

Factors	Implications	
Type of land	Residential land – premium duty applies if the consideration is above the premium threshold which is \$3,194,000 in the 2021-2022 FY (note that a change in land zoning under a Local Environmental Planning instrument or carrying out of residential building work may cause property originally not categorised as residential land to be residential land under the Duties Act	Other land – no premium duty
Transferee as foreign person under the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth) (FAT Act)	Foreign person – surcharge duty applies (note that if the transferee is a developer then surcharge duty may be refundable if the development is residential development on application (or exempted if there is a general exemption granted))	Not foreign person – no surcharge duty
Arms' length transaction with a purchase price reflecting the market value of land	If so, likely to be assessed based on the consideration payable	If not, likely to be assessed based on the unencumbered value of the land as valued in a proper and acceptable valuation report
Interdependent contracts with the same transacting parties	If so, aggregation of contract prices to calculate duty applies under s25 of the Duties Act	If not, assessment will be made without aggregation
Exemptions, concessions or partitioning arrangements	If applicable, they will generally reduce the amount of duty payable and you should obtain proper legal advice to determine whether any can apply to your transaction.	