

## PARTITION OF PROPERTY

A *partition* can be an appropriate solution where two or more people own a property together, develop the property and then subdivide it with the intention that the owners will each separately own part of the eventual subdivided property.

A *partition* results in each owner owning a separate part of the original property on its own title, rather than all owners jointly owning all of the lots that result from the subdivision. This means that each owner can elect to deal with their own property as they wish. For example, with a Torrens title duplex, one owner may choose to retain their property as an investment, and the other may sell.

There are significant transfer duty concessions available when the procedure for a partition is followed correctly. It is important that the partition is correctly considered and documented to take advantage of these transfer duty concessions.

To attract the duty concessions, it is necessary for the property to be valued after the subdivision has been registered so that the value of each lot in the subdivision is determined. If all lots are of equal value and the other requirements for a partition are satisfied, then the transfers will attract fixed duty of \$100.00 each.

The work involved from a legal perspective in a partition is as follows:

- Arranging verification of the identity of all people registered on the title to the land (as it was held prior to subdivision);
- the obtaining of valuations of the subdivided lots for stamp duty purposes;
- Preparing a Deed of Partition (being an agreement between the parties in respect of *who will receive what* after the subdivision);
- Arranging for the consent of any mortgagee the registration of the transfers.
- Preparing the necessary submissions and forms for Revenue NSW and submitting the application to Revenue NSW for assessment;
- Following assessment, attending to the stamping of the transfers and registration on PEXA;

Partitions can be quite complex. If the partition is a relatively straight forward in that:

- a) there are no more than 2 lots in the subdivision; and

*partnering with people since 1946*



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- b) there are not significant value differences between the 2 lots following the subdivision; and
- c) we are not required to deal with any financial payments between the owners;

then we charge a fixed fee of **\$3,850** (inclusive of GST) to do the work required to give effect to the partition.

This fixed fee does not include disbursements (transfer duty, registration fees etc).

If the situation is more complicated then we offer a free 15-minute phone consultation with one of our property lawyers to determine what is required so, where possible, we can give you a fixed quote.

Paula Roberts leads our transactions team and is an accredited specialist in property law. She has significant experience in partition matters.

### **Next Steps**

Please complete our [contact form](#) and let us know that you have a partition of property matter. A member of our transactions team will be in contact with you.

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**Fixed fees current as of August 2025.**