

Emergency notification assessment

This document provides a short assessment of the risks posed by a transaction notified pursuant to s85 of the Overseas Investment Act 2005. It is designed to provide the high-level findings and context to help the Associate Minister of Finance decide whether to call in a transaction for national interest assessment.

Information about the proposed transaction

Case number	202100336
Investor	DCI NZ Operations L.P. (to be established) (the "Investor"). The Investor will use the trading name "DCI Data Centers" once it is operational.
Target/vendor	Marylen Limited (The Vendor)
Consideration	NZD s9(2)(b)(ii) plus GST (if any).

Assessment of the proposed transaction

Risk factors identified	s6(a) and s(9)(2)(g)(i)			
	[Redacted]		[Redacted]	
	[Redacted]		[Redacted]	
	[Redacted]		[Redacted]	
Context	Transaction			
	<ul style="list-style-type: none"> Once established DCI NZ Operations L.P. (the Investor) will acquire a freehold interest in land located at 1 Kakano Road, Westgate, Auckland 0814 (the Property) from Marylen Limited (the Vendor) The Investor intends to operate an ICT data centre at the property. The amount paid for the Property is estimated to be NZD s9(2)(b)(ii) plus GST (if any). 			
	Vendor/Target			
<ul style="list-style-type: none"> The vendor is Marylen Limited, who owns the land at 1 Kakano Road, Westgate, Auckland 0814. The land is currently comprised of 2 different titles. The existing land will be subdivided, and the Property will be given its own record of title to enable the transaction to take place. The total area of the Property will be 11,496 sqm. 				
Investor				
<ul style="list-style-type: none"> The investor is DCI NZ Operations L.P. and at the time of the notification, it is yet to be established. It will be a NZ limited partnership. The Investor will use the trading name "DCI Data Centers" once the ICT data centre is operational. Its sole limited partner will be Brookfield Infrastructure Fund III ("BIF III"), a global infrastructure fund managed by Brookfield Asset Management Inc. Brookfield Asset Management Inc. is an alternative asset management company focusing on direct investments in real estate, renewable power, infrastructure, credit and private equity. The company's headquarters is located in Toronto, and it also has corporate offices in New York City, London, São Paulo, Mumbai, Shanghai, Dubai, and Sydney. 				

	<ul style="list-style-type: none"> • The investment will be funded through BIF III’s equity capital. • The notifier submitted that only one investor, Brookfield Infrastructure Partners L.P. (BIP), has a greater than 5% (being 28.57%) investment in BIF III and no investor (including BIP) has any ability to influence its decision-making processes. • BIP is a limited partnership, established in Bermuda and publicly listed on the Toronto Stock Exchange (TSX: BIP.UN) and the New York Stock Exchange (NYSE: BIP). BIP was established by BAM as its primary public vehicle to own and operate infrastructure assets on a global basis. BIP is one of the largest owners and operators of diverse global infrastructure networks which facilitate the movement and storage of energy, water, freight, passengers and data.
<p>Information gaps</p>	<p>s6(a)</p>
<p>Risks identified</p>	<p>s6(a) and s9(2)(g)(i)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p>Analysis</p>	<p>The transaction involves the purchase of land located in Auckland. The total area for the property is 11,496 sqm and the total amount estimated to be paid for the land is NZD \$s9(2)(b)(ii) plus GST (if any).</p> <p>The Investor is DCI NZ Operations L.P. a yet to be established subsidiary of Brookfield Infrastructure Fund III. Total amount estimated to be spent on the investment is s9(2)(b)(ii) [Redacted]. Once construction is complete the investor will operate and ICT centre under the name DCI Data Centres. DCI Data Centres operates 2 such centres in Australia. The s6(a) & 9(2)(g)(i) [Redacted]</p> <p>[Redacted]</p> <p>s6(a) & 9(2)(g)(i) [Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>For the reasons mentioned above we do not consider the investment will have a significant impact on New Zealand’s interests.</p> <p>s6(a) & 9(2)(g)(i) [Redacted]</p>
<p>Overlap with other regimes</p>	<p>N/A</p>
<p>OIO assessment</p>	<p>s6(a) & 9(2)(g)(i) [Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>