



Real Estate Development and Planning

Development projects range from office buildings and mixed use facilities to large scale urban regeneration projects with complex negotiations between public and private stakeholders. Development has been adversely impacted by economic uncertainty over the past few years; however it continues to recover across real estate sectors and markets worldwide.

Our experience guiding commercial development projects gives our clients a competitive advantage. Clients seek us out because we deliver the full range of services necessary to conceive, implement and complete significant projects. Among the projects we have handled are city center and urban redevelopment projects, multi-party air rights developments, office towers with parking and retail components, multi-phased mixed-use projects, mixed use resort properties and lifestyle center developments.

Planning is key to successful real estate and project development. Our experienced planning team supports our clients through all phases of a development project, from planning appraisals, applications and agreements, to enforcement, appeals, inquiries and challenges.

We act on a wide range of projects, from major infrastructure projects to vast residential schemes. We work alongside public and private stakeholders and understand every element of the local planning systems, including complex applications, compulsory acquisition, environmental impact assessment and enforcement.

CAPABILITES

Planning, zoning and consents

Planning, zoning and land use approval processes can vary dramatically from country to country and we are experienced at advising clients across the globe in every stage of the planning process, working to their schedule and ensuring documents are forensically robust and withstand scrutiny from authorities and other stakeholders. We are well versed in managing issues that arise in the gamut of developments including the complex issues presented by major infrastructure projects, urban development and regeneration projects, and transit oriented development.

Government incentives, TIF and site selection

We are a leader in assisting clients with tax increment financing (TIF) and other public incentives programs. Our experience enables us

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- Construction and Engineering
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- Litigation, Arbitration and Investigations
- Public Private Partnerships and PFI
- Real Estate Finance

- Media, Sport and Entertainment

to assist private developers in identifying available public programs and leveraging the benefits of those programs for their development projects.

In addition to our work on behalf of developers, we assist companies evaluating whether to relocate or develop a new headquarters, manufacturing plant or other facility needs to examine the legal, regulatory, and business differences among competing jurisdictions and sites. We evaluate: the availability of relevant economic development incentives; site acquisition and development matters; and the potential impact of different regulatory and political environments.

Further, we confirm and assure the legal ability of the jurisdictions to deliver the proposed incentives after the site is selected. We also negotiate binding legal agreements with relevant governmental entities.

Environment

Among the environmental issues that a development project may need to address are impact assessments, permitting, site contaminating waste products and pollution. Our environmental team's practice covers all areas of environmental law; in addition, we can enlist our health and safety team as required to provide strategic advice in specialized fields such as construction and the responsibilities of senior management.

Joint ventures and other structures

The breadth of our tax, regulatory, corporate, and real estate experience enables us to effectively represent a broad array of clients in connection with the formation, structuring, acquisition and disposition of real estate joint ventures and other entity structures.

Leasing

We represent a broad range of building owners and property managers - from single-asset holders to international real estate funds - in negotiating leases, subleases, assignments, management agreements and all other lease-related transactions.

Dispute Resolution

Disputes can arise in even the most carefully managed development and we help clients avoid them by advising on potential issues at the earliest stages of projects. If a dispute does arise, we have skilled real estate litigation lawyers who can manage all of the litigation, arbitration, adjudication and alternative dispute resolution processes.

EXPERIENCE

- Advising the Atlanta Braves in all aspects of the development of a new Major League Baseball stadium in Cobb County, Georgia, and related entertainment district real estate development, including hotels, restaurants and retail.
- Obtaining land use approvals and entitlements to implement the Centennial Plan strategic framework to redevelop Chicago's Navy Pier, the most popular tourist destination in the Midwestern US.
- Advising a joint venture of the Fallon Company and Cornerstone Real Estate Advisers in connection with the development of Fan Pier, Boston's preeminent waterfront site. The project will involve over 3 million square feet of mixed-use development to include hotel, office, residential, retail and marine components.
- Advising Marriott Inc. in the City Centre development in Doha in which Marriott will operate a Renaissance Hotel, Marriott Executive Apartments and a Courtyard by Marriott Hotel.
- Advising ING Real Estate Development on its project development portfolio, including the Waterloo Shopping, Halle, Tubize FOC, Genk Shopping 1 and Gent Overpoort projects.
- Advising on a large-scale regeneration project in Halton, North-West England, centering on a proposed £500 million bridge across the River Mersey between Runcorn and Widnes, including applications relating to planning, listed buildings, highways, road user charging/tolling, railways, coast protection and the implementation of the suite of planning applications and variations that have been subsequently required.
- Advising Risanamento S.p.A. on its 296 acre former industrial zone in Milan known as Santa Giulia that is being regenerated to provide 60,000 residential units, retail, conference, hotel and leisure facilities and community infrastructure. Our assistance includes revising the town plan and managing all legal and administrative processes required to obtain its approval. We have also advised on

environmental and public procurement matters.

- Advising The Carlyle Group on its joint venture high rise mixed use development with Leighton Properties in Brisbane, comprising an 18-storey residential tower, more than 3,500sqm of retail and commercial space and a 48- room boutique hotel.
- Advising the National Pension Scheme of Korea and Heitman International on the AU\$1 billion industrial real estate portfolio acquisition and development joint venture in Australia with ASX listed real estate group DEXUS.

INSIGHTS

Publications

Planning and Environment Journal - Issue 2

17 March 2020

PLANNING AND ENVIRONMENT JOURNAL

Welcome to the second edition of DLA Piper's Planning and Environment Journal where our lawyers share their experience and knowledge of zoning and environmental issues in various jurisdictions. This edition is dedicated to Environmental Remediation procedures in the Netherlands and Spain.

Coronavirus and the US commercial real estate sector

13 March 2020

Considerations on the impact of COVID-19 on commercial real estate agreements already in place.

Planning and Environment Journal - Issue 1

5 December 2019

PLANNING AND ENVIRONMENT JOURNAL

This first issue of DLA Piper's Planning and Environment Journal is dedicated to planning tools in Italy and Denmark.

In New Zealand

DLA Piper New Zealand is adept in all aspects of property development.

Projects of scale and size have characterised our extensive involvement in client's property ventures.

These are frequently iconic projects for major New Zealand cities including multi-storey commercial buildings, large retailing malls, subdivisions, residential apartments and retirement villages. Some of these ventures set legal precedents. They often involve complex title structures, major subdivisions or innovative ownership structuring.

We have acted for developers on large scale projects subdividing land into lifestyle, industrial or residential blocks. In situations such as these, joint ownership, communal facilities and common infrastructure are key considerations; complex local authority requirements must be met, and reserve contributions determined.

We are often engaged from the inception of the project to its conclusion. This may involve legal and business advice on feasibility, due diligence, acquisition, consenting, construction and on leasing, retaining or selling of major projects.

ACQUISITIONS AND DISPOSALS

DLA Piper New Zealand regularly undertakes land and building due diligence on behalf of prospective owners.

We carry out acquisitions and disposals for corporate clients across large portfolios of property.

In addition to commercial clients, clients include government entities, with large holdings of land and buildings, and challenges involving the Treaty of Waitangi, environmental risk management, easements and public works. Other clients include listed and unlisted property funds and trusts, on shore and offshore, who are regularly transacting land and buildings.

We are experts on foreign ownership issues, regularly lodging applications to the Overseas Investment Office (OIO).

CROWN PROPERTY TRANSACTIONS

DLA Piper New Zealand acts for government and local government in many public works infrastructure projects in Crown Property transactions.

TREATY OF WAITANGI SETTLEMENTS (TE TIRITI O WAITANGI)

The firm has unusual and expert capability in treaty settlements. We have acted for the Crown on a number of deeds of settlement on Maori land including: advice, negotiation, documentation drafting, and settlement.

CAPABILITIES

- Feasibility, due diligence, subdivision, resource consents, contracting, building
- Disposals and acquisitions
- Joint ventures
- Development agreements
- Unit Titles, common ownership structures
- GST implications of sales and acquisitions
- Planning, RMA, zoning, environmental
- Crown Property Transactions
- Treaty of Waitangi settlements (Te Tiriti o Waitangi)

EXPERIENCE

Changda International New Zealand Limited

DLA Piper New Zealand acted for Changda International New Zealand Limited in the acquisition of a large development site of approximately 40 hectares in Orewa, Auckland for the purpose of large scale residential development with an estimated cost in excess of NZ\$100 million.

The transaction involved due diligence in relation to the acquisition, complex resource management issues, and a multifaceted application for Overseas Investment Office consent.

Insight Global Farmland Fund Limited

DLA Piper New Zealand advised Insight Global Farmland Fund Limited (IGFFL) on the purchase of a Southland 'going-concern' dairy farm business from Fermoy Farms Limited. The transaction included the transfer of property, plant and equipment, contracts and livestock, and also involved complex water rights issues.

DLA Piper New Zealand further advised IGFFL on the purchase of a Southland 'going concern' dairy farm business at Opio and Otauatau, from Braeside Enterprises Limited. The overseas investment transaction has satisfied the criteria by providing 'substantial and identifiable benefit to New Zealand'.

Holmes Consulting Limited

The Christchurch Justice and Emergency Services Precinct is one of the anchor projects of the Canterbury Earthquake Recovery Agency's (CERA) city Recovery Plan. DLA Piper New Zealand acted for the structural, civil and geotechnical engineering consultant, a key role given the location of the precinct and risk of earthquakes.

DLA Piper New Zealand has also worked with Holmes on several other major Christchurch projects, namely the new Christchurch

Hospital and Burwood Hospital redevelopments reportedly valued at \$300 million.