

# Application for an enforceable undertaking

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June 2019

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of entity or, partnership or individual applying for this undertaking

Independent Traffic Control Limited

# Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of the person or persons who will be signing this undertaking in section 4:

Eugene Beneke

On behalf of:

Independent Traffic Control Limited

Name of the entity giving this undertaking (if an individual or sole trader, leave blank - complete in all other cases)

Independent Traffic Control Limited

This enforceable undertaking is given on the day and date that it is accepted and signed by WorkSafe. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

Do not refer to the victim by name in this document. Please refer to the victim/worker/employee/volunteer/or other term as appropriate.

WorkSafe respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of an undertaking given to WorkSafe under Part 4 of the *Health and Safety at Work Act 2015*. This information will be managed within the requirements of both the *Privacy Act 1993* and the *Official Information Act 1982*.

There is an expectation that WorkSafe will generally publish the undertaking in full on its website.

TERM	DEFINITION
<b>Contravention</b>	An action which offends against the <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
<b>HSMS</b>	A Health and Safety Management System.
<b>Person</b>	An individual who or a legal entity which has a duty under the <i>Health and Safety at Work Act 2015</i> and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.
<b>Health and Safety legislation</b>	<i>Health and Safety at Work Act 2015</i> and associated regulations.
<b>Enforceable undertaking</b>	An enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with WorkSafe. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s).

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## 1. General information

### 1.1 Details of the person/persons/entity giving the undertaking

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Name of person(s) making this undertaking: (in all cases complete with the name(s) of those who are signing this undertaking under Section 4)

Eugene Beneke

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Name of entity: (if applicable, leave blank if an individual)

Independent Traffic Control Limited

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Type of legal entity: (complete in all cases, for example individual, sole trader, partnership, trust, company, etc)

Incorporated Company

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Nominated contact person: (the same person listed above/one of those listed above)

Eugene Beneke

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Physical address:

81 Leonard Road  
Mt Wellington, Auckland, 1060

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Postal address: (if different from physical address)

PO Box, 14419 Panmure, Auckland, 1741

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Work phone: s(9)(2)(b) OIA 1982

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Mobile phone: s(9)(2)(a) OIA 1982

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Email: s(9)(2)(a) OIA 1982

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Industry: Temporary Traffic Management

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Workers (enter numbers):

Full-time: 272      Part time: 16      Casual: 25

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Description of the products and services provided by the business or undertaking:

Independent Traffic Control (ITC) is a leading New Zealand-based provider of temporary traffic management (TTM) and infrastructure support services.

Core services include:

- Traffic Management Planning & Delivery
- Event Traffic Management
- Equipment Hire & Logistics
- Training & Compliance Support
- Consulting & Innovation

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Comments:

At the time of the incident outlined in section 1.3 below (Incident) ITC had been contracted by Fulton Hogan Limited (FH) to provide TTM services at the site following a slip event on State Highway 23 and Cogswell Rd.

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## 1.2 Detail of the contravention

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WorkSafe New Zealand (WorkSafe) alleges that ITC, as a Person Conducting a Business or Undertaking (PCBU), failed to ensure, so far as was reasonably practicable, the health and safety of its workers (including the victim) while they were at work managing traffic movements at the “Western Roadblock” site near State Highway 23 and Cogswell Road, Raglan, on 12 February 2023.

WorkSafe claims ITC failed to take two reasonably practicable steps:

1. Consult, co-operate and co-ordinate with Fulton Hogan Limited on developing and monitoring a safe, site-specific Traffic Management Plan.
2. Ensure that its workers received effective and consistent information and instruction on how to operate the Western Roadblock safely before commencing work.

Fulton Hogan Limited was also charged in relation to the Incident.

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### 1.3 Detail the events surrounding the contravention

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On 12 February 2023, a fatal incident occurred at the Western Roadblock site on State Highway 23, Raglan, where ITC had been contracted by the principal contractor (FH) to provide temporary traffic management following a slip. Only one traffic controller was deployed to the site instead of the two requested. The controller did not attend the principal contractor's morning toolbox meeting and proceeded directly to the roadblock to relieve the night shift worker. During operations, a truck travelling through the closure struck the traffic controller while they were removing cones to allow passage, resulting in fatal injuries.

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#### 1.4 Detail any enforcement notices issued that relate to the contravention as detailed in term 1.2

DATE	NOTICE TYPE	NOTICE NUMBER	CONTRAVENTION OR PROHIBITED ACTIVITY	ACTION TAKEN IN RESPONSE TO NOTICE
DD / MM / YEAR	N/A	N/A	N/A	N/A
DD / MM / YEAR				
DD / MM / YEAR				

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#### 1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)

Following the Incident, ITC and the principal contractor undertook several immediate rectification and remediation actions to improve site safety. Within days of the event, a site-specific Traffic Management Plan (TMP) was developed and submitted to Waka Kotahi on 17 February 2023, replacing the generic TMP that had been in use. In accordance with this new TMP, ITC and the contractor implemented a number of physical and procedural safety improvements at the Western Roadblock, including:

- Relocating the roadblock to improve visibility for approaching traffic.
- Increasing the number of cones leading up to the closure to enhance advance warning.
- Installing temporary speed restriction signage to reinforce lower speed limits.
- Introducing a temporary traffic light ( “Estop” ) to control vehicle movements.
- Adding a judder bar ahead of the closure point to slow vehicles before entry.

These changes were implemented jointly by ITC and the principal contractor as part of the immediate post-incident safety response to mitigate similar risks at the site.

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#### 1.6 Total amount of money spent on rectifications

The direct costs of the rectifications undertaken by ITC following the Incident are not able to be quantified.

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**1.7 Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention or, (as applicable) the *potential* for fatal injury or future fatal illness**

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The victim was hit by a truck that failed to stop while approaching the closure point at approximately 58 km/h in a 30 km/h zone. The victim was in the process of clearing cones to allow the truck to pass through when the collision occurred. The impact caused critical traumatic injuries, and the victim was pronounced dead at the scene. ITC extends its deepest sympathies to the family of the victim.

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**1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illness (the total monetary amount here is also to be included in the table at 3.12.3)**

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Describe the victim(s) relationship to you/the entity in question: (eg employee(s)/shareholder/director/family member/contractor, etc. If the relationship has more than one dimension, for example a family member who is also an employee and a director and/or shareholder of the business, or an employee who is a shareholder (etc) – then please describe this)

The victim was a full-time employee of ITC.

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Detail offer of amends or payments:

ITC contributed, through a koha, to the victim's tangi (funeral).

The particular actions to be taken by ITC include:

- Payment of costs associated with tangi (\$10,000 NZD)
- Offer of amends to the family (\$194,900) to be paid within one month of acceptance of the enforceable undertaking. This offer recognises the emotional harm suffered (\$75,000 NZD) and consequential loss (\$119,900) resulting from the Incident.

The financial value of assistance to be provided by ITC is:

Item	Cost
Koha towards tangi	\$10,000.00
Reparations	\$194,900.00
Total	\$204,900.00



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## 1.12 Detail any current HSMS implemented and maintained by the person

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Describe how health and safety risks are managed, including types of procedures or policies or standards:

ITC complies with its duties and obligations under the Health and Safety at Work Act 2015 (HSWA), and has the following safety management system in place:

- Overarching health and safety policies, including our Company Management Manual.
- Task-specific risk assessments and standard operating procedures.
- Internal policies aligned with ISO 45001 and industry codes (previously CoPTTM and now the NZGTTM).
- Risk identification is completed in daily operations via the Hazard ID module within our software, enabling staff to log hazards and complete their tasks.
- TTM work-related policies and SOPs are routinely reviewed to reflect emerging risks and regulatory updates.
- Staff competency is maintained through training programmes, ongoing assessments, and regular toolbox talks.
- Incident investigations follow root cause methodologies, with corrective actions tracked to closure.

Worker engagement is prioritised through Health and Safety Representative Committee meetings and open feedback channels.

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### **1.13 Detail the level of auditing undertaken on the HSMS, including compliance audits and audit frequency**

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Auditing of the ITC Health and Safety Management System (HSMS) is carried out through an external process to ensure compliance and continuous improvement. ITC maintains formal ISO 45001 accreditation, reflecting its commitment to international best practice in occupational health and safety. Internally, the Health and Safety team conducts scheduled site audits across all operational areas, focusing on risk controls, incident management, and staff engagement. Audit findings are recorded and tracked using our HSMS software platform, Teammate. Externally, independent audits are conducted by SHE Health and Safety – Co-Lab and Totika Health and Safety, both recognised auditing bodies who assess our systems against ISO 45001 and relevant industry benchmarks. Their certification process provides assurance to clients and regulators.

Further initiatives:

- Hazard ID – ITC Staff use a Hazard Identification module on-site to log risks in real time. This ensures visibility to officers and timely close-out of corrective actions.
- Client-Specific Safety Programmes – When operating on client sites, ITC staff actively participate in client-led safety programmes. This includes site inductions, permit systems, specific to each client, ensuring compliance with external expectations.
- Health and Safety Representative Committee – ITC has dedicated HSR for each yard that enables frontline workers to raise concerns, contribute to policy reviews.

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### **1.14 Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking**

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As discussed in sections 1.9 and 1.10 above, ITC has consulted with the victim's family, and other relevant industry parties on this enforceable undertaking and the various activities proposed to be completed by ITC as part of it.

In addition, ITC has undertaken the following consultation in relation to this enforceable undertaking:

- Consulted with the ITC's senior leaders and directors to seek their views and support for the proposed activities. All parties are extremely supportive of the proposed activities to improve the safety of all those that are exposed to the risks in temporary traffic management activities.
- Sought input from ITC's internal Health and Safety Committee which represents the workers of the organisation, training and mentoring team, and representatives from the Site Traffic Management Supervisors (STMS).
- Feedback was gained about what would improve site traffic management and, in particular, the risks posed to frontline staff interacting with the head contractor and their sub-contractors. This meeting was facilitated by ITC's CEO, Head of Operational Excellence and H&S Manager.

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## 2. General terms

The person acknowledges and commits to the general terms set forth in the sub-terms below.

### 2.1 Acknowledgement that WorkSafe alleges a contravention occurred as detailed in term 1.2

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ITC acknowledges that WorkSafe alleges that ITC has contravened sections 36(1)(a), 48(1) and 48(2)(c). of the Health and Safety at Work Act 2015. ITC has taken this incident and WorkSafe's allegations seriously. This is reflected in the investigation undertaken by ITC into the circumstances of the incident and the implementation of the remedial steps outlined in section 1.5 above to prevent recurrence of the incident.

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### 2.2 Statement of regret that the contravention occurred

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ITC deeply regrets the Incident and acknowledges the pain and suffering caused to the victim's whanau and friends as a result of losing their loved one. ITC have engaged with the victim's whanau and apologised directly to them for what occurred.

ITC is committed to making changes to its practices in the hope that no similar event occurs in the future. This enforceable undertaking is intended as a tangible demonstration of that commitment.

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### **2.3 Statement of the reasons why, on balance, the person considers this undertaking is the most appropriate response to the contravention**

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ITC acknowledges that WorkSafe generally considers enforceable undertakings to be unsuitable in cases where a fatality or serious harm has occurred. However, in this instance, ITC considers that an enforceable undertaking represents the most appropriate and constructive response to the contravention. It will provide a significantly better outcome for all parties involved – including WorkSafe, the victim's family, the wider traffic management industry, road users, and ITC itself – than a court-imposed penalty could achieve.

This is because the proposed enforceable undertaking will facilitate meaningful investment by ITC into a range of initiatives that extend far beyond compliance. These initiatives are designed to deliver lasting improvements in how TTM is designed, implemented, and monitored across New Zealand. They will directly contribute to improving safety outcomes, workforce capability, and public confidence in the traffic management industry as a whole.

Traffic management is a critical yet high-risk part of New Zealand's roading and infrastructure environment. Every day, workers, motorists, and vulnerable road users interact within temporary traffic environments that can change rapidly and require precise control. Despite industry progress, practices and training standards have not always evolved at the same pace as the risks. ITC's enforceable undertaking provides a unique opportunity to accelerate that evolution, setting new benchmarks for safe systems of work, leadership capability, and risk-based thinking across the TTM sector.

In particular, the undertaking will focus on practical, forward-looking initiatives such as developing virtual-reality training modules, enhancing leadership competency at the frontline, improving risk assessment and planning capability, and supporting industry-wide learning through collaboration with contractors, councils, and regulators. These initiatives will strengthen the systems that underpin safety performance - not just within ITC, but across the broader industry.

By contrast, any penalty imposed by the court would be limited to financial sanction and reparation. While such outcomes will satisfy punitive objectives, they would not generate the same level of systemic learning, industry uplift, or enduring change that this enforceable undertaking will achieve. ITC, in consultation with the victim's family, believes that this enforceable undertaking provides a more meaningful, restorative, and preventive outcome than a court-imposed penalty, ensuring that lessons learned are translated into genuine industry progress and safer outcomes for all road users.

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**2.4 Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur**

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ITC commits that the behaviour, activities, and other factors which caused the alleged contravention have ceased. ITC commits to undertaking the activities described in this undertaking so that, so far as is reasonably practicable, those circumstances will not reoccur.

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## 2.5 Acknowledgment of the policy published by WorkSafe for the acceptance of an undertaking

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(write the name of the person(s) or entity giving the undertaking)

Independent Traffic Control Limited

has read and understood the Enforcement Undertaking Operational Policy.

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## 2.6 Acknowledgement that this undertaking will be published and publicised in full

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(write the name of the person(s) or entity giving the undertaking)

Independent Traffic Control Limited

acknowledges that the undertaking will, if accepted, be published on WorkSafe's website in full and referenced in WorkSafe material.

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## 2.7 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities

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(write the name of the person(s) or entity giving the undertaking)

Independent Traffic Control Limited

has the financial ability to comply with the terms of this undertaking and have provided evidence by way of

(type of evidence provided)

Independent Traffic Control Limited can provide copies of its most recent financial statements on request

with this undertaking to support this declaration.

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In the event of impending receivership, liquidation or sale of the entity, (write the name of the person(s) or entity giving the undertaking)

Independent Traffic Control Limited

will advise WorkSafe of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

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## 2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

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ITC has current relationships with the following entities or people proposed as beneficiaries in the undertaking:

- Current ITC employees

Aside from those relationships listed above ITC is not aware of any other current relationships with the proposed beneficiaries outlined in this undertaking.

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## 2.9 Statement regarding Intellectual Property

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(write the name of the person(s) or entity giving the undertaking)

Independent Traffic Control Limited

grants WorkSafe a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

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## 2.10 Acknowledgement that the person may be required to provide a statutory declaration

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(write the name of the person(s) or entity giving the undertaking)

Independent Traffic Control Limited

acknowledges that it may be necessary for WorkSafe to obtain a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by WorkSafe

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## 2.11 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

1. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
2. Evidence to demonstrate compliance with the terms will be provided to WorkSafe by the due date for each term.
3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by WorkSafe, that this undertaking has been completely discharged.
4. It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.
5. It is acknowledged that WorkSafe may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to WorkSafe.
6. It is acknowledged that WorkSafe may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe's expense.
7. It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to WorkSafe, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

(write the name of the person(s) or entity giving the undertaking)

Independent Traffic Control Limited

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### 3. Enforceable terms

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

#### **3.1 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking**

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Detail the management strategies to be employed that will satisfy and demonstrate to officer/s of the person that this commitment is being met:

ITC is committed to ensuring, so far as is reasonably practicable, the ongoing effective management of risks to health and safety in all aspects of its future operations. ITC recognises that this commitment extends beyond compliance and requires continuous leadership engagement, worker participation, and proactive monitoring. This commitment is being met through the following actions:

##### 3.1.1 Embedding continual learning and training:

Providing structured, ongoing training and development for all workers, supervisors, and managers, with a particular focus on identifying and controlling risks associated with temporary traffic management, vehicle interactions, and vulnerable road users.

##### 3.1.2 Strengthening engagement and consultation:

Maintaining open, two-way communication with workers through regular health and safety forums, toolbox talks, and engagement initiatives that encourage innovation and early identification of risks. ITC leadership will ensure that worker feedback is acted upon and outcomes are communicated transparently.

##### 3.1.3 Capturing and sharing learnings:

Systematically reviewing and sharing learnings from all health and safety incidents, near misses, and risk observations. These insights will be used to improve processes, training content, and risk-control frameworks across all ITC operations and client sites.

##### 3.1.4 Promoting a proactive safety culture:

Reinforcing a positive and accountable health and safety culture at every level of the organisation. ITC will continue to promote behavioural safety initiatives such as its “Stop, Think, Act” and “LeadSafe” programmes, which empower all workers to identify and speak up about unsafe conditions or practices without fear of reprisal.

##### 3.1.5 Monitoring and verifying performance:

Conducting regular audits, leadership site visits, and performance reviews to measure the effectiveness of ITC's health and safety management systems. Performance data, incident trends, and assurance reports will be reviewed to ensure continuous improvement and compliance with both legal obligations and ITC's internal standards.

Through these measures, ITC will not only uphold its duty of care but also demonstrate to its officers and stakeholders that health, safety, and wellbeing are integral to every part of its business operations and decision-making processes.

ITC has set up and resourced an EU implementation team to ensure that the promises made in this enforceable undertaking are delivered. This team will meet on a regular basis to monitor the progress of the undertaking.

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### 3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties

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(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

ITC is committed to sharing information about the incident and this enforceable undertaking with its workers and other relevant parties. Dissemination will be achieved by doing the following:

#### 3.2.1 Company-wide briefing and training:

ITC will hold mandatory training and briefing sessions for all employees and contractors to discuss the circumstances of the Incident, the contributing factors, and the commitments made under this enforceable undertaking. These sessions will also focus on the lessons learned and the behavioural and procedural changes being implemented across ITC's operations.

#### 3.2.2 Internal communication and accessibility:

A summary of the EU initiatives, together with supporting resources, progress updates, and learning materials, will be made available to all workers via ITC's internal communication platforms and noticeboards across all branches.

#### 3.2.3 Industry and public sharing:

ITC will collaborate with industry bodies such as Civil Contractors New Zealand (CCNZ), Temporary Traffic Management Industry Steering Group (TTM-ISG), Business Leaders' Health and Safety Forum, and Amotai to produce and share articles, presentations, or case studies highlighting the learnings from the Incident and the initiatives developed under the enforceable undertaking. These materials will be published through industry newsletters, events, and digital channels to maximise reach and learning across the wider sector.

#### 3.2.4 Leadership reporting and updates:

ITC's Chief Executive Officer will provide quarterly updates to ITC's Board and senior leadership team throughout the term of the enforceable undertaking. These updates will outline progress, key milestones achieved, and any challenges encountered in implementing the commitments. Summary updates will also be cascaded to the wider workforce.

#### 3.2.5 Safety alert and knowledge sharing:

A formal Safety Alert will be developed and distributed through ITC's internal and external networks, including clients, councils, and partner contractors. The alert will outline the details of the Incident (with respect for privacy and sensitivity), the key learnings, and the actions ITC has taken as part of its enforceable undertaking to enhance safety performance and prevent recurrence.

#### 3.2.6 Fortnightly CEO safety videos:

The Chief Executive Officer will produce short, fortnightly video updates for all staff highlighting key safety themes, learnings from recent events, and progress made under the enforceable undertaking. These videos will reinforce the organisation's commitment to open dialogue and continuous safety improvement and will be distributed across all ITC communication channels.

#### 3.2.7 Quarterly stakeholder interviews:

Each quarter, ITC will host external stakeholder interviews or panel discussions with key clients, industry partners, and representatives from regulatory or advisory bodies. These sessions will provide an opportunity to share ITC's journey under the enforceable undertaking, discuss the importance of safety leadership in the industry, and gather external perspectives to inform continuous improvement.

Through these actions, ITC will ensure that the lessons learned from the Incident and the outcomes of this enforceable undertaking are embedded internally and shared widely across the industry, contributing to a safer and more informed traffic management sector.

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Dissemination will occur by: DD / 24 / months

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**3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector**

ACTIVITIES	COST (\$)	TIMEFRAME
Outline the activity and the expected outcomes		
3.4.1 Further development of safety technology – Virtual Reality (VR) Temporary Traffic Management Simulator	\$200,000	24 months
3.4.2 Develop a "train the trainer" package for industry		
3.4.3 Develop a competency assessment criteria for the VR simulation tool.		
3.4.4 Prepare and disseminate a case study on the application of the VR simulation tool in a real-life scenerio		
For further information on these activities see Appendix section 3.4		
<b>Total estimated cost of benefits for industry</b>	<b>\$ 200,000</b>	<b>24 months</b>

**3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community**

ACTIVITIES	COST (\$)	TIMEFRAME
3.5.1 Design and deliver a community engagement programme with Ngāti Whātua Ōrākei and local stakeholders	\$60,000.00	24 months
For further information on these activities see Appendix section 3.5		
<b>Total estimated cost of benefits for the community</b>		
\$ 60,000.00	24 months	

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### 3.6 Where WorkSafe considers appropriate in the circumstances, undertaking a SafePlus Onsite Assessment

Further information about SafePlus can be found here: [worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus](https://worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus)

- 3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.
- 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking. The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.
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### 3.7 Minimum spend

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(write the name of the person(s) or entity giving the undertaking)

3.7.1 Independent Traffic Control Ltd.

commits to a minimum spend of \$ 574,900.00 for this undertaking.

(write the name of the person(s) or entity giving the undertaking)

3.7.2 Independent Traffic Control Ltd.

agrees to spend any residual amount arising from an original term not being completed or being less costly than estimated in this undertaking. Agreement on how to spend this residual amount will be sought from WorkSafe

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(write the name of the person(s) or entity giving the undertaking)

3.7.3 Independent Traffic Control Ltd.

Acknowledges the minimum spend comprises of the:

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TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	\$194,900.00
Benefits to workers/others	\$120,000.00
Benefits to industry	\$200,000.00
Benefits to community	\$60,000.00
<b>Estimated cost of the undertaking</b> Plus GST (if any)	<b>\$ 574,900.00</b>

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## 4. Execution

### Authorised representative of an organisation

Undertaking given by (name of authorised representative)  
Eugene Beneke

In my own right and in my capacity as (eg President, Chairperson, etc)  
Chief Executive Officer

of (eg organisation name) Independent Traffic Control Ltd.

On the (day) 3 day of (month) June , 2026 (year).

Signature of the person giving the undertaking:

s(9)(2)(a) OIA 1982

Undertaking given before me:

Witness name:

s(9)(2)(a) OIA 1982

Witness address:

s(9)(2)(a) OIA 1982

Witness signature:

s(9)(2)(a) OIA 1982

## 5. Acceptance

This undertaking is accepted by WorkSafe.

On the (day) 8 day of (month) June , 2026 (year).

Signature of person accepting the undertaking:

s(9)(2)(a) OIA 1982

Name of WorkSafe representative: (General Manager, WorkSafe (or delegate))

Tracey Conlon, Head of Regulatory Services and General Counsel

Undertaking given before me:

Witness name:

s(9)(2)(a) OIA 1982

Witness address:

s(9)(2)(a) OIA 1982

Witness signature:

s(9)(2)(a) OIA 1982

## Appendix - A

This appendix contains further detail of the initiatives outlined within the application for an enforceable undertaking made by ITC, with numbering corresponding to the relevant section in the application document.

### Detail of activities 3.3 to 3.5

#### **3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/ or work and/ or the workplace**

##### **3.3.1 Develop and Implement a National Frontline Leadership, kaiārahi (Site Mentor) and Critical Risk Training Programme**

ITC recognises that effective frontline leadership is critical in temporary traffic management operations, due to the complex and dynamic nature of the risks arising in this operating environment.

This initiative responds directly to this identified risk by developing and implementing a bespoke national training programme for ITC's frontline workers directly involved in its site-level decision-making and risk-based assessments. The initiative also seeks to address WorkSafe's identified risk factors: poor risk identification and management practices, and inadequate training and supervision of inexperienced kaimahi, as outlined in its Construction Priority Plan.

##### **1. Training development approach**

The training programme will be delivered by an external provider. The training will be practical, engaging, and directly aligned with the work supervisors and crews undertake every day.

Development will be based on three principles:

1. **Simplicity:** Creating easy-to-understand material that supports consistent national delivery.
2. **Relevance:** Using real risks and hazards, real work scenarios, and examples from sites.
3. **Engagement:** Ensuring workers actively participate and practice risk-based thinking, not just hear about it.

The training will integrate health and safety legislative content, with the TTM shift to risk-based approach. It will focus on key health and safety concepts such as, risk management, hazard identification, and dynamic risk assessment so that teams understand both *why* and *how* the risk-based system works.

##### **2. Structure of the training content**

###### **Module 1 – Foundations of risk-based TTM**

This module will introduce:

- The legislative context (HSWA and relevant regulations).

- The shift from CoPTTM to a risk-based approach under New Zealand Guide to Temporary Traffic Management (**NZGTTM**).
- Core hazard and risk concepts relevant to TTM environments.
- The hierarchy of controls and what “acceptable vs unacceptable risk” looks like on a worksite.
- How workers contribute to risk assessment and approval processes.
- Dynamic risk assessment – what to do when conditions change.

Training material here will use simple diagrams, examples from our worksites, and short case studies.

### **Module 2 – “Playing with Hazards” (Interactive workshop)**

This hands-on workshop will be the centrepiece of the training. Workers will work together in small groups analysing real hazards using the hierarchy of controls and developing practical solutions.

The session includes:

1. Group exercises on eliminating risks and hazards, engineering controls, and administrative/PPE controls.
2. Rotating through multiple risk and hazard types so every participant applies all control types.
3. A whole-group risks and hazard challenge where everyone contributes to the solution.
4. A short quiz to reinforce concepts and measure learning.
5. Facilitated discussion to consolidate understanding.

This approach builds confidence, improves risk and hazard literacy, and strengthens teamwork around risk-based decision-making.

### **Module 3 – Practical risk assessment (JSA familiarisation)**

The final module will:

- Introduce the structure and purpose of a Job Safety Analysis (**JSA**).
- Explain how JSAs support on-site dynamic risk decisions.
- Use a practical scenario where groups complete a JSA together.
- Provide a discussion round to compare approaches and highlight good practice.
- Close with a short safety video to reinforce key themes.

This ensures workers leave with a functional, usable understanding of what “good risk assessment” looks like in practice.

### **3. Delivery**

- Delivered as a classroom-style workshop supported by discussion, team-based activities, and practical examples.
- Facilitated by an experienced trainer familiar with both NZGTTM and frontline TTM operations.
- Designed for a half-day session that can be delivered regionally to maintain consistency.
- Includes participant feedback at the end to support continuous improvement.

#### **4. Programme outcomes**

By the end of the program, participants will:

- Understand their responsibilities under HSWA and NZGTTM.
- Be able to identify risks and hazards and apply appropriate controls using the hierarchy.
- Feel confident participating in and completing JSAs.
- Strengthen ITC's overall risk management capability.
- Contribute to a consistent national standard for risk-based TTM practice.

#### **5. Integration and reporting**

- Learnings will be integrated into ITC's ongoing professional development systems, ensuring all new supervisors and STMS staff participate in kaiārahi-supported onboarding.
- Data on leadership engagement, near-miss prevention, and safety climate improvement will be captured and shared through quarterly reports.

#### **6. Health and safety outcomes**

- Empowered and capable frontline workforce: ITC's workers be able to undertake dynamic risk assessments with confidence, effectively identify and manage risks in a fast-moving environment, demonstrate stronger situational awareness and communication skills.
- Leadership and culture: The kaiārahi model will embed leadership and cultural values, fostering a culture of care, accountability, and continuous improvement.
- Sustained improvement: Integration into professional development ensures all new staff are equipped from day one, and ongoing reporting will drive transparency and measurable improvement.

This initiative is expected to deliver measurable health and safety outcomes for ITC's workers, and workers in ITC's supply chain. The initiative will improve safety culture, capability, and drive higher health and safety standards through a consistent national standard for risk-based TTM practice, directly addressing key risk factors and focusing on sustainable and systemic change.

### 3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider Industry or sector

Moving vehicles and people remain a leading cause of serious harm in New Zealand, particularly in dynamic worksites involving multiple organisations. While the NZGTTM compliance sets minimum standards for planning and hazard control, ITC's suite of initiatives goes beyond these requirements by embedding proactive, technology-enabled risk management into TTM practices. ITC proposes to meet the requirements of 3.4 through the following initiatives:

- **3.4.1** Further development of safety technology – Virtual Reality Temporary Traffic Management Simulator.
- **3.4.2** Develop a "train the trainer" package for industry
- **3.4.3** Develop a competency assessment criteria for the VR simulation tool.
- **3.4.4** Prepare and disseminate a case study about the application of the VR simulation tool in a real-life scenario.

Together, ITC believes that these initiatives will aid effective risk and hazard identification, decision-making, and planning capability above baseline compliance, creating a proactive safety culture and contributing to demonstrable reductions in high-risk events for kaimahi, road users, and the wider TTM industry.

#### Background

The current virtual reality Temporary Traffic Management simulation tool (**VR simulation tool**), developed by McConnell Dowell (**McConnell**), is a computer-based system that shows traffic management sites in a realistic 3D digital environment. It allows planners, supervisors and workers to visualise how a TMP will look and operate before it is used on a live road. Users can see the road layout, traffic flows, and placement of signs, cones and barriers, and can move through the simulated site to identify hazards and test different layouts before live deployment of the TMP at sites.

The VR simulation tool is currently used internally by McConnell to assess and test high risk TTM before implementation. The tool currently incorporates real-world variables such as vehicle movements, cyclist and pedestrian interactions, and fluctuating traffic conditions through computational analysis and immersive technology. It allowed operators to assess scenarios from multiple perspectives, including first-person views of vulnerable road users, helping to identify risks and optimise site layouts and vehicle routes. The tool is currently not used in a training capacity.

Through this initiative, ITC will:

- Further enhancements to the VR simulation tool, including:
- Develop training that can be adopted by the wider industry.
- Provide a formal competency assessment for the VR simulation tool.
- Support industry benchmarking.
- Integrate structured learning feedback.

By further enhancing the VR simulation tool and making it available to the wider industry, ITC will enable industry practitioners to visualise and rehearse complex traffic management scenarios in a safe, controlled environment before the TMP is implemented at site. This proactive approach to risk assessment and planning will facilitate earlier identification of hazards, optimisation of site layouts, and enhanced decision-making before deployment. The initiative will be supported by a competency assessment, case study, and industry-wide knowledge sharing, driving a shift from reactive to preventive safety culture across the sector. Success will be measured through user engagement metrics, feedback, and documented reductions in planning-related incidents.

### **Purpose**

The purpose of this initiative is to reduce the risk of harm to kaimahi, and New Zealanders, by improving the planning, risk identification, assessment, and control measures before work begins on live roads.

The initiatives aim to:

- **Move risk identification upstream:** Shift risk identification and controls, from reactive and/or on-site adjustments to the planning and design phase.
- **Enhance workforce competence:** By providing planners, supervisors, and frontline kaimahi with knowledge and skills to make risk-aware decisions, through VR-based training, competency assessment, and “train the trainer” programmes.
- **Improve planning quality and consistency:** Through the use of the VR simulator tool to test, visualise, and communicate TMPs before deployment.
- **Deliver measurable safety outcomes:** By aiming to reduce the occurrence of high-risk situations and unsafe interactions between people and moving vehicles, and supporting a proactive and learning-focused safety culture across the wider TTM sector.

### **Delivery**

The delivery of the activities outlined at 3.4, will involve the following:

#### **3.4.1 Further Development of Safety Technology – Virtual Reality Temporary Traffic Management Simulator**

Collaborate exclusively with McConnell to further develop and enhance the VR simulation tool. ITC will further enhance the VR simulation tool by expanding its capability to build additional training components. This will allow ITC to train its kaimahi on risks associated with real-world variables and optimal site layouts and vehicle routes, in a safe virtual operating environment. The tool will be used to show workers what happens when a TTM is operating without line of sight or under circumstances where risk can present without putting kaimahi, or others at risk. The additions would be related to the recent change to NZGTTM and the training requirements, plus an assessment that can be completed in using the VR simulation tool with events that could occur in a real-world environment.

The enhancements will develop training scenarios with environmental specific weather time of day, vehicles speeds, high pedestrians’ volumes, low vehicle volumes, heavy plant transported.

### **3.4.2 Development of a "Training the Trainer" package for industry**

- This initiative will develop and implement an industry-focused “train the trainer” package to support practical, consistent use of the VR simulation tool for TTM training, aligned with NZGTTM risk-based principles. The package will include the development of realistic TTM scenarios, formal assessment materials, testing, delivery of training sessions, documented assessments, and review and feedback from TTM crews.
- ITC will train 70% of its own TTM crew across a range of practical scenarios (such as traffic flow corrections and stop/go activities), who will then be involved in training the industry. ITC will offer, and roll out training to its key Tier 1 stakeholders and road controlling authorities.
- The initiative will deliver a tangible health and safety benefit to the sector by strengthening frontline competency, improving hazard identification and decision-making in live traffic environments, and promoting safer, more effective TTM practices across the industry. This will be achieved through:
  - Step 1 – Develop the Training Scenarios
  - Step 2 – Develop the Assessment
  - Step 3 – Test
  - Step 4 – Training Sessions
  - Step 5 – Training Assessments Documented – share several recordings to show delivery.
  - Step 6 – Review and Feedback from TTM Crew
- The training package will be hosted on ITC's website, with external access capability, and a link to the website and training package that can be shared and made available for the TTM industry to use. Dissemination and awareness of this training package will occur through the dissemination commitments outlined at 3.2.3, 3.2.5, and 3.2.7 of this enforceable undertaking.

### **3.4.3 Develop a competency assessment criteria for the VR simulation tool.**

- ITC will develop a competency-based assessment criteria to evaluate kaimahi competency on the VR simulation tool. Criteria will include risk identification and assessment, application of control measures, decision-making, and procedural compliance. This will be aligned to the current assessment under the NZGTTM.
- All ITC kaimahi, including frontline leaders will complete this assessment, and will also be part of the group presenting scenarios and components.
- Dissemination and awareness of the competency assessment criteria will occur through the dissemination commitments outlined at 3.2.3, 3.2.5, and 3.2.7 of this enforceable undertaking.

### **3.4.4 Prepare and disseminate a case study on the application of the VR simulation tool in a real-life scenario**

- ITC will use a live TTM scenario using the VR simulation tool and undertake a case study into the use of the tool and application to the real-life scenario. The case study will:
  - Develop tool and complete risk assessments with live TMPs – review VR risk assessment with actual application.
  - Benefits of using tool and case studies identified where tool has learnings for ITC and the TTM industry.
  - Planning – breakdown of the tool and benefits of the planning stage, this should be covered in the case study and the tool being developed to have multiple users.
- The case study will be shared with key industry bodies, including Civil Contractors New Zealand, the Industry Steering Group, and the Corridor Networks) and other key external stakeholders.
- The case study (and any other material) will be published through industry newsletters, events, and digital channels to maximise reach and learning across the wider sector.

#### **Health and safety outcomes:**

ITC believes that the activities in this initiative will deliver the following health and safety outcomes for the wider industry:

- Earlier risk identification and use of control measures in the pre-work planning stages, before work begins (live road exposure).
- Improved decision-making by frontline kaimahi and leaders.
- Strengthened capability and safety culture across the TTM industry.

By encouraging the wider use and sharing of the VR simulation tool, TTM planners, supervisors, and kaimahi can identify and test risks in a controlled, zero-harm environment before work is undertaken on live roads. By shifting risk identification and control upstream into the planning and design phase, and improving the quality and consistency of planning and decision-making, it is anticipated that this initiative will contribute to a measurable reduction in high-risk events for kaimahi, road users, and the wider industry.

### **3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community**

#### **3.5.1 Design and deliver a community engagement programme with Ngāti Whātua Ōrākei and local stakeholders**

##### **Background and purpose**

TTM activities can pose significant risks to the public, particularly vulnerable groups such as children and whānau. Through this initiative ITC will work in partnership with Ngāti Whātua Ōrākei to run a series of engagement hui for whānau and rangatahi. These sessions will be co-designed with iwi representatives and delivered in ways that align with iwi values and

preferred learning styles, to deliver culturally relevant, community-focused safety initiatives that build awareness, change behaviours, and foster shared responsibility for safety.

## Scope and delivery

### 1. Engagement sessions:

- Co-designed hui with iwi representatives, delivered in ways that align with iwi values and preferred learning styles.
- Regular engagement sessions (e.g., quarterly), including hands-on demonstrations of TTM equipment, hazard zones, and safe behaviour around worksites.

### 2. Safety events:

- Support or co-hosting of community safety events at marae or other iwi-nominated venues.
- Practical “mini worksite” setups, vehicle blind-spot demonstrations, and seasonal safety messaging.

### 3. Storytelling and cultural safety messages:

- ITC and Ngāti Whātua Ōrākei will develop simple safety stories and messages that reflect iwi values, whakapapa, and the importance of looking after one another.
- Use of storytelling during community sessions and events to embed safety messages in a culturally meaningful and memorable way.

### 4. Schools and community outreach:

- ITC will engage with local schools/kura and community programmes to deliver age-appropriate safety workshops and build early awareness of risk among tamariki and rangatahi.
- School-based sessions covering safe movement around roadworks, hazard awareness, and interactive demonstrations.

## Delivery

Delivery of initiative 3.5 will include:

- Working with 1 to 3 local schools/kura identified through Ngāti Whātua Ōrākei.
- Partnering with 2 to 3 youth or community programmes to deliver age-appropriate safety workshops.

## Health and safety outcomes

- **Increased community awareness:** Interactive, culturally grounded education will build awareness of TTM risks among whānau, tamariki, and local residents, making safety messages accessible and actionable.
- **Behaviour change:** Hands-on events and storytelling will foster safer behaviours around worksites, particularly among tamariki and vulnerable road users.

- **Intergenerational impact:** School and community outreach will instil safe behaviours from a young age, creating a legacy of shared responsibility for safety.
- **Alignment with WorkSafe's objectives:** These initiatives directly support WorkSafe's focus on community engagement, cultural competence, and the reduction of public risk around high-hazard activities.

ITC believes that the proposed initiatives go above compliance, and help create enduring capability, transparency, and uplift across the entire TTM ecosystem.