

NOTICE OF LODGMENT
AUSTRALIAN COMPETITION TRIBUNAL

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL and has been accepted for lodgment pursuant to the Practice Direction dated 13 July 2026. Filing details follow and important additional information about these are set out below.

Lodgment and Details

Document Lodged:	Affidavit
File Number:	ACT 1 of 2026
File Title:	APPLICATION BY COLES SUPERMARKETS AUSTRALIA PTY LTD
Registry:	VICTORIA – AUSTRALIAN COMPETITION TRIBUNAL



REGISTRAR

Dated: 3/08/2026 5:21 PM

Important information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

Commonwealth of Australia
Competition and Consumer Act 2010

In the Australian Competition Tribunal

File No. ACT 1 of 2026
Re: Application for review of a determination made by the Australian Competition and Consumer Commission under subsection 51ABZE(1) of the *Competition and Consumer Act 2010* (Cth)
Applicant: Coles Supermarkets Pty Ltd.

AFFIDAVIT

Affidavit of: Radu Popescu
Address: 21 Orion Rd, Jandakot, Western Australia 6164
Occupation: Director – National Real Estate
Date: 3 August 2026

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Background

I, **Radu Popescu**, of 21 Orion Road, Jandakot, Western Australia 6164, affirm:

Filed on behalf of (name & role of party) ALDI Stores (A Limited Partnership), Participant
Prepared by (name of person/lawyer) Peter Lucarelli
Law firm (if applicable) Baker & McKenzie
Tel +61 3 9617 4200 Fax (03) 9614 2103
Email Peter.Lucarelli@bakermckenzie.com

Address for service
(include state and postcode) Level 19, CBW, 181 William Street, Melbourne Victoria 3000

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1. I am a Director of National Real Estate at ALDI Stores (A Limited Partnership) (**ALDI**). I commenced this role in October 2023 with responsibility for all real estate matters relating to both the existing ALDI store network and new store development in Western Australia.
2. I am authorised to make this affidavit on behalf of ALDI.
3. Unless otherwise stated, the facts deposed to in this affidavit are within my own knowledge. Where I depose to matters on information and belief, I believe them to be true.
4. I make this affidavit in support of ALDI's Application dated 3 August 2026 which seeks orders pursuant to section 106(2)(b) of the *Competition and Consumer Act 2010* (Cth) (**Confidentiality Orders**).
5. Generative artificial intelligence was not used to generate:
 - (a) this affidavit; or
 - (b) to the best of my knowledge any annexure to this affidavit.
6. Unless otherwise stated, all capitalised terms used in this affidavit have the same meanings given to them in the directions made by the Tribunal on 21 July 2026 (**Directions**).

Information provided to the Australian Competition and Consumer Commission

7. ALDI provided information to the Australian Competition and Consumer Commission (**Commission**) pursuant to a compulsory notice that the Commission issued to it. The information that ALDI provided relates to the proposed acquisition of a leasehold interest for a supermarket and liquor site in Kalgoorlie, Western Australia (**Proposed Acquisition**) by Coles Supermarkets Australia Pty Ltd (**Coles**).
8. ALDI is a global supermarket retailer. It operates 607 stores in Australia.
9. In Australia, ALDI competes with other major supermarket retailers, including Coles, Woolworths and Metcash (which owns and operates the Independent Grocers Alliance known as "IGA").
10. For the reasons that follow, the documents in the Confidential Annexure RP-1 should remain confidential (**Confidential Documents**).
11. Pursuant to paragraph 6 of the Directions, subject to any further direction, the Confidentiality Regime will apply to all documents filed and served by a participant or the

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Commission in this proceeding that are identified as being subject to a claim for confidentiality.

12. I understand that the Confidential Documents will be provided to, among others, internal and external solicitors of the parties to this proceeding provided they have signed a confidentiality undertaking.
13. As described above, ALDI competes with other major supermarket retailers. I understand that, Coles, for example, would customarily and ordinarily engage solicitors (both internal and external to Coles) to act for them in relation to their commercial dealings including in relation to the negotiation of new and existing sites where Coles stores are, or are foreshadowed to be, located.
14. For this reason, I am concerned that if solicitors were to be given access to the Confidential Documents, this would pose a material risk that ALDI's commercially sensitive information is disclosed to solicitors who act for other supermarket retailers in competition with ALDI, including Coles and IGA.

ALDI Confidential Documents

15. I have read the following documents in paragraphs 16 – 21. Having done so, I am satisfied that these documents contain commercially sensitive information of ALDI. If these documents were made available to ALDI's competitors or the public at large, it would cause commercial prejudice to ALDI because the Confidential Documents could be used to influence future negotiations by ALDI or allow one or more of its competitors to have an advantage over ALDI. I have expressed my reasons in relation to each document below, these documents are in the Confidential Annexure marked "RP-1".
16. I have read the letter from the Commission, with the subject line: "*Coles' proposed acquisition of a supermarket and liquor site in Kalgoorlie, Western Australia*" (01068.001.005.0009). This document contains ALDI's rationale for the decision to sell the site at 101 Brookman Street, Kalgoorlie, Western Australia, and whether ALDI plans to develop a store in the city of Kalgoorlie-Boulder. If this information were to be made available, it would distribute commercially sensitive information about ALDI's strategic regulatory position and market views. A copy of this document is at pages 8 – 9 of confidential annexure RP-1.
17. I have reviewed my letter, which seeks approval for minor updates to the Approved Site Pack (01068.001.017.0005). This document contains commercially sensitive information being the negotiated purchase price, and how that price sits within ALDI's budget. If this document and its contents were to be made available, this commercially sensitive information would likely cause commercial prejudice to ALDI because it would allow ALDI's competitors to understand



ALDI's store strategy and internal investment approach. A copy of this document is at pages 10 – 11 of confidential annexure RP-1.

18. I have read the following documents:

- (a) Golden Bay Store Evaluation Model (01068.001.017.0010);
- (b) Maddington Site Pack REIC 2026 (01068.001.017.0028);
- (c) Maddington Site Pack REIC (01068.001.017.0046);
- (d) Pinjarra Store Evaluation Model (01068.001.017.0062);
- (e) Kalgoorlie Store Evaluation Model (01068.001.017.0165);
- (f) Site Pack 3 / New SVT (01068.001.017.0219);
- (g) Kalgoorlie Memo – Final (01068.001.017.0223);
- (h) Kalgoorlie Site Disposal Memo (01068.001.017.0227);
- (i) Valuation Addendum (01068.001.017.0229); and
- (j) Valuation Report (01068.001.017.0220).

These documents contain a site strategy, site plans, and financial modelling prepared for ALDI. If such information were made available to the solicitors for other supermarket retailers, including Coles, it would likely cause commercial prejudice to ALDI because other supermarket retailers would understand the terms and values with which ALDI negotiates, which would place ALDI at a significant disadvantage. Copies of these documents is at pages 12 – 113 of confidential annexure RP-1.

19. I have read the correspondence between Mr Murray Archibald, Director, Blue Ladder Consultancy Pty Ltd and myself (01068.001.017.0086 to 01068.001.017.0111, 01068.001.017.0114 to 01068.001.017.0123, 01068.001.017.0127 to 01068.001.017.0164). This correspondence contains site negotiations, project strategy and development planning which would, if disclosed, cause significant commercial prejudice to ALDI because it outlines certain of ALDI's negotiating terms and strategic discussions. Copies of the correspondence is at pages 114 – 187 of confidential annexure RP-1.

20. I have read the ALDI Kalgoorlie Trade Area and Sales Projection document (01068.001.017.0166). This document contains non-public information and catchment data which is not available to any of ALDI's competitors. If this information were to be disclosed it would cause commercial prejudice to ALDI because it contains information about potential sales and the spending market more generally. If any of ALDI's competitors were aware of

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such information, that would put ALDI at a commercial disadvantage. A copy of this document is at pages 188 – 192 of confidential annexure RP-1.

21. I have also read the following documents:

- (a) Kalgoorlie Land Disposal Site Pack (01068.001.017.0172);
- (b) Original Site Pack (01068.001.017.0210);
- (c) Revised Site Pack (01068.001.017.0211).
- (d) Demolition QS Report (01068.001.017.0214);
- (e) Store Build QS Report (01068.001.017.0218); and
- (f) Sale of Surplus Land Advice (01068.001.017.0212).

Each of these documents contain information about the store viability including forecasts. If this information were to be made available to ALDI's competitors, it would cause commercial prejudice to ALDI as it would expose ALDI's forecasts for the store. Copies of these documents are at pages 193 – 239 of confidential annexure RP-1.

22. I consider that if the information set out in the Confidential Documents were to be disclosed to third parties, including ALDI's competitors, there is a real risk that ALDI would be placed at a competitive disadvantage compared to other supermarket retailers. The Confidential Documents would also be detrimental to ALDI's ongoing and future commercial dealings with third parties including developers, suppliers, and landlords.

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23. I respectfully request that this Tribunal make orders precluding the disclosure of the Confidential Documents to any party to this proceeding other than the Commission including legal advisors of any party (other than the Commission).

The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offences of perjury.

Affirmed by the deponent
at Jandakot
in Western Australia
on 3 August 2026
Before me:

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Signature of deponent

Signature of witness

Cameron James Laing

Baker McKenzie
Level 19, 181 William Street
Melbourne VIC 3000
An Australian Legal Practitioner within the meaning of the
Legal Profession Uniform Law (Victoria)

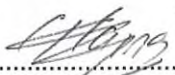
A person authorised under section 19(1) of the **Oaths and Affirmations Act 2018** to take an affidavit. This affidavit, as signed and notated by the authorised affidavit taker, Cameron James Laing, was signed and initialled by the deponent, Radu Popescu, by electronic means. The authorised affidavit taker witnessed the deponent sign and initial the affidavit via audio-visual link. The document signed and notated by the authorised affidavit taker is an electronic copy, not an original.

Certificate Identifying Confidential Annexure

In the Australian Competition Tribunal

File No. ACT 1 of 2026
Re: Application for review of a determination made by the Australian Competition and Consumer Commission under subsection 51ABZE(1) of the *Competition and Consumer Act 2010* (Cth)
Applicant: Coles Supermarkets Pty Ltd.

This is the confidential annexure marked "**RP-1**" now produced and shown to **Radu Popescu** at the time of affirming his affidavit on 3 August 2026 before me:


.....
Signature of person taking the affidavit

Annexure "RP-1"
Paginated bundle of documents

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**THIS ANNEXURE HAS BEEN
WITHHELD ON THE BASIS OF
CONFIDENTIALITY**