; Vieira, 2013; Pecquer & Vieira, 2018; Büttendebender *et al.*, 2022).

Federal Law 12651/12 (Brasil, 2012; Figure 2), which provides for the new Brazilian Forest Code, reiterated some of the statutes established in previous decades, such as the 1965 Forest Code, advocating the protection of native vegetation in areas of permanent preservation and considering the Coastal Zone as national heritage. This law established the general rules for the protection of vegetation, permanent preservation areas and legal reserves. However, it changed the preservationist character, particularly due to the reduction of areas to be reforested.

Concerning the State of Paraná, this emphasis given to environmental issues practically disappeared in that decade, leaving the municipality concerned with reducing the restrictions imposed by protectionist legislation, considered to limit the expansion of construction. Abrahão and Tomazzoni (2017) explain, through the analysis of the minutes of COLIT meetings, that in the 1980s the representation of civil society regarding the environmental protection statutes of the coast and, particularly, the regulation of beach areas, reflected the protectionist perspective. In this context, municipalities were represented by third parties (who, despite being legal representatives, were often real estate agents), which highlights their political fragility and subordination to the interests of real estate capital. In the 2010s, there was an effective inversion of this composition of forces, with municipalities strengthened in their interests of assuming leadership of the territorial management process, from the perspective of land

valuation, especially focused on the benefits and flexibility of rules and standards for the expansion of buildings in the most valued coastal areas.

Therefore, the set of environmental norms subsidized public action, but were not a sufficient condition to promote effective environmental management in practice. This implies that in fact the territory is a social construction, as well as the process of territorial development itself, particularly with regard to the exploitation of non-renewable resources, which are disputed by the immediate interests of capital appreciation and heritage (Godard, 2000).

#### *4.3. Institutional dimension: concurrent competence between the government of the state of Paraná and the municipality of Matinhos*

The advance of environmental legislation throughout the 1990s and 2000s expanded the ties of dependency between federal entities, with emphasis on the legal instruments available to the state government<sup>7</sup>. The creation of laws, such as State Law 12243/98 (Paraná, 1998), which updated the statutes related to AEITS on the coast of Paraná, reinforced the extent of COLIT's responsibility, in terms of prior consent for any initiative involving construction projects. It should be emphasized that the most restrictive areas were exactly those where there was the greatest demand for real estate. Hence the concern of the municipality to legislate on the subject of regularization of land use, as seen in

<sup>7</sup>The advances brought by the Federal Constitution of 1988, in terms of resources for heritage protection, were reflected in the Constitution of the State of Paraná in 1989. In addition, the Council for the Development of the Coast also began to reflect the more democratic environment, incorporating representative segments of social interest, which can be seen in State Decree 4926/89 (Figure 2).

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Municipal Laws 439/93 and 462/94<sup>8</sup> (Matinhos, 1993 and 1994; Figure 2).

In 2001, the City Statute was enacted (Federal Law 10275/01, Brazil, 2001; Figure 2) with the aim of regulating the social function of the city. From that moment on, the Master Plan of the municipalities became the main instrument for implementing the federal law, through space management based on sustainability. In the 2000s, Matinhos faced pressure to structure its Master Plan, considering, on the one hand, the principles of the City Statute and, on the other, the interests of real estate expansion of the actors who economically and politically directed the city, as explained by Abrahão & Tomazzoni (2017, 2018).

The Master Plan was drawn up in partnership with COLIT and under its technical supervision (Law 709/00, Matinhos, 2000, Figure 2). The final version was sent for approval, in 2006, to the Legislative Chamber, which tried to introduce flexibility in this approval stage (Municipal laws 1047/06; 1067/06; 1.068/06; Matinhos, 2006; 2006a, 2006b, Figure 2<sup>9</sup>). However, this law was not approved at the time, as it conflicted with the demands for expanding areas available for new buildings, as well as with environmental legislation (Abrahão & Tomazzoni, 2017; 2018).

In 2008, the elaboration of the Coastline Plan (Matinhos, 2008) and the development of the “Strategic Plan for the Sustainable Territorial Development of the Coast of Paraná” (State Decree 2.647/11, Figure 2) maintained the sharing between State and Municipal governments regarding territo-

rial management. In 2012, a Thematic Commission was set up to revise State Decree 2722/84, and the members of the commission gave in to pressure from the mayors of coastal municipalities, especially those of Matinhos, Pontal do Paraná and Guaratuba, the three main seaside municipalities (COLIT Resolution 002/13, Paraná, 2013; Figure 2).

On the other hand, in 2012, the Cultural Heritage Coordination of the State of Paraná established the regulations for the use and occupation of the area of the coastline of Matinhos that was designated a cultural heritage site (Paraná, 2012, Figure 2). Complementary guidelines were established for the heritage designation, defined in 1970. As stated in the history of its production process, the complementation came from the need for manifestation in relation to the planned urban interventions for the area, for the purposes of sanitation and erosion control. Both interventions were foreseen in the plan for the Recovery Works of Matinhos Seashore, to be carried out by the state government.

Throughout the 2010s, the interests of municipal managers, linked to real estate expansion, and the guidelines of the state government became less and less conflicting. Within the time frame analyzed, the approval of the 2006 Master Plan took place in 2014, after the approval of State Decree 10.856/147 (Figure 2). This decree defined the proposal for zoning, land use and occupation in the municipality of Matinhos, in disagreement with DE 2.722/84, expanding the area available for real estate expansion destined for second tourist homes, after years of great pressure from the real estate sector. Thus,

<sup>8</sup> Municipal Law 439/93 authorized the municipal executive power to break up irregular allotments into individual lots, for the purpose of real estate registration and tax incidence. Law 462/94, on the other hand, granted an increase in the constructive potential for building projects related to social interest programs.

<sup>9</sup> Additionally, there are the Law Projects that deal with the codes of posture and works.

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corroborating Godard (2000) and Dardot & Laval (2015), the management of natural resources and space by the state demonstrates its limits and insufficiencies, insofar as this logic reinforces the market logic of private ownership of the use of spaces and in the short term.

In addition, the territory appears as a space under construction, whose intentions of the actors, associated with their actions, give shape and function to the space. This indicates that even though there has been an effort to limit the excessive and unbalanced use of territorial resources through shared management by the State of Paraná and coastal municipalities (particularly, seaside municipalities), regulation was insufficient when the correlation of forces changed.

In the first decades analyzed, municipalities were more susceptible to the interests of market actors, but their actions were relatively limited by regulation and the need to coexist with competing competence in aspects of environmental and cultural protection. In the last decade analyzed (the 2010s), this conflict becomes less relevant within the scope of management and a consonance of pro-market interests is detected in the configuration of power and management of the territory, both at the state and municipal levels (Abrahão & Tomazzoni, 2017; 2018). Regulation is, then, the target of modification in terms of regulatory flexibility, becoming in the speech and practice of these actors the great obstacle to the development model that they perceive as possible and viable.

## 5. Final notes

The present study allowed us to identify that the construction of the territory investigated de-

monstrates that, although the institutional and normative changes in the management of the territory have occurred, they have proved to be insufficient mechanisms for a type of sustainable territorial development. On the other hand, it made it possible to observe the process of conformation of a territory, in its complexity, as a social construction (Pecqueur & Vieira, 2018).

In the context of spatial dimension, the consolidation of land use as a tourist destination in the municipality of Matinhos, on the coast of Paraná, which took place through the institution of Special Areas of Tourist Interest, was key to understanding the spatial dimension. These conflicts occur between social groups that seek the preservation and enhancement of heritage, as a constituent element of development, against those who perceive tourist occupation as an opportunity to enhance the soil and the opportunity to accumulate wealth and heritage, through real estate activity. Such conflict refers to the notion of eco-development that requires economic viability, minimizing the impacts of anthropic pressure on the environment, claiming well-established territorial governance mechanisms and a strengthened civil society (Vieira, 2006; Sachs, 2009; Pecqueur & Vieira, 2018; Dallabrida *et al.*, 2021), a picture different from that observed in the spatial reality analyzed here.

The real estate activity proved to be a relevant force in all spaces appropriated by tourism, but with particular voracity in those spaces that have the characteristic of second home tourism. It is noted, therefore, that pressure and interests of groups linked to the real estate business sectors prevailed over protective regulations in the last decade (2010-2020), placing the economic dimension of the market at the center of the process of development



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of the territory to the detriment of the other dimensions and the balance of forces in society (Vieira, 2006; Sachs, 2009; Pecqueur & Vieira, 2018). It is explained, therefore, how standardization is an integral part of the actors' interaction process and their search for imposition and negotiation of their interests.

It is important to highlight what Marques (2016) points out as an absence of a sense of limit, given the systemic nature of the effects of environmental crises: air, soil and water pollution, food poisoning, global warming, droughts, water shortages, desertification, devastating fires, extreme weather events, floods, waves of cold and heat, rising sea levels, subsidence of deltas, cities obstructed by cars and waste, increasing degrees of sanitary, chemical and water insanity.

In the context of the ecological dimension, legislation of a preservationist and conservationist nature that reflects the fragility of coastal areas, in contrast to their unbalanced and often predatory occupation, observed in countries like Brazil, also reflects this dynamic that dialectically intertwines social groups. In a complementary way, this tension is particularly present in the municipality investigated as an example. However, it points to a problem that can assume a broader and more extensive nature in the coastal zone. Considering the concentration of population and economic activities associated with the process that dates back to Brazilian colonization, the defense of this territorial portion is explicit as a vector of eco-development. Therefore, it awakens a process of confrontation, resistance and struggle. There are other studies in Brazil that corroborate the limits presented here. A reflection of broader processes that involve Brazilian society and its political and economic forces can be seen.

Finally, the institutional dimension of the territory demonstrates that the constitutional foundations related to the management of the national environmental heritage enabled the emergence of another field of reflection on the contradictions that are constituents of the territory. In this regard, the study demonstrates that concurrent competence between the federative entities explains different perspectives on sustainable development. The analyzes of this dimension are in line with the other two dimensions, by reiterating the territory as a space for interaction, perspectives and actions taken by social actors, but above all in making it possible to observe that the history and historical trajectories of the territories are strong allies of the understanding and reflection on the possibilities of sustainable territorial development (Vieira, 2006; Dallabrida; Rotta & Büttenbender, 2021; Büttenbender *et al.*, 2022; Pecqueur & Vieira, 2018).

The present study reinforces the reasoning of Sachs (1993; 2009), Godard (2000), Dardot & Laval (2015), as well as Dallabrida; Rotta & Büttenbender (2021), Büttenbender *et al.* (2022) and Pecqueur & Vieira (2018). The pressing need for state management of natural resources and space has been demonstrated. However, this is a limited trail. It is necessary to count on the insertion and active participation of civil society in defense of the heritage that makes life possible for current generations, without compromising the possibilities of future generations, bringing back the principle of intergenerational equity (Vieira, 2006; Sachs, 2009).

The understanding of the territory, of its dynamics intertwined by the actors, by the social groups, by the projects of power demonstrates the relative urgency of the co-production of norms and co-responsibility of all the actors of a territory. That

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said, it is understood that the path chosen for this reflection was fruitful and can be replicated in other space delimitations. In particular, the hypothesis is suggested that along the Brazilian coast, similar pressures can be detected in relatively similar processes and in line with the selected approach.

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