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8 October 2018

The Hon Gladys Berejiklian MP  
280 Willoughby Road  
Naremburn NSW 2065

Dear Premier Berejiklian

CC: Louise Herron AM, CEO Sydney Opera House

It is reported that you have instructed the Sydney Opera House to display night time visual promotion for The Everest horse race on the sails of the Opera House.

As you may be aware the Sydney Opera House was included on the National Heritage List on the 6th of July 2005 under the direction of the then-Minister for the Environment and Heritage, Hon. Ian Campbell.

The Sydney Opera House was included on the National Heritage List on the basis of satisfying six of the listing criteria, which relevantly include:

- The place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group – where the listing statement remarks: *'the sculptural, billowing sail-like roof shells provide a visual link to and artistic representation of the yacht scattered harbour waters. The **ceramic white tiles of the roof** further add to this relationship and provide a dramatic contrast with the blue waters of the harbour. The building with its strongly curved design emphasis is juxtaposed with the nearby Sydney Harbour Bridge which itself has a strongly emphasized curvature, and this visual relationship is a further element of the place's aesthetic appeal. **The place's dramatic aesthetic appeal is enhanced by subtle floodlighting on the white roof shells at night'***
- The place's strong or special association with a particular community or cultural group.

Projecting advertisements and other material onto the white tiles at night could significantly detract from both values (*'could have a significant impact'*), meaning it should be referred to the Department of Environment under s68 of the EPBC Act.

The repeated nature of the use of the Opera House sails to project images that are potentially inconsistent with the design of the building or its values means the matter should be referred to the Federal Environment Department under the Act.

I ask you to ensure that all legal requirements under Commonwealth environmental law will be met before any future visual promotion including for The Everest horse race are displayed at night on the Opera House sails. Furthermore I ask what advice you have sought and received from your department to ensure your action in directing the Opera House in relation to this matter did not itself breach Commonwealth environmental law.

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Regards

Ben Oquist  
Executive Director

